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**of the**

**Senate**

**of**

**Maryland**

**2016 Regular Session**

**Volume V**

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: April 3, 2016**  
**Calendar Day: Saturday, April 9, 2016**  
**9:30 A.M. Session**

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The Senate met at 9:45 A.M.

Prayer by Faith Leader David LaMotte, Swannanoa Valley Friends Meeting, guest of Senator Kagan.

(See Exhibit A of Appendix III)

**QUORUM CALL**

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

(See Roll Call No. 1171)

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

The Journal of April 2, 2016 was read and approved.

**CONCURRENCE CALENDAR #24**

**AMENDED IN THE HOUSE**

**Senate Bill 85 – Chair, Finance Committee (By Request – Departmental – Commerce)**

AN ACT concerning

**Department of Economic Competitiveness and Commerce – Renaming**

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

**SB0085/943491/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 85

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Renaming” insert “and Reorganization”; in line 4, after “Commerce;” insert “repealing the Office of the Secretary of Commerce in the Office of the Governor; repealing the requirement that the Secretary of Commerce employ an Executive Director of the Department; repealing the qualifications and the duties of the Executive Director;”; in line 11, after “Act;” insert “making conforming changes;”; in the same line, strike “renaming”; in line 12, after “Commerce” insert “and the Secretary of Commerce”; in line 15, strike “2–101(a), and 9–101(a)” and substitute “3–201(a), (b), and (c), 9–101(a), 10–401(a), (b), and (c), 10–901, and 10–903(a)”; in line 21, strike “2–101(c)(2)” and substitute “2–101”; in the same line, after the second semicolon, insert “2–108;”; and in line 22, strike “and 9–101(c)” and substitute “3–203(a) and (c)(1); 9–101(c); 10–403(b); and 10–903(b)”.

On page 2, after line 2, insert:

“BY repealing

Article – Economic Development

Section 2.5–103

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 23, before “(a)” insert a bracket; after line 23, insert:

“(b) The head of the Office is the Secretary.

“(c)(A) (1) The Secretary is the head of economic development policy and implementation efforts in the State.”;

in line 24, strike “(c)”; and after line 26, insert:

“[(d)](B) (1) The Secretary also monitors the operations of:

(i) the Maryland Economic Development Corporation established under Title 10, Subtitle 1 of this article;

(ii) the Maryland Technology Development Corporation established under Title 10, Subtitle 4 of this article; and

(iii) the Maryland Public-Private Partnership Marketing Corporation established under Title 10, Subtitle 9 of this article.

(2) Nothing in this subsection may be construed to limit the independence or operations of these corporations.

2-108.

(a) The Secretary shall adopt regulations for the [Office] OFFICE of the Secretary.

(b) (1) Subject to § 2.5-206 of this article, the Secretary shall review regulations of a unit under the jurisdiction of the Department.

(2) The Secretary may approve, disapprove, or revise regulations of a unit.”;

and after line 29, insert:

“[2.5-103.

(a) (1) The Secretary shall employ an Executive Director.

(2) The Executive Director:

(i) serves at the pleasure of the Secretary; and

(ii) is entitled to compensation provided in the State budget.

(b) (1) The Executive Director shall manage the operations of the Department on behalf of the Secretary.

(2) The Executive Director:

(i) shall advise the Secretary on all matters assigned to the Department; and

(ii) is responsible for carrying out the Secretary’s policies on matters assigned to the Department.

(c) The Executive Director shall have experience with and possess qualifications relevant to the activities and purposes of the Department.]

3–201.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Advisory Board” means the Maryland Life Sciences Advisory Board.
- (c) “Corporation” means the Maryland Technology Development Corporation.

3–203.

(a) The Advisory Board consists of the following [19] 18 members:

- (1) the Secretary or the Secretary’s designee;
- (2) [the Executive Director of the Department, or the Executive Director’s designee;
- (3)] the Executive Director of the Corporation, or the Executive Director’s designee; and

[(4)] (3) the following members appointed by the Governor:

- (i) three representing federal agencies located in the State with life sciences missions;
- (ii) seven with executive experience in life sciences businesses located in the State, at least four of whom represent small businesses;
- (iii) four representing institutions of higher education located in the State, one of whom shall represent a community college;
- (iv) one with general business marketing experience in a life sciences business located in the State; and



(v) one member of the general public.

(c) (1) Except for the Secretary or the Secretary's designee[, the Executive Director of the Department or the Executive Director's designee,] and the Executive Director of the Corporation or the Executive Director's designee, the term of an Advisory Board member is 2 years."

On page 3, after line 2, insert:

10-401.

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

(b) "Board" means the Board of Directors of the Corporation.

(c) "Corporation" means the Maryland Technology Development Corporation.

10-403.

(b) The Board consists of the following [16] 15 members:

(1) the Secretary or the Secretary's designee; AND

(2) [the Executive Director of the Department or the Executive Director's designee; and

(3)] fourteen members appointed by the Governor with the advice and consent of the Senate:

(i) two representing the not-for-profit research sector of the State;

(ii) two with expertise in venture capital financing;

(iii) five with experience in technology-based businesses;

(iv) two representing colleges and universities; and

(v) three members of the general public.

10-901.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Board” means the Board of Directors of the Corporation.
- (c) “Corporation” means the Maryland Public-Private Partnership Marketing Corporation.

10-903.

- (a) A Board of Directors shall manage the Corporation and its units and exercise the corporate powers of the Board of Directors.
  - (b) The Board consists of the following [18] 17 members:
    - (1) the Secretary;
    - (2) [the Executive Director of the Department;
    - (3) (i) one member of the Senate of Maryland, who shall be a nonvoting member of the Board, designated by the President of the Senate; and
      - (ii) one member of the House of Delegates, who shall be a nonvoting member of the Board, designated by the Speaker of the House; and
- [(4)](3) the following 14 members, appointed by the Governor with the advice and consent of the Senate:
- (i) three representing businesses in the State;
  - (ii) two representing labor in the State;
  - (iii) two representing not-for-profit organizations in the State;
  - (iv) three with expertise in marketing or advertising;
  - (v) one with expertise in public relations and communications; and

(vi) three with expertise in economic development.”;

in line 16, after “That” insert “, except as expressly provided to the contrary in this Act.”;  
and in line 31, after “That” insert “, except as expressly provided to the contrary in this Act”.

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. 1172)

### AMENDED IN THE HOUSE

**Senate Bill 417 – Senators Kelley, Astle, Benson, Guzzone, Jennings, Klausmeier, Peters, Pugh, Reilly, ~~and Young~~ Young, Feldman, Middleton, Mathias, and Hershey**

SECOND PRINTING

AN ACT concerning

~~Labor and Employment – Minimum Wage – Individuals With Disabilities  
(Ken Capone Equal Employment Act)~~  
**Individuals With Disabilities – Minimum Wage and Community Integration**

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

**SB0417/583895/1**

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 417  
(Third Reading File Bill – Second Printing)

On page 1, after line 4, insert “(Ken Capone Equal Employment Act)”.

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”.

On page 16, in line 3, strike “**(B)**” and substitute “**(b) [(1)]**”; and in line 12, before “**(1)**” insert “**(2)]**”.

On page 17, in lines 10 and 16, strike “**(D)**” and “**(E)**”, respectively, and substitute “**(d)**” and “**(e)**”, respectively.

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. 1173)

### AMENDED IN THE HOUSE

#### Senate Bill 818 – Senator Peters

AN ACT concerning

#### State Personnel – Individuals With Disabilities – Hiring Preferences

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

**SB0818/404868/1**

BY: Appropriations Committee

#### AMENDMENT TO SENATE BILL 818

(Third Reading File Bill)

On page 2, strike beginning with “**WHO**” in line 16 down through “**ACTIVITIES**” in line 19 and substitute “**WITH DISABILITIES, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT**”.

On pages 2 and 3, strike beginning with “**WHO**” in line 33 on page 2 down through “**ACTIVITIES**” in line 2 on page 3 and substitute “**WITH A DISABILITY, AS DEFINED BY THE FEDERAL AMERICANS WITH DISABILITIES ACT**”.

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. 1174)

**MESSAGE TO THE SENATE**

**BILL:**                    **HB1299**  
**SPONSOR:**            Delegate Washington, A.  
**SUBJECT:**            Property Tax – Crane Located on State Property – Exemption

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 M. Washington, Chair  
Delegate Fennell  
Delegate Metzgar

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:**                    **HB1299**  
**SPONSOR:**            Delegate Washington, A.  
**SUBJECT:**            Property Tax – Crane Located on State Property – Exemption

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 M. Washington, Chairman  
 Delegate Fennell  
 Delegate Metzgar.

The Senate appoints:

Senator Peters, Chair  
 Senator Manno  
 Senator Eckardt

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
 Secretary

Read and adopted.

### YEAS AND NAYS

#### SENATE BILLS PASSED IN THE HOUSE

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BILL NO.	SPONSOR	CONTENT
SB 86	Chair, Finance Committee	Unemployment Insurance – Exemption From Actively Seeking Work Requirement – Repeal
SB 175	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Disposition of Fees
SB 178	Sen. Lee	Criminal Law – Extortion – Immigration Status
SB 208	Sen. Hough	Public Safety – Renewal of Handgun Permits – Fingerprinting

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BILL NO.	SPONSOR	CONTENT
SB 285	Chair, Education, Health, and Environmental Affairs Committee	Maryland Home Improvement Commission – Subcontractor Licensing Requirement – Repeal
SB 310	Sen. Raskin	Child Abuse and Neglect – Failure to Report
SB 485	Sen. Pugh	Task Force to Study Family and Medical Leave Insurance
SB 679	Sen. Astle	Unemployment Insurance – Exemption From Covered Employment – Nail Technicians
SB 777	Sen. Astle	Unemployment Insurance – Exemption From Covered Employment – Messenger Service Business
SB 784	Sen. Middleton	Motor Vehicle Insurance – Personal Injury Protection – Rejection of Coverage
SB 828	Sen. Conway	Real Estate Brokers – Agency Relationships in Residential Real Estate Transactions – Disclosure and Consent Requirements
SB 830	Sen. Conway	State Board of Cosmetologists – Limited License – Hair Services – Blow Drying
SB 882	Sen. Jennings	Economic Development – Northeastern Maryland Additive Manufacturing Innovation Authority
SB 968	Sen. Astle	Business Regulation – Home Builder Registration – Fees
SB 1076	Washington County Senators	Washington County – Alcoholic Beverages – Population Ratio Quota – Classes of Licenses
SB 1078	Washington County Senators	Washington County – Alcoholic Beverages – Class A Beer, Wine, and Liquor – License Fee
SB 1135	Washington County Senators	Washington County – Business Licenses – Repeal of Zoning Certification Requirement

BILL NO.	SPONSOR	CONTENT
SB 1140	Sen. Mathias	Wicomico County – Alcoholic Beverages – Youth and Civic Center License
SB 1172	Sen. Pugh	Seed Community Development Anchor Institution Fund

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 1495 – Delegates Cullison, Haynes, Healey, Kelly, Pena–Melnyk, Reznik, Sample–Hughes, and Vallario**

AN ACT concerning

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

FOR the purpose of altering the circumstances under which a court may reverse or modify the decision of an agency in certain contested cases on judicial review under the Administrative Procedure Act ~~in a case in which an employee is disciplined, suspended, or terminated from employment~~; and generally relating to judicial review of contested cases under the Administrative Procedure Act.

BY repealing and reenacting, with amendments,  
Article – State Government  
Section 10–222  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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



AMENDED IN THE HOUSE

Senate Bill 137 – Senator Eckardt

AN ACT concerning

Income Tax Credit – Preservation and Conservation Easements

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

SB0137/555868/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 137

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “circumstances;” insert “requiring the Board of Public Works to approve tax credits on a first-come, first-served basis; providing that the total number of tax credits claimed by members of pass-through entities may not exceed a certain amount for each taxable year;”.

AMENDMENT NO. 2

On page 3, after line 26, insert:

**“(5) (I) FOR A TAXABLE YEAR, THE TOTAL AGGREGATE AMOUNT OF CREDITS CLAIMED BY MEMBERS OF PASS-THROUGH ENTITIES UNDER THIS SECTION MAY NOT EXCEED \$200,000.**

**(II) FOR PASS-THROUGH ENTITIES, THE BOARD OF PUBLIC WORKS SHALL APPROVE CREDITS FOR CONVEYENCES UNDER THIS SECTION ON A FIRST-COME, FIRST-SERVED BASIS.”.**

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. 1175)

## AMENDED IN THE HOUSE

Senate Bill 322 – Senators Pinsky, Astle, Benson, Conway, Currie, Ferguson, Guzzone, Kasemeyer, King, Lee, Manno, McFadden, Middleton, Miller, Ramirez, Rosapepe, Young, and Zirkin

AN ACT concerning

**Homeowners' Property Tax Credit Program – Eligibility Awareness Campaign**

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

**SB0322/365560/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 322

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “individuals;” insert “requiring the Comptroller to cooperate with and assist the Department in auditing credit applications and to provide certain information to the Department under certain circumstances;”.

AMENDMENT NO. 2

On page 2, after line 30, insert:

**“(3) (I) FOR INCOME VERIFICATION, THE COMPTROLLER SHALL:**

**1. COOPERATE WITH THE DEPARTMENT IN ADOPTING A PROCEDURE TO AUDIT THE APPLICATION FORMS; AND**

**2. NOTWITHSTANDING § 13–202 OF THE TAX – GENERAL ARTICLE, SUPPLY THE DEPARTMENT WITH ADDITIONAL INFORMATION.**

**(II) THE COMPTROLLER SHALL ASSIST THE DEPARTMENT IN A POSTAUDIT OF EACH APPLICATION.”;**

and in line 31, strike “(3)” and substitute “(4)”.

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. 1176)

**AMENDED IN THE HOUSE**

**Senate Bill 520 – Washington County Senators**

AN ACT concerning

**Washington County – Board County Boards of Education – Motor Fuel Tax  
Exemption and Refund**

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

**SB0520/395367/1**

BY:    Committee on Ways and Means

AMENDMENTS TO SENATE BILL 520

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Education –” insert “School Buses –”; in line 6, strike “certain vehicles” and substitute “a school bus”; in line 8, strike “vehicles” and substitute “a school bus”; in line 11, strike “vehicles” and substitute “a school bus”; strike line 13 in its entirety and substitute “on motor fuel used to operate a school bus for a county board of education.”; and after line 13, insert:

“BY repealing and reenacting, without amendments,

Article – Transportation

Section 11–153, 11–154, and 11–173

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“Article – Transportation

11-153.

“School bus” means a Type I school vehicle, as defined in this subtitle.

11-154.

(a) “School vehicle” means, except as provided in subsection (b) of this section, any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

(i) A Type I school vehicle, as defined in this subtitle; or

(ii) A Type II school vehicle, as defined in this subtitle.

(b) “School vehicle” does not include:

(1) A privately owned vehicle while it is carrying members of its owner’s household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13-937 of this article or a Class A (passenger) vehicle under § 13-912 of this article and used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22-412.2 and 22-412.3 of this article.

11-173.

(a) “Type I school vehicle” means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body-on-chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

(b) “Type I school vehicle” does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.”.

On page 2, in lines 4 and 7, in each instance, strike “VEHICLES” and substitute “A SCHOOL BUS”.

On page 3, in line 9, strike “VEHICLES” and substitute “A SCHOOL BUS”; and in line 12, strike “VEHICLES” and substitute “A SCHOOL BUS”.

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 – 43    Negative – 0    (See Roll Call No. 1177)

### AMENDED IN THE HOUSE

**Senate Bill 552 – Senators Pugh, Conway, Ferguson, McFadden, ~~and Nathan Pulliam~~ Nathan Pulliam, and Gladden**

AN ACT concerning

**Baltimore City – Property Tax Credit – Public Safety Officers**

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

**SB0552/105561/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 552

(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 ye 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 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. 1178)

**CONCURRENCE CALENDAR #26****AMENDED IN THE HOUSE****Senate Bill 156 – Senator Cassilly**

AN ACT concerning

**Criminal Law – Participation in Court Proceedings – Retaliation**

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

**SB0156/672519/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 156

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 6, in each instance, after “for” insert “any reason relating to”; and in lines 4 and 6, in each instance, after “a” insert “certain case in a”.

AMENDMENT NO. 2

On page 2, in lines 4, 7, 14, and 17, in each instance, after “FOR” insert “ANY REASON RELATING TO”; in lines 5 and 15, after “A” insert “PENDING OR COMPLETED CASE IN A”; and in lines 7 and 17, in each instance, after “DUTIES” insert “IN A PENDING OR COMPLETED CASE”.

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. 1179)

**AMENDED IN THE HOUSE****Senate Bill 241 – Senators Kelley, Benson, Conway, Currie, Madaleno, McFadden, Nathan–Pulliam, Rosapepe, and Young**

AN ACT concerning

**Real Property – Senior Apartment Facilities – Conversion**

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

**SB0241/190218/1**

BY: Environment and Transportation Committee

AMENDMENT TO SENATE BILL 241

(Third Reading File Bill)

On page 3, strike beginning with “UNPAID” in line 18 down through “LEASE” in line 19 and substitute “RENT THAT WOULD HAVE BECOME DUE UNDER ANY REMAINING TERM OF THE LEASE AFTER TERMINATION UNDER THIS SECTION”.

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. 1180)

**QUORUM CALL**

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

(See Roll Call No. 1181)

**THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (SENATE BILLS) #76**

**Senate Bill 570 – Senator Lee**

AN ACT concerning

**Maryland Trust Act – Representation**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1182)

The Bill was then sent to the House of Delegates.

**Senate Bill 571 – Senator Lee**

AN ACT concerning

**Maryland Trust Act – Nonjudicial Settlement Agreements**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1183)

The Bill was then sent to the House of Delegates.

**Senate Bill 788 – Senator Ferguson**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Pub Crawl Promoter’s Permits**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1184)

The Bill was then sent to the House of Delegates.

**Senate Bill 816 – Senator Muse**

AN ACT concerning

**Real Property – Condominiums and Homeowners Associations – Resales –  
Disclosures and Fees**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1185)

The Bill was then sent to the House of Delegates.

**Senate Bill 1145 – ~~Senator Middleton~~ Senators Middleton and Kelley**

AN ACT concerning

**Unemployment Insurance – Maximum Benefit – Increase**



**BILL:** **HB0140**  
**SPONSOR:** Speaker  
**SUBJECT:** Security Systems Technicians and Agencies – Sunset Extension  
and Program Evaluation

The Senate does not recede in the Senate amendments.

The Senate respectfully requests the House reconsider and concur.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

#### MESSAGE TO THE SENATE

**BILL:** **HB0915**  
**SPONSOR:** Delegate Jacobs, et al  
**SUBJECT:** Tidal Fish License – Catching Crabs Using Trotline Gear –  
Holidays

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 O'Donnell, Chair  
Delegate Stein  
Delegate Gilchrist

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:** **HB0915**  
**SPONSOR:** Delegate Jacobs, et al  
**SUBJECT:** Tidal Fish License – Catching Crabs Using Trotline Gear –  
Holidays

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 O'Donnell, Chairman  
Delegate Stein  
Delegate Gilchrist.

The Senate appoints:

Senator Waugh, Chair  
Senator Zucker  
Senator Bates

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**MESSAGE TO THE SENATE**

**BILL:** **HB0360**  
**SPONSOR:** Delegate Jalisi, et al  
**SUBJECT:** Maryland Loan Assistance Repayment Program for Foster Care  
Recipients

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 M. Washington, Chair  
Delegate Tarlau  
Delegate Metzgar

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:** **HB0360**  
**SPONSOR:** Delegate Jalisi, et al  
**SUBJECT:** Maryland Loan Assistance Repayment Program for Foster Care Recipients

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 M. Washington, Chairman  
Delegate Tarlau  
Delegate Metzgar.

The Senate appoints:

Senator Young, Chair  
Senator Kagan  
Senator Salling

Said Bill is returned herewith.



By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**THE COMMITTEE ON RULES REPORT #10**

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

**House Bill 927 – Delegate Davis**

AN ACT concerning

**Public Service Commission – Electric Affordability Program – Study**

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 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**

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 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**

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 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**

The bill was re-referred to the Committee on Education, Health, and Environmental Affairs.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #76**

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

**House Bill 61 – Chair, Environment and Transportation Committee (By Request – Departmental – Environment)**

AN ACT concerning

**Environment – Solid Waste, Recycling, and Anaerobic Digestion**

Senator Pinsky moved, duly seconded, to recommit the Bill.

The motion was adopted.

**THE COMMITTEE ON FINANCE REPORT #51**

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

**House Bill 1552 – Prince George’s County Delegation and Montgomery County Delegation**

AN ACT concerning

Washington Suburban Sanitary Commission – Polybutylene Connection Pipe  
Replacement Loan Program  
PG/MC 115–16

HB1552/147979/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1552

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Polybutylene” insert “Malfunctioning”; in line 3, strike “Loan”; in line 6, after “a” insert “Malfunctioning”; in the same line, strike “Loan”; in line 7, after “property;” insert “authorizing the Commission to use certain mechanisms to develop and implement the Program; requiring the Commission to make certain financial assistance available to the Program at certain times, in conjunction with a certain Fund and subject to a certain limit; requiring the Program to establish certain eligibility requirements for participation in the Program; authorizing the Commission to establish a Malfunctioning Polybutylene Connection Pipe Replacement Loan Program for a certain purpose;”; in lines 7, 11, and 17, in each instance, before “Program” insert “Loan”; in line 8, before “Program” insert “Loan”; in line 10, strike “the”; in the same line, after “Commission” insert “employees”; in line 15, after “certain” insert “lien or”; in line 16, strike “the obligation to pay the charge” and substitute “certain customer payment obligations”; in line 17, strike the second “is” and substitute “either may be”; in line 18, after “lien” insert “or may assign the lien”; in line 19, after the first “certain” insert “loan from being given and a certain”; and in line 21, after “loan” insert “and Commission charges”.

On page 2, in line 2, after “the” insert “Loan”; in line 3, after the second “a” insert “Malfunctioning”; in line 7, after “Act;” insert “providing for the reversion of certain funds to the General Fund of the Commission;”; in the same line, after “the” insert “Malfunctioning”; in line 8, strike “Loan”; and in line 11, strike “23–205” and substitute “23–205, 23–205.1, and 23–205.2”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

**“(A) THE COMMISSION SHALL ESTABLISH A MALFUNCTIONING POLYBUTYLENE CONNECTION PIPE REPLACEMENT PROGRAM.”**

(B) THE PURPOSE OF THE PROGRAM IS TO ASSIST RESIDENTIAL CUSTOMERS IN THE REPLACEMENT OF MALFUNCTIONING RESIDENTIAL POLYBUTYLENE CONNECTION PIPES ON CUSTOMER PROPERTY.

(C) IN DEVELOPING AND IMPLEMENTING THE PROGRAM, THE COMMISSION MAY USE ANY LEGALLY PERMISSIBLE MECHANISM, FUNDING, OR PROCESS THAT THE COMMISSION DETERMINES IS MOST COST-EFFECTIVE FOR THE PROGRAM, INCLUDING THE MALFUNCTIONING POLYBUTYLENE CONNECTION PIPE REPLACEMENT LOAN PROGRAM ESTABLISHED IN § 23-205.1 OF THIS SUBTITLE.

(D) IN CONJUNCTION WITH THE MALFUNCTIONING POLYBUTYLENE CONNECTION PIPE REPLACEMENT FUND ESTABLISHED IN § 23-205.2 OF THIS SUBTITLE, THE COMMISSION SHALL MAKE AVAILABLE TO THE PROGRAM THE FOLLOWING FINANCIAL ASSISTANCE:

(1) \$100,000 BY OCTOBER 1, 2016;

(2) AN ADDITIONAL \$200,000 BY JULY 1, 2017;

(3) AN ADDITIONAL \$100,000 BY JULY 1, 2018; AND

(4) ADDITIONAL FUNDING AFTER JULY 1, 2018, UNTIL A TOTAL OF \$1,000,000 HAS BEEN OBLIGATED.

(E) THE FINANCIAL ASSISTANCE THAT THE COMMISSION IS REQUIRED TO PROVIDE UNDER SUBSECTION (D) OF THIS SECTION:

(1) MAY BE FUNDED FROM THE GENERAL FUND OF THE COMMISSION; BUT

(2) IS LIMITED TO NO MORE THAN \$1,000,000 IN TOTAL FUNDS FOR THE PERIOD OF OCTOBER 1, 2016, TO SEPTEMBER 30, 2026.

(F) THE PROGRAM SHALL:

**(1) PROVIDE FOR ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PROGRAM, INCLUDING ELIGIBILITY REQUIREMENTS FOR THE TYPE OF CONNECTION PIPE THAT IS BEING INSTALLED TO REPLACE THE EXISTING POLYBUTYLENE CONNECTION PIPE;**

**(2) REQUIRE THAT THE REPLACEMENT OF MALFUNCTIONING POLYBUTYLENE PIPES UNDER THE PROGRAM BE PERFORMED BY A LICENSED PLUMBER; AND**

**(3) PROHIBIT COMMISSION EMPLOYEES FROM REPLACING MALFUNCTIONING POLYBUTYLENE PIPES UNDER THE PROGRAM.**

**23-205.1.**

On page 2, in line 18, strike “SHALL” and substitute “MAY”; and in the same line, after “A” insert “MALFUNCTIONING”.

On page 2 in lines 20, 25, 27, and 31, on page 3 in lines 7, 8, 16, and 21, and on page 4 in line 29, in each instance, before “PROGRAM” insert “LOAN”.

On page 2, strike beginning with the colon in line 27 down through “(II)” in line 30; and in line 31, after “PROGRAM;” insert “AND”.

On pages 2 and 3, strike beginning with the semicolon in line 34 on page 2 down through “PROGRAM” in line 5 on page 3.

On page 3, in line 15, after “(I)” insert “REPAYMENT AND”; in line 17, after “A” insert “LIEN OR”; in line 18, strike “OBLIGATION TO PAY THE CHARGE” and substitute “CUSTOMER PAYMENT OBLIGATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION”; in line 24, strike “SHALL” and substitute “MAY EITHER”; in the same line, after “OF” insert “, OR MAY ASSIGN,”; and in the same line, after “THE” insert “LOAN MADE UNDER THIS SUBSECTION AND THE”.

On page 4, in line 6, strike “A”; in the same line, after “LOAN” insert “AND COMMISSION CHARGES”; in line 13, after “A” insert “LOAN MAY NOT BE GIVEN AND A”; in line 15, strike the second “A” and substitute “THE”; in line 17, strike “A” and substitute “THE”; in the same line, after “THE” insert “LOAN”; after line 30, insert:

“23–205.2.”;

in line 31, strike “**(F)(1)**” and substitute “**(A)**”; and in the same line, after “**THE**” insert “**MALFUNCTIONING**”.

On page 5, in lines 1, 3, 5, 7, 8, 10, 11, and 13, strike “**(2)**”, “**(3)**”, “**(4)**”, “**(5)**”, “**(I)**”, “**(II)**”, “**(III)**”, and “**(6)**”, respectively, and substitute “**(B)**”, “**(C)**”, “**(D)**”, “**(E)**”, “**(1)**”, “**(2)**”, “**(3)**”, and “**(F)**”, respectively; in line 1, after “A” insert “**MALFUNCTIONING**”; in line 3, after the second “**THE**” insert “**MALFUNCTIONING**”; in line 4, strike “**LOAN**”; in lines 13 and 14, strike beginning with “**FOR**” in line 13 down through “**PROGRAM**” in line 14 and substitute “**IN ACCORDANCE WITH §§ 23–205 AND 23–205.1 OF THIS SUBTITLE**”; and in line 18, after “effect” insert “and all remaining funds in the Malfunctioning Polybutylene Connection Pipe Replacement Fund shall immediately revert back to the General Fund of the Commission”.

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to recommit the Bill.

The motion was adopted.

## THE COMMITTEE ON FINANCE REPORT #52

### CONSENT CALENDAR #70

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

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BILL NO.	REPORT	SPONSOR	CONTENT
<b><u>FAVORABLE</u></b>			
HB 399	FAV	Del. Afzali	Lyme Disease – Laboratory Test – Required Notice
HB 707	FAV	Del. Valentino– Smith	Study of Intercepting Horse Racing Winnings for Child Support and Restitution

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 #42**

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

**House Bill 986 – Delegate Beidle**

AN ACT concerning

**Vehicle Laws – Trade-In Allowance – Leased Vehicles**

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 1012 – Delegates McCray, Lierman, Barron, Beidle, Bromwell, Brooks, Busch, Cullison, Fennell, Frush, Gaines, Hettleman, Hixson, Korman, Krimm, Lafferty, Luedtke, Moon, Morhaim, Reznik, B. Robinson, Stein, A. Washington, ~~and M. Washington~~ M. Washington, Tarlau, Kaiser, Ebersole, Afzali, and Platt**

AN ACT concerning

**Income Tax Credit – Commuter Benefits – Eligibility and Credit Amount**

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 1079 – Montgomery County Delegation**

AN ACT concerning

**Montgomery County Student Loan Refinancing Authority  
MC 27-16**

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 1167 – Delegates Buckel, Beitzel, Mautz, and Otto**

AN ACT concerning

**Biotechnology Investment Tax Credit – Investment in Qualified Companies in  
Low-Income Areas**

**HB1167/779834/1**

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1167

(Third Reading File Bill)

On page 2, strike beginning with the second “OR” in line 13 down through “CITY” in line 14.

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 1168 – Delegates Buckel, Beitzel, Mautz, and Otto**

AN ACT concerning

**Cybersecurity Investment Tax Credit – Investment in Qualified Companies in  
Low-Income Areas**

**HB1168/989836/1**

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1168

(Third Reading File Bill)

On page 2, in line 15, strike “OR BALTIMORE CITY”.



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 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**

**HB1378/819531/1**

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1378  
(Third Reading File Bill)

On page 4, in line 9, strike “, **SUBTITLE 1**”.

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 1533 – Delegates P. Young, Aumann, Brooks, Cluster, Ebersole, Grammer, Hettleman, Jalisi, Krimm, Lafferty, Lam, Lisanti, Luedtke, Metzgar, Miele, Sydnor, West, and K. Young K. Young, Afzali, Long, and Patterson**

AN ACT concerning

~~**Enterprise Zones – Target Redevelopment Areas – Designation and Baltimore County – Sales and Use Tax Exemption – Redevelopment Areas**~~

**HB1533/679237/1**

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1533

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, strike “used on certain property in certain areas” and substitute “purchased for use in a certain target redevelopment area”.

AMENDMENT NO. 2

On page 4, in line 4, after “**(3)**” insert ““TARGET REDEVELOPMENT AREA” MEANS ANY REAL PROPERTY OWNED OR LEASED BY A PERSON IN BALTIMORE COUNTY THAT:

(I) WAS PREVIOUSLY OWNED AT ANY TIME BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES; AND

(II) WAS, AS OF JANUARY 1, 2016, THE SUBJECT OF AN APPROVED APPLICATION FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE.

(4);

in line 9, after “PERSON” insert “SOLELY”; and strike beginning with “ON” in line 10 down through “REDEVELOPED” in line 13 and substitute “IN A TARGET REDEVELOPMENT AREA”.

On page 5, in lines 2 and 3, strike “5” and “2021”, respectively, and substitute “10” and “2026”, respectively.

The preceding 2 amendments were read only.

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

The motion was adopted.

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

**House Bill 1636 – Delegate Clippinger**

AN ACT concerning

**Baltimore City – South Baltimore Gateway Community ~~Benefits~~ Impact District  
and Distribution of Local Impact Grants**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #36**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**Senate Bill 1000 – Senator Waugh**

AN ACT concerning

**St. Mary’s County – Circuit Court Personnel – Repeal**

**SB1000/578072/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1000

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “County” insert “Circuit”; strike beginning with “repealing” in line 4 down through “County;” in line 6; and in line 10, strike “and 19–2”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 9 on page 2, 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 Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**Senate Bill 1059 – Senator Conway**

AN ACT concerning

**Baltimore City – Office of the Baltimore City Sheriff – Positions and Grievance Procedures**

**SB1059/298377/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1059

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 4 down through “officer;” in line 8 and substitute “authorizing the Baltimore City Sheriff to appoint certain additional personnel under certain circumstances;”; and strike beginning with “providing” in line 9 down through “City;” in line 17 and substitute “requiring the Baltimore City Sheriff, in consultation with the Baltimore Police Department and the Baltimore City Administration, to study and report to the General Assembly on certain matters on or before a certain date;”.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 2, in lines 28, 29, and 30, in each instance, strike the bracket; in line 29, strike “THREE”; in the same line, strike “SHERIFFS”; in the same line, strike “FOUR”; and in line 30, strike “EIGHT”.

On page 3, in lines 1, 2, 3, and 4, in each instance, strike the bracket; in lines 1, 2, 3, and 4, strike “12”, “121”, “3”, and “3”, respectively; and strike beginning with “THE” in line 14 down through “OFFICE” in line 20 and substitute “IF, AT THE TIME OF APPOINTMENT, FUNDING EXISTS IN THE SHERIFF’S EXISTING BUDGET RESOURCES, THROUGH GRANT FUNDING OR AS PROVIDED BY THE CITY OF BALTIMORE IN THE ORDINANCE OF ESTIMATES OR A SUPPLEMENTAL BUDGET ORDINANCE, THE SHERIFF MAY APPOINT THE FOLLOWING ADDITIONAL PERSONNEL:”

- 1. 2 ASSISTANT SHERIFFS;**
- 2. 1 DEPUTY SHERIFF MAJOR;**
- 3. 2 DEPUTY SHERIFF CAPTAINS;**
- 4. 2 DEPUTY SHERIFF LIEUTENANTS;**
- 5. 3 DEPUTY SHERIFF SERGEANTS;**
- 6. 18 DEPUTY SHERIFFS;**
- 7. 1 DOMESTIC VIOLENCE CLERK; AND**
- 8. 1 DOMESTIC VIOLENCE ADVOCATE”.**

AMENDMENT NO. 3

On page 6, after line 1, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2016, the Baltimore City Sheriff’s Office, in cooperation with the Baltimore Police Department and the Baltimore City Administration, shall:

(1) study:

(i) the logistics of transferring a portion of or all warrant service duties from the Baltimore Police Department to the Sheriff’s Office; and

(ii) best practices employed by other jurisdictions throughout the nation in the service of warrants; and

(2) report to the members of the Baltimore City delegation to the General Assembly, in accordance with § 2–1246 of the State Government Article, on its findings and recommendations.”;

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

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety the lines beginning with line 23 on page 4 through line 1 on page 6, inclusive.

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 #37**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 104 – Delegates Morhaim, Glenn, Hammen, Hill, Lam, and West**

AN ACT concerning

#### **Medical Cannabis – Written Certifications – Certifying Providers**

Favorable report adopted by a roll call vote as follows:

Affirmative – 35    Negative – 11    (See Roll Call No. 1188)

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 409 – Delegates Fraser–Hidalgo, Dumais, A. Miller, Anderson, Barkley, Barve, Beidle, Carr, Cullison, Folden, Gilchrist, Gutierrez, Hill, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, McCray, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Valentino–Smith, Waldstreicher, C. Wilson, and Zucker**

AN ACT concerning

#### **Criminal Law – Providing Alcohol to Underage Drinkers – Penalties (Alex and Calvin’s Law)**

**HB0409/358970/1**

BY:    Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 409

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “prohibiting a person from committing a certain violation relating to alcoholic beverages under certain circumstances;”; in line 7, after “circumstances;” insert “establishing a certain penalty;”; in line 11, strike “and 10–117”; and in line 16, after “Section” insert “10–117 and”.

AMENDMENT NO. 2

On page 2, after line 33, insert:

**“(D) A PERSON MAY NOT VIOLATE SUBSECTIONS (A) OR (B) OF THIS SECTION IF THE VIOLATION INVOLVES AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO:**

**(1) THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD OPERATE A MOTOR VEHICLE AFTER CONSUMING THE ALCOHOLIC BEVERAGE; AND**

**(2) AS A RESULT OF OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR WHILE IMPAIRED BY ALCOHOL, CAUSES SERIOUS PHYSICAL INJURY OR DEATH TO THE INDIVIDUAL OR ANOTHER.”.**

On page 3, in line 7, strike “**(1)**”; in the same line, strike “An” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN**”; in the same line, strike “**§ 10–117(A)**” and substitute “**§ 10–117**”; and strike in their entirety lines 9 through 19, inclusive, and substitute:

**“(1) A FINE NOT EXCEEDING \$2,500 FOR A FIRST OFFENSE; OR**

**(2) A FINE NOT EXCEEDING \$5,000 FOR A SECOND OR SUBSEQUENT OFFENSE.**

**(C) AN ADULT WHO VIOLATES § 10–117(D) OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.”.**

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

### **SPECIAL ORDERS**

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

**House Bill 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**

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

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

**House Bill 525 – Delegates Beidle, Flanagan, Fraser-Hidalgo, Frush, Lam, McCray, Stein, and Szeliga**

AN ACT concerning

#### **Vehicle Laws – Manufacturers and Dealers**

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

Read the second time and ordered prepared for Third Reading.

**Senate Bill 730 – Senator Norman**

AN ACT concerning

#### **Vehicle Laws – Manufacturers and Dealers**

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

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 COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

**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 and adopted.

Favorable report, as amended, adopted.

## FLOOR AMENDMENT

**HB0571/493727/1**

BY: Senator Madaleno

AMENDMENTS TO HOUSE BILL 571, AS AMENDEDAMENDMENT NO. 1

In the Finance Committee Amendments (HB0571/827773/1), in line 3 of Amendment No. 1, after “manner;” insert “requiring that certain environmental remediation costs be a separate surcharge on a gas customer’s utility bill; requiring that a gas customer’s utility bill include certain information under certain circumstances;”.

AMENDMENT NO. 2

In the Finance Committee Amendments, in the last line of Amendment No. 2, after “COMMISSION.” insert:

**“(D) IF THE COMMISSION INCLUDES THE COSTS REASONABLY INCURRED BY A GAS COMPANY UNDER SUBSECTION (A) OF THIS SECTION FOR PERFORMING ENVIRONMENTAL REMEDIATION OF REAL PROPERTY IN THE GAS COMPANY’S RATE:**

**(1) THE COSTS SHALL BE A SEPARATE SURCHARGE ON THE GAS CUSTOMER’S UTILITY BILL; AND**

**(2) THE GAS CUSTOMER’S UTILITY BILL SHALL INCLUDE THE PHYSICAL ADDRESS OF THE REAL PROPERTY FOR WHICH THE SURCHARGE IS CHARGED.**”.

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

Affirmative – 28    Negative – 18    (See Roll Call No. 1189)

## FLOOR AMENDMENT

**HB0571/463625/1**

BY: Senator Zirkin

AMENDMENT TO HOUSE BILL 571

(Third Reading File Bill)

On page 2, in line 8, strike “AND”; in line 11, after “PREDECESSORS” insert “;AND”

**(III) AFTER HOLDING A HEARING, THE COMMISSION MAKES AN INDEPENDENT DETERMINATION THAT THE PROXIMATE CAUSE OF THE ENVIRONMENTAL CONTAMINATION IS NOT A RESULT OF THE GAS COMPANY’S FAILURE TO COMPLY WITH A STATE OR FEDERAL LAW, REGULATION, OR ORDER IN EFFECT WHEN THE CONTAMINATION OCCURRED**”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 378      SPONSOR: Delegate Tarlau**

**SUBJECT: Homeowners’ Property Tax Credit Program – Eligibility Awareness Campaign**

**THIRD READING CALENDAR      HOUSE NO. 20      SENATE NO. 10**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Budget and Taxation Committee Amendments (HB0378/709235/1) be adopted.

(2) That the attached Conference Committee Amendments (HB0378/103021/1) be adopted.

**HB0378/709235/1**

BY: Budget and Taxation Committee

**AMENDMENT TO HOUSE BILL 378**  
(Third Reading File Bill)

On page 1, in line 10, after “purposes;” insert “repealing certain provisions of law requiring the Department and the Comptroller to provide certain notices about the credit;”; after line 11, insert:

“BY repealing

Article – Tax – Property

Section 9–104(e) and (f)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

in line 14, strike “9–104(w)” and substitute “9–104(e)”; after line 16, insert:

“BY renumbering

Article – Tax – Property

Section 9–104(g) through (v), respectively

to be Section 9–104(f) through (u), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–104(e) and (f) of Article – Tax – Property of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9–104(g) through (v), respectively, of Article – Tax – Property of the Annotated Code of Maryland be renumbered to be Section(s) 9–104(f) through (u), respectively.”;

in line 17, strike “1.” and substitute “3. AND”; and in the same line, strike “ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND” and substitute “FURTHER ENACTED”.

On page 2, in line 2, strike “(W)” and substitute “(E)”; and in line 20, strike “2.” and substitute “4.”.

**HB0378/103021/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 378

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “individuals;” insert “requiring the Comptroller to cooperate with and assist the Department in auditing credit applications and to provide certain information to the Department under certain circumstances;”.

AMENDMENT NO. 2

On page 2, after line 14, insert:

**“(3) (I) FOR INCOME VERIFICATION, THE COMPTROLLER SHALL:**

**1. COOPERATE WITH THE DEPARTMENT IN ADOPTING A PROCEDURE TO AUDIT THE APPLICATION FORMS; AND**

**2. NOTWITHSTANDING § 13-202 OF THE TAX – GENERAL ARTICLE, SUPPLY THE DEPARTMENT WITH ADDITIONAL INFORMATION.**

**(II) THE COMPTROLLER SHALL ASSIST THE DEPARTMENT IN A POSTAUDIT OF EACH APPLICATION.”;**

and in line 15, strike “(3)” and substitute “(4)”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **James E. DeGrange, Sr.**

\_\_\_\_\_  
Chair, **Alonzo T. Washington**

\_\_\_\_\_  
**Bill Ferguson**

\_\_\_\_\_  
**Darryl Barnes**

\_\_\_\_\_  
**George C. Edwards**

\_\_\_\_\_  
**Meagan C. Simonaire**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
(X) Chief Clerk  
( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1190)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 127**      SPONSOR: **Delegate Reznik**

SUBJECT: **Criminal Law – Gaming – Home Games**

THIRD READING CALENDAR      HOUSE NO. **11**      SENATE NO. **4**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment No. 1 of the attached Budget and Taxation Committee Amendments (HB0127/789935/1) be adopted.

(2) That Amendment No. 2 of the attached Budget and Taxation Committee Amendments (HB0127/789935/1) be rejected.

(3) That the attached Conference Committee Amendment (HB0127/353927/1) be adopted.

**HB0127/789935/1**

BY: Budget and Taxation Committee

#### AMENDMENTS TO HOUSE BILL 127

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Law –”; strike in their entirety lines 6 through 10, inclusive, and substitute:

“BY adding to

Article – State Government

Section 9–1B–01 to be under the new subtitle “Subtitle 1B. Gaming Laws”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”;

in line 13, strike “Article – Criminal Law” and substitute:

“Article – State Government

SUBTITLE 1B. GAMING LAWS.”;

in line 14, strike “**12-115.**” and substitute “**9-1B-01.**”; and in line 15, strike “**THIS ARTICLE**” and substitute “**THE CRIMINAL LAW ARTICLE**”.

AMENDMENT NO. 2

On page 2, in line 20, strike “**\$500**” and substitute “**\$2,000**”.

**HB0127/353927/1**

BY: Conference Committee

AMENDMENT TO HOUSE BILL 127

(Third Reading File Bill)

On page 2, in line 20, strike “**\$500**” and substitute “**\$1,000**”.

Senate Members:

House Members:

Chair, **Nancy J. King**

Chair, **Eric Ebersole**

**Adelaide C. Eckardt**

**Diana M. Fennell**

**Ulysses Currie**

**Kevin B. Hornberger**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk  
( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1191)

The Bill was then sent to the House of Delegates.

## CONCURRENCE CALENDAR #29

### AMENDED IN THE HOUSE

**Senate Bill 839 – ~~Senator Feldman~~ Senators Feldman, Middleton, Astle, Benson, Hershey, Jennings, Kelley, Klausmeier, Mathias, and Reilly**

AN ACT concerning

### **Insurance – Rate Filings – Trade Secrets**

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

**SB0839/373798/1**

BY: Economic Matters Committee

### AMENDMENTS TO SENATE BILL 839

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, in line 14, after “information;” insert “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 31, after “(IV)” insert “1.”; in the same line, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE”; in line 33, strike “ITEM 3 OF THIS SUBPARAGRAPH” and substitute “SUBPARAGRAPH (III)3 OF THIS PARAGRAPH”; and after line 33, insert:

**“2. THE PEOPLE’S INSURANCE COUNSEL 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.”**



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. 1192)

**MESSAGE TO THE SENATE**

BILL:                    **SB0508**  
SPONSOR:            Senator Ramirez, et al  
SUBJECT:              Civil Penalties for Shoplifting and Employee Theft

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 Ramirez, Chairman  
Senator Brochin  
Senator Norman.

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 SENATE**

BILL:                    **SB0794**  
SPONSOR:            Senator Jennings, et al

SUBJECT: Education – Prekindergarten and Kindergarten Assessments –  
Administration

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 Pinsky, Chairman  
Senator Waugh  
Senator Conway.

The House appoints:

Delegate Kaiser, Chair  
Delegate Hornberger  
Delegate A. Washington

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

#### MESSAGE TO THE SENATE

BILL: **SB0864**  
SPONSOR: Senator Lee, et al  
SUBJECT: Public Safety – Internet Crimes Against Children Task Force  
Fund – Establishment (Alicia’s Law)

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 Lee, Chairman

Senator Muse  
Senator Ready.

The House appoints:

Delegate Lierman, Chair  
Delegate Haynes  
Delegate McKay

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

#### MESSAGE TO THE SENATE

**BILL:** SB0945  
**SPONSOR:** Senator Raskin, et al  
**SUBJECT:** Drunk Driving Reduction Act of 2016 (Noah's Law)

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 Raskin  
Senator Norman.

The House appoints:

Delegate Dumais, Chair  
Delegate Anderson  
Delegate Proctor

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

**CONCURRENCE CALENDAR #27**

**AMENDED IN THE HOUSE**

**Senate Bill 4 – Senator Conway**

AN ACT concerning

**Natural Resources – Maryland Environmental Trust – Trustees**

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

**SB0004/650111/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 4

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 3 down through “trustees” in line 6 and substitute “altering the number of trustees of the Maryland Environmental Trust; altering the number of trustees that are elected to the Trust beginning on a certain date; altering the manner in which a trustee is elected; requiring that a certain number of trustees be elected in a certain month and year; specifying that certain recommendations for an elected trustee represent and reflect certain criteria; prohibiting an elected trustee from serving more than a certain number of consecutive terms, subject to a certain exception”; in line 7, after “expenses;” insert “altering the number of times the trustees are required to meet; altering the number of trustees that may request a meeting for which the chair is required to call a meeting; altering the number of trustees that constitute a quorum”; in lines 8 and 9, strike “an appointed trustee” and substitute “certain elected trustees”; in line 9, after “conforming” insert “and stylistic”; and in line 13, after “3–202” insert “and 3–204”.

AMENDMENT NO. 2

On page 2, in line 1, strike “15” and substitute “**19**”; in line 5, strike “**THE**” and substitute “**SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH,**

BEGINNING ON JUNE 1, 2017, OF THE"; in the same line, strike "12" and substitute "16"; in the same line, strike "[, three" and substitute ", FOUR"; in line 6, strike "unanimous" and substitute "A MAJORITY"; strike beginning with the bracket in line 7 down through "SENATE" in line 8; after line 8, insert:

"(II) IN ORDER TO BRING THE COMPOSITION OF THE BOARD OF TRUSTEES UP TO 16 ELECTED TRUSTEES, FOUR TRUSTEES SHALL BE ELECTED IN OCTOBER 2016.

(III) THE TRUSTEES SHALL ELECT A TRUSTEE AS FOLLOWS:

1. THE GOVERNOR SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH TWO SHALL BE ELECTED;

2. THE PRESIDENT OF THE SENATE SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE SHALL BE ELECTED; AND

3. THE SPEAKER OF THE HOUSE OF DELEGATES SHALL SUBMIT THREE RECOMMENDATIONS TO THE BOARD OF TRUSTEES, OF WHICH ONE SHALL BE ELECTED."

in lines 9 and 15, strike "(II)" and "(III)", respectively, and substitute "(IV)" and "(V)", respectively; strike beginning with "THE" in line 11 down through "insofar" in line 13 and substitute "INSOFAR"; in line 14, after "Trust" insert ", THE RECOMMENDATIONS FOR AN ELECTED TRUSTEE SHALL:

1. REPRESENT A BROAD DISTRIBUTION OF PROFESSIONS AND GEOGRAPHIES;

2. REFLECT THE DIVERSITY OF THE STATE; AND

3. REPRESENT INDIVIDUALS WITH EXPERIENCE IN ONE OR MORE OF THE FOLLOWING CATEGORIES:

A. CONSERVATION OR PRESERVATION OF PARKLANDS, AGRICULTURAL LAND, FOREST LAND, HISTORIC AND CULTURAL PROPERTIES, NATURAL AREAS, OR IMPORTANT RECREATIONAL LANDS;

B. AGRICULTURE, INCLUDING THE HORSE INDUSTRY;

C. COMMUNITY PLANNING AND LAND USE POLICY, WITH AN EMPHASIS ON COMMUNITY SUSTAINABILITY, HEALTH COMMUNITIES, COMMUNITY FOOD SYSTEMS, YOUTH DEVELOPMENT AND EDUCATION, OR GREEN INFRASTRUCTURE;

D. ACADEMIC WORK IN NATURAL SCIENCE, SOCIAL SCIENCE, OR CULTURAL SCIENCE AT THE UNIVERSITY LEVEL; AND

E. BUSINESS LEADERSHIP, GOVERNANCE, OR FUND-RAISING IN ANY OF THE CATEGORIES IDENTIFIED UNDER THIS ITEM”;

strike beginning with “THE” in line 15 down through “APPOINTED” in line 16 and substitute “EXCEPT AS PROVIDED UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AN ELECTED”; after line 17, insert:

“2. THE CHAIR MAY SERVE A THIRD CONSECUTIVE TERM IF ELECTED AS CHAIR DURING OR AFTER THE SECOND YEAR OF THE CHAIR’S SECOND TERM.”;

in line 18, strike “APPOINTED” and substitute “ELECTED”; in line 20, strike “OCTOBER” and substitute “JUNE”; strike beginning with “AT” in line 21 down through “5.” in line 23; in line 23, strike “APPOINTED” and substitute “ELECTED TO FILL A VACANCY THAT ARISES”; in line 24, strike “SERVES” and substitute “:

A. SHALL BE ELECTED FROM RECOMMENDATIONS SUBMITTED BY THE GOVERNOR, THE PRESIDENT OF THE SENATE, OR THE SPEAKER OF THE HOUSE OF DELEGATES IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH, AS APPLICABLE; AND

B. SERVES”;

and in line 25, strike “APPOINTED AND QUALIFIES” and substitute “ELECTED”.

On page 3, after line 6, insert:

“3-204.

(A) The trustees shall elect from among the elected membership a [chairman] CHAIR, secretary, and other officers as they determine.

(B) The trustees shall meet at least [twice] FOUR TIMES a year at places and on dates they determine.

(C) The [chairman] CHAIR may call other meetings, and must call one at the request of [four] SIX or more trustees.

(D) The secretary shall notify in writing every trustee of the time and place of every meeting at least seven days in advance of the meeting, except that meetings may be held on shorter notice if all trustees agree.

(E) [Eight] TEN trustees constitute a quorum to conduct business.

(F) If at any time there is no director, the [chairman] CHAIR shall assume the director’s duties and powers.

(G) The [chairman] CHAIR with the consent of the trustees may appoint an advisory council.”;

in line 9, strike “appointed” and substitute “elected”; in line 12, strike “appointed” and substitute “four”; in the same line, after “Trust” insert “elected under § 3-202(a)(3)(ii) of the Natural Resources Article, as enacted by Section 1 of this Act.”; in lines 13, 14, 15, and 16, strike “2019 for all trustees”, “2020 for all trustees”, “2021 for all trustees”, and “2022 for all trustees”, respectively, and substitute “2017 for one trustee”, “2018 for one trustee”, “2019 for one trustee”, and “2020 for one trustee”, respectively; in lines 14, 15, and 16, strike “2017”, “2018”, and “2019”, respectively, and substitute “2016”, “2016”, and “2016”, respectively; and in line 18, strike “October” and substitute “June”.

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. 1193)

### AMENDED IN THE HOUSE

**Senate Bill 198 – Senators Nathan–Pulliam, Benson, Ferguson, Guzzone, Kagan, Kelley, King, Lee, McFadden, Muse, Pugh, Rosapepe, and Young**

AN ACT concerning

**Neonicotinoid Pesticides – ~~Labeling, Signage, and~~ Restrictions on Sales and Use  
(Pollinator Protection Act of 2016)**

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

**SB0198/460311/1**

BY: Environment and Transportation Committee

### AMENDMENTS TO SENATE BILL 198

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 13 down through “manner:” in line 15; in line 15, after “Department” insert “of Agriculture”; in line 16, strike “study” and substitute “review certain laws and regulations”; in line 20, strike “certain civil penalties” and substitute “a certain civil penalty”; and in the same line, after “Act:” insert “exempting this Act from certain provisions of law:”.

On page 2, in line 2, after “(r)” insert “, 12–101, 12–102, and 12–103”; and after line 10, 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 4, in line 26, strike “CLOTHIANDIN” and substitute “CLOTHIANIDIN”; and in line 29, strike “CONSISTENT WITH” and substitute “PROTECTIVE OF POLLINATORS, TAKING INTO ACCOUNT”.

AMENDMENT NO. 3

On page 5, in line 6, strike “\$50” and substitute “\$250”; and after line 6, insert:

“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 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 – 34    Negative – 12    (See Roll Call No. 1194)

**AMENDED IN THE HOUSE**

**Senate Bill 200 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)**

AN ACT concerning

**Health Occupations – ~~Environmental Health Specialists – Regulation State Board of Environmental Health Specialists – Sunset Extension and Revisions~~**

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

**SB0200/826083/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 200

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after the second “to” insert “provide a certain”; and strike beginning with “on” in line 20 down through “dates” in line 24.

AMENDMENT NO. 2

On page 10, in line 27, strike “**2022**” and substitute “**2027**”.

On page 11, line 11, strike “**2021**” and substitute “**2023**”.

On pages 12 and 13, strike in their entirety the lines beginning with line 22 on page 12 through line 17 on page 13, inclusive.

On page 13, in line 18, 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 – 46    Negative – 0    (See Roll Call No. 1195)

**AMENDED IN THE HOUSE**

**Senate Bill 217 – Senator Conway**

AN ACT concerning

**State Board of Physicians – Distribution of Fees by Comptroller – Loan Assistance Repayment for Physicians and Physician Assistants**

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

**SB0217/196182/2**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 217

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Assistants” insert “in certain fiscal years”.

AMENDMENT NO. 2

On page 2, in line 9, strike “(1)”; after line 10, insert:

**“(D) (1) IN FISCAL YEAR 2017 AND FISCAL YEAR 2018, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$550,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 18, SUBTITLE 28 OF THE EDUCATION ARTICLE, AS ADMINISTERED BY THE MARYLAND HIGHER EDUCATION COMMISSION, THE COMPTROLLER SHALL DISTRIBUTE:**

**(I) \$550,000 OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 18, SUBTITLE 28 OF THE EDUCATION ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO**

PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE AS BEING MEDICALLY UNDERSERVED; AND

(II) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.”;

in line 11, strike “(i)”; in the same line, strike “If” and substitute “IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, IF”; in lines 17 and 29, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 30, strike “(ii)” and substitute “(3)”; and in line 35, strike “\$400,000” and substitute “THE AMOUNT SPECIFIED IN PARAGRAPH (1) OR (2) OF THIS SUBSECTION”.

On page 3, in lines 5, 16, 22, and 26, strike “(d)”, “(e)”, “(f)”, and “(g)”, respectively, and substitute “(E)”, “(F)”, “(G)”, and “(H)”, respectively; and in line 16, strike “(d)” and substitute “(E)”.

#### AMENDMENT NO. 3

On page 4, in line 1, strike “(1)”; after line 2, insert:

“(C) (1) IN FISCAL YEAR 2017 AND FISCAL YEAR 2018, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AT LEAST \$550,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 18, SUBTITLE 28 OF THE EDUCATION ARTICLE, AS ADMINISTERED BY THE MARYLAND HIGHER EDUCATION COMMISSION, THE COMPTROLLER SHALL DISTRIBUTE:

(I) \$550,000 OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER TITLE 18, SUBTITLE 28 OF THE EDUCATION ARTICLE TO PHYSICIANS AND PHYSICIAN ASSISTANTS ENGAGED IN PRIMARY CARE OR TO MEDICAL RESIDENTS SPECIALIZING IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS AS PRIMARY CARE PHYSICIANS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE AS BEING MEDICALLY UNDERSERVED; AND

**(II) THE BALANCE OF THE FEES TO THE BOARD OF PHYSICIANS FUND.**;

in line 3, strike “(i)”; in the same line, strike “If” and substitute “**IN FISCAL YEAR 2019 AND EACH FISCAL YEAR THEREAFTER, IF**”; in lines 9 and 20, strike “1.” and “2.”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 21, strike “(ii)” and substitute “**(3)**”; in line 22, strike “**\$400,000**” and substitute “**THE AMOUNT SPECIFIED IN PARAGRAPH (1) OR (2) OF THIS SUBSECTION**”; and in line 28, strike “October” and substitute “July”.

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. 1196)

**AMENDED IN THE HOUSE**

**Senate Bill 381 – The President (By Request – Administration) and Senators Bates, Brochin, Cassilly, Eckardt, Edwards, Hershey, Jennings, Mathias, Muse, Norman, Reilly, Rosapepe, Salling, Serafini, Simonaire, and Waugh**

AN ACT concerning

**Housing and Community Development – Community Development Administration – Student and Residential Mortgage Loans**

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

**SB0381/670216/1**

BY: Environment and Transportation Committee

**AMENDMENTS TO SENATE BILL 381**

(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 1, in line 5, strike “provide” and substitute “make, participate in making, and undertake a commitment for”; strike beginning with the first “to” in line 6 down through “off” in line 7 and substitute “to a homeowner for purchasing a homeowner’s”

primary residence and making payments on the homeowner's"; in line 7, strike "debts" and substitute "debt"; in line 10, after "purchase" insert "or commit to purchase"; in line 12, strike "the purchase of" and substitute "purchasing"; in the same line, strike "pay off" and substitute "making payments on"; in line 14, after "circumstances," insert "requiring the Administration to give priority to selling residential property owned by the Administration under certain circumstances; requiring the Department to report to the General Assembly on or before a certain date;"; in line 15, after the second "and" insert "student and"; and after line 21, insert:

"BY adding to

Article – Housing and Community Development  
Section 4-242  
Annotated Code of Maryland  
(2006 Volume and 2015 Supplement)".

#### AMENDMENT NO. 2

On page 2, in line 29, after "WITH" insert "THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM A SOURCE OTHER THAN THE ADMINISTRATION FOR".

On page 3, strike beginning with "MAKING" in line 20 down through "RESIDENCE" in line 22 and substitute "PURCHASING THE HOMEOWNER'S PRIMARY RESIDENCE IN CONJUNCTION WITH THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM THE ADMINISTRATION FOR MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT".

On page 4, strike beginning with "MAKE" in line 23 down through "RESIDENCE" in line 25 and substitute "PURCHASE THE HOMEOWNER'S PRIMARY RESIDENCE IN CONJUNCTION WITH THE HOMEOWNER OBTAINING SEPARATE FINANCIAL ASSISTANCE FROM THE ADMINISTRATION FOR MAKING PAYMENTS ON THE HOMEOWNER'S STUDENT LOAN DEBT".

On page 5, strike beginning with the first "THE" in line 12 down through "DEBT" in line 13 and substitute "EITHER OF THE PURPOSES SPECIFIED IN § 4-237(A)(1)(V) OF THIS SUBTITLE".

#### AMENDMENT NO. 3

On page 5, after line 13, insert:

“4-242.

IN PROVIDING FINANCIAL ASSISTANCE TO A HOMEOWNER THAT INCLUDES THE PURCHASE OF THE HOMEOWNER’S PRIMARY RESIDENCE AND PAYMENTS ON THE HOMEOWNER’S STUDENT LOAN DEBT, THE ADMINISTRATION SHALL GIVE PRIORITY TO SELLING RESIDENTIAL PROPERTY THAT IS OWNED BY THE ADMINISTRATION.”.

AMENDMENT NO. 4

On page 5, before line 14, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2018, the Department of Housing and Community Development shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the implementation of this Act, including:

(1) information about the location and source of residential properties sold by the Department as part of any financial assistance provided under this Act; and

(2) recommendations for expanding the scope of the financial assistance provided under this Act.”;

and in line 14, strike “2.” and substitute “3.”.

The preceding 4 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. 1197)

**AMENDED IN THE HOUSE**

**Senate Bill 614 – Senator Conway**

AN ACT concerning

**Veterinarians, Pharmacies, and Pharmacists – Dispensing Compounded Preparations for Use by Companion Animals**

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

**SB0614/446581/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 614  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Companion” and substitute “Nonfarm”; strike beginning with “altering” in line 4 down through “circumstances;” in line 6; in line 6, strike “an exception” and substitute “certain exceptions”; in line 7, after “medication” insert “that is not in a certain manufacturer’s container for a person who sells or dispenses certain medication in a container with a label showing certain information for use by a certain nonfarm animal and”; in line 9, strike “companion” and substitute “certain nonfarm”; in the same line, after “animal” insert “under certain circumstances”; in line 15, after “circumstances;” insert “prohibiting a pharmacy from providing certain compounded preparations in certain amounts to a licensed veterinarian under certain circumstances;”; and in line 20, strike “companion” and substitute “nonfarm”.

On page 2, in line 4, strike “through (b-3)” and substitute “and (b-2)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 8 on page 3, inclusive.

On page 3, in lines 9, 11, and 13, strike “~~(B-2)~~”, “~~(B-3)~~”, and “~~(B-4)~~”, respectively, and substitute “(B-1)”, “(B-2)”, and “(B-3)”, respectively.

On page 4, in line 3, strike the brackets; strike beginning with “; OR” in line 7 down through “**ARTICLE**” in line 25; and in line 27, before “A” insert “(A)”.

On page 5, in line 9, strike “Practice” and substitute “EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, PRACTICE”; strike beginning with “labeled” in line 10 down through “**ANIMAL**” in line 21; and after line 25, insert:



“(B) A PERSON MAY PRACTICE VETERINARY MEDICINE AND SELL OR DISPENSE MEDICATION THAT IS NOT IN THE ORIGINAL MANUFACTURER’S CONTAINER IF:

(1) THE MEDICATION IS FOR USE BY A NONFARM ANIMAL AS DEFINED IN REGULATIONS ADOPTED BY THE BOARD; AND

(2) THE PERSON AFFIXES TO THE CONTAINER IN WHICH THE MEDICATION IS SOLD OR DISPENSED, A LABEL CLEARLY SHOWING THE BRAND, GENERIC OR CHEMICAL NAME AND STRENGTH, IF INDICATED, OF THE MEDICATION, THE TYPE OF NONFARM ANIMAL FOR WHICH THE MEDICATION IS DESIGNATED, AND THE OWNER’S LAST NAME.

(C) A LICENSED VETERINARIAN MAY DISPENSE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS IF:

(1) THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE TO BE USED FOR A NONFARM ANIMAL AS DEFINED BY REGULATIONS ADOPTED BY THE BOARD THAT ARE CONSISTENT WITH STATE AND FEDERAL LAW;

(2) THE NONFARM ANIMAL IS A PATIENT OF THE LICENSED VETERINARIAN;

(3) THE QUANTITY OF THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS DISPENSED DOES NOT EXCEED A 7-DAY SUPPLY;

(4) THE LICENSED VETERINARIAN DETERMINES THAT TIMELY ACCESS TO A COMPOUNDING PHARMACY IS NOT AVAILABLE AND THAT THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE NOT OTHERWISE COMMERCIALY AVAILABLE;

(5) THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE PROVIDED TO THE LICENSED

VETERINARIAN BY A PHARMACIST IN ACCORDANCE WITH § 12-510 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(6) THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE DISPENSED IN A CONTAINER WITH A LABEL CLEARLY SHOWING:

(I) THE BRAND, GENERIC OR CHEMICAL NAME AND STRENGTH, IF INDICATED, OF THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS, THE TYPE OF NONFARM ANIMAL FOR WHICH THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE DESIGNATED, AND THE OWNER’S LAST NAME; AND

(II) THE DISPENSING DATE AND THE EXPIRATION DATE OF THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS.”.

AMENDMENT NO. 3

On page 6 in line 23, on page 7 in lines 14 and 15 and 21, and on page 8 in line 20, in each instance, strike “§ 2-301(F)(8)” and substitute “§ 2-313(C)”.

On page 7, in line 17, strike “A” and substitute:

“(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A”.

On page 8, in line 4, after “PHARMACY” insert “; AND”

(3) COMPLIES WITH APPLICABLE FEDERAL LAW AND REGULATIONS.

(B) (1) THIS SUBSECTION DOES NOT APPLY TO DISPENSING COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS DISPENSED FOR A PATIENT-SPECIFIC PRESCRIPTION.

(2) A PHARMACY MAY NOT PROVIDE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS COMPOUNDED USING BULK DRUG SUBSTANCES TO A LICENSED VETERINARIAN;

(I) IN AN AMOUNT GREATER THAN 10% OF THE TOTAL AMOUNT OF DRUG PRODUCTS SOLD OR DISPENSED FROM THE PHARMACY; OR

(II) IF THE COMPOUNDED NONSTERILE PREPARATIONS OR COMPOUNDED STERILE PREPARATIONS ARE COPIES OR CLOSE APPROXIMATIONS TO PRODUCTS APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION.

(3) FOR PURPOSES OF THE LIMITATION ESTABLISHED IN PARAGRAPH (2)(I) OF THIS SUBSECTION:

(I) THE CALCULATION SHALL BE MADE ON AN ANNUAL BASIS AND USE THE NUMBER OF DOSAGE UNITS SOLD OR DISPENSED; AND

(II) FOR NONRESIDENT PHARMACIES, THE TOTAL AMOUNT OF DRUG PRODUCTS SOLD OR DISPENSED SHALL BE THE PHARMACY'S TOTAL BUSINESS WITHIN THE STATE".

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. 1198)

**AMENDED IN THE HOUSE**

**Senate Bill 725 – The President (By Request – Department of Legislative Services – Code Revision)**

AN ACT concerning

**Alcoholic Beverages – Cross-References and Corrections**

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

**SB0725/913094/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 725  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 11, insert:

“BY adding to

Article – Alcoholic Beverages

Section 1–302.1

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)”;

in line 14, after “2–131(b).” insert “4–105(a), 4–109(a)(3), (11), and (13).”; in the same line, strike the second “and”; and in line 15, after “21–1310(e)” insert “23–1404(a), 23–1406(a), 23–1407, 23–1703(a), and 23–2602”.

AMENDMENT NO. 2

On page 4, after line 1, insert:

“1–302.1.

**BY REGULATION, THE COMPTROLLER MAY:**

**(1) ESTABLISH OR PROHIBIT THE MAXIMUM DISCOUNTS THAT MAY BE ALLOWED BY A MANUFACTURER, WHOLESALER, OR NONRESIDENT WINERY PERMIT HOLDER IN THE SALE AND DISTRIBUTION OF WINE AND LIQUOR; OR**

**(2) PROHIBIT THE GIVING OF DISCOUNTS BY A MANUFACTURER, WHOLESALER, OR NONRESIDENT WINERY PERMIT HOLDER IN THE SALE AND DISTRIBUTION OF WINE AND LIQUOR.”**

On page 4, after line 5, insert:

“4–105.

(a) (1) A license for the use of a limited liability company shall be applied for and issued to **AUTHORIZED PERSONS OF THE LIMITED LIABILITY COMPANY**, as individuals[:].

(2) (i) [all] ALL of the authorized individuals SHALL APPLY FOR THE LICENSE, if the limited liability company has fewer than three authorized individuals[; or].

(ii) [three] THREE authorized individuals SHALL APPLY FOR THE LICENSE, if the limited liability company has three or more authorized individuals.

[(2)](3) At least one of the authorized individuals shall:

(i) have been a resident of the jurisdiction or municipality for at least 2 years before the application is filed; and

(ii) be a registered voter and taxpayer of the jurisdiction or municipality when the application is filed.

4-109.

(a) [On a] A license application[, an applicant] shall state:

(3) that [the] AT LEAST ONE applicant is a citizen of the United States;

(11) [that] WHETHER the applicant has a financial interest in the business to be conducted under the license;

(13) that the applicant or a person on behalf of whom the application is filed does not have a financial interest [in the jurisdiction] in any other place of business in the jurisdiction for which an alcoholic beverage license has been applied for or issued.”.

On page 5, after line 3, insert:

“23-1404.

(a) Except as provided in subsection (c) of this section, [an applicant] AT LEAST ONE OF THE APPLICANTS for a new license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full-time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

23-1406.

(a) [An applicant] AT LEAST ONE OF THE APPLICANTS shall include with the application a petition of support signed by at least three residents who are owners of real property and registered voters in the district where the business is to be conducted stating that the applicant:

(1) is known personally to the residents; and

(2) subject to subsection (b) of this section, has been a resident of the County for 2 years immediately preceding the presentation of the application to the residents.

23-1407.

[An applicant for a license shall:]

[(1)](A) AT LEAST ONE OF THE APPLICANTS FOR A LICENSE SHALL be a resident of the County[;].

[(2)](B) [in] IN the determination of the Board, EACH APPLICANT SHALL:

(1) be of good character; and

[(3)](2) include the following information with the application:

(i) a statement that the applicant is at least 18 years old; and

(ii) a checklist and police consent form.

23-1703.

(a) Except as provided in subsection (c) of this section, [an applicant] AT LEAST ONE OF THE APPLICANTS for the transfer of a license for a corporation or limited liability company shall certify that as long as the applicant is the holder of the license, the applicant shall:

(1) own at least 10% of the stock in the corporation or interest in the limited liability company; or

(2) (i) serve as the manager or supervisor of the corporation or limited liability company; and

(ii) be physically present on a full-time basis at the licensed premises of the corporation or limited liability company to conduct the daily business involving transactions concerning alcoholic beverages sales.

23-2602.

(a) The Board may subpoena records pertaining to a licensed establishment.

(b) (1) The Board may petition the circuit court if a witness refuses to produce a subpoenaed record.

(2) The court [may] SHALL proceed by attachment against the witness as if the refusal had been by a witness summoned to appear in a case pending before the court.”.

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. 1199)

### AMENDED IN THE HOUSE

**Senate Bill 764 – Senators Raskin and Rosapepe**

AN ACT concerning

**Education – Student Journalists – Freedom of Speech and Freedom of the Press**

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

**SB0764/894963/1**

BY: Appropriations Committee

**AMENDMENT TO SENATE BILL 764**

(Third Reading File Bill)

On page 4, in line 19, strike “**HARASSING, THREATENING, OR INTIMIDATING**” and substitute “**VULGAR, LEWD, OR OBSCENE, OR LANGUAGE THAT HAS THE INTENT TO HARASS, THREATEN, OR INTIMIDATE**”.

On page 6, in line 28, strike “**HARASSING, THREATENING, OR INTIMIDATING**” and substitute “**VULGAR, LEWD, OR OBSCENE, OR LANGUAGE THAT HAS THE INTENT TO HARASS, THREATEN, OR INTIMIDATE**”.

The preceding amendment was read and concurred in.

**SB0764/123825/1**

BY: Delegate Kittleman

**AMENDMENT TO SENATE BILL 764**

(Third Reading File Bill)

On page 6, strike beginning with the second “**MAY**” in line 27 down through “**INTIMIDATING**” in line 28 and substitute “**HAVE THE INTENT TO HARASS, THREATEN, OR INTIMIDATE AN INDIVIDUAL**”.

The preceding amendment was read and concurred in.

**SB0764/933720/1**

BY: Delegate Kittleman

**AMENDMENT TO SENATE BILL 764, AS AMENDED**

(Third Reading File Bill)

On page 6 of the bill, in lines 27 and 28, strike “**MAY BE DEFINED AS PROFANE,**”.



In the Appropriations Committee Amendment (SB0764/894963/1), in line 5, strike “VULGAR, LEWD, OR OBSCENE, OR LANGUAGE THAT”; and in line 6, after “INTIMIDATE” insert “AN INDIVIDUAL”.

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 – 37    Negative – 9    (See Roll Call No. 1200)

### AMENDED IN THE HOUSE

**Senate Bill 856 – Senators Kelley, Ferguson, and Nathan–Pulliam**

AN ACT concerning

#### **Public Health – HIV Testing During Pregnancy**

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

**SB0856/356987/1**

BY: Health and Government Operations Committee

#### AMENDMENTS TO SENATE BILL 856

(Third Reading File Bill)

##### AMENDMENT NO. 1

On page 1, in line 6, after “Act;” insert “providing that certain health care providers may not be subject to certain disciplinary action under certain circumstances;”.

##### AMENDMENT NO. 2

On page 2, in line 17, after “(b)” insert “**(1)**”; in the same line, strike “A” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**”; in line 18, strike “(1)” and substitute “**(I)**”; and in line 24, strike “**(2)**” and substitute “**(II)**”.

On page 3, in line 6, strike “**(3)**” and substitute “**(III)**”; and after line 7, insert:

**(2) PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) APPLIES TO ROUTINE PRENATAL MEDICAL CARE VISITS;  
AND**

**(II) DOES NOT APPLY TO THE INCIDENTAL OR EPISODIC  
PROVISION OF PRENATAL MEDICAL CARE GIVEN TO A PREGNANT PATIENT BY A  
HEALTH CARE PROVIDER.”.**

**AMENDMENT NO. 3**

On page 4, in line 1, after “(f)” insert “**(1)**”; and after line 4, insert:

**“(2) A HEALTH CARE PROVIDER MAY NOT BE SUBJECT TO  
DISCIPLINARY ACTION BY THE PROFESSIONAL LICENSING BOARD THAT LICENSSES  
THE HEALTH CARE PROVIDER FOR NOT TESTING A PREGNANT PATIENT FOR HIV  
DURING THE THIRD TRIMESTER IN ACCORDANCE WITH THIS SECTION.”.**

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. 1201)

**AMENDED IN THE HOUSE**

**Senate Bill 876 – Senator Serafini**

AN ACT concerning

**Natural Resources – Black Fly Management and Control – Washington County**

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

**SB0876/200613/1**

BY: Environment and Transportation Committee

**AMENDMENTS TO SENATE BILL 876**

(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 1, in lines 3 and 9, 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 6, after “Department” insert “of Natural Resources”; in the same line, after “with” insert “the Department of Agriculture and”; in line 8, after “Resources” insert “and the Department of Agriculture”; and in line 9, after “Department” insert “of Natural Resources, in conjunction with the Department of Agriculture.”.

#### AMENDMENT NO. 2

On page 2, in lines 7 and 20, in each instance, 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, in line 8, after “DEPARTMENT” insert “AND THE DEPARTMENT OF AGRICULTURE”; and in line 12, strike “SHALL” and substitute “MAY, IN CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE.”.

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. 1202)

#### **AMENDED IN THE HOUSE**

**Senate Bill 879 – Senator Edwards**

AN ACT concerning

**Garrett County – Alcoholic Beverages – Various Licenses**

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

**SB0879/473993/1**

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 879  
(Third Reading File Bill)

On page 11, in line 25, after “subtitle;” insert “[and]”; and in line 27, strike “and” and substitute “AND”.

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. 1203)

**AMENDED IN THE HOUSE**

**Senate Bill 916 – Harford County Senators**

AN ACT concerning

**Harford County – Alcoholic Beverages – Community College License**

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

**SB0916/763594/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 916  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “an officer” and substitute “officers”; and in line 9, after “events;” insert “limiting the number of days per year the license holder may sell beer and wine at certain events;”.

AMENDMENT NO. 2

On page 2, in line 12, strike “AN OFFICER” and substitute “OFFICERS”; in line 26, after “(D)” insert “(1)”; in lines 28 and 29, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and after line 29, insert:

**“(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT EVENTS THAT ARE HELD ON THE COMMUNITY COLLEGE CAMPUS FOR A MAXIMUM OF 25 DAYS PER YEAR.”**

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. 1204)

**AMENDED IN THE HOUSE**

**Senate Bill 1015 – Senator Waugh**

AN ACT concerning

**St. Mary’s County – Alcoholic Beverages – Permits, Training, Prohibited Acts, and Violations**

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

**SB1015/663393/1**

BY: Economic Matters Committee

**AMENDMENTS TO SENATE BILL 1015**

(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 1, in line 6, strike “permits” and substitute “license”; and in line 16, after “establishment;” insert “providing that a person who violates a certain law is subject to license revocation or suspension and a certain civil penalty imposed by the Board;”.

**AMENDMENT NO. 2**

On page 4, in line 22, after “(a)” insert “**(1)**”; strike beginning with the colon in line 22 down through “(2)” in line 25; and strike in their entirety lines 28 and 29 and substitute:

**“(2) IF THE BOARD FINDS THAT A PERSON HAS VIOLATED A LAW RELATING TO LICENSING THE SALE OF ALCOHOLIC BEVERAGES, THE BOARD MAY:**

**(I) REVOKE OR SUSPEND THE PERSON’S LICENSE;**

**(II) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000; OR**

**(III) BOTH REVOKE OR SUSPEND THE PERSON’S LICENSE AND IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000.”.**

On page 5, in line 1, strike “(C)” and substitute “(B)”.

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. 1205)

#### **THE COMMITTEE ON BUDGET AND TAXATION REPORT #43**

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

**House Bill 1054 – Delegates Brooks, Morales, Anderson, Anderton, Angel, ~~Arentz~~, Atterbeary, Aumann, Barkley, Branch, Bromwell, Carter, Chang, Clippinger, Conaway, Ebersole, Fennell, Fisher, Fraser-Hidalgo, Frick, Ghrist, Glenn, Hayes, Haynes, Hettleman, Holmes, S. Howard, Impallaria, Jackson, Jalisi, Jameson, Jones, Knotts, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Mautz, McCray, McDonough, McMillan, A. Miller, Morhaim, Oaks, Patterson, Rey, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Vaughn, Waldstreicher, A. Washington, M. Washington, West, C. Wilson, and P. Young**

AN ACT concerning

#### **Income Tax – Penalties – Assessment Schedule**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**CONCURRENCE CALENDAR #28**

**AMENDED IN THE HOUSE**

Senate Bill 182 – Senators Mathias, Benson, Conway, and Rosapepe

AN ACT concerning

**Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms**

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

**SB0182/320112/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 182

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 3, in line 3, strike “OR PLUGGED”.

On page 5, in line 2, after “DWELLING” insert “AS FOLLOWS:”

**(1) OUTSIDE AND IN THE IMMEDIATE VICINITY OF EACH SEPARATE SLEEPING AREA; AND**

**(2) ON EVERY LEVEL OF THE UNIT, INCLUDING THE BASEMENT.”;**

and strike in their entirety lines 6 through 8, inclusive.

AMENDMENT NO. 3

On page 3, after line 21, insert:

**“(H) “SLEEPING AREA” HAS THE MEANING STATED IN § 9-101 OF THIS ARTICLE.”.**

The preceding 3 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:**                    **SB0182**  
**SPONSOR:**            Senator Mathias, et al  
**SUBJECT:**             Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

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 Waugh, Chair  
Senator Kagan  
Senator Salling

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

### AMENDED IN THE HOUSE

**Senate Bill 206 – The President (By Request – Department of Legislative Services)**

AN ACT concerning

**Security Systems Technicians and Agencies – Fees and Repeal of Sunset  
~~Extension~~ Provision and Program Evaluation**

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

**SB0206/453195/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 206  
(Third Reading File Bill)

AMENDMENT NO. 1



On page 1, in line 2, strike “Fees and Repeal of”; in line 3, strike “Provision” and substitute “Extension”; strike beginning with “altering” in line 4 down through “license;” in line 7; in line 12, strike “making permanent” and substitute “continuing”; in line 14, after “individuals” insert “in accordance with the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulation authority of the Secretary; requiring that a preliminary evaluation of the program to license and regulate security systems technicians and agencies and the statutes and regulations that relate to the program be conducted in a certain year”; and strike beginning with the semicolon in line 19 down through “evaluation” in line 21.

On page 2, in line 1, strike “18–303” and substitute “18–701”; strike in their entirety lines 4 through 8, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”;

in line 14, after “repealing” insert “and reenacting, with amendments,”; and strike in their entirety lines 19 through 24, inclusive.

#### AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 28 on page 2 through line 3 on page 4, inclusive.

On page 9, after line 3, insert:

“18–701.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, this title and all regulations adopted under this title shall terminate and be of no further force and effect after July 1, [2016] 2021.”;

after line 10, insert:

“(a) On or before December 15 of the evaluation year specified, the Department shall:

(1) conduct a preliminary evaluation of each governmental activity or unit to be evaluated under this section; and

(2) prepare a report on each preliminary evaluation conducted.”;

after line 15, insert:

“(52) security systems technicians, licensing and regulation of (§ 18–201 of the Business Occupations and Professions Article: [2013] 2018);”;

strike in their entirety lines 16 through 18, inclusive; and in line 19, strike “3.” and substitute “2.”.

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: **SB0206**  
 SPONSOR: President  
 SUBJECT: ScrtY Sstms Technicians and Agencies – Fees and Rpl of Sunset  
 Prvsn and Program Evaluation

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.

### AMENDED IN THE HOUSE

**Senate Bill 245 – Senators Manno ~~and Peters~~, Peters, Middleton, Astle, Benson, Feldman, Hershey, Jennings, Kelley, Klausmeier, Mathias, Pugh, and Reilly**

AN ACT concerning

**Labor and Employment – Hiring and Promotion Preferences – Veterans and Spouses**

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

**SB0245/553597/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 245

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the third “and” insert “Their”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 3 down through “SURVEY” in line 10 and substitute “THE NATIONAL GUARD AND THE MILITARY RESERVES”.

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:** SB0245  
**SPONSOR:** Senator Manno, et al  
**SUBJECT:** Labor and Employment – Hiring and Promotion Preferences – Veterans and Spouses

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 Astle, Chair  
Senator Klausmeier  
Senator Reilly

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**AMENDED IN THE HOUSE**

**Senate Bill 352 – Senators Hershey and Rosapepe**

AN ACT concerning

**Maryland Health Care Commission – Certificate of Need Review – Interested Party**

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

**SB0352/216988/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 352

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, in each instance, strike “health care facility” and substitute “hospital”; and in lines 5 and 6, strike “that does not contain” and substitute “contiguous to the jurisdiction that contains”.

AMENDMENT NO. 2

On page 2, in lines 31 and 32, strike “**HEALTH CARE FACILITY**” and substitute “**ACUTE GENERAL HOSPITAL**”.

On page 3, in lines 1 and 2, strike “**THAT DOES NOT CONTAIN**” and substitute “**CONTIGUOUS TO THE JURISDICTION THAT CONTAINS**”; and in line 2, strike “**HEALTH CARE FACILITY**” and substitute “**ACUTE GENERAL HOSPITAL**”.

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:** SB0352  
**SPONSOR:** Senator Hershey  
**SUBJECT:** Maryland Health Care Commission – Certificate of Need Review  
– Interested Party

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 Hershey, Chair  
Senator Benson  
Senator Reilly

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 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**

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

Favorable report adopted.

FLOOR AMENDMENT

**HB0558/723221/1**

BY: Senator Ferguson

AMENDMENTS TO HOUSE BILL 558

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “City;” insert “providing for the terms of the appointed and elected members of the Board;”; and on page 1, in line 12, after “Act;” insert “requiring the Board to send within a certain period of time a certain written notice to certain entities;”.

AMENDMENT NO. 2

On page 3, in line 11, after “(1)” insert “**(I)**”; in the same line, strike “a” and substitute “**AN APPOINTED**”; in the same line, strike the second set of brackets; in the same line, strike “4”; after line 11, insert:

**“(II) THE TERM OF AN ELECTED MEMBER IS 4 YEARS.”**

On page 3, in line 30, strike “**2020**” and substitute “**2022**”.

On page 7, after line 25, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Baltimore City Board of School Commissioners shall send, within 30 days after the effective date of this Act, a written notice of the changes made to the composition and terms of members of the Baltimore City Board of School Commissioners by § 3–108.1 of the Education Article, as enacted by Section 1 of this Act, to the following parties to the City–State Partnership Agreement of 1996:

- (1) the Mayor of Baltimore City;
- (2) the Baltimore City Council;
- (3) the State Board of Education; and

(4) the American Civil Liberties Union of Maryland on behalf of the plaintiffs in Bradford, et al v. Maryland State Board of Education, et al, (Case No. 94340058/CE189672, Circuit Court for Baltimore City).”

On page 8, in line 8, strike “3.” and substitute “4.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

**House Bill 1533 – Delegates P. Young, Aumann, Brooks, Cluster, Ebersole, Grammer, Hettleman, Jalisi, Krimm, Lafferty, Lam, Lisanti, Luedtke, Metzgar, Miele, Sydnor, West, ~~and K. Young~~ K. Young, Afzali, Long, and Patterson**

AN ACT concerning

~~**Enterprise Zones – Target Redevelopment Areas – Designation and**~~ **Baltimore County – Sales and Use Tax Exemption – Redevelopment Areas**

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

**HB1533/679237/1**

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1533  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, strike “used on certain property in certain areas” and substitute “purchased for use in a certain target redevelopment area”.

AMENDMENT NO. 2

On page 4, in line 4, after “**(3)**” insert “**“TARGET REDEVELOPMENT AREA” MEANS ANY REAL PROPERTY OWNED OR LEASED BY A PERSON IN BALTIMORE COUNTY THAT:**

**(I) WAS PREVIOUSLY OWNED AT ANY TIME BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES; AND**

**(II) WAS, AS OF JANUARY 1, 2016, THE SUBJECT OF AN APPROVED APPLICATION FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE.**

(4);

in line 9, after “**PERSON**” insert “**SOLELY**”; and strike beginning with “**ON**” in line 10 down through “**REDEVELOPED**” in line 13 and substitute “**IN A TARGET REDEVELOPMENT AREA**”.

On page 5, in lines 2 and 3, strike “5” and “2021”, respectively, and substitute “10” and “2026”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

### THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

#### THIRD READING CALENDAR (HOUSE BILLS) #55

**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**

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

Affirmative – 45    Negative – 1    (See Roll Call No. 1206)

The Bill was then sent to the House of Delegates.

### AMENDED IN THE HOUSE

**Senate Bill 840 – The President (By Request – Maryland Economic Development and Business Climate Commission)**

AN ACT concerning



**Income Tax – Rates, Personal Exemptions, and Earned Income Tax Credit –  
~~Refundability~~**

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

**SB0840/195660/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 840  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Income Tax Reform and Relief Act of 2016”; strike beginning with “altering” in line 7 down through “years;” in line 8; in line 12, strike “an” and substitute “certain”; in line 13, strike “individual” and substitute “individuals 21 years of age and older”; in the same line, strike “without regard to a certain age limitation”; in line 14, 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; altering the formula used to apportion certain income to the State for corporations that carry on a trade or business in and out of the State; repealing obsolete provisions;”; strike beginning with “declaring” in line 14 down through “Assembly;” in line 15; in line 15, after “of” insert “certain provisions of”; strike beginning with the second “providing” in line 15 down through “Act;” in line 16; and in line 17, after “individual” insert “and corporate”.

On page 2, in line 8, strike “10–211(a)(1)” and substitute “10–209, 10–402”; and strike in their entirety lines 17 through 34, inclusive.

AMENDMENT NO. 2

On page 3, in lines 8, 10, 12, 14, 24, 26, and 28, in each instance, strike the brackets; and in the same lines, strike “4.975%”, “5.20%”, “5.45%”, “5.725%”, “4.975%”, “5.20%”, and “5.45%”, respectively.

On page 4, in line 1, strike the brackets; and in the same line, strike “5.725%”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 3 through 22, inclusive.

AMENDMENT NO. 4

On page 5, in line 19, strike “THE” and substitute “FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2016, THE”; and strike beginning with “A.” in line 22 down through “2016,” in line 27.

On page 6, in line 8, strike “2016” and substitute “2017”; and in lines 23 and 24, strike “WITHOUT REGARD TO” and substitute “BY SUBSTITUTING AGE 21 FOR”.

AMENDMENT NO. 5

On page 7, after line 21, 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(g) 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.”;**

and in line 22, strike “2.” and substitute “3.”.

**AMENDMENT NO. 6**

On page 7, strike beginning with “but” in line 26 down through the second comma in line 27.

On page 7 in line 32 and on page 8 in line 16, strike “4.75%” and substitute “4.65%”.

On page 8, strike in their entirety lines 1 through 8, inclusive, and substitute:

“(v) 5% of Maryland taxable income of \$100,001 through \$125,000;

(vi) 5.25% of Maryland taxable income of \$125,001 through \$150,000;

(vii) 5.5% of Maryland taxable income of \$150,001 through \$250,000;

and

(viii) 5.75% of Maryland taxable income in excess of \$250,000.”;

strike beginning with “but” in line 9 down through the second comma in line 10; and strike in their entirety lines 17 through 24, inclusive, and substitute:

“(v) 5% of Maryland taxable income of \$150,001 through \$175,000;

(vi) 5.25% of Maryland taxable income of \$175,001 through \$225,000;

(vii) 5.5% of Maryland taxable income of \$225,001 through \$300,000;

and

(viii) 5.75% of Maryland taxable income in excess of \$300,000.”.

AMENDMENT NO. 7

On page 8, after line 24, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–402.

(a) In computing Maryland taxable income, a corporation shall allocate Maryland modified income derived from or reasonably attributable to its trade or business in this State in the following manner:

(1) if a corporation carries on its trade or business wholly within the State, the corporation shall allocate to the State all of the Maryland modified income of the corporation; and

(2) if a corporation carries on its trade or business in and out of the State, the corporation shall allocate to the State the part of the corporation’s Maryland modified income that is derived from or reasonably attributable to the part of its trade or business carried on in the State, in the manner required in subsection (b), (c), or (d) of this section.

(b) (1) Except as provided in subsection (c) or (d) of this section, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State may be determined by separate accounting if practicable.

(2) If in any taxable year a corporation is permitted or required to use the separate accounting method in determining all or a portion of its Maryland taxable income, the portion that is separately accounted for to Maryland shall be taxable whether or not the Maryland modified income of the corporation for the taxable year is zero or less.

(c) [(1) Except as provided in paragraph (2) of this subsection, if the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a 3–factor apportionment fraction:

(i) the numerator of which is the sum of the property factor, the payroll factor, and twice the sales factor; and

(ii) the denominator of which is 4.

(2) (i) In this paragraph:

1. “manufacturing corporation” means a domestic or foreign corporation which is primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 1997 Edition, would be included in Sector 11, 31, 32, or 33; and

2. “manufacturing corporation” does not include a refiner, as defined in § 10–101 of the Business Regulation Article.

(ii) If a manufacturing corporation carries on its trade or business in and out of the State and the trade or business is a unitary business, the part of the corporation’s Maryland modified income derived from or reasonably attributable to trade or business carried on in the State shall be determined using a single sales factor apportionment formula, by multiplying its Maryland modified income by 100% of the sales factor.]

**(1) IF THE TRADE OR BUSINESS IS A UNITARY BUSINESS, THE PART OF THE CORPORATION’S MARYLAND MODIFIED INCOME DERIVED FROM OR REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE SHALL BE DETERMINED USING A SINGLE SALES FACTOR APPORTIONMENT FORMULA, BY MULTIPLYING ITS MARYLAND MODIFIED INCOME BY 100% OF THE SALES FACTOR.**

[(iii) In filing its tax return for each year, a manufacturing corporation shall certify that the NAICS Code reported on its Maryland return is consistent with that reported to other government agencies.

(iv) If the Comptroller determines that a corporation has submitted information that incorrectly classifies the corporation as a manufacturing corporation under subparagraph (i) of this paragraph, the Comptroller shall reclassify the corporation in an appropriate manner.]

[(v)] (2) The Comptroller, in consultation with the Department of Economic Competitiveness and Commerce, shall adopt regulations necessary to carry out the provisions of this subsection.

[(vi) As part of its tax return for a taxable year beginning after December 31, 2005, but before January 1, 2011, each manufacturing corporation that has more than 25 employees and apportions its income under this paragraph shall submit a report, in the form that the Comptroller requires by regulation, that describes for each taxable year as of the last day of the taxable year the following:

1. the difference in tax owed as a result of using the single sales factor apportionment method under this paragraph as compared to the tax owed using the 3-factor double weighted sales factor apportionment method in effect for the last taxable year beginning on or before December 31, 2000;
2. volume of sales in the State and worldwide;
3. taxable income in the State and worldwide; and
4. book value of plant, land, and equipment in the State and worldwide.

(vii) On or before March 1, 2009, and March 1 of each year thereafter until March 1, 2013, and notwithstanding any confidentiality requirements, the Comptroller shall prepare and submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, a comprehensive report on the use of single sales factor apportionment by manufacturing corporations that provides, at a minimum:

1. the number of corporations filing tax returns for the taxable year that ended during the second preceding calendar year that use single sales factor apportionment and the number of such corporations having a Maryland income tax liability for that taxable year;
2. the number of corporations paying less in Maryland income tax for that taxable year as a result of using single sales factor apportionment and the aggregate amount of Maryland income tax savings for all such corporations for that taxable year as a result of using single sales factor apportionment; and

3. the number of corporations paying more in Maryland income tax for the taxable year as a result of using single sales factor apportionment and the aggregate amount of additional Maryland income tax owed by those corporations for the taxable year as a result of using single sales factor apportionment.

(3) The property factor under paragraph (1) of this subsection shall include:

(i) rented and owned real property; and

(ii) tangible personal property located in the State and used in the trade or business.]

(d) To reflect clearly the income allocable to Maryland, the Comptroller may alter, if circumstances warrant, the methods under subsections (b) and (c) of this section, including:

(1) the use of the separate accounting method;

(2) [the use of the 3-factor double weighted sales factor formula method or the single sales factor formula method;

(3) the weight of any factor in the 3-factor formula;

(4)] the valuation of rented property included in the property factor; and

[(5)] (3) the determination of the extent to which tangible personal property is located in the State.”.

#### AMENDMENT NO. 8

On pages 8 through 12, strike beginning with line 25 on page 8 through line 22 on page 12, inclusive.

#### AMENDMENT NO. 9

On page 12, after line 22, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015.



SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall be applicable to all taxable years beginning after December 31, 2016.”;

and strike in their entirety lines 23 through 31, inclusive.

On page 13, in line 1, strike “11.” and substitute “7.”; and in lines 1 and 2, strike “, except as provided in Sections 7, 8, 9, and 10 of this Act.”.

The preceding 9 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:** SB0840  
**SPONSOR:** President  
**SUBJECT:** Income Tax – Rates, Personal Exemptions, and Earned Income Tax Credit

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

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

Senator Kasemeyer, Chair  
Senator Serafini  
Senator DeGrange

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 46 Members present.

(See Roll Call No. 1207)

**RECESS**

At 12:22 P.M. on motion of Senator Pugh, seconded, the Senate recessed until 10:00 A.M. on Legislative Day, April 3, 2016, Calendar Day, Monday, April 11, 2016.

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**AFTER RECESS**  
**Annapolis, Maryland**  
**Legislative Day: April 3, 2016**  
**Calendar Day: Monday, April 11, 2016**

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At 10:13 A.M. the Senate resumed its session.

Prayer by Reverend Julie Jarvis, Interfaith Families Project of Greater Washington D.C., 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. 1209)

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

The Journal of April 2, 2016 was read and approved.

**INTRODUCTION OF RESOLUTIONS**

**Senate Resolution No. 582 – The President and All Members:**

Be it hereby known to all that  
The Senate of Maryland  
offers its sincerest congratulations to  
National Desert Storm Veterans War Memorial Board and Veterans of the Gulf War  
in recognition of  
The 25th Anniversary of the Gulf War and the Veterans of Desert Shield/Desert Storm for  
their service and sacrifice, and in memory of those who were in the war.  
The entire membership extends its best wishes on  
this memorable occasion and directs this resolution  
be presented on this 28th day of February 2016.

Read and adopted by a roll call vote as follows:

Affirmative – 46    Negative – 0    (See Roll Call No. 1210)

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 864 SPONSOR: Senator Lee

SUBJECT: Public Safety – Internet Crimes Against Children Task Force Fund – Establishment (Alicia’s Law)

THIRD READING CALENDAR HOUSE NO. 27 SENATE NO. 60

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Appropriations Committee Amendments (SB0864/514866/1) be adopted.

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”.

Senate Members:

House Members:

Chair, Susan C. Lee

Chair, Brooke E. Lierman

C. Anthony Muse

Keith E. Haynes

Justin Ready

Mike McKay

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1211)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 641      SPONSOR: Delegate Sophocleus**

**SUBJECT: Evidence – Admissibility of DNA Profile –  
Definition and Validation of DNA Profile**

**THIRD READING CALENDAR      HOUSE NO. 39      SENATE NO. 17**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Judicial Proceedings Committee Amendments (HB0641/218279/1) be rejected.
- (2) That the attached Conference Committee Amendments (HB0641/133628/1) be adopted.

**HB0641/133628/1**

BY: Conference 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) STANDARDS ESTABLISHED BY 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.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Robert Cassilly**

\_\_\_\_\_  
Chair, **Frank M. Conaway, Jr.**

\_\_\_\_\_  
**C. Anthony Muse**

\_\_\_\_\_  
**Pam Queen**

\_\_\_\_\_  
**Victor R. Ramirez**

\_\_\_\_\_  
**Deborah C. Rey**

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Read in the Senate:

Read in the House of Delegates:

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Amendment Office Delivers Report to:

(X) Chief Clerk

( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1212)

The Bill was then sent to the House of Delegates.

### AMENDED IN THE HOUSE

**Senate Bill 943 – Senators Raskin, Benson, Feldman, Guzzone, Kelley, King, Lee, Madaleno, Manno, Muse, Peters, Rosapepe, Waugh, and Young**

AN ACT concerning

#### **Criminal Procedure – Firearms – Transfer**

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

**SB0943/952710/1**

BY: House Judiciary Committee

#### AMENDMENTS TO SENATE BILL 943

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, in line 5, after “court” insert “, on request of the State’s Attorney,”; strike beginning with “requiring” in line 6 down through “firearms;” in line 10 and substitute “requiring a person who is prohibited from possessing a certain firearm to transfer the firearm to a certain law enforcement official or a certain firearms dealer within a certain time period; authorizing a person who is prohibited from possessing a certain firearm to designate a representative to make a certain firearm transfer;”; and strike beginning with “requiring” in line 11 down through “circumstances;” in line 15.

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 4 on page 2, inclusive.

On page 4 in line 10, on page 6 in line 6, on page 9 in line 19, and on page 10 in lines 10 and 11, in each instance, strike “FELONY OR CONVICTED OF A”.

On page 6, strike in their entirety lines 20 through 34, inclusive.

On page 7, strike in their entirety lines 4 and 5 and substitute:

**“(2) “CONVICTED OF A DISQUALIFYING CRIME” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.”**

**AMENDMENT NO. 2**

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 11 on page 8, inclusive, and substitute:

**“(B) ON REQUEST OF THE STATE’S ATTORNEY, A COURT SHALL INFORM A PERSON CONVICTED OF A DISQUALIFYING CRIME, EITHER VERBALLY OR IN WRITING OR BOTH, THAT THE PERSON IS PROHIBITED FROM POSSESSING:**

**(1) A REGULATED FIREARM UNDER § 5–133 OF THE PUBLIC SAFETY ARTICLE; OR**

**(2) A RIFLE OR SHOTGUN UNDER § 5–205 OF THE PUBLIC SAFETY ARTICLE.**

**(C) (1) A PERSON WHO IS PROHIBITED FROM POSSESSING A FIREARM UNDER § 5–133 OR § 5–205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE FIREARM WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:**

**(I) A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL; OR**

**(II) A FEDERALLY LICENSED FIREARMS DEALER.**

**(2) A PERSON PROHIBITED FROM POSSESSING A FIREARM UNDER § 5–133 OR § 5–205 OF THE PUBLIC SAFETY ARTICLE MAY DESIGNATE A REPRESENTATIVE TO TRANSFER A FIREARM TO A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR TO A FEDERALLY LICENSED FIREARMS DEALER.”**



On page 8, in line 13, after “PARAGRAPH” insert “**(1) OR**”.

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 13 on page 9, inclusive.

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:** SB0943  
**SPONSOR:** Senator Raskin, et al  
**SUBJECT:** Criminal Procedure – Firearms – Transfer

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 Raskin, Chair  
Senator Lee  
Senator Ready

Said Bill is returned herewith.

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

Read and adopted.

**AMENDED IN THE HOUSE**

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

AN ACT concerning

**Local Government Tort Claims Act – Regional Development Councils**

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

**SB1097/722611/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 1097

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 8, strike the brackets; strike beginning with “A” in line 8 down through “COUNCIL” in line 9; and after line 9, insert:

**“(18) THE MID–SHORE REGIONAL COUNCIL;**

**(19) THE UPPER SHORE REGIONAL COUNCIL;**

**(20) THE TRI–COUNTY COUNCIL FOR THE LOWER EASTERN SHORE OF MARYLAND;**”.

AMENDMENT NO. 2

On page 3, in lines 10, 11, 12, 14, 15, 17, 18, 19, 23, 26, 27, and 30, strike “(18)”, “(19)”, “(20)”, “(21)”, “(22)”, “(23)”, “(24)”, “(25)”, “(26)”, “(27)”, “(28)”, and “(29)”, respectively, and substitute “**(21)**”, “**(22)**”, “**(23)**”, “**(24)**”, “**(25)**”, “**(26)**”, “**(27)**”, “**(28)**”, “**(29)**”, “**(30)**”, “**(31)**”, and “**(32)**”, respectively.

On page 4, strike in their entirety lines 1 through 12, inclusive.

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:** SB1097  
**SPONSOR:** Senator Mathias, et al  
**SUBJECT:** Local Government Tort Claims Act – Regional Development Councils

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 Brochin, Chair  
Senator Cassilly  
Senator Muse

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**CONCURRENCE CALENDAR #31**

**AMENDED IN THE HOUSE**

**Senate Bill 28 – ~~Senator Kagan~~ Senators Kagan, Conway, Pinsky, Bates, Nathan-Pulliam, Ramirez, Rosapepe, Salling, Simonaire, Waugh, Young, and Zucker**

AN ACT concerning

**State Government – Web Sites – Language Access**

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

**SB0028/146885/1**

BY: Health and Government Operations Committee

**AMENDMENTS TO SENATE BILL 28**

(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 3, in line 8, after “**THAT**” insert “:

1. IS SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES AT LEAST 0.5% OF THE OVERALL POPULATION WITHIN THE STATE, AS MEASURED BY THE MOST RECENT UNITED STATES CENSUS; AND

2.”.

AMENDMENT NO. 2

On page 3, in line 19, strike “THAT” and substitute “IF:

(I) THE STATE DEPARTMENT, AGENCY, OR PROGRAM DETERMINES THAT AN INACCURATE TRANSLATION OF THE CONTENT COULD LEAD TO A DENIAL OF SERVICES OR BENEFITS; OR

(II) THE CONTENT”.

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 – 42    Negative – 4    (See Roll Call No. 1213)

**AMENDED IN THE HOUSE**

**Senate Bill 624 – Calvert County Senators**

AN ACT concerning

**Calvert County – Alcoholic Beverages – Beer and Wine Festival (BWF) License**

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

**SB0624/713697/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 624

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and” and substitute “or”; in lines 2 and 5, in each instance, strike “(BWF)”; in line 3, strike “certain provisions of law relating to a” and substitute “the”; in the same line, after “festival” insert “license”; in line 4, after the first “County” insert “to be the beer or wine festival license; establishing that beer festivals and beer and wine festivals are subject to certain authorizations and requirements applicable to wine festivals”; in line 5, strike “a” and substitute “the”; in the same line, strike “and” and substitute “or”; strike beginning with “alcoholic” in line 5 down through “wine” in line 8 and substitute “persons; providing that the primary purpose of the license is to authorize the holder to sell certain beer or wine; authorizing the Board to approve up to a certain number of weekends for beer or wine festivals per license applicant each year and requiring the Board to approve the location for a”; strike beginning with “sale” in line 8 down through “beverages” in line 9 and substitute “beer or wine festival license”; and in line 14, strike “(S.B. \_\_\_\_\_)(6lr1406)” and substitute “(S.B. 724)”.

#### AMENDMENT NO. 2

On page 1, in line 20, strike “AND” and substitute “OR”.

On page 2, in line 2, after the first “of” insert “;”

(I)”;

in lines 2, 14, and 16, in each instance, strike “AND” and substitute “OR”; in line 2, strike the comma and substitute “;”

(II) A”;

in line 3, strike “, [or]” and substitute “;”

(III) A”;

in the same line, strike the second comma and substitute “;”

(IV) A”;

in the same line, strike the third comma and substitute “;”

(V) A”;

in line 4, strike the comma and substitute a semicolon; in the same line, after “OR” insert:

“(VI) A”;

strike beginning with “THAT:” in line 5 down through “SECTION” in line 12; in line 13, after “The” insert “PRIMARY PURPOSE OF THE”; in the same line, strike “authorizes” and substitute “IS TO AUTHORIZE”; in the same line, strike “AND” and substitute “THAT IS BREWED IN THE STATE OR”; in the same line, after “wine” insert “THAT IS MANUFACTURED AND PROCESSED IN THE STATE”; in line 17, strike “For the BEER AND wine festival, the” and substitute “THE”; in the same line, strike “shall choose”; in line 18, strike “NOT MORE THAN” and substitute “MAY APPROVE UP TO”; in the same line, after “WEEKENDS” insert “FOR BEER OR WINE FESTIVALS PER APPLICANT”; in line 19, strike “a” and substitute “SHALL APPROVE THE”; and in the same line, strike “that is not already licensed” and substitute “FOR A FESTIVAL”.

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. 1214)

### AMENDED IN THE HOUSE

#### Senate Bill 630 – Senator Hershey

AN ACT concerning

#### Comptroller – Distillery Off-Site Permit and Liquor Festival Permit

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

**SB0630/873198/1**

BY: Economic Matters Committee

#### AMENDMENT TO SENATE BILL 630

(Third Reading File Bill)

On page 1, in line 3, strike “issue” and substitute “grant”; and in line 15, strike “issue” and substitute “grant”.

On page 4 in line 2, and on page 5 in line 17, in each instance, strike “ISSUE” and substitute “GRANT”.

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. 1215)

### AMENDED IN THE HOUSE

#### Senate Bill 958 – Cecil County Senators

AN ACT concerning

#### **Cecil County – Alcoholic Beverages – ~~Class 9 Limited Distillery Licenses and Class 7 Micro Brewery Licenses~~**

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

**SB0958/323991/1**

BY: Economic Matters Committee

#### AMENDMENTS TO SENATE BILL 958 (Third Reading File Bill)

##### AMENDMENT NO. 1

On page 1, in line 4, strike “a Class 9 limited distillery license and”; strike beginning with “authorizing” in line 5 down through “year;” in line 14; and in line 19, after “license;” insert “authorizing the Board of License Commissioners for Cecil County to determine a certain ratio of gross receipts;”.

On page 2, in line 14, strike “and 17–404”.

##### AMENDMENT NO. 2

On page 3, in line 12, strike “The following sections” and substitute “**SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”)**”; in line 13, strike “[do not]” and substitute “**DOES NOT**”; strike beginning with the colon in line 13 down through “**SUBTITLE**” in line 17; and after line 17, insert:

**“(C) SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) APPLIES IN THE COUNTY, SUBJECT TO § 17-403 OF THIS SUBTITLE.”.**

On pages 3 and 4, strike in their entirety the lines beginning with line 19 on page 3 through line 7 on page 4, inclusive.

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. 1216)

### CONCURRENCE CALENDAR #33

#### AMENDED IN THE HOUSE

**Senate Bill 537 – ~~Senator Klausmeier~~ Senators Klausmeier, Astle, Benson, Feldman, Hershey, Jennings, Kelley, Mathias, Middleton, Pugh, and Reilly**

AN ACT concerning

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

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

**SB0537/406283/1**

BY: Health and Government Operations Committee

#### AMENDMENTS TO SENATE BILL 537

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 3, after line 26, 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 16, 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 12 and 13, strike **“OR § 21-2A-04.2”**.

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. 1217)

**MESSAGE TO THE SENATE**

**BILL:**                    **SB0245**  
**SPONSOR:**            Senator Manno, et al  
**SUBJECT:**            Labor and Employment – Hiring and Promotion Preferences –  
                                  Veterans and Spouses

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 Astle, Chairman  
Senator Klausmeier  
Senator Reilly.

The House appoints:

Delegate C. Wilson, Chair  
Delegate Brooks

Delegate S. Howard

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

**BILL:** SB0206  
**SPONSOR:** President  
**SUBJECT:** ScrtY Sstms Technicians and Agencies – Fees and Rpl of Sunset  
Prvsn and Program Evaluation

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

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur.

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

Delegate Jameson, Chair  
Delegate Davis  
Delegate W. Miller

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

**BILL:** SB0182  
**SPONSOR:** Senator Mathias, et al  
**SUBJECT:** Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

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 Waugh, Chairman  
Senator Kagan  
Senator Salling.

The House appoints:

Delegate Holmes, Chair  
Delegate Anderton  
Delegate McCray

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

#### MESSAGE TO THE SENATE

**BILL:** SB0840  
**SPONSOR:** President  
**SUBJECT:** Income Tax – Rates, Personal Exemptions, and Earned Income Tax Credit

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

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

The Senate has appointed:

Senator Kasemeyer, Chairman  
Senator Serafini  
Senator DeGrange.

The House appoints:

Delegate Walker, Chair  
Delegate Kaiser  
Delegate D. Barnes

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### 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 still does not concur in the Senate amendments to the House Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:

Senator Astle, Chairman  
Senator Klausmeier  
Senator Reilly.

The House appoints:

Delegate C. Wilson, Chair  
Delegate Brooks  
Delegate S. Howard

Said Bill is returned herewith.

By Order,

Sylvia Siegert

Chief Clerk

Read and ordered journalized.

**MESSAGE TO THE SENATE**

**BILL:** **HB0220**  
**SPONSOR:** Delegate Barron, et al  
**SUBJECT:** Criminal Procedure – Partial Expungement

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 Conaway  
Delegate Rosenberg

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:** **HB0220**  
**SPONSOR:** Delegate Barron, et al  
**SUBJECT:** Criminal Procedure – Partial Expungement

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 Conaway  
Delegate Rosenberg.

The Senate appoints:

Senator Zirkin, Chair  
Senator Hough  
Senator McFadden

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

#### MESSAGE TO THE SENATE

**BILL:** **HB0636**  
**SPONSOR:** Delegate Smith, et al  
**SUBJECT:** Maryland Tort Claims Act – Certain Claim Requirement –  
Exception

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 Sydnor, 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:** **HB0636**  
**SPONSOR:** Delegate Smith, et al  
**SUBJECT:** Maryland Tort Claims Act – Certain Claim Requirement –  
Exception

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 Sydnor, Chairman  
Delegate Queen  
Delegate Rey.

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.

**MESSAGE TO THE SENATE**

**BILL:** **HB0637**  
**SPONSOR:** Delegate Smith, et al  
**SUBJECT:** Local Government Tort Claims Act – Notice Requirement –  
Exception

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 Sydnor, 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:** **HB0637**  
**SPONSOR:** Delegate Smith, et al  
**SUBJECT:** Local Government Tort Claims Act – Notice Requirement –  
Exception

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 Sydnor, Chairman  
Delegate Queen  
Delegate Rey.

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.

**MESSAGE TO THE SENATE**

**BILL:** **HB0657**  
**SPONSOR:** Delegate Shoemaker, et al  
**SUBJECT:** Education – Prekindergarten and Kindergarten Assessments –  
Administration

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 Kaiser, Chair  
Delegate Hornberger  
Delegate A. Washington

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:** **HB0657**  
**SPONSOR:** Delegate Shoemaker, et al

SUBJECT: Education – Prekindergarten and Kindergarten Assessments –  
Administration

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 Kaiser, Chairman  
Delegate Hornberger  
Delegate A. Washington.

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.

### THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

#### THIRD READING CALENDAR (HOUSE BILLS) #46

#### CONSENT CALENDAR #29

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 816	Cecil County Delegation	Cecil County – Sheriff – Salary	JPR
HB 886	Del. West	Maryland Medical Assistance Program – Telemedicine – Modifications	FIN

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 981	Del. Kelly	Maryland Medical Assistance Program – Guardianship Fees – Personal Needs Allowance	FIN
HB 1157	Calvert County Delegation	Calvert County – Assistant Sheriff – Salary and Status	JPR
HB 1247 (Emerg)	Del. Hayes	Insurance – Self-Funded Student Health Plans	FIN
HB 1268	Calvert County Delegation	Calvert County – Pretrial Release Program – Nonviolent Felon	JPR
HB 1411	Del. McMillan	Health – Recovery Residences – Certification	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 29 were read the third time and passed by yeas and nays as follows:

Affirmative – 46    Negative – 0    (See Roll Call No. 1218)

The Bills were then sent to the House of Delegates.

### **THIRD READING CALENDAR (HOUSE BILLS) #47**

**House Bill 76 – Chair, Judiciary Committee (By Request – Departmental – State Police)**

AN ACT concerning

**Department of State Police – Investigation Authority**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1219)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1220)

The Bill was then sent to the House of Delegates.

**House Bill 439 – Delegates Kramer and Fraser–Hidalgo**

AN ACT concerning

**Commercial Law – Consumer Protection – Door-to-Door Sales**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1221)

The Bill was then sent to the House of Delegates.

**House Bill 557 – Delegate Jameson**

AN ACT concerning

**Homeowner’s Insurance – Underwriting Standards – Deductibles**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1222)

The Bill was then sent to the House of Delegates.

**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**

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

The motion was adopted.

**House Bill 965 – ~~Delegate Walker~~ Delegates Walker, Hornberger, and Metzgar**

AN ACT concerning

**The Maryland International and Preakness Stakes Incentive Act of 2016**

FLOOR AMENDMENT

**HB0965/273228/2**

BY: Senator Madaleno

AMENDMENTS TO HOUSE BILL 965, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, after “conditions;” insert “providing that certain money from the State Lottery Fund be distributed to pay for certain sporting events by the Maryland Office of Sports Marketing in the Maryland Stadium Authority and Maryland History Day and other programming by the Maryland Humanities Council beginning on a certain date;”.

AMENDMENT NO. 2

On page 3 of the bill, in line 17, strike “**\$500,000**”; in line 18, after “**ARTICLE**” insert “**;**”

**(I) \$500,000;**

and in line 19, after “**TITLE**” insert “**;**”

**(II) \$350,000 TO THE MARYLAND OFFICE OF SPORTS MARKETING IN THE MARYLAND STADIUM AUTHORITY FOR INCENTIVE GRANTS FOR YOUTH AND AMATEUR SPORTING EVENTS; AND**

**(III) \$150,000 TO THE MARYLAND HUMANITIES COUNCIL FOR MARYLAND HISTORY DAY AND OTHER PROGRAMMING”.**

On page 3 of the Finance Committee Amendments (HB0965/657877/1), in line 20 of Amendment No. 2, strike “**\$500,000**” and substitute “**\$1,000,000**”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1223)

The Bill was then sent to the House of Delegates.

**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**

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

The motion was adopted.

**House Bill 1115 – Montgomery County Delegation**

AN ACT concerning

**Montgomery County – Cigarette Retailers – County License Fee  
MC 12–16**

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

Affirmative – 43    Negative – 3    (See Roll Call No. 1224)

The Bill was then sent to the House of Delegates.

**House Bill 1342 – Delegates Kramer, Fraser–Hidalgo, Adams, Angel, Atterbeary, 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-Melnyk, 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)**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1225)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #49**

**House Bill 238 – ~~Delegate Sophocles~~ Anne Arundel County Delegation**

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Disposition of Fees**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1226)

The Bill was then sent to the House of Delegates.

**House Bill 385 – Delegate Anderson (By Request – Baltimore City Administration)**

AN ACT concerning

**Baltimore City – Abandoned Property – Tax Sales – Ground Rent**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1227)

The Bill was then sent to the House of Delegates.

**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

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

Affirmative – 38    Negative – 8    (See Roll Call No. 1228)

The Bill was then sent to the House of Delegates.

**House Bill 632 – Howard County Delegation**

AN ACT concerning

**Howard County – Alcoholic Beverages – Luxury Restaurants and Farm  
Breweries – Licenses  
Ho. Co. 14–16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1229)

The Bill was then sent to the House of Delegates.

**House Bill 654 – Howard County Delegation**

AN ACT concerning

**Howard County – Alcoholic Beverages – Class D Beer, Wine, and Liquor  
Licenses  
Ho. Co. 10–16**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1230)

The Bill was then sent to the House of Delegates.



**House Bill 655 – Howard County Delegation**

AN ACT concerning

**Howard County – Alcoholic Beverages – Class D Licenses  
Ho. Co. 7–16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1231)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 31    Negative – 14    (See Roll Call No. 1232)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 44    Negative – 2    (See Roll Call No. 1233)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1234)

The Bill was then sent to the House of Delegates.

**House Bill 1029 – Montgomery County Delegation**

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Class BD–BWL License – Hours of  
Sale  
MC 17–16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1235)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1236)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1237)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #50**

**CONSENT CALENDAR #30**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 969	Harford County Delegation	Harford County – Alcoholic Beverages – Business Establishments Near Schools	EHE
HB 1073	Montgomery County Delegation	Montgomery County – Alcoholic Beverages – License Applications – Online Notice MC 5–16	EHE
HB 1074 (Emerg)	Montgomery County Delegation	Montgomery County – Laytonsville – Alcoholic Beverages Licenses MC 22–16	EHE
HB 1076	Montgomery County Delegation	Montgomery County – Alcoholic Beverages – Sports Stadium License MC 19–16	EHE
HB 1135	Prince George’s County Delegation	Prince George’s County – Board of License Commissioners – Budget and Funding PG 308–16	EHE
HB 1311	Prince George’s County Delegation	Prince George’s Co – Alchlc Bevs Lcnss – Dvlp Dist Lcnss and Sunday Off–Sale Prmts PG 305–16	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 30 were read the third time and passed by yeas and nays as follows:

Affirmative – 45    Negative – 0    (See Roll Call No. 1238)

The Bills were then sent to the House of Delegates.

**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**

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1239)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #51**

**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**

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

Affirmative – 44    Negative – 1    (See Roll Call No. 1240)

The Bill was then sent to the House of Delegates.

**House Bill 133 – Charles County Delegation**

AN ACT concerning

**Charles County – Annual Financial Report and Annual Audit Report – Filing  
Date**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1241)

The Bill was then sent to the House of Delegates.

**House Bill 318 – Delegates Jacobs, Arentz, and Ghrist**

AN ACT concerning

**Kent County – Fisheries – Use of Haul Seines**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1242)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1243)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1244)

The Bill was then sent to the House of Delegates.

**House Bill 671 – Howard County Delegation**

AN ACT concerning

**Howard County – Practice of Massage – Regulation  
Ho. Co. 13–16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1245)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1246)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1247)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1248)

The Bill was then sent to the House of Delegates.

**House Bill 1138 – Prince George’s County Delegation**

AN ACT concerning

**Prince George’s County – School Facilities Surcharge – Student Housing Exemptions  
PG 439–16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1249)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 32    Negative – 14    (See Roll Call No. 1250)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1251)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #54**

**House Bill 55 – Delegate Cluster**

AN ACT concerning

**Baltimore County – Education – WhyTry Program**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1252)

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**

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



Affirmative – 33    Negative – 13    (See Roll Call No. 1253)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 45    Negative – 1    (See Roll Call No. 1254)

The Bill was then sent to the House of Delegates.

**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)**

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

Affirmative – 44    Negative – 2    (See Roll Call No. 1255)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1256)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1257)

The Bill was then sent to the House of Delegates.

**House Bill 516 – Delegate Glass**

AN ACT concerning

**Harford County – Archery Hunting – Safety Zone**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1258)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 44    Negative – 2    (See Roll Call No. 1259)

The Bill was then sent to the House of Delegates.

**House Bill 797 – Chair, Environment and Transportation Committee (By Request  
– Departmental – Environment)**

AN ACT concerning

**Nontidal Wetlands – Nontidal Wetland Mitigation Banking**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1260)

The Bill was then sent to the House of Delegates.

**House Bill 852 – Delegates Lisanti, Fennell, and Tarlau**

AN ACT concerning

**Local Government – Municipal Elections – Tie Votes**

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

The motion was adopted.

**House Bill 1068 – Delegates Hammen, Clippinger, and Lierman**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Pub Crawl Promoter's Permits**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1261)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1262)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1263)

The Bill was then sent to the House of Delegates.

**House Bill 1446 – Delegate McComas**

AN ACT concerning

**State Department of Assessments and Taxation – Registering Entity Names – Limitations**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1264)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #56**

**CONSENT CALENDAR #32**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 900	Del. Frick	Motor Vehicle Insurance – Personal Injury Protection – Rejection of Coverage	FIN
HB 912	Del. Frick	Motor Vehicle Insurance – Program to Incentivize and Enable Uninsured Vehicle Owners to Be Insured	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 32 were read the third time and passed by yeas and nays as follows:

Affirmative – 46    Negative – 0    (See Roll Call No. 1265)

The Bills were then sent to the House of Delegates.

### YEAS AND NAYS

#### SENATE BILLS PASSED IN THE HOUSE

BILL NO.	SPONSOR	CONTENT
SB 75	Chair, Finance Committee	Insurance – Public Adjusters – Licensing
SB 162	Sen. Astle	Gas Companies – Infrastructure Replacement Projects – Amendment to a Plan
SB 401	Sen. Waugh	Charles County and St. Mary's County – Deer Management Permit – Firearms

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BILL NO.	SPONSOR	CONTENT
SB 631	Sen. Hershey	Local Facility Closure Reserve Funds – Investments and Reinvestments

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

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BILL NO.	SPONSOR	CONTENT
SB 97	Chair, Finance Committee	Public Health – Opioid–Associated Disease Prevention and Outreach Programs
SB 108	Chair, Education, Health, and Environmental Affairs Committee	Nurse Support Program Assistance Fund – Revisions
SB 148	Sen. Feldman	Crprtns and Real Este Invstmnt Trsts – Drctrs and Trustees – Duties and Imnty From Lblty
SB 185	Sen. Kelley	Income Tax – Filing of Withholding Statements
SB 226	Sen. Simonaire	Prof Engrns – Engnrg Docs Prprd at the Rqst of the St or Pltcl Sbdvsn of the St – Signing and Slng
SB 376	The President	Pathways in Technology Early College High (P–TECH) Schools Act of 2016
SB 395	Sen. Conway	Ethics – Local Government – Conflict of Interest and Financial Disclosure
SB 459	Sen. Conway	Campaign Finance – Ballot Issue Committees – Prospective Questions

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BILL NO.	SPONSOR	CONTENT
SB 481	Sen. Lee	Labor and Employment – Equal Pay for Equal Work
SB 505	Sen. Klausmeier	Workers' Compensation Insurance – Premium Discount – Alcohol– and Drug–Free Workplace Program
SB 509	Sen. Waugh	Real Property – Actions to Quiet Title
SB 545	Sen. Pugh	Lbr and Emplmt – Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Est
SB 557	Sen. Astle	Members of the National Guard – Employment and Reemployment Rights – Enforcement
SB 575	Sen. Ramirez	County Boards of Education – Limit on Liability
SB 579	Sen. Ramirez	Vehicle Laws – Application – Park Model Recreational Vehicles – Definition
SB 586	Sen. King	DHMH – Regional Institutes for Children and Adolescents – Rpt Before Closure
SB 595	Sen. Rosapepe	Education – Middle School Students – Awarding of Credit
SB 605	Sen. Bates	Athletic Trainers – Evaluation and Treatment Protocols – Approval
SB 649	Sen. Astle	City of Annapolis – Alcoholic Beverages – Refillable Container Permit for Draft Beer
SB 676	Sen. Kasemeyer	College Affordability Act of 2016
SB 765	Sen. Raskin	CINA, Grdnshp, Adoption, Custody, and Visitation – Dsbly of Parent, Guardian, Custodian, or Party
SB 770	Sen. Bates	Education – Public High Schools – Agriculture Science
SB 806	Sen. Pugh	St Bd of Physcns – Ntrpthc Doctors – Est of Ntrpthc Doctors Frmlry Cncl and Ntrpthc Frmlry

BILL NO.	SPONSOR	CONTENT
SB 852	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Beer and Wine Festivals
SB 926	Sen. Young	Lyme Disease – Laboratory Test – Required Notice
SB 969	Sen. Brochin	Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions
SB 1057	Sen. King	Maryland Technology Dvlp Corporation – Maryland Innovation Initiative – Financing Authority
SB 1080	Sen. Edwards	Garrett County – Property Tax Exemption – Garrett College Business Incubator
SB 1081 (Emerg)	Sen. Eckardt	Mental Hlth – Vlntry and Involuntary Admissions – Certfn by Psychiatric Nurse Practitioners
SB 1094	Sen. Astle	Health – Recovery Residences – Certification
SB 1109	Chair, Finance Committee	Div of Workforce Dvlp and Adlt Learning – Transfer of Senior Community Service Employment Program
SB 1125	Sen. Ferguson	Education – Public School Opportunities Enhancement Act
SB 1128	Sen. Young	Frederick County Sheriff – Collective Bargaining
SB 1130	Sen. Rosapepe	Construction Education and Innovation – Establishment of Fund
SB 1170	Sen. Conway	Next Generation Scholars of Maryland
SB 1171	Sen. Pugh	Enoch Pratt Free Library – Hours of Operation – Funding

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 468 – Delegates Lam, Anderson, Carr, Ebersole, Fraser–Hidalgo, Glenn, Haynes, Hettleman, Hill, Jalisi, A. Miller, Moon, Morales, Morhaim, Oaks, Platt, Reznik, B. Robinson, Smith, Tarlau, M. Washington, and K. Young**

AN ACT concerning

**Public Health – Opioid–Associated Disease Prevention and Outreach Programs**

FOR the purpose of repealing the Prince George’s County AIDS Prevention Sterile Needle and Syringe Exchange Program; authorizing the establishment of Opioid–Associated Disease Prevention and Outreach Programs by certain entities; authorizing a county to cooperate with another county to establish a Program; requiring a local health department or a certain community–based organization to apply to the Department of Health and Mental Hygiene and a local health officer for authorization to operate a Program; authorizing a local health department or a certain community–based organization to apply at any time for authorization to operate a Program; requiring the Department and a local health officer to jointly issue a certain determination; requiring the Department and a local health officer to approve or deny an application for authorization to operate a Program within a certain time period and to provide a certain explanation; authorizing a local health department or a certain community–based organization to appeal a certain decision to the Deputy Secretary for Public Health Services; requiring the Deputy Secretary to grant or deny a certain appeal within a certain time period and to provide a written explanation of a certain decision; requiring a Program to provide for the exchange by participants of ~~used~~ hypodermic needles and syringes; requiring a Program to operate in accordance with procedures approved by certain local health officers and the Department of ~~Health and Mental Hygiene~~, on the recommendation of a certain committee; requiring a Program to be designed and maintained to provide security of ~~exchange Program~~ locations and equipment, in accordance with certain regulations; requiring a Program to be operated to allow participants to ~~exchange–used~~ obtain and retain hypodermic needles at any ~~exchange Program~~ location; requiring a Program to include appropriate levels of staff expertise and training; requiring a Program to provide for the dissemination of other preventive means of curtailing the spread of certain diseases; requiring a Program to provide linkage to ~~drug counseling and treatment~~ certain additional services; requiring a Program to educate ~~individuals who inject drugs~~ participants on the dangers of contracting certain diseases ~~through needle sharing practices and unsafe sexual behaviors~~; requiring a Program to provide overdose prevention education and access to naloxone or a certain referral; requiring a Program to establish procedures for identifying Program participants that are consistent with certain confidentiality provisions; requiring a Program to develop a plan for data collection and Program evaluation in accordance with certain

regulations; authorizing a Program to provide certain additional services; requiring a Program to develop certain operating procedures, a certain outreach plan, and a certain protocol with the ~~advice~~ technical assistance of a certain committee; requiring a Program, ~~on the recommendation by~~ after receiving technical assistance from a certain committee, to submit certain operating procedures, a certain outreach plan, and a certain protocol to ~~certain~~ local health officers and the Department of ~~Health and Mental Hygiene~~ for approval or disapproval; establishing a certain committee; requiring a certain committee to provide certain ~~advice~~ technical assistance and recommendations; requiring the Department of ~~Health and Mental Hygiene~~ to adopt certain regulations and ensure the provision of certain technical assistance; requiring that a Program participant be issued a certain identification card; requiring a Program to collect and report, at certain intervals, certain data to the Department; providing that certain information about a Program participant is confidential; providing that a Program staff member, Program volunteer, or Program participant may not be ~~found guilty of violating certain laws~~ arrested, charged, or prosecuted for certain violations under certain circumstances; providing for the application of this Act; defining certain terms; and generally relating to Opioid-Associated Disease Prevention and Outreach Programs.

BY repealing

Article – Health – General

Section 24-901 through 24-909 and the subtitle “Subtitle 9. Prince George’s County AIDS Prevention Sterile Needle and Syringe Exchange Program”

Annotated Code of Maryland  
(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 24-901 through ~~24-908~~ 24-909 to be under the new subtitle “Subtitle 9. Opioid-Associated Disease Prevention and Outreach Programs”

Annotated Code of Maryland  
(2015 Replacement Volume)

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

**House Bill 778 – Delegates M. Washington and Luedtke**

AN ACT concerning

~~Education – Students With Disabilities – Parental Consent for Individualized  
Education Program Content~~

Education – Students With Disabilities – Study of Parental Consent in the  
Individualized Education Program Process

FOR the purpose of requiring ~~certain individualized education program teams to obtain a certain written consent before implementing certain actions except in certain circumstances; requiring a certain individualized education program team to send a~~

~~certain notice to certain parents under certain circumstances; authorizing a certain individualized education program team to use certain dispute resolution options in certain circumstances; and generally relating to parental consent for individualized education program content~~ the State Department of Education to convene a certain workgroup in consultation with certain stakeholders to review certain statutes and regulations, make certain determinations, discuss certain issues, and make certain recommendations on or before a certain date; and generally relating to a study of parental consent in the individualized education program process.

~~BY renumbering~~

~~Article — Education~~

~~Section 8 — 405(f) through (h), respectively~~

~~to be Section 8 — 405(g) through (i), respectively~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article — Education~~

~~Section 8 — 405(b)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

~~BY adding to~~

~~Article — Education~~

~~Section 8 — 405(f)~~

~~Annotated Code of Maryland~~

~~(2014 Replacement Volume and 2015 Supplement)~~

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

## **House Bill 976 – Delegate Rosenberg**

AN ACT concerning

### **CINA, Guardianship, Adoption, Custody, and Visitation – ~~Blindness~~ Disability of Parent, Guardian, Custodian, or Party**

FOR the purpose of ~~establishing that, in making a disposition on a child in need of assistance (CINA) petition, the blindness of a child's parent, guardian, or custodian is relevant only to the extent that the court finds, based on clear and convincing evidence in the record, that the blindness affects the ability of the parent, guardian, or custodian to give proper care and attention to the child and the child's needs; granting certain blind individuals the opportunity to prove that certain supportive parenting services would prevent a certain finding, determination, denial, or withholding of consent in certain proceedings; authorizing the juvenile court to require the provision of certain supportive parenting services and review the need for the continuation of the services within a reasonable period of time; requiring a~~

~~court, a local department of social services, a guardian, or a child placement agency, in certain proceedings, to specifically state in writing the basis for a certain finding, denial, determination, or withholding of consent and the reason that the provision of certain supportive parenting services is not a reasonable accommodation to prevent the finding, denial, determination, or withholding of consent under certain circumstances; establishing that, in determining whether to grant custody and guardianship to a relative or a nonrelative, the blindness of the relative or nonrelative is relevant only to the extent that the court finds, based on clear and convincing evidence in the record, that the blindness affects the best interest of the child; requiring the Social Services Administration to adopt certain regulations; establishing that, in any custody or visitation proceeding, the blindness disability of a party is relevant only to the extent that the court finds, based on ~~clear and convincing~~ evidence in the record, that the blindness disability affects the best interest of the child; requiring, in a certain custody or visitation proceeding, the party alleging that the blindness disability of the other party affects the best interest of the child to bear a certain burden of proof; ~~defining a certain term;~~ altering ~~a certain~~ the definition of “disability” in certain provisions of law; providing for the construction of “disability” in certain provisions of law; and generally relating to the blindness disability of certain individuals in certain CINA, guardianship, adoption, custody, and visitation proceedings.~~

BY repealing and reenacting, with amendments,  
 Article – Courts and Judicial Proceedings  
 Section 3–819(b)(2) and 3–819.2(a) ~~and (g)~~  
 Annotated Code of Maryland  
 (2013 Replacement Volume and 2015 Supplement)

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)

BY repealing and reenacting, with amendments,  
 Article – Family Law  
 Section 5–338(b), 5–350, 5–3A–35(b), 5–3B–19, 5–525(a), ~~(d), and (j),~~ and  
 9–107  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Family Law  
 Section 5–3A–35(a) and 5–525(d) and (j)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

## House Bill 1126 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County—Pretrial Release Program County Pretrial Release,  
Work Release, and Diversion Programs Task Force**  
PG 307–16

FOR the purpose of ~~requiring an administrator of a Prince George’s County detention center to establish a certain pretrial release program and to adopt certain regulations; authorizing a court to order an individual to participate in a pretrial release program under certain circumstances; establishing when a court may order an individual to participate in a pretrial release program; requiring the administrator to consult with the Prince George’s County State’s Attorney’s Office to establish conditions and requirements for participation in a pretrial release program, establish and administer certain activities, provide certain information and guidance to certain organizations participating in pretrial release programs, act as a liaison with certain organizations participating in a pretrial release program, and maintain final authority over participation in a pretrial release program; establishing certain criteria that may be used to determine participation in a pretrial release program; requiring that the administrator provide certain information to certain entities following the successful completion of a pretrial release program by a participant; authorizing an administrator to charge a fee for participation in a pretrial release program; limiting the fee that may be charged for participation in a pretrial release program; and generally relating to pretrial release programs in Prince George’s County~~ establishing the Prince George’s County Pretrial Release, Work Release, and Diversion Programs Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor, members of the Prince George’s County delegation to the General Assembly, and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Prince George’s County Pretrial Release, Work Release, and Diversion Programs Task Force.

~~BY repealing and reenacting, without amendments,  
Article—Correctional Services  
Section 11–718(a) and (b)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)~~

~~BY adding to  
Article—Correctional Services  
Section 11–718(g)~~

~~Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)~~

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

### House Bill 1410 – Delegate M. Washington

AN ACT concerning

#### **Teacher Induction, Retention, and Advancement Act of 2016**

FOR the purpose of altering the maximum amount of a certain State stipend awarded to certain teachers or other school-based employees who hold certain certificates and who teach in certain public schools; requiring certain public schools to utilize certain teachers in certain leadership roles; requiring certain teachers who teach in certain public middle and high schools in Anne Arundel County to receive a certain stipend from the State under certain circumstances for certain academic years; establishing the Teacher Induction, Retention, and Advancement Pilot Program; authorizing each county board of education to choose to participate in the Pilot Program; requiring a county board to select certain teachers to participate in the Pilot Program; requiring a certain teacher to meet certain qualifications to participate in the Pilot Program; requiring certain teachers to be afforded a certain amount of time to be spent on mentoring, peer observation, assistance with planning, or other preparation activities under the Program; prohibiting a certain amount of time from including student supervision or administrative responsibilities; authorizing a certain amount of time to include support from certain teachers under certain circumstances; requiring a certain county ~~boards of education~~ board to provide certain information regarding the availability of certain resources to ~~be provided to~~ certain teachers; providing for the sharing of certain costs incurred under a certain program; requiring the Governor to include annually a certain appropriation in the State budget; providing for the use of certain funds under a certain program; requiring the State Department of Education to develop certain criteria; requiring the Department to disburse certain funds subject to certain provisions of law; specifying the intent of the General Assembly; ~~defining certain terms~~; requiring the Department to convene a certain workgroup and submit certain reports on or before certain dates; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the induction, retention, and advancement of public school teachers.

BY repealing and reenacting, without amendments,  
Article – Education  
Section 6–306(a)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education

Section 6-306(b)(2) and (5), (c), (d), and (e)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Education  
Section 6-117.1 and 6-306(b)(5) and (c)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

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

**House Bill 1556 – Delegate Folden**

AN ACT concerning

**Frederick County Sheriff – Collective Bargaining**

FOR the purpose of providing that the County Executive of Frederick County may not be a party to certain collective bargaining agreements but may attend and participate in all collective bargaining sessions of certain deputy sheriffs and correctional officers of the Frederick County Sheriff’s Office; and generally relating to collective bargaining rights of deputy sheriffs and correctional officers of the Frederick County Sheriff’s Office.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 2-309(l)(5) and (6)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

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

**House Bill 1572 – Delegate Otto**

EMERGENCY BILL

AN ACT concerning

**Maryland Consolidated Capital Bond ~~Loan of 2015~~ Loans of 2015 and 2016 –  
~~Worcester County – Delmarva Discovery Center and Museum~~**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2015 to add a grantee to certain grants; amending the Maryland Consolidated Capital Bond Loan of 2016 to repeal the matching fund requirement for a certain grant; making this Act an emergency measure; providing for the effective date of certain provisions

of this Act; and generally relating to amending the Maryland Consolidated Capital Bond ~~Loan~~ Loans of ~~2015~~ 2015 and 2016.

BY repealing and reenacting, with amendments,  
Chapter 495 of the Acts of the General Assembly of 2015  
Section 1(3) Item ZA02(BC) and Item ZA03(BQ)

BY repealing and reenacting, with amendments,  
Chapter 27 of the Acts of the General Assembly of 2016  
Section 1(3) Item ZA00(AE)

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

### **House Bill 1615 – Delegate Hixson**

AN ACT concerning

#### **Frederick County – Linking Youth to New Experiences (LYNX) High School – Pilot Program**

FOR the purpose of establishing the Linking Youth to New Experiences (LYNX) High School ~~pilot program~~ at a certain high school in Frederick County; providing that the LYNX High School ~~pilot program~~ is a public school under the authority and supervision of the Frederick County Board of Education and the Frederick County Superintendent of Schools; providing for the purpose of the LYNX High School ~~pilot program~~; requiring the County Superintendent, on or before a certain date, to develop and submit to the ~~State Board of Education for review~~ county board of education for approval a certain plan that describes certain items; requiring the county board to approve the plan on or before a certain date; requiring the County Superintendent to submit a certain plan to the State Board of Education for review; requiring the ~~State Board~~ county board to consult with the County Superintendent after a certain plan is received to ensure that the plan meets certain requirements; requiring the State Board to grant the LYNX High School ~~pilot program~~ a waiver from certain regulations within a certain period of time in accordance with certain provisions of law and regulation subject to certain exceptions; exempting the LYNX High School pilot program from certain provisions of law relating to student assessments prohibiting the State Board from granting certain waivers; requiring certain elements of certain waivers to be subject to certain provisions of law; requiring, after the granting of a certain ~~waivers~~ waiver, the State Board and the County Superintendent to meet with representatives of the ~~Apprenticeship and Training Council and the Division of Labor and Industry in the~~ Department of Labor, Licensing, and Regulation regarding ~~certain items~~ the development and implementation of apprenticeship experiences for certain students; authorizing the LYNX High School ~~pilot program~~ to apply for and accept donations, grants, or other financial assistance from certain entities; requiring the County Superintendent to conduct an evaluation of the LYNX High School ~~pilot program~~ each year; requiring the County Superintendent to submit to the State Board a certain fiscal year



evaluation report on or before a certain date each year; authorizing the LYNX High School ~~pilot program~~ to continue to operate until the County Superintendent sends the State Board a certain notice; requiring the County Superintendent to submit a certain plan and a certain report to certain committees of the General Assembly on or before certain dates; defining certain terms; and generally relating to the LYNX High School ~~pilot program~~ in Frederick County.

BY adding to

Article – Education

Section 7–1701 through 7–1705 to be under the new subtitle “Subtitle 17. LYNX High School ~~Pilot Program~~”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**House Bill 1624 – Delegates Reilly, Adams, Afzali, Anderson, Anderton, Angel, Arentz, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Beitzel, Branch, Bromwell, Brooks, Buckel, Busch, Carey, Carozza, Carr, Carter, Cassilly, Chang, Ciliberti, Clippinger, Cluster, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fisher, Flanagan, Folden, Fraser–Hidalgo, Frick, Frush, Gaines, Ghrist, Gilchrist, Glass, Glenn, Grammer, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Hornberger, C. Howard, S. Howard, Impallaria, Jackson, Jacobs, Jalisi, Jameson, Jones, Kaiser, Kelly, Kipke, Kittleman, Knotts, Korman, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Long, Luedtke, Malone, Mautz, McComas, McConkey, McCray, McDonough, McIntosh, McKay, McMillan, Metzgar, Miele, A. Miller, W. Miller, Moon, Morales, Morgan, Morhaim, O’Donnell, Oaks, Otto, Parrott, Patterson, Pena–Melnyk, Pendergrass, Platt, Proctor, Queen, Rey, Reznik, B. Robinson, S. Robinson, Rose, Rosenberg, Saab, Sample–Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Vogt, Waldstreicher, Walker, A. Washington, M. Washington, West, B. Wilson, C. Wilson, Wivell, K. Young, and P. Young**

#### EMERGENCY BILL

AN ACT concerning

#### **Transportation – Highways – Heroes Highway**

FOR the purpose of requiring the State Highway Administration to dedicate a certain portion of Maryland Route 924 as Heroes Highway; making this Act an emergency measure; and generally relating to Heroes Highway.

BY adding to

Article – Transportation  
 Section 8–657  
 Annotated Code of Maryland  
 (2015 Replacement Volume and 2015 Supplement)

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

**House Bill 1634 – Delegate Jalisi**

AN ACT concerning

~~Juveniles – Restraint and Searches – Limitations~~  
Task Force to Study the Restraint, Searches, and Needs of Children in the  
 Juvenile Justice System

FOR the purpose of ~~prohibiting the use of mechanical restraints by the Department of Juvenile Services on a child in the Department’s custody except under certain circumstances; prohibiting the use of physical restraint by the Department on certain pregnant children and during labor, delivery, or postpartum recovery except under certain circumstances; authorizing a facility superintendent or the superintendent’s superior to allow the search of a child under certain circumstances; authorizing a facility superintendent or the superintendent’s superior to allow the use of mechanical restraints on a child under certain circumstances; authorizing a facility superintendent or the superintendent’s superior to allow the use of physical restraint on certain pregnant children and during labor, delivery, or postpartum recovery under certain circumstances; allowing certain mechanical restraints to be used on a child; limiting the length of time the Department may use certain mechanical restraints on a child; and generally relating to the restraint and searches of a juvenile~~ 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.

~~BY repealing and reenacting, with amendments,  
 Article – Human Services  
 Section 9–227 and 9–237(e)(9) and (10)  
 Annotated Code of Maryland  
 (2007 Volume and 2015 Supplement)~~

~~BY repealing and reenacting, without amendments,  
 Article – Human Services~~

~~Section 9-237(a), (b), and (d)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)~~

~~BY repealing~~

~~Article – Human Services  
Section 9-237(e)(11)  
Annotated Code of Maryland  
(2007 Volume and 2015 Supplement)~~

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

**House Bill 1644 – Delegates West, Aumann, Hettleman, Morhaim, and Stein**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Racetrack License**

FOR the purpose of ~~repealing the racetrack beer and wine license issued in Baltimore County; altering the fee for a racetrack beer, wine, and liquor license in the county;~~ authorizing the Board of License Commissioners for Baltimore County to transfer a Class B or Class D beer, wine, and liquor (on-sale) retail alcoholic beverages license in existence in Election District 15 to a certain location; prohibiting certain licenses from being transferred; requiring that the transferred license be converted into a certain other license; providing for certain restrictions, qualifications, and conditions with respect to the transferred license; prohibiting a license issued under this Act from being transferred to a location outside a certain area or converted into another class of license; requiring that the location for the license comply with all applicable zoning regulations; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 13-102

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

BY ~~repealing and reenacting, with amendments,~~ adding to

Article – Alcoholic Beverages

Section ~~13-1001~~ 13-1709

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

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

**House Bill 1644 – Delegates West, Aumann, Hettleman, Morhaim, and Stein**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Racetrack License**

FOR the purpose of ~~repealing the racetrack beer and wine license issued in Baltimore County; altering the fee for a racetrack beer, wine, and liquor license in the county;~~ authorizing the Board of License Commissioners for Baltimore County to transfer a Class B or Class D beer, wine, and liquor (on-sale) retail alcoholic beverages license in existence in Election District 15 to a certain location; prohibiting certain licenses from being transferred; requiring that the transferred license be converted into a certain other license; providing for certain restrictions, qualifications, and conditions with respect to the transferred license; prohibiting a license issued under this Act from being transferred to a location outside a certain area or converted into another class of license; requiring that the location for the license comply with all applicable zoning regulations; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 13–102

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

BY ~~repealing and reenacting, with amendments,~~ adding to

Article – Alcoholic Beverages

Section ~~13–1001~~ 13–1709

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

Senator Klausmeier moved to suspend the rules to allow **House Bill 1644** to be referred immediately.

The motion was adopted.

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

**INTRODUCTION OF RESOLUTIONS**

**Senate Resolution No. 534 – The President and All Members:**

Be it hereby known to all that  
The Senate of Maryland  
offers its sincerest congratulations to  
Charles C. Nolte  
in recognition of

your retirement from the Maryland General Assembly after more than 16 years of faithful and dedicated service to the citizens of Maryland. Congratulations!

The entire membership extends its best wishes on this memorable occasion and directs this resolution be presented on this 11th day of April 2016.

Read and adopted by a roll call vote as follows:

Affirmative – 46    Negative – 0    (See Roll Call No. 1266)

### 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 Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

**CONCURRENCE CALENDAR #34****AMENDED IN THE HOUSE****Senate Bill 561 – Senator Ferguson**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Class C Beer, Wine, and Liquor~~ Licenses**

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

**SB0561/503098/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 561

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 12, after “City;” insert “authorizing the Board to transfer a certain Class B–D–7 license from a certain location to a certain location;”; and in line 14, after “school;” insert “altering the expiration date for certain licenses; making this Act an emergency measure;”.

On page 2, in line 1, after “12-604” insert “and 12-1604(d) and (e)”; and in line 6, after “12-1604(c)(2)(iv)” insert “, (d), and (e)”.

AMENDMENT NO. 2

On page 3, in line 16, after “district;” insert “**AND**”; strike in their entirety lines 17 through 22, inclusive; in line 23, strike “**(6)**” and substitute “**(4)**”; in line 25, strike “;**AND**” and substitute a period; and strike in their entirety lines 26 through 29, inclusive.

On page 4, strike in their entirety lines 1 through 3, inclusive; and after line 14, insert:

**(D) THE BOARD MAY ISSUE:**

**(1) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF HOLLIDAY STREET IN WARD 3, PRECINCT 3;**

**(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF SOUTH CENTRAL AVENUE IN WARD 3, PRECINCT 3; AND**

**(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A CLASS D BEER LICENSE FOR THE AREA IN WARD 24, PRECINCT 5 THAT IS BOUNDED BY EAST FORT AVENUE ON THE NORTH, THE CSX ACCESS WAY ON THE EAST, EAST MCCOMAS STREET ON THE SOUTH, AND WHETSTONE WAY ON THE WEST.**

**(E) A CLASS D BEER LICENSE MAY BE TRANSFERRED INTO THE AREA SPECIFIED UNDER SUBSECTION (D)(3) OF THIS SECTION IF ORIGINALLY ISSUED FOR ANOTHER AREA.**

**[(d)] (F) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:**

**(1) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;**

**(2) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;**

- (3) (i) ward 1, precinct 4 or 5;
- (ii) ward 23, precinct 1; and
- (iii) ward 24, precinct 5; and
- (4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

**[(e)] (G)** (1) Except as provided in paragraph (2) of this subsection, the Board may not issue a license for:

- (i) ward 1, precincts 4 and 5;
- (ii) ward 23, precinct 1; or
- (iii) ward 24, precinct 5.

(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.”.

#### AMENDMENT NO. 3

On page 4, after line 3, insert:

**“(E) ONE CLASS B–D–7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY MORTON STREET ON THE WEST, WEST EAGER STREET ON THE NORTH, NORTH CHARLES STREET ON THE EAST, AND WEST READ STREET ON THE SOUTH MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY 21ST STREET ON THE NORTH, MORTON STREET ON THE WEST, NORTH CHARLES STREET ON THE EAST, AND 20TH STREET ON THE SOUTH.”.**



AMENDMENT NO. 4

On page 5, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That all alcoholic beverages licenses issued by the Baltimore City Board of Liquor License Commissioners that are due to expire on April 30, 2016:

- (1) will expire instead on May 31, 2016; and
- (2) if renewed, will expire on April 30, 2017.”;

in line 20, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 1 of”; and after line 21, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, 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 4 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. 1267)

**AMENDED IN THE HOUSE**

**Senate Bill 620 – Senators Middleton, Astle, Benson, Conway, Edwards, Feldman, Gladden, Guzzone, Hough, King, Lee, Madaleno, Manno, Mathias, McFadden, Miller, Muse, Peters, Pugh, Ramirez, Raskin, Ready, Salling, Serafini, Waugh, Young, and Zucker**

AN ACT concerning

**Commemorative Weeks – Chesapeake Bay Awareness Week**

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

**SB0620/406981/1**

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 620

(Third Reading File Bill)

On page 2, in line 26, strike “AND”; and in the same line, strike “FOUNDATION” and substitute “COALITION, AND THE CHESAPEAKE BAY COMMERCIAL FISHERMEN’S ASSOCIATION”.

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. 1268)

**QUORUM CALL**

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

(See Roll Call No. 1269)

**ADJOURNMENT**

At 11:38 A.M. on motion of Senator Pugh, seconded, the Senate adjourned until 11:39 A.M. on Legislative Day April 4, 2016, Calendar Day, Monday, April 11, 2016.

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**Annapolis, Maryland**  
**Legislative Day: April 4, 2016**  
**Calendar Day: Monday, April 11, 2016**  
**11:39 A.M. Session**

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The Senate met at 11:39 A.M.

**QUORUM CALL**

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

(See Roll Call No. 1270)

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

The Journal of April 3, 2016 was read and approved.

**THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (SENATE BILLS) #77**

**Senate Bill 730 – Senator Norman**

AN ACT concerning

**Vehicle Laws – Manufacturers and Dealers**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1271)

The Bill was then sent to the House of Delegates.

**Senate Bill 1000 – Senator Waugh**

AN ACT concerning

**St. Mary's County – Circuit Court Personnel – Repeal**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1272)

The Bill was then sent to the House of Delegates.

**Senate Bill 1059 – Senator Conway**

AN ACT concerning

**Baltimore City – Office of the Baltimore City Sheriff – Positions and Grievance Procedures**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1273)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #57**

**House Bill 104 – Delegates Morhaim, Glenn, Hammen, Hill, Lam, and West**

AN ACT concerning

**Medical Cannabis – Written Certifications – Certifying Providers**

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

The motion was adopted.

**House Bill 409 – Delegates Fraser–Hidalgo, Dumais, A. Miller, Anderson, Barkley, Barve, Beidle, Carr, Cullison, Folden, Gilchrist, Gutierrez, Hill, Hixson, Kaiser, Kelly, Korman, Kramer, Lam, Luedtke, McCray, Moon, Morales, Platt, Reznik, S. Robinson, Smith, Valentino–Smith, Waldstreicher, C. Wilson, and Zucker**

AN ACT concerning

**Criminal Law – Providing Alcohol to Underage Drinkers – Penalties  
(Alex and Calvin's Law)**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1274)

The Bill was then sent to the House of Delegates.

**House Bill 525 – Delegates Beidle, Flanagan, Fraser-Hidalgo, Frush, Lam, McCray, Stein, and Szeliga**

AN ACT concerning

**Vehicle Laws – Manufacturers and Dealers**

FLOOR AMENDMENT

**HB0525/573923/1**

BY: Senator Klausmeier

AMENDMENTS TO HOUSE BILL 525, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB0525/608575/1), in line 18 of Amendment No. 1, strike “15–212(c)(10) and”.

AMENDMENT NO. 2

On pages 2 and 3 of the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike beginning with “(10)” in line 13 on page 2 down through the period in line 2 on page 3.

The preceding 2 amendments were read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1275)

The Bill was then sent to the House of Delegates.

**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 Conway moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

**House Bill 571 – Delegates Barkley and W. Miller**

AN ACT concerning

**Gas Companies – Rate Regulation – Environmental Remediation Costs**

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

The motion was adopted.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 182      SPONSOR: Senator Mathias**

**SUBJECT: Public Safety – Rental Dwelling Units – Carbon  
Monoxide Alarms**

**THIRD READING CALENDAR      HOUSE NO. 55      SENATE NO. 23**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Environment and Transportation Committee Amendments (SB0182/320112/1) be adopted.

**SB0182/320112/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 182

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 3, in line 3, strike “OR PLUGGED”.

On page 5, in line 2, after “DWELLING” insert “AS FOLLOWS:”

**(1) OUTSIDE AND IN THE IMMEDIATE VICINITY OF EACH SEPARATE SLEEPING AREA; AND**

**(2) ON EVERY LEVEL OF THE UNIT, INCLUDING THE BASEMENT.”;**

and strike in their entirety lines 6 through 8, inclusive.

AMENDMENT NO. 3

On page 3, after line 21, insert:

**“(H) “SLEEPING AREA” HAS THE MEANING STATED IN § 9-101 OF THIS ARTICLE.”.**

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Steve Waugh**

\_\_\_\_\_  
Chair, **Marvin E. Holmes, Jr.**

\_\_\_\_\_  
**Cheryl C. Kagan**

\_\_\_\_\_  
**Carl Anderton, Jr.**

\_\_\_\_\_  
**Johnny Ray Salling**

\_\_\_\_\_  
**Cory V. McCray**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read only.

Senator Simonaire moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

### THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

#### THIRD READING CALENDAR (HOUSE BILLS) #57

##### House Bill 986 – Delegate Beidle

AN ACT concerning

##### Vehicle Laws – Trade-In Allowance – Leased Vehicles

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1276)

The Bill was then sent to the House of Delegates.

**House Bill 1012 – Delegates McCray, Lierman, Barron, Beidle, Bromwell, Brooks, Busch, Cullison, Fennell, Frush, Gaines, Hettleman, Hixson, Korman, Krimm, Lafferty, Luedtke, Moon, Morhaim, Reznik, B. Robinson, Stein, A. Washington, ~~and M. Washington~~ M. Washington, Tarlau, Kaiser, Ebersole, Afzali, and Platt**

AN ACT concerning

##### Income Tax Credit – Commuter Benefits – Eligibility and Credit Amount

FLOOR AMENDMENT

**HB1012/313525/1**

BY: Senator Ferguson

#### AMENDMENT TO HOUSE BILL 1012

(Third Reading File Bill)

On page 1, in line 2, strike “Income”.

The preceding amendment was read and adopted.



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

Affirmative – 45    Negative – 0    (See Roll Call No. 1277)

The Bill was then sent to the House of Delegates.

**House Bill 1054 – Delegates Brooks, Morales, Anderson, Anderton, Angel, ~~Arentz~~, Atterbeary, Aumann, Barkley, Branch, Bromwell, Carter, Chang, Clippinger, Conaway, Ebersole, Fennell, Fisher, Fraser-Hidalgo, Frick, Ghrist, Glenn, Hayes, Haynes, Hettleman, Holmes, S. Howard, Impallaria, Jackson, Jalisi, Jameson, Jones, Knotts, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Mautz, McCray, McDonough, McMillan, A. Miller, Morhaim, Oaks, Patterson, Rey, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Vaughn, Waldstreicher, A. Washington, M. Washington, West, C. Wilson, and P. Young**

AN ACT concerning

**Income Tax – Penalties – Assessment Schedule**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1278)

The Bill was then sent to the House of Delegates.

**House Bill 1079 – Montgomery County Delegation**

AN ACT concerning

**Montgomery County Student Loan Refinancing Authority  
MC 27-16**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1279)

The Bill was then sent to the House of Delegates.

**House Bill 1167 – Delegates Buckel, Beitzel, Mautz, and Otto**

AN ACT concerning

**Biotechnology Investment Tax Credit – Investment in Qualified Companies in  
Low-Income Areas**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1280)

The Bill was then sent to the House of Delegates.

**House Bill 1168 – Delegates Buckel, Beitzel, Mautz, and Otto**

AN ACT concerning

**Cybersecurity Investment Tax Credit – Investment in Qualified Companies in  
Low-Income Areas**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1281)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1282)

The Bill was then sent to the House of Delegates.

**House Bill 1533 – Delegates P. Young, Aumann, Brooks, Cluster, Ebersole,  
Grammer, Hettleman, Jalisi, Krimm, Lafferty, Lam, Lisanti, Luedtke,  
Metzgar, Miele, Sydnor, West, and K. Young K. Young, Afzali, Long, and  
Patterson**

AN ACT concerning

**~~Enterprise Zones – Target Redevelopment Areas – Designation and~~ Baltimore  
County – Sales and Use Tax Exemption – Redevelopment Areas**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1283)

The Bill was then sent to the House of Delegates.

**House Bill 1636 – Delegate Clippinger**

AN ACT concerning

**Baltimore City – South Baltimore Gateway Community ~~Benefits~~ Impact 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. 1284)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #58**

**CONSENT CALENDAR #33**

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BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 399	Del. Afzali	Lyme Disease – Laboratory Test – Required Notice	FIN
HB 707	Del. Valentino– Smith	Study of Intercepting Horse Racing Winnings for Child Support and Restitution	FIN

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

All of the above listed bills on the Third Reading Consent Calendar No. 33 were read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1285)

The Bills were then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #52**

**CONSENT CALENDAR #31**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 733	Del. Barkley	Alchlc Bevs – Multiple Manufacturer’s Licenses – Sampling, Sale, and Consumption of Products	EHE
HB 739	Del. Barkley	Alcoholic Beverages – Nonprofit Beer Festival Permit – Revisions	EHE
HB 1316	Del. Arentz	Alcoholic Beverages – Class 9 Limited Distillery Licenses	EHE

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

All of the above listed bills on the Third Reading Consent Calendar No. 31 were read the third time and passed by yeas and nays as follows:

Affirmative – 45    Negative – 0    (See Roll Call No. 1286)

The Bills were then sent to the House of Delegates.

**House Bill 616 – Delegate Barkley**

AN ACT concerning

**Alcoholic Beverages – Class 1 Distillery Licenses**

FLOOR AMENDMENT

**HB0616/753725/1**

BY: Senator Conway

AMENDMENTS TO HOUSE BILL 616

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Licenses” insert “– Sale of Powdered Alcohol”; in line 13, after “tour;” insert “prohibiting a person from selling or offering to sell alcoholic beverages”

that are sold in a powder or crystalline form for direct use or use in combination with water or any other substance; providing a certain penalty;"; in line 14, after "licenses" insert "and a prohibition on the sale of powdered alcohol"; after line 14, insert:

"BY renumbering

Article – Alcoholic Beverages

Section 6–326, 6–327, 6–328, and 6–329, respectively

to be Section 6–327, 6–328, 6–329, and 6–330, respectively

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)";

and after line 20, insert:

"BY adding to

Article – Alcoholic Beverages

Section 6–326

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)".

#### AMENDMENT NO. 2

On page 1, after line 20, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6–326, 6–327, 6–328, and 6–329, respectively, of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 6–327, 6–328, 6–329, and 6–330, respectively."

in line 21, strike "1." and substitute "2."; and in the same line, strike "BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND" and substitute "AND BE IT FURTHER ENACTED".

On page 4, after line 6, insert:

**6–326.**

**(A) A PERSON MAY NOT SELL OR OFFER FOR SALE ALCOHOLIC BEVERAGES THAT ARE SOLD IN POWDER OR CRYSTALLINE FORM FOR DIRECT USE OR USE IN COMBINATION WITH WATER OR ANY OTHER SUBSTANCE.**

**(B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**”;

and in line 7, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1287)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

**BILL NO.: HB 1299      SPONSOR: Delegate A. Washington**

**SUBJECT: Property Tax – Crane Located on State Property  
– Exemption**

**THIRD READING CALENDAR      HOUSE NO. 66      SENATE NO. 35**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Budget and Taxation Committee Amendments (HB1299/289734/1) be rejected.

Senate Members:

House Members:

\_\_\_\_\_  
Chair,      **Douglas J. J. Peters**

\_\_\_\_\_  
Chair,      **Mary L. Washington**

\_\_\_\_\_  
**Roger P. Manno**

\_\_\_\_\_  
**Diana M. Fennell**

\_\_\_\_\_  
**Adelaide C. Eckardt**

\_\_\_\_\_  
**Ric Metzgar**

Read in the Senate:

Read in the House of Delegates:

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Amendment Office Delivers Report to: (X) Chief Clerk  
 ( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1288)

The Bill was then sent to the House of Delegates.

**MESSAGE TO THE SENATE**

**BILL:** HB1016  
**SPONSOR:** Speaker, et al  
**SUBJECT:** Public Safety and Policing Workgroup – Recommendations

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 Anderson, Chair  
Delegate Atterbeary  
Delegate Vallario

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:**                   **HB1016**  
**SPONSOR:**            Speaker, et al  
**SUBJECT:**            Public Safety and Policing Workgroup – Recommendations

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 Anderson, Chairman  
Delegate Atterbeary  
Delegate Vallario.

The Senate appoints:

Senator Zirkin, Chair  
Senator McFadden  
Senator Hough

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 #77**

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

**Senate Bill 224 – Senator Simonaire**

AN ACT concerning

**Education – Orange Ribbon for Healthy School Hours – Establishment**

**SB0224/424733/1**

BY: Education, Health, and Environmental Affairs Committee



AMENDMENTS TO SENATE BILL 224  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “certification;” insert “authorizing a local school system to submit to the Department an application for a certain certification; requiring that the Department grant a certain certification to a local school system that meets certain requirements;”; in the same line, strike “receive” and substitute “qualify for”; and in line 7, after “certification;” insert “authorizing the Department to grant a certain limited certification to a local school system under certain circumstances; establishing the qualifications for an Orange Ribbon for Healthy School Hours – Commended certification and an Orange Ribbon for Healthy School Hours – Honorable Mention certification;”.

On page 2, in line 7, strike “by leaving school start times a matter for each local jurisdiction.”.

AMENDMENT NO. 2

On page 2, after line 32, insert:

**“(C) (1) A LOCAL SCHOOL SYSTEM MAY SUBMIT TO THE DEPARTMENT AN APPLICATION FOR THE ORANGE RIBBON FOR HEALTHY SCHOOL HOURS CERTIFICATION.**

**(2) THE DEPARTMENT SHALL GRANT THE APPROPRIATE ORANGE RIBBON FOR HEALTHY SCHOOL HOURS CERTIFICATION TO A LOCAL SCHOOL SYSTEM THAT MEETS THE REQUIREMENTS OF THIS SECTION.”;**

in line 33, strike “(C)” and substitute “(D)”; and in the same line, strike “RECEIVE” and substitute “QUALIFY FOR”.

On page 4, after line 10, insert:

**“(E) (1) IF THE DEPARTMENT DETERMINES THAT A LOCAL SCHOOL SYSTEM DOES NOT MEET ALL OF THE REQUIREMENTS UNDER SUBSECTION (D) OF THIS SECTION, THE DEPARTMENT MAY GRANT A LIMITED CERTIFICATION IF THE LOCAL SCHOOL SYSTEM MEETS THE REQUIREMENTS FOR THE LIMITED CERTIFICATION UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION.**

**(2) TO QUALIFY FOR AN ORANGE RIBBON FOR HEALTHY SCHOOL HOURS – COMMENDED CERTIFICATION, A LOCAL SCHOOL SYSTEM SHALL:**

**(I) MEET THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION;**

**(II) HAVE IMPLEMENTED AND MAINTAINED A SCHOOL DISTRICT-WIDE SCHOOL TIME CHANGE THAT MOVED THE SCHOOL DISTRICT SCHEDULE CLOSER TO THE HOURS SET FORTH IN SUBSECTION (D) OF THIS SECTION; AND**

**(III) PROVIDE EVIDENCE OF PROGRESS TOWARD MEETING THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION.**

**(3) TO QUALIFY FOR AN ORANGE RIBBON FOR HEALTHY SCHOOL HOURS – HONORABLE MENTION CERTIFICATION, A LOCAL SCHOOL SYSTEM SHALL:**

**(I) HAVE ESTABLISHED A SCHOOL STUDY TASK FORCE WITHIN 2 YEARS AFTER THE DATE OF THE LOCAL SCHOOL SYSTEM’S APPLICATION FOR INITIAL CERTIFICATION OR RENEWAL OF A CERTIFICATION TO REVIEW POSSIBLE SOLUTIONS FOR HEALTHY SCHOOL START TIMES; AND**

**(II) 1. MEET THE REQUIREMENT UNDER SUBSECTION (D)(2)(I) OF THIS SECTION; OR**

**2. PROVIDE EVIDENCE OF A PLAN TO MOVE THE LOCAL SCHOOL SYSTEM TOWARD MEETING ALL OF THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION.”;**

in lines 11, 23, and 27, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(F)”, “(G)”, and “(H)”, respectively; and in line 24, after “UNDER” insert “SUBSECTION (D) OR (E) OF”.

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 #78**

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

**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**

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 1021 – Prince George’s County Delegation**

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Notice Requirements and  
Restrictions for Licenses Loitering Enforcement  
PG 303–16**

**HB1021/964638/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1021  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Notice Requirements” and substitute “Licenses, Notice Requirements,”; and in line 22, after “period;” insert “increasing the annual license fees for

certain alcoholic beverages licenses in Prince George’s County; providing that a certain number of Sunday off–sale permits may be issued to holders of a certain license who acquired the license on or after a certain date; repealing the special Sunday “on–sale” permit attached to the Class B beer, wine, and liquor license; altering the maximum number of certain licenses that may be issued in Prince George’s County; altering the hour at which a holder of a Class B beer, wine, and liquor license may begin to sell beer, wine, and liquor; authorizing the Board to issue a certain number of Class B–DD (Development District) licenses to restaurants in certain locations; authorizing certain license holders in the County to file an application with the Board to convert the license to a certain license issued under a certain provision of law; requiring a license holder who files an application under a certain provision of this Act to submit a certain application fee; requiring the Board, under certain circumstances, to hold a certain public hearing; requiring the Board, in determining whether to approve a certain application, to consider certain privileges; requiring the Board, under certain circumstances, to restrict the privileges of a Class D beer and light wine license to allow certain license holders to sell beer and light wine only during certain days and hours and to allow certain license holders to sell beer and light wine only for off–premises consumption; making technical and conforming changes.”.

On page 2, strike in its entirety line 3 and substitute “Section 4–208, 4–209, 4–406, 26–101(a) and (b), 26–102, 26–601(a), 26–604(a), 26–801(a), 26–804(a), 26–902(a), 26–903(a), 26–1001(a), 26–1006(a), 26–1008(a), 26–1009(a), 26–1104(a) and (f), 26–1201(a), 26–1501, 26–1512, 26–1616(a), and 26–1801”; after line 6, insert:

“BY adding to

Article – Alcoholic Beverages

Section 26–601(c), 26–604(c), 26–801(c), and 26–2605

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)”;

strike in its entirety line 9 and substitute “Section 26–601(c), 26–604(c), 26–801(c), 26–804(b) and (d), 26–902(f), 26–903(g), 26–1001(d), 26–1006(i), 26–1008(g), 26–1009(g), 26–1104(b) and (d), 26–1201(d), 26–1511, 26–1601(a)(1), 26–1614(a), 26–1616(e), 26–1702, 26–1803, 26–2003(d), 26–2004(b)(1), and 26–2006(b)”; after line 12, insert:

“BY repealing

Article – Alcoholic Beverages

Section 26–1105

Annotated Code of Maryland

(As enacted by Chapter \_\_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)”;

and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 3, after line 22, insert:

“26–102.

This title applies only in Prince George’s County.

26–601.

(a) There is a Class A beer license.

**(C) (1) (I) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.**

**(II) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.**

**(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.**

**(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS A BEER LICENSE.**

**(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY:**

**(I) DURING THE DAYS AND HOURS SPECIFIED IN § 26–2002(A) OF THIS TITLE; AND**

**(II) FOR OFF-PREMISES CONSUMPTION.**

**[(c)] (D) The annual license fee is [~~\$245~~] \$500.**

26-604.

(a) There is a Class D beer license.

**(C) (1) (I) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.**

**(II) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.**

**(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.**

**(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS D BEER LICENSE.**

**(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY DURING THE DAYS AND HOURS SPECIFIED IN § 26-2002(D) OF THIS TITLE.**

**[(c)] (D) The annual license fee is [~~\$365~~] \$500.**

26-801.

(a) There is a Class A beer and light wine license.

(C) (1) (I) A LICENSE HOLDER MAY FILE AN APPLICATION WITH THE BOARD TO CONVERT THE LICENSE TO A CLASS D BEER AND LIGHT WINE LICENSE.

(II) A LICENSE HOLDER WHO FILES AN APPLICATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL SUBMIT AN APPLICATION FEE OF \$750.

(2) IF A LICENSE HOLDER APPLIES FOR A CONVERSION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL HOLD A PUBLIC HEARING IN THE SAME MANNER A PUBLIC HEARING IS HELD FOR THE ISSUANCE OF A NEW LICENSE.

(3) IN DETERMINING WHETHER TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL CONSIDER THE PRIVILEGES THE LICENSE HOLDER EXERCISES UNDER THE CLASS A BEER AND LIGHT WINE LICENSE.

(4) IF THE BOARD DECIDES TO APPROVE AN APPLICATION FILED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BOARD SHALL RESTRICT THE PRIVILEGES OF THE CLASS D BEER AND LIGHT WINE LICENSE TO ALLOW THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE ONLY:

(I) DURING THE DAYS AND HOURS SPECIFIED IN § 26-2003(A) OF THIS TITLE; AND

(II) FOR OFF-PREMISES CONSUMPTION.

[(c)] (D) The annual license fee is [ \$245 ] \$500.

26-804.

(a) There is a Class D beer and light wine license.

(b) [The] UNLESS THE LICENSE IS RESTRICTED UNDER § 26-601(C) OR § 26-604(C) OF THIS TITLE OR § 26-801(C) OF THIS SUBTITLE, THE license authorizes the license holder to sell beer and light wine, at retail, at the place described in the license, for on- and off-premises consumption.

(d) The annual license fee is [~~\$365~~] **\$500.**

26-902.

(a) There is a Class B beer, wine, and liquor license.

(f) The annual license fee is [~~\$1,455~~] **\$2,305.**

26-903.

(a) There is a Class B-Plus beer, wine, and liquor license.

(g) The annual license fee is [~~\$2,420~~] **\$3,270.**

26-1001.

(a) There is a Class B-AE (arts and entertainment) beer, wine, and liquor license.

(d) The annual license fee is [~~\$2,750~~] **\$3,600.**

26-1006.

(a) There is a Class B-CI license.

(i) The annual license fee is [~~\$1,515~~] **\$2,365.**

26-1008.

(a) There is a Class B/ECF (educational conference facility) beer, wine, and liquor license for the University College Center of Adult Education of the University of Maryland.

(g) The annual license fee is [~~\$4,325~~] **\$5,175.**

26-1009.

(a) There is a Class B-ECF/DS (Education Conference Facility/Dining Service) beer, wine, and liquor license.



(g) The annual license fee is [~~\$7,425~~] **\$8,275**.

26-1104.

(a) There is a Sunday off-sale permit.

(b) (1) **(I) [~~Except~~] SUBJECT TO SUBSECTION (F) OF THIS SECTION AND SUBPARAGRAPH (II) OF THIS PARAGRAPH AND EXCEPT as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:**

**[(i)] 1. a Class A beer, wine, and liquor license; or**

**[(ii)] 2. a Class B beer, wine, and liquor license with an off-sale privilege.**

**(II) SUNDAY OFF-SALE PERMITS MAY BE ISSUED TO HOLDERS OF A CLASS A BEER, WINE, AND LIQUOR LICENSE THAT ACQUIRED THE LICENSE ON OR AFTER JANUARY 1, 2016.**

(2) The Board may not issue a Sunday off-sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off-sale permit.

(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.

(2) The Board may waive the reinvestment requirement.

(3) The Board shall revoke the permit if:

(i) the Board did not waive the reinvestment requirement under [item (ii) of this paragraph] **PARAGRAPH (2) OF THIS SUBSECTION**; and

(ii) the permit holder fails to make the required reinvestment.

(f) Not more than 100 special Sunday off-sale permits may be in effect at any one time.

[26–1105.

(a) There is a Sunday on–sale permit.

(b) The Board may issue the permit to a holder of a Class B beer, wine, and liquor license who meets the standards set out in §§ 26–902 and 26–903 of this title.

(c) The permit authorizes the permit holder on Sunday to sell beer, wine, and liquor by the drink from the bar or a cocktail lounge for on–premises consumption.

(d) The hours of sale are from noon to 2 a.m. the following day.

(e) (1) Except as provided in paragraph (2) of this subsection, for the Board to issue the permit, the average daily receipts from the sale of food shall be at least 40% of the total daily receipts from the sale of “on–sale” food and alcoholic beverages at the applicant’s licensed premises for at least 6 months before the application is submitted.

(2) The Board may immediately issue the permit for a newly licensed establishment if:

(i) the Board determines that the applicant meets the specifications of §§ 26–902 and 26–903 of this title for the preparation, serving, and sale of food; and

(ii) the license holder complies with this section.

(3) An applicant for the permit shall provide the Board with the evidence that the Board requires indicating the qualifications of the applicant.

(f) A permit holder shall provide the Board, at regular intervals that the Board establishes, a statement indicating in detail the ratio of food sales to the sales of alcoholic beverages.

(g) If the average daily receipts from the sale of food fail for 3 successive months to at least equal 40% of the total daily receipts from the sale of food and alcoholic beverages, the Board shall revoke the permit.

(h) The annual permit fee is \$850.]

26–1201.

- (a) There is a Class BCE (on-sale) beer, wine, and liquor license.
- (d) The annual license fee is ~~[\$3,630]~~ **\$4,480.**

On page 12, after line 7, insert:

~~26-1601.~~

(a) (1) Except as otherwise provided in this title, the number of licenses in a class issued by the Board may not exceed:

- (i) Class A beer, ~~[19]~~ **4**;
- (ii) Class B beer, ~~23~~;
- (iii) Class C beer, ~~3~~;
- (iv) Class D beer, ~~[76]~~ **33**;
- (v) Class A beer and light wine, ~~[26]~~ **7**;
- (vi) Class B beer and light wine, ~~45~~;
- (vii) Class B-GC beer and light wine, ~~4~~;
- (viii) Class B-Stadium beer and light wine, ~~1~~;
- (ix) Class C beer and light wine, ~~8~~;
- (x) Class D beer and light wine, ~~[55]~~ **99**;
- (xi) Class A beer, wine, and liquor, ~~143~~;
- (xii) Class B beer, wine, and liquor, ~~185~~;
- (xiii) Class B-AE beer, wine, and liquor, ~~[8]~~ **15**;
- (xiv) Class BCE beer, wine, and liquor, ~~8~~;

(xv) Class B–CI beer, wine, and liquor, 2;

(xvi) Class B–DD beer, wine, and liquor:

1. under § 26–1614(a)(1) of this subtitle, 4;

2. under § 26–1614(a)(2) of this subtitle, 4;

3. under § 26–1614(a)(3) of this subtitle, 6; [and]

4. subject to paragraph (3) of this subsection, under § 26–1614(a)(4) of this subtitle, 6;

**5. UNDER § 26–1614(A)(5) OF THIS SUBTITLE, 4;**

**6. UNDER § 26–1614(A)(6) OF THIS SUBTITLE, 10; AND**

**7. UNDER § 26–1614(A)(7) OF THIS SUBTITLE, 3;**

(xvii) Class B/ECF beer, wine, and liquor, 1;

(xviii) Class B–ECF/DS beer, wine, and liquor, 1;

(xix) Class B–ECR beer, wine, and liquor, 1;

(xx) Class B–Stadium beer, wine, and liquor, 1; and

(xxi) Class C beer, wine, and liquor:

1. under § 26–1002 of this title, 30;

2. under § 26–1005 of this title, 25;

3. under § 26–1011 of this title, 12;

4. under § 26–1017 of this title, 1; and

5. under § 26–1019 of this title, 4.

26-1614.

(a) The Board may issue:

(1) up to four Class B-DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore-Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(2) up to four Class B-DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B-DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace; [and]

(4) subject to subsection (b) of this section, up to six Class B-DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

**(5) UP TO TWO CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE BUENA VISTA WEST MIXED-USE DEVELOPMENT, LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF MD-704/MARTIN LUTHER KING JR. HIGHWAY AND MD-450/ANNAPOLIS ROAD;**

**(6) UP TO FIVE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE KARINGTON MIXED-USED DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-214/CENTRAL AVENUE AND US-301/CRAIN HIGHWAY;**

**(7) UP TO TWO CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE CLINTON MARKETPLACE MIXED-USE DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-223/PISCATAWAY ROAD AND BRANDYWINE ROAD;**

**(8) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1.5 MILES SURROUNDING RIVERTOWNE COMMONS, AT THE INTERSECTION OF LIVINGSTON ROAD AND OXON HILL ROAD;**

(9) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED AT THE INTERSECTION OF ROUTE 373 AND ROUTE 210/INDIAN HEAD HIGHWAY;

(10) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1.5 MILES SURROUNDING IVERSON MALL, AT THE INTERSECTION OF IVERSON STREET AND BRANCH AVENUE; AND

(11) ONE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE TO A RESTAURANT LOCATED WITHIN 1 MILE SURROUNDING THE INTERSECTION OF EAST-WEST HIGHWAY AND BELCREST ROAD.

26-1616.

(a) There is a Class BLX license.

(e) The annual license fee is [~~\$3,025~~] **\$3,875.**

On page 14, after line 17, insert:

“26-2003.

(d) (1) Subject to paragraph (2) of this subsection, **UNLESS THE LICENSE IS RESTRICTED UNDER § 26-601(C), § 26-604(C), OR § 26-801(C) OF THIS TITLE,** a holder of a Class D beer and light wine license may sell beer and light wine:

(i) for on-premises consumption, from 6 a.m. to 2 a.m. the following day; and

(ii) for off-premises consumption, from 6 a.m. to midnight.

(2) The license holder may not sell beer or light wine from 2 a.m. to 6 a.m.

26-2004.

(b) (1) Subject to paragraph (3) of this subsection, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) except as provided in § 26–2005 of this subtitle, for on–premises consumption, on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

(ii) [if issued a Sunday on–sale permit under § 26–1105 of this title,] from [noon] 8 A.M. on Sunday to 2 a.m. the following day; and

(iii) for off–premises consumption, on Monday through Saturday, from 6 a.m. to midnight.

26–2006.

(b) [(1) Subject to paragraph (2) of this subsection, a holder of a Class B restaurant license with or without a Sunday permit that allows the holder to sell liquor by the glass for on–premises consumption may sell beer, wine, and liquor on Sunday from 8 a.m. to 2 a.m. the following day if the Sunday is December 24 or December 31.

(2) A holder of a Class B restaurant license that allows the sale of alcoholic beverages for off–premises consumption may not sell alcoholic beverages for off–premises consumption Monday through Sunday from midnight to 8 a.m.”.

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 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**

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 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**

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 1249 – ~~Delegate Carey~~ Delegates Carey, Rose, and Simonaire**

AN ACT concerning

**Hunting and Fishing – Complimentary Licenses – ~~Wounded Military and Veterans~~ Purple Heart Recipients**

**HB1249/364338/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1249

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Fishing” insert “Licenses”; strike beginning with “Complimentary” in line 2 down through “Recipients” in line 3 and substitute “Disabled Active Military, Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans”; strike beginning with “authorizing” in line 4 down through “award” in line 8 and substitute “exempting a certain person serving in the armed forces of the United States from the requirement to obtain certain licenses to fish in certain waters of the State under certain circumstances; authorizing the Department of Natural Resources to issue certain complimentary hunting and fishing licenses to an out-of-state person who certifies that the person is a former prisoner of war or a 100% service connected disabled American veteran if the person’s state of residence extends similar privileges to former prisoners of war or 100% service connected disabled American veterans of this State; repealing a certain”



limit on the number of complimentary angler's licenses for each state other than Maryland that may be outstanding at any time; making a certain complimentary hunting license subject to certain provisions of law; making conforming changes; requiring the Department to implement a program to provide certain discounted licenses to Maryland residents who are recipients of the Purple Heart Award; providing for the termination of certain provisions of this Act"; in line 8, strike "certain"; in line 9, strike "complimentary"; in line 12, after "Section" insert "4-604(c)"; in the same line, after "4-607," insert "4-614(a)(2)"; in the same line, strike "4-745(e)" and substitute "4-745(c) and (e)"; in the same line, after "10-303" insert "(a)(2)"; and strike in their entirety lines 15 through 19, inclusive.

#### AMENDMENT NO. 2

On page 2, after line 5, insert:

"4-604.

(c) An angler's license is not required of the following:

(1) The owner or tenant of land bordering on nontidal water, his spouse and children, or the spouse of any child who resides on the land with the owner or tenant when he fishes in nontidal water adjoining his land;

(2) Any resident serving in the armed forces of the United States, while on leave in the State, during [his] THE RESIDENT'S leave period, if, while angling, [he] THE RESIDENT possesses a copy of [his] THE RESIDENT'S official leave [orders] ORDER;

(3) ANY PERSON SERVING IN THE ARMED FORCES OF THE UNITED STATES WHO HAS A SERVICE CONNECTED DISABILITY, IF, WHILE ANGLING, THE PERSON POSSESSES VALID MILITARY IDENTIFICATION;

[(3)] (4) A person who fishes in nontidal waters of the State on free fishing days designated by the Secretary;

[(4)] (5) A person holding a current resident consolidated senior sport fishing license issued under § 4-216 of this title;

[(5)] (6) A person fishing in a free fishing area established under § 4-214(b)(2) of this title; or

~~[(6)] (7)~~ A person authorized by a disability exemption issued under § 4–217 of this title.”;

strike in their entirety lines 13 through 19, inclusive, and substitute:

**“(3) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY ANGLER’S LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON’S STATE OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.”;**

strike beginning with “Not” in line 20 down through “(c)” in line 22; in line 22, strike “ANGLER’S”; in line 24, strike “(d)” and substitute “**(C)**”; after line 27, insert:

“4–614.

(a) (2) A trout stamp is not required of the following:

(i) A holder of a current resident consolidated senior sport fishing license issued under § 4–216 of this title;

(ii) A holder of a lifetime complimentary angler’s license for service disabled veterans or former prisoners of war issued under § 4–607(a)(2) OR (3) of this subtitle;

(iii) A person authorized by a disability exemption issued under § 4–217 of this title;

(iv) [A] ANY resident serving in the armed forces of the United States while on leave [if] IN THE STATE, DURING THE RESIDENT’S LEAVE PERIOD, IF, WHILE ANGLING, the resident possesses a copy of the resident’s official leave order [while fishing]; [or]

**(V) ANY PERSON SERVING IN THE ARMED FORCES OF THE UNITED STATES WHO HAS A SERVICE CONNECTED DISABILITY, IF, WHILE ANGLING, THE PERSON POSSESSES VALID MILITARY IDENTIFICATION; OR**

~~[(v)](VI)~~ A person under 16 years of age.”;

and strike in their entirety lines 29 through 32, inclusive.

On page 3, strike in their entirety lines 1 and 2, inclusive, and substitute:

“(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries or in State waters of the Atlantic Ocean and coastal bays and their tributaries without a Chesapeake Bay and coastal sport fishing license if the person:

(1) Is under the age of 16;

(2) Possesses a valid commercial license;

(3) Holds a valid tidal water sport fishing license issued by the State of Virginia, Potomac River Fisheries Commission, or District of Columbia, provided that this exemption shall not take effect until the Secretary has published notice in the Maryland Register of the Secretary’s determination that the Virginia, Potomac River Fisheries Commission, or District of Columbia requirements for a tidal water sport fishing license are substantially similar to and reciprocal with the Chesapeake Bay and coastal sport fishing license requirements of this section;

(4) Is fishing pursuant to any special charter boat license issued under subsection (d)(1) of this section;

(5) [(i) Is on active duty with the armed forces of the United States;

(ii) Is a resident of this State;

(iii) Is on leave from the armed forces; and

(iv) Has, while fishing, a copy of the person’s official leave orders] **IS A RESIDENT SERVING IN THE ARMED FORCES OF THE UNITED STATES WHILE ON LEAVE IN THE STATE, DURING THE RESIDENT’S LEAVE PERIOD, IF, WHILE FISHING, THE RESIDENT POSSESSES A COPY OF THE RESIDENT’S OFFICIAL LEAVE ORDER;**

**(6) SERVES IN THE ARMED FORCES OF THE UNITED STATES AND HAS A SERVICE CONNECTED DISABILITY, IF, WHILE FISHING, THE PERSON POSSESSES VALID MILITARY IDENTIFICATION;**

**[(6)] (7) Fishes on a free fishing day designated by the Secretary;**

**[(7)] (8) Holds a current resident consolidated senior sport fishing license issued under § 4–216 of this title;**

**[(8)] (9) Holds a current registration issued under subsection (d)(3) of this section; or**

**[(9)] (10) Is fishing on a commercial fishing pier licensed under subsection (d)(4) of this section.”;**

in line 7, strike “(1)” ; strike lines 11 through 17, inclusive, and substitute:

**“(3) THE DEPARTMENT MAY ISSUE A LIFETIME COMPLIMENTARY CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO AN OUT-OF-STATE PERSON WHO CERTIFIES THAT THE PERSON IS A FORMER PRISONER OF WAR OR A 100% SERVICE CONNECTED DISABLED AMERICAN VETERAN IF THE PERSON’S STATE OF RESIDENCE EXTENDS SIMILAR PRIVILEGES TO FORMER PRISONERS OF WAR OR 100% SERVICE CONNECTED DISABLED AMERICAN VETERANS OF THIS STATE.”;**

in line 18, strike “(3)” and substitute “(4)” ; in the same line, strike “CHESAPEAKE BAY AND COASTAL SPORT FISHING” ; strike beginning with “(1)” in line 21 down through “licenses.” in line 24 ; in lines 25 and 28, in each instance, strike “The” and substitute “SUBJECT TO THE REQUIREMENTS OF § 10–301.1 OF THIS SUBTITLE, THE” ; in lines 25 and 28, in each instance, strike the bracket ; and in lines 26 and 29, in each instance, strike “HUNTING” .

On page 4, strike in their entirety lines 1 through 13, inclusive ; after line 20, insert:

**“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural Resources shall implement a program to provide discounted anglers’ licenses, Chesapeake Bay and coastal sport fishing licenses, and hunter’s licenses to Maryland residents who are recipients of the Purple Heart Award.”;**

in line 21, strike “2.” and substitute “3.”; and in line 22, after “2016.” insert “Section 2 of this Act 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.”.

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 1337 – Delegate Barkley**

AN ACT concerning

**Alcoholic Beverages – Liquor – Manufacturer’s and Wholesaler’s Licenses and Permits**

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 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**

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 39 – Delegate A. Miller**

AN ACT concerning

**Education – Orange Ribbon for Healthy School Hours – Establishment**

**HB0039/464139/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 39

(Third Reading File Bill)

On page 5, in line 10, strike “OR” and substitute “AND”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON FINANCE REPORT #53**

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

**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**

**HB1350/447278/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1350

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 21 down through “completed;” in line 22.

On page 2, strike beginning with “stating” in line 15 down through “Act;” in line 17.

AMENDMENT NO. 2

On page 8, in line 20, strike “**60**” and substitute “**45**”.

On page 9, strike in their entirety lines 19 through 25, inclusive.

On page 12, in line 29, after “designee;” insert “and”; and strike in their entirety lines 30 and 31.

On page 13, strike in their entirety lines 1 and 2; and in line 3, strike “(8)” and substitute “(6)”.

On page 14, strike in their entirety lines 10 through 20, inclusive; and in lines 21 and 29, strike “4.” and “5.”, respectively, and substitute “3.” and “4.”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

## FLOOR AMENDMENT

**HB1350/247677/1**

BY: Finance Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 1350

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 21 down through “completed;” in line 22.

AMENDMENT NO. 2

On page 9, strike in their entirety lines 19 through 25, inclusive.

On page 12, in line 29, after “designee;” insert “and”; and strike in their entirety lines 30 and 31.

On page 13, strike in their entirety lines 1 and 2; and in line 3, strike “(8)” and substitute “(6)”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

### **THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #38**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

#### **House Bill 162 – Chair, Judiciary Committee (By Request – Departmental – Comptroller)**

AN ACT concerning

#### **Comptroller – Taxpayer Protection Act**

**HB0162/798479/1**

BY: Judicial Proceedings Committee

#### AMENDMENTS TO HOUSE BILL 162

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 5 down through “taxes;” in line 7.

On page 2, in line 9, strike “2–107(a),”.

#### AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 15 on page 4, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.



Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #39**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings and Senator Middleton, Chair, for the Committee on Finance reported without recommendation:

**House Bill 990 – Delegate Morhaim**

AN ACT concerning

**Civil Actions – Liability of Disability Insurer – Failure to Act in Good Faith**

Senator Zirkin moved, duly seconded, to place **House Bill 990** on second reading.

Motion was adopted.

Read the second time and ordered prepared for Third Reading.

**MESSAGE TO THE SENATE**

BILL: **SB0352**  
SPONSOR: Senator Hershey  
SUBJECT: Maryland Health Care Commission – Certificate of Need Review  
– Interested Party

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 Hershey, Chairman  
Senator Benson  
Senator Reilly.

The House appoints:

Delegate Sample–Hughes, Chair  
Delegate K. Young  
Delegate Rose

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

BILL: **SB0161**  
SPONSOR: Senator Hough, et al  
SUBJECT: Criminal Procedure – Seizure and Forfeiture

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 Hough, Chairman  
Senator Muse  
Senator Raskin.

The House appoints:

Delegate Vallario, Chair  
Delegate Sydnor  
Delegate Moon

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

BILL: **SB0943**  
SPONSOR: Senator Raskin, et al  
SUBJECT: Criminal Procedure – Firearms – Transfer

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 Raskin, Chairman  
Senator Lee  
Senator Ready.

The House appoints:

Delegate Rosenberg, Chair  
Delegate Dumais  
Delegate Smith

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

#### MESSAGE TO THE SENATE

BILL: **SB1097**  
SPONSOR: Senator Mathias, et al  
SUBJECT: Local Government Tort Claims Act – Regional Development  
Councils

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 Brochin, Chairman  
Senator Cassilly  
Senator Muse.

The House appoints:

Delegate Moon, Chair  
Delegate Morales  
Delegate Sanchez

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### QUORUM CALL

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

(See Roll Call No. 1289)

### ADJOURNMENT

At 12:37 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 3:15 P.M. on Legislative Day April 5, 2016, Calendar Day, Monday, April 11, 2016.

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**Annapolis, Maryland**  
**Legislative Day: April 5, 2016**  
**Calendar Day: Monday, April 11, 2016**  
**3:15 P.M. Session**

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The Senate met at 3:47 P.M.

**QUORUM CALL**

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

(See Roll Call No. 1291)

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

The Journal of April 4, 2016 was read and approved.

**MESSAGE FROM THE HOUSE OF DELEGATES**

**FIRST READING OF HOUSE BILLS**

**House Bill 390 – Delegates Reilly, Adams, Afzali, Anderton, Arentz, Aumann, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Flanagan, Ghrist, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Lisanti, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, W. Miller, Morgan, Otto, Parrott, Rey, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, B. Wilson, and Wivell**

AN ACT concerning

**Maryland Income Tax Refunds – Warrant Intercept Program – Statewide**

FOR the purpose of authorizing certain counties to participate, for a certain period of time, in a certain income tax refund withholding program related to individuals with outstanding warrants if the sheriff of the county notifies the Comptroller of the county's intention to participate on or before a certain date; repealing certain provisions of law that prohibit a certain provision of law that prohibits the program from applying to certain individuals members of the armed forces; requiring the Governor's Office of Crime Control and Prevention to conduct a certain annual study and to provide a certain annual report; making nonsubstantive changes to certain termination provisions; making conforming changes; providing for the effective dates

of this Act; providing for the termination of this Act; and generally relating to withholding income tax refunds of individuals with outstanding warrants.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 13–935 and 13–937 through 13–940  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section 13–936  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Tax – General  
Section 13–941  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 451 of the Acts of the General Assembly of 2012, as amended by Chapter  
213 of the Acts of the General Assembly of 2013  
Section 3

BY repealing and reenacting, with amendments,  
Chapter 213 of the Acts of the General Assembly of 2013  
Section 3

BY repealing and reenacting, with amendments,  
Article – Tax – General  
Section ~~13–936(a)~~ 13–936  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)  
(As enacted by Section 1 of this Act)

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

**House Bill 683 – Delegates Moon, Anderson, Atterbeary, Bromwell, Carter,  
Conaway, Gutierrez, Hettleman, Jalisi, Lierman, Luedtke, Morales,  
Sanchez, Smith, and P. Young**

AN ACT concerning

**Guardianship and Child in Need of Assistance Proceedings – Jurisdiction and  
Authority of Juvenile Court**

FOR the purpose of authorizing the juvenile court to direct the provision of certain services ~~or the taking of certain actions with respect to a certain child's education, health, and welfare~~ to a certain child during a certain disposition hearing; requiring the juvenile court to direct the provision of certain services ~~or the taking of certain actions with respect to a certain child's education, health, and welfare~~ to a certain child during a certain permanency planning hearing or guardianship hearing; providing that, if the juvenile court enters an order directing the provision of certain services to a certain child, the juvenile court ~~shall retain~~ retains jurisdiction ~~over the child~~ for a certain time period and for a certain purpose, notwithstanding certain provisions of law; providing that a certain order shall remain effective for a certain period of time; and generally relating to the jurisdiction and authority of the juvenile court.

BY repealing and reenacting, without amendments,  
Article – Courts and Judicial Proceedings  
Section 3–801(a) and (l)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 3–804, 3–819(c), and 3–823(h)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Courts and Judicial Proceedings  
Section 3–819(m) and 3–823(k)  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 5–324(b) and 5–328  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY adding to  
Article – Family Law  
Section 5–324(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**House Bill 708 – Delegates Gutierrez, Angel, B. Barnes, Barve, Branch, Carr, Carter, Chang, Clippinger, Cullison, Davis, Fraser–Hidalgo, Frick, Gilchrist, Hammen, Hill, Hornberger, C. Howard, Jones, Kelly, Korman, Kramer, Krebs, Lierman, Luedtke, McIntosh, A. Miller, Moon, Morales, Pena–Melnyk, Pendergrass, Platt, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Smith, Tarlau, Turner, Valderrama, Valentino–Smith, Waldstreicher, Walker, A. Washington, M. Washington, and K. Young**

AN ACT concerning

**Education – Maryland Seal of Biliteracy Act – Establishment**

FOR the purpose of establishing the Maryland Seal of Biliteracy Program; providing for the purpose of the Program; providing that participation in the Program by a local school system is voluntary; providing that, beginning with a certain graduating class, certain students shall receive a certain seal under certain circumstances; requiring the State Board of Education to establish certain criteria and requirements by a certain date; requiring the State Board to provide certain information regarding the Program to certain local school systems by a certain date; requiring certain local school systems to maintain certain records; requiring certain local school systems to affix a certain seal to certain academic documents under certain circumstances; requiring the State Board to adopt certain regulations; defining certain terms; and generally relating to the Maryland Seal of Biliteracy Program.

BY adding to

Article – Education

Section 7–208

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

**YEAS AND NAYS**

**SENATE BILLS PASSED IN THE HOUSE**

BILL NO.	SPONSOR	CONTENT
SB 95	Chair, Finance Committee	Div of Workforce Dvlp and Adult Learning – Adult Ed and Literacy Services – Revisions
SB 160	Sen. Cassilly	Death or Life–Threatening Injury by Motor Vehicle or Vessel – Subsequent Offenders – Penalties



BILL NO.	SPONSOR	CONTENT
SB 219 (Emerg)	Sen. Ready	Carroll County – Turkey Hunting on Private Property – Sundays
SB 283	Sen. Lee	Criminal Law – Cruelty to Animals – Implement of Dogfighting
SB 526	Sen. Bates	Agriculture – Commercial Feed – Exemption
SB 734	The President	Cts and Jud Prcdgs – Structured Stlmnts – Trnsfrs and Rgstrtn of Structured Stlmnt Transferees
SB 771	The President	Courts and Judicial Proceedings – Consumer Debt Collection Actions – Restrictions
SB 781	Sen. Rosapepe	Education – Maryland Seal of Biliteracy Act – Establishment
SB 1009	Sen. Benson	Procurement – Prevailing Wage – Liquidated Damages
SB 1054	Sen. Mathias	Commercial Northern Snakehead Bowfishing License – Establishment
SB 1104 (Emerg)	Harford County Senators	Transportation – Highways – Heroes Highway
SB 1106	Sen. Simonaire	Anne Arundel County and Harford County – Courthouse Dog and Child Witness Pilot Program
SB 1173	Sen. Pugh	Task Force to Study the Adult High School Concept

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.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

**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**

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 741 – Delegates Stein and Kaiser**

AN ACT concerning

**Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions**

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 1126 – Prince George’s County Delegation**

AN ACT concerning

**Prince George’s County – Pretrial Release Program County Pretrial Release, Work Release, and Diversion Programs Task Force**

PG 307-16

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 Judicial Proceedings:

**House Bill 1495 – Delegates Cullison, Haynes, Healey, Kelly, Pena–Melnyk, Reznik, Sample–Hughes, and Vallario**

AN ACT concerning

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

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 1572 – Delegate Otto**

**EMERGENCY BILL**

AN ACT concerning

**Maryland Consolidated Capital Bond ~~Loan of 2015~~ Loans of 2015 and 2016 –  
~~Worcester County – Delmarva Discovery Center and Museum~~**

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 and the Committee on Finance:

**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**

The bill was re-referred to the Committee on Budget and Taxation and 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 1634 – Delegate Jalisi**

AN ACT concerning

~~Juveniles – Restraint and Searches – Limitations~~  
**Task Force to Study the Restraint, Searches, and Needs of Children in the  
 Juvenile Justice System**

The bill was re-referred to the Committee on Judicial Proceedings.

**SPECIAL ORDERS**

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

**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**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 33    Negative – 0    (See Roll Call No. 1292)

The Bill was then sent to the House of Delegates.

**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**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

**HB1106/343522/1**

BY: Senator Hough

AMENDMENTS TO HOUSE BILL 1106, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after “of” insert “removing waste-to-energy from the definition of “Tier 1 renewable source”;”.

On page 1 of the Finance Committee Amendments (HB1106/507779/1), in line 16 of Amendment No. 1, after “Section” insert “7-701(a) and”.

On page 2 of the bill, in line 24, after “Section” insert “7-701(r).”.

AMENDMENT NO. 2

On page 5 of the bill, after line 10, insert:

“7-701.

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

(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 only.

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

The motion was adopted.

**Senate Bill 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 Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

**House Bill 104 – Delegates Morhaim, Glenn, Hammen, Hill, Lam, and West**

AN ACT concerning

**Medical Cannabis – Written Certifications – Certifying Providers**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

**HB0104/443028/1**

BY: Senator Hough

AMENDMENTS TO HOUSE BILL 104  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “nurse midwives.”

AMENDMENT NO. 2

On page 2, in line 22, strike “OR A NURSE MIDWIFE”.

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

Affirmative – 17    Negative – 29    (See Roll Call No. 1293)

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

Affirmative – 36    Negative – 10    (See Roll Call No. 1294)

The Bill was then sent to the House of Delegates.

**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**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

**HB0558/643220/2**

BY: Senator Conway

AMENDMENTS TO HOUSE BILL 558, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, at the top of the page, insert “EMERGENCY BILL”; and in line 12, after “changes;” insert “making this Act an emergency measure.”.

On page 1 of Senator Ferguson’s Amendments (HB0558/723221/1), in line 4 of Amendment No. 1, after “entities;” insert “requiring a certain selection committee established, or a decision process undertaken, by the Baltimore City Board of School”.



Commissioners to select the next Chief Executive Officer of the Baltimore City Public School System to include certain members;”.

AMENDMENT NO. 2

On page 7 of the bill, before line 26, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) A selection committee established, or a decision process undertaken, by the Baltimore City Board of School Commissioners to select the next Chief Executive Officer of the Baltimore City Public School System shall include:

(1) one member of the Senate of Maryland who is a member of the Baltimore City Senate Delegation, appointed by the President of the Senate; and

(2) one member of the House of Delegates who is a member of the Baltimore City House Delegation, appointed by the Speaker of the House.

(b) The legislative members appointed to the selection committee or to take part in the decision process to select the next Chief Executive Officer of the Baltimore City Public School System under subsection (a) of this section shall be nonvoting, advisory members, but shall be included in all meetings and conversations of the Baltimore City Board of School Commissioners relating to the selection of the Chief Executive Officer.”.

On page 2 of the Senator Ferguson Amendments, in line 5 of Amendment No. 2, strike “4.” and substitute “5.”.

On page 8 of the bill, in line 10, strike “this Act shall take effect July 1, 2016” and substitute “this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea or 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.

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1295)

The Bill was then sent to the House of Delegates.

**House Bill 571 – Delegates Barkley and W. Miller**

AN ACT concerning

**Gas Companies – Rate Regulation – Environmental Remediation Costs**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

The motion was adopted.

**THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (HOUSE BILLS) #59****House Bill 39 – Delegate A. Miller**

AN ACT concerning

**Education – Orange Ribbon for Healthy School Hours – Establishment**

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

Affirmative – 43    Negative – 3    (See Roll Call No. 1296)

The Bill was then sent to the House of Delegates.

**House Bill 162 – Chair, Judiciary Committee (By Request – Departmental – Comptroller)**

AN ACT concerning

**Comptroller – Taxpayer Protection Act**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1297)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1298)

The Bill was then sent to the House of Delegates.

**House Bill 990 – Delegate Morhaim**

AN ACT concerning

**Civil Actions – Liability of Disability Insurer – Failure to Act in Good Faith**

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

Affirmative – 40    Negative – 6    (See Roll Call No. 1299)

The Bill was then sent to the House of Delegates.

**House Bill 1021 – Prince George's County Delegation**

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Notice Requirements and  
~~Restrictions for Licenses~~ Loitering Enforcement  
PG 303-16**

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1300)

The Bill was then sent to the House of Delegates.

**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

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1301)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1302)

The Bill was then sent to the House of Delegates.

**House Bill 1249 – ~~Delegate Carey~~ Delegates Carey, Rose, and Simonaire**

AN ACT concerning

**Hunting and Fishing – Complimentary Licenses – ~~Wounded Military and Veterans~~ Purple Heart Recipients**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1303)

The Bill was then sent to the House of Delegates.

**House Bill 1337 – Delegate Barkley**

AN ACT concerning

**Alcoholic Beverages – Liquor – Manufacturer’s and Wholesaler’s Licenses and Permits**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1304)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1305)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1306)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (SENATE BILLS) #78**

**Senate Bill 224 – Senator Simonaire**

AN ACT concerning

**Education – Orange Ribbon for Healthy School Hours – Establishment**

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

Affirmative – 41    Negative – 4    (See Roll Call No. 1307)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 1005**      SPONSOR: **President**

SUBJECT: **Justice Reinvestment Act**

THIRD READING CALENDAR      HOUSE NO. **R/S**      SENATE NO. **63**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the House Judiciary Committee Amendments (SB1005/152714/1) be rejected.
- (2) That the attached Conference Committee Amendments (SB1005/133825/1) be adopted.

**SB1005/133825/1**

BY: Conference 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 a certain 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; altering the parole eligibility for a certain inmate who is serving a sentence for a third or subsequent conviction of a certain felony violation committed on or after a certain date; 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; requiring the Division of Correction and local correction facilities to conduct a certain review, make certain progress reports, and provide certain input; 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 murder in the second degree; altering the maximum penalty for first-degree child abuse that results in the death of a victim under a certain age; altering the maximum penalty for child abuse that results in the death of the victim after a previous conviction for child abuse; 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; authorizing a certain person to file a petition for expungement of certain offenses under certain circumstances; establishing certain procedures for a certain expungement under certain circumstances; requiring the Department of Health and Mental Hygiene to immediately provide certain services, except under certain circumstances; 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; requiring local correction authorities in consultation with certain departments to conduct a certain budget analysis and submit a report 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.”.

#### AMENDMENT NO. 2

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(e), 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 2–204, 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 LawSection 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 14–101Annotated Code of Maryland(2012 Replacement Volume and 2015 Supplement)BY repealingArticle – Criminal LawSection 5–609.1Annotated Code of Maryland(2012 Replacement Volume and 2015 Supplement)BY repealing and reenacting, with amendments,Article – Criminal ProcedureSection 1–101, 6–223, 6–224, and 11–819(b)Annotated Code of Maryland(2008 Replacement Volume and 2015 Supplement)BY adding toArticle – Criminal ProcedureSection 10–110Annotated Code of Maryland(2008 Replacement Volume and 2015 Supplement)BY repealing and reenacting, with amendments,Article – Health – GeneralSection 8–505 and 8–507Annotated Code of Maryland(2015 Replacement Volume)BY adding toArticle – Health – GeneralSection 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)

BY adding to

Article – Transportation  
Section 27-101(gg)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)”.

### AMENDMENT NO. 3

On page 7, after line 15, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That Section(s) 1-601 through 1-605 and the subtitle “Subtitle 6. Justice Reinvestment  
Coordinating Council” of Article – Public Safety of the Annotated Code of Maryland be  
repealed.”;

and in line 16, strike “1.” and substitute “2.”.

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) THE DEDUCTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF UP TO 10 DAYS FOR EACH CALENDAR MONTH, IF AN INMATE'S TERM OF CONFINEMENT INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR:

(I) A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE;

(II) A SEXUAL OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER TITLE 11, SUBTITLE 7 OF THE CRIMINAL PROCEDURE ARTICLE;  
OR

**(III) 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.**

(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;**

**(VI) A VICTIM REQUESTS A HEARING AS PROVIDED UNDER § 7-301.1 OF THIS TITLE; OR**

**(VII) THE COMMISSION FINDS THAT A HEARING FOR ADMINISTRATIVE RELEASE IS NECESSARY 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.

**(E) AN INMATE WHO IS SERVING A TERM OF IMPRISONMENT FOR A THIRD OR SUBSEQUENT CONVICTION OF A FELONY VIOLATION OF TITLE 5, SUBTITLE 6 OF THE CRIMINAL LAW ARTICLE COMMITTED ON OR AFTER OCTOBER 1, 2017, IS NOT ELIGIBLE FOR PAROLE UNTIL THE INMATE HAS SERVED IN CONFINEMENT ONE-HALF OF THE INMATE'S AGGREGATE SENTENCE.**

**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 SERVING A SENTENCE FOR WHICH THE MOST SERIOUS OFFENSE IS:**

**1. A VIOLATION OF §§ 5-601 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; OR**

2. A VIOLATION INVOLVING A VALUE OF \$1,500 OR LESS OF § 7-104, § 8-103, § 8-206, § 8-207, § 8-209, § 8-301, § 8-509, § 8-510, § 8-511, § 8-512, § 8-513, § 8-514, § 8-515, § 8-611, OR § 8-801 OF THE CRIMINAL LAW ARTICLE;

(III) DOES NOT HAVE A PRIOR CONVICTION 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;

(IV) DOES NOT HAVE TWO OR MORE CONVICTIONS FOR A VIOLATION OF §§ 5-602 THROUGH 5-606 OF THE CRIMINAL LAW ARTICLE; AND

(V) 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) THE DIVISION OF CORRECTION AND EACH LOCAL CORRECTIONAL FACILITY SHALL:

(I) REVIEW THE PROGRESS OF AN ELIGIBLE INMATE'S CASE PLAN EVERY 8 WEEKS FROM THE DATE THE CASE PLAN WAS DEVELOPED;

(II) SEND A PROGRESS REPORT ON EACH ELIGIBLE INMATE'S CASE PLAN TO THE COMMISSION EVERY 4 MONTHS; AND

(III) SEND A PROGRESS REPORT TO 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.

(2) THE COMMISSION MAY PROVIDE WRITTEN INPUT ON THE ELIGIBLE INMATE'S PROGRESS TOWARD COMPLETION OF THE CASE PLAN.

(F) (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.

(G) THE COMMISSION SHALL AUTHORIZE THE RELEASE OF AN ELIGIBLE INMATE 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 RULE VIOLATION, AS DEFINED IN 12.02.27.04 OF THE CODE OF MARYLAND REGULATIONS;

(3) A VICTIM HAS NOT REQUESTED A HEARING UNDER SUBSECTION (F) OF THIS SECTION; AND

(4) THE COMMISSION FINDS A HEARING UNNECESSARY CONSIDERING THE INMATE'S HISTORY, PROGRESS, AND COMPLIANCE.

**(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 for each day:

(1) 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; OR

(2) THAT AN INMATE WHO HAS BEEN SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION RECEIVED REENTRY OR OTHER



PRERELEASE 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) THIS PARAGRAPH APPLIES TO AN INMATE WHO IS SUBJECT TO AN UNSATISFIED JUDGMENT OF RESTITUTION.**

(II) IF AN INMATE HAS EARNINGS THAT ARE NOT COVERED UNDER THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL WITHHOLD 25% FOR COMPENSATION FOR VICTIMS OF CRIME UNTIL THE JUDGMENT IS SATISFIED.

(3) (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.

(4) 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 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; 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

(a) A murder that is not in the first degree under § 2–201 of this subtitle is in the second degree.

(b) A person who commits a murder in the second degree is guilty of a felony and on conviction is subject to imprisonment not exceeding [30] 40 years.

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 NOT EXCEEDING 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] 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 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 10] NOT EXCEEDING 20 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] NOT EXCEEDING 25 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] **NOT EXCEEDING** 40 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 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–methylenedioxymethamphetamine (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 10] NOT EXCEEDING 20 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] NOT EXCEEDING 25 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] **NOT EXCEEDING** 40 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 or a fine not exceeding \$500 or both]:

1. **FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND**

**2. FOR A SECOND OR SUBSEQUENT CONVICTION, IMPRISONMENT NOT EXCEEDING 1 YEAR 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] 1 YEAR 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]~~ **1 YEAR** 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]~~ **1 YEAR** 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~~] **1 YEAR** 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]~~ **1 YEAR** 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] 1 YEAR 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] 1 YEAR 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]~~ **1 YEAR** 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 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.**

**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, A CONSPIRACY, OR A 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) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, 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.

(2) A PETITION FOR EXPUNGEMENT FOR A VIOLATION OF § 3-203 OF THE CRIMINAL LAW ARTICLE OR FOR AN OFFENSE CLASSIFIED AS A DOMESTICALLY RELATED CRIME UNDER § 6-233 OF THE CRIMINAL PROCEDURE ARTICLE MAY NOT BE FILED EARLIER THAN 15 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 EACH LISTED VICTIM IN THE CASE IN WHICH THE PETITIONER IS SEEKING EXPUNGEMENT AT THE ADDRESS LISTED IN THE COURT FILE, ADVISING THE VICTIM 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 THE 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.**

(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

8-505.

(a) (1) Before or during a criminal trial, before or after sentencing, or before or during a term of probation, the court may order the Department to evaluate a defendant to determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may benefit from treatment if:

(i) It appears to the court that the defendant has an alcohol or drug abuse problem; or

(ii) The defendant alleges an alcohol or drug dependency.

(2) A court shall set and may change the conditions under which an examination is to be conducted under this section.

(3) The Department shall ensure that each evaluation under this section is conducted in accordance with regulations adopted by the Department.

(b) On consideration of the nature of the charge, the court:

(1) May require or permit an examination to be conducted on an outpatient basis; and

(2) If an outpatient examination is authorized, shall set bail for the defendant or authorize the release of the defendant on personal recognizance.

(c) (1) If a defendant is to be held in custody for examination under this section:

(i) The defendant may be confined in a detention facility until the Department is able to conduct the examination; or

(ii) The court may order confinement of the defendant in a medical wing or other isolated and secure unit of a detention facility, if the court finds it appropriate for the health or safety of the defendant.

(2) (i) If the court finds that, because of the apparent severity of the alcohol or drug dependency or other medical or psychiatric complications, a defendant in custody would be endangered by confinement in a jail, the court may order the Department to either:

1. Place the defendant, pending examination, in an appropriate health care facility; or

2. Immediately conduct an evaluation of the defendant.

(ii) Unless the Department retains a defendant, the defendant shall be promptly returned to the court after an examination.

(iii) A defendant who is detained for an examination under this section may question at any time the legality of the detention by a petition for a writ of habeas corpus.

(d) (1) If a court orders an evaluation under this section, the evaluator shall:

(i) Conduct an evaluation of the defendant; and

(ii) Submit a complete report of the evaluation within 7 days to the:

1. Court;

2. Department; and

3. Defendant or the defendant's attorney.

(2) On good cause shown, a court may extend the time for an evaluation under this section.

(3) Whenever an evaluator recommends treatment, the evaluator's report shall:

(i) Name a specific program able to IMMEDIATELY provide the recommended treatment; and

(ii) Give an actual or estimated date when the program can begin treatment of the defendant.

(e) (1) The Department shall IMMEDIATELY provide the services required by this section.

(2) A designee of the Department may carry out any of its duties under this section [if appropriate funding is provided].

(f) Evaluations performed in facilities operated by the Department of Public Safety and Correctional Services shall be conducted by the Administration.

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] IMMEDIATE treatment of a defendant UNLESS THE COURT FINDS EXIGENT CIRCUMSTANCES TO DELAY COMMITMENT FOR TREATMENT FOR LONGER THAN 30 DAYS.

(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) ONE MEMBER APPOINTED BY THE MARYLAND CHIEFS AND SHERIFFS ASSOCIATION;

(15) THE PRESIDENT OF THE MARYLAND STATE'S ATTORNEYS' ASSOCIATION OR THE PRESIDENT'S DESIGNEE;

(16) 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;

(17) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTIES OR THE PRESIDENT'S DESIGNEE; AND

(18) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:

(I) ONE MEMBER REPRESENTING VICTIMS OF CRIME;

(II) ONE MEMBER REPRESENTING LAW ENFORCEMENT;

(III) TWO LOCAL HEALTH OFFICERS; AND

(IV) 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) IN COLLABORATION WITH THE MARYLAND PAROLE COMMISSION, MONITOR ADMINISTRATIVE RELEASE UNDER § 7-301.1 OF THE CORRECTIONAL SERVICES ARTICLE AND DETERMINE WHETHER TO ADJUST ELIGIBILITY

CONSIDERING THE EFFECTIVENESS OF ADMINISTRATIVE RELEASE AND EVIDENCE-BASED PRACTICES;

(7) CREATE PERFORMANCE MEASURES TO ASSESS THE EFFECTIVENESS OF THE GRANTS ADMINISTERED UNDER § 9-3209 OF THIS SUBTITLE; AND

(8) 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”).

**(GG) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 16–303(H) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF CODE”) OR § 16–303(I) (“LICENSES SUSPENDED UNDER CERTAIN PROVISIONS OF THE TRAFFIC LAWS OR REGULATIONS OF ANOTHER STATE”) OF THIS ARTICLE:**

**(1) IS SUBJECT TO A FINE OF NOT MORE THAN \$500;**

**(2) MUST APPEAR IN COURT; AND**

**(3) MAY NOT PREPAY THE FINE.**

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; and

(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;

(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 local correctional facilities shall, in coordination with the Department of Health and Mental Hygiene and local health departments, conduct an analysis to determine the budgetary requirements of this Act and shall report a plan for meeting the budgetary requirements to the General Assembly, in accordance with § 2–1246 of the State Government Article, on or before December 31, 2016.

SECTION 18. AND BE IT FURTHER ENACTED, That Section 2 and Section 4 of this Act shall take effect October 1, 2017.

SECTION 19. AND BE IT FURTHER ENACTED, That, except as provided in Section 18 of this Act, this Act shall take effect October 1, 2016.”

Senate Members:

House Members:

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Chair,

**Bobby A. Zirkin**

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Chair,

**Kathleen M. Dumais**





AMENDMENT NO. 1

On page 1, in line 6, after “roles;” insert “requiring certain teachers who teach in certain public middle and high schools in Anne Arundel County to receive a certain stipend from the State under certain circumstances for certain academic years;”; in line 7, after “Advancement” insert “Pilot”; in lines 8 and 9, in each instance, after “the” insert “Pilot”; in line 11, after “the” insert “Pilot”; strike beginning with “defining” in line 21 down through “terms;” in line 22; and in line 24, after “Act;” insert “defining certain terms;”.

On page 2, in line 8, after “(5)” insert “, (c), (d), and (e)”; and in line 13, after “6–306(b)(5)” insert “and (c)”.

AMENDMENT NO. 2

On page 3, in line 22, strike “**\$5,000**” and substitute “**\$4,000**”.

On page 4, after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

6–306.

**(C) (1) THIS SUBSECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

**(2) IN THIS SUBSECTION, “COUNTY GRANT FOR TEACHING IN AN ECONOMICALLY DISADVANTAGED SCHOOL” MEANS AN ANNUAL GRANT DISTRIBUTED TO A TEACHER WHO TEACHES IN AN ECONOMICALLY DISADVANTAGED SCHOOL ESTABLISHED:**

**(I) OUTSIDE OF THE COLLECTIVE BARGAINING PROCESS; OR**

**(II) AS PART OF A COLLECTIVE BARGAINING AGREEMENT WITH THE LOCAL EMPLOYEE REPRESENTATIVE.**

**(3) FOR FISCAL YEARS 2017 THROUGH 2019, THE GOVERNOR SHALL INCLUDE IN THE STATE OPERATING BUDGET FUNDING FOR THE STIPENDS PROVIDED IN THIS SUBSECTION.**

**(4) A CLASSROOM TEACHER SHALL RECEIVE A STIPEND FROM THE STATE IN AN AMOUNT EQUAL TO THE COUNTY GRANT FOR TEACHING IN AN ECONOMICALLY DISADVANTAGED SCHOOL, UP TO A MAXIMUM OF \$1,500 IF THE TEACHER:**

**(I) TEACHES IN A PUBLIC MIDDLE OR HIGH SCHOOL IN WHICH AT LEAST 30% OF THE STUDENTS AS A PERCENTAGE OF FULL-TIME EQUIVALENT STUDENTS AS DEFINED IN § 5-202 OF THIS ARTICLE QUALIFY FOR FREE AND REDUCED PRICE MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM;**

**(II) HOLDS A STANDARD OR ADVANCED PROFESSIONAL CERTIFICATE; AND**

**(III) IS EMPLOYED BY THE COUNTY BOARD.**

**[(c)] (D) An individual who receives a stipend or bonus under subsection (b) OR (C) of this section may not be deemed an employee of the State.**

**[(d)] (E) The employer of an individual who receives a stipend or bonus under subsection (b) OR (C) of this section shall pay the increase in fringe benefit costs associated with the stipend or bonus.**

**[(e)] (F) The Department shall act as fiscal agent for funds disbursed under this section.”.**

### **AMENDMENT NO. 3**

On page 4, in line 10, strike “2.” and substitute “3.”; in lines 19 and 21, in each instance, after “ADVANCEMENT” insert “PILOT”; and after line 25, insert:

**“(III) A COUNTY BOARD IS ENCOURAGED TO GIVE PRIORITY TO TEACHERS WHO TEACH IN A SCHOOL THAT IS PART OF A CLUSTER OF SCHOOLS IN WHICH THE MAJORITY OF THE ELEMENTARY AND MIDDLE SCHOOLS THAT FEED INTO ONE HIGH SCHOOL ARE TITLE I SCHOOLS.”.**

On page 4 in line 26 and on page 5 in lines 15, 22, 26, and 32, in each instance, after “**THE**” insert “**PILOT**”.

On page 4 in lines 22 and 25 and on page 5 in line 8, in each instance, after “**THE**” insert “**PILOT**”.

On page 5, in line 18, after the third “**THE**” insert “**PILOT**”.

On page 5, in line 18, strike “**\$7,000,000**” and substitute “**\$5,000,000**”.

On page 6, in line 5, after “Advancement” insert “Pilot”; in lines 6 and 8, in each instance, after “the” insert “Pilot”.

#### AMENDMENT NO. 5

On page 6, in line 1, strike “on” and substitute “;”

(a) On”;

in line 5, after “Program.” insert:

“(b)”;

in the same line, after “shall” insert “;”

(1)”;

in line 8, after “later” insert “; and

(2) make recommendations on whether to continue, modify, or eliminate the Pilot Program”;

in lines 1, 9, and 34, strike “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, and “6.”, respectively; in line 12, after the first “to” insert “;”

(1)”;

in the same line, strike the second “to”; after line 12, insert:

“(i) to recruit, retain, and promote quality teachers at all levels of education in the State;”;

in lines 13, 16, 19, and 20, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(ii) to”, “(iii) to”, “(iv) to”, and “(v) to”, respectively; in line 21, after “certificates” insert: “; and

(vi) existing state laws and regulations impact teacher recruitment, retention, and promotion for each of the following areas:

1. individual and team competency;
2. performance measurement and management;
3. reward and recognition for excellent work; and
4. discipline in the classroom; and

(2) evaluate whether the stipend created under § 6–306(c) of the Education Article, as enacted by Section 2 of this Act, was effective in retaining effective teachers in schools with a critical mass of economically disadvantaged students”;

in line 24, strike “and”; in line 29, after “Maryland” insert “;

(3) a coordinated statewide strategy for recruiting, retaining, and promoting quality teachers at all levels of education by the State Department of Education, the Maryland Higher Education Commission, the University System of Maryland, and other education stakeholders; and

(4) the best methods of incentivizing effective teachers to choose to teach in low-performing schools and schools with a critical mass of economically disadvantaged students in light of federal regulations that require the equitable distribution of effective teachers”;

in line 30, after “(c)” insert “(1)”; in the same line, strike “September” and substitute “November”; in the same line, strike “a” and substitute “an interim”; after line 33, insert:

“(2) On or before November 1, 2017, the Department shall submit a final report regarding the recommendations of the workgroup established under this section to

the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.”;

and in line 35, after “2016.” insert “Section 2 of this Act 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.”.

On page 6 in line 35 and on page 7 in line 1, in each instance, strike “Section 2” and substitute “Section 3”.

The preceding 4 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 – 35    Negative – 11    (See Roll Call No. 1309)

#### AMENDED IN THE HOUSE

#### Senate Bill 533 – Senator Pinsky

AN ACT concerning

#### **Education – ~~Administration~~ of Assessments – Administration and Provision of Information**

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

**SB0533/845367/1**

BY:    Committee on Ways and Means

#### AMENDMENT TO SENATE BILL 533

(Third Reading File Bill)

On page 1, in line 10, after “year;” insert “defining a certain term;”.

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. 1310)

**AMENDED IN THE HOUSE**

**Senate Bill 1126 – Senators Pugh and Young**

AN ACT concerning

**Frederick County – Linking Youth to New Experiences (LYNX) High School -  
Pilot Program**

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

**SB1126/935669/1**

BY:    Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1126

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 22, after “of” insert “a”; in the same line, strike “waivers” and substitute “waiver”; and strike beginning with “Apprenticeship” in line 23 down through the second “the” in line 24.

On page 2, in line 1, strike “certain items” and substitute “the development and implementation of apprenticeship experiences for certain students”.

AMENDMENT NO. 2

On page 5, in line 28, strike “**THE**”; and in the same line, strike “**OF WAIVERS**” and substitute “**A WAIVER**”.

On pages 5 and 6, strike beginning with “**THE**” in line 30 on page 5 down through “**WITHIN**” in line 1 on page 6.

On page 6, strike beginning with the colon in line 2 down through “**THE**” in line 3 and substitute “**THE**”; and strike beginning with the semicolon in line 5 down through “**09.12.43**” in line 6.

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 – 1    (See Roll Call No. 1311)

**AMENDED IN THE HOUSE**

**Senate Bill 296 – Carroll County Senators**

AN ACT concerning

**Carroll County – Public Facilities Bonds**

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

**SB0296/874660/1**

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 296

(Third Reading File Bill)

On page 1, in line 9, strike “paramount” and substitute “par amount”; and on page 2, in line 26, strike “paramount” and substitute “par amount”.

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. 1312)

**AMENDED IN THE HOUSE**

**Senate Bill 307 – Calvert County Senators**

AN ACT concerning

**Calvert County – Bonding Authority**

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

**SB0307/904164/1**



BY: Appropriations Committee

AMENDMENT TO SENATE BILL 307

(Third Reading File Bill)

On page 1, in line 7, strike “paramount” and substitute “par amount”; and on page 2, in line 13, strike “paramount” and substitute “par amount”.

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. 1313)

**AMENDED IN THE HOUSE**

**Senate Bill 425 – Senator Reilly**

AN ACT concerning

**Maryland Income Tax Refunds – Warrant Intercept Program – Statewide**

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

**SB0425/415668/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 425

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “participate” insert “, for a certain period of time,”; in line 6, after “date” insert “; repealing certain provisions of law that prohibit the program from applying to certain individuals; requiring the Governor’s Office of Crime Control and Prevention to conduct a certain annual study and to provide a certain annual report”; and in line 7, after “Act” insert “; providing for the termination of this Act”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“BY adding to

Article – Tax – General

Section 13–941

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 2, in line 27, strike “(a) (1)”; and in line 28, strike the first set of brackets.

On page 3, strike in their entirety lines 11 through 14, inclusive.

AMENDMENT NO. 4

On page 4, after line 15, insert:

“13–941.

(A) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION, IN CONSULTATION WITH THE COMPTROLLER, SHALL:

(1) STUDY:

(I) THE TOTAL NUMBER OF TAX REFUNDS WITHHELD BY THE COMPTROLLER UNDER TITLE 13, SUBTITLE 9, PART VII OF THE TAX – GENERAL ARTICLE;

(II) THE AVERAGE AMOUNT OF THE TAX REFUNDS WITHHELD BY THE COMPTROLLER;

(III) THE POTENTIAL DIFFERENCES IN THE SERVICE OF WARRANTS OR REQUESTS BY WARRANT OFFICIALS TO THE COMPTROLLER TO WITHHOLD TAX REFUNDS UNDER THE PROGRAM BASED ON RACE;

(IV) THE TYPES OF WARRANTS AND SPECIFIC CHARGES THAT PROMPTED THE REQUESTS BY WARRANT OFFICIALS TO THE COMPTROLLER TO WITHHOLD REFUNDS, INCLUDING WARRANTS RELATED TO CRIMINAL VIOLATIONS, CIVIL MATTERS, MOTOR VEHICLE VIOLATIONS, AND FAILURES TO APPEAR;

(V) THE EFFECTIVENESS OF WITHHOLDING REFUNDS ON RESOLVING OUTSTANDING WARRANTS IN EACH JURISDICTION OF THE STATE; AND

(VI) WHETHER ANY WITHHELD REFUNDS WERE CONTESTED; AND

(2) MAKE RECOMMENDATIONS REGARDING CONTINUED IMPLEMENTATION OF THE PROGRAM IN A MANNER THAT ENSURES THAT THE PROGRAM DOES NOT DISPARATELY IMPACT INDIVIDUALS ON RACIAL GROUNDS.

(B) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.”.

AMENDMENT NO. 5

On page 5, in line 15, after the period insert “It shall remain effective for a period of 3 years and, at the end of September 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 5 amendments were read and concurred in.

**SB0425/283020/1**

BY: Delegate Reilly

AMENDMENTS TO SENATE BILL 425, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (SB0425/415668/1), in line 2 of Amendment No. 1, strike “certain provisions of law that prohibit” and substitute “a certain provision of law that prohibits”; and in line 3, strike “individuals” and substitute “members of the armed forces of the United States”.

AMENDMENT NO. 2

In the Committee on Ways and Means Amendments, strike Amendment No. 3 in its entirety.

On page 3 of the bill, strike beginning with the colon in line 11 down through “(2)” in line 14.

The preceding 2 amendments were read and concurred in.

**SB0425/603325/1**

BY: Delegate Walker

AMENDMENT TO SENATE BILL 425, AS AMENDED

(Third Reading File Bill)

On page 2, in line 7, strike “13–936(a)” and substitute “13–936”.

On page 2, in line 27, before “This” insert “(a)”; and in line 28, strike “(I)”.

On page 3, in lines 1, 4, and 8, strike “(II)”, “(2)”, and “(3)”, respectively, and substitute “(2)”, “(B)”, and “(C)”, respectively.

On page 4, in line 31, strike “(1)”.

On page 5, in lines 1, 3, 6, and 9, strike “(i)”, “(ii)”, “(2)”, and “(3)”, respectively, and substitute “(1)”, “(2)”, “(b)”, and “(c)”, respectively.

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. 1314)

**AMENDED IN THE HOUSE**

**Senate Bill 936 – Senator Manno**

AN ACT concerning

**Maryland Clean Energy Incentive Act of 2016**

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

**SB0936/305365/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 936

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “certifications;” insert “altering a certain limitation on the amount of initial credit certificates that the Administration may issue; establishing the Maryland Clean Energy Incentive Tax Credit Reserve Fund; authorizing the Governor to include in the budget bill an appropriation to the Reserve Fund for certain fiscal years; requiring the Comptroller to transfer certain amounts from the Reserve Fund to the General Fund of the State under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 15, after “subsection” insert “AND SUBSECTION (D) OF THIS SECTION”; and strike in their entirety lines 32 and 33.

On page 4, in lines 1, 3, 11, 12, 15, and 17, strike “(5)”, “(6)”, “(7)”, “(6)”, “(8)”, and “(9)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(5)”, “(7)”, and “(8)”, respectively; in line 19, after “(d)” insert “(1) IN THIS SUBSECTION, “RESERVE FUND” MEANS THE MARYLAND CLEAN ENERGY INCENTIVE TAX CREDIT RESERVE FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.”

(2) (I) THERE IS A MARYLAND CLEAN ENERGY INCENTIVE TAX CREDIT RESERVE FUND THAT IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE MONEY IN THE RESERVE FUND SHALL BE INVESTED AND REINVESTED BY THE TREASURER, AND INTEREST AND EARNINGS SHALL BE CREDITED TO THE GENERAL FUND.

(3) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, FOR ANY FISCAL YEAR, THE ADMINISTRATION MAY NOT ISSUE INITIAL CREDIT CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(II) IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR, ANY EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED UNDER INITIAL CREDIT CERTIFICATES FOR THE NEXT FISCAL YEAR.

(III) FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW OTHER THAN UNDER PARAGRAPH (6) OF THIS SUBSECTION, THE MAXIMUM CREDIT AMOUNTS IN THE AGGREGATE FOR WHICH THE ADMINISTRATION MAY ISSUE INITIAL CREDIT CERTIFICATES SHALL BE REDUCED BY THE AMOUNT TRANSFERRED.

(4) FOR EACH OF FISCAL YEARS 2018 AND 2019, THE GOVERNOR MAY INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE RESERVE FUND.

(5) NOTWITHSTANDING THE PROVISIONS OF § 7-213 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT REDUCE AN APPROPRIATION TO THE RESERVE FUND IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

(6) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY APPROPRIATED TO THE RESERVE FUND SHALL REMAIN IN THE FUND.

(II) 1. WITHIN 15 DAYS AFTER THE END OF EACH CALENDAR QUARTER, THE ADMINISTRATION SHALL NOTIFY THE COMPTROLLER AS TO EACH FINAL CREDIT CERTIFICATE ISSUED DURING THE QUARTER:

A. THE MAXIMUM CREDIT AMOUNT STATED IN THE INITIAL TAX CREDIT CERTIFICATE FOR THE PRODUCER OF ELECTRICITY FROM QUALIFIED ENERGY RESOURCES AT A QUALIFIED MARYLAND FACILITY; AND

B. THE FINAL CERTIFIED CREDIT AMOUNT FOR THE ELECTRICITY PRODUCER.

2. ON NOTIFICATION THAT A FINAL CREDIT AMOUNT HAS BEEN CERTIFIED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO

THE CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE FOR THE ELECTRICITY PRODUCER FROM THE RESERVE FUND TO THE GENERAL FUND.

(E)”;

and in line 22, strike “(e)” and substitute “(F)”.

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. 1315)

**AMENDED IN THE HOUSE**

**Senate Bill 1007 – ~~Senator Peters~~ Senators Peters, Astle, Benson, Currie, Feldman, Guzzone, Kasemeyer, Kelley, King, Klausmeier, Madaleno, Manno, McFadden, Middleton, Pugh, and Rosapepe**

AN ACT concerning

**Maryland Small Business Retirement Savings Program and Trust**

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

**SB1007/963794/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 1007

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “disclosures;” insert “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;”.

AMENDMENT NO. 2

On page 11, in line 19, strike “AND”; and in line 21, after “PROGRAM” insert “; AND”.

**(VI) INFORMATION ABOUT ALTERNATIVE RETIREMENT SAVINGS OPTIONS**”.

**AMENDMENT NO. 3**

On page 14, after line 5, insert:

**“(F) THE STATE MAY NOT TRANSFER ANY ASSETS OF THE TRUST TO THE GENERAL FUND OR ANY OTHER FUND OF THE STATE, OR OTHERWISE ENCUMBER ANY ASSETS OF THE TRUST.”**

**AMENDMENT NO. 4**

On page 16, after line 25, insert:

**“(G) THE ASSETS IN A PARTICIPATING EMPLOYEE’S PROGRAM ACCOUNT ARE THE PROPERTY OF THE PARTICIPATING EMPLOYEE.”**

The preceding 4 amendments were read and concurred in.

**SB1007/143892/1**

BY: Economic Matters Committee

**AMENDMENT TO SENATE BILL 1007**

(Third Reading File Bill)

On page 4, in line 7, strike **“TITLE 12, SUBTITLE 1”** and substitute **“TITLE 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 – 46    Negative – 0    (See Roll Call No. 1316)

**AMENDED IN THE HOUSE**

**Senate Bill 1062 – Senators Guzzone and Salling**

AN ACT concerning



~~Enterprise Zones – Target Redevelopment Areas – Designation and~~  
**Use Tax Exemption**

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

**SB1062/615462/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1062  
 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Baltimore County – Sales and Use Tax Exemption – Redevelopment Areas”; in line 14, strike “a certain qualified project located in”; in line 15, after “area” insert “in Baltimore County”; strike beginning with “authorizing” in line 15 down through “penalty;” in line 21 and substitute “requiring a buyer claiming the exemption to provide certain evidence to a vendor;”; and in line 23, strike “enterprise zones and”.

On page 2, in line 13, strike “and 13–1032”.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 28 on page 3 through line 2 on page 4, inclusive.

On page 4, in lines 3 and 13, strike “**(4)**” and “**(5)**”, respectively, and substitute “**(3)**” and “**(4)**”, respectively; strike beginning with “**ANY**” in line 5 down through “**COUNTY;**” in line 7 and substitute “**ANY REAL PROPERTY OWNED OR LEASED BY A PERSON IN BALTIMORE COUNTY THAT:**”

**(I) WAS PREVIOUSLY OWNED AT ANY TIME BY BETHLEHEM STEEL CORPORATION, OR ANY OF ITS SUBSIDIARIES; AND;**

strike beginning with the semicolon in line 10 down through the second “**USE**” in line 12; in line 18, after “**PURCHASED**” insert “**BY A PERSON SOLELY**”; in line 19, strike “**QUALIFIED PROJECT**” and substitute “**TARGET REDEVELOPMENT AREA**”; in line 20, strike “**PURCHASER**” and substitute “**BUYER**”; and strike beginning with “**A**” in line 20 down through “**SECTION**” in line 22 and substitute “**WITH EVIDENCE OF ELIGIBILITY FOR THE EXEMPTION ISSUED BY THE COMPTROLLER**”.

On pages 4 and 5, strike in their entirety the lines beginning with line 23 on page 4 through line 13 on page 5, inclusive.

On page 5, in line 15, strike “October” and substitute “July”; in the same line, strike “5” and substitute “10”; and in lines 15 and 16, strike “September 30, 2021” and substitute “June 30, 2026”.

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. 1317)

### **CONCURRENCE CALENDAR #36**

#### **AMENDED IN THE HOUSE**

#### **Senate Bill 46 – Senator Reilly**

AN ACT concerning

#### **Anne Arundel County – Archery Hunting – Safety Zone**

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

**SB0046/920511/1**

BY:    Environment and Transportation Committee

#### AMENDMENT TO SENATE BILL 46

(Third Reading File Bill)

On page 2, in line 9, after “in” insert “ANNE ARUNDEL COUNTY,”; in the same line, after the first “County” insert a comma; and strike in their entirety lines 12 through 21, inclusive.

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. 1318)

**AMENDED IN THE HOUSE**

**Senate Bill 775 – ~~Senator Simonaire~~ Senators Simonaire, Rosapepe, Bates, Young, Zucker, Conway, Waugh, Nathan-Pulliam, and Pinsky**

AN ACT concerning

**Natural Resources – Recreational License Donation Program – Establishment**

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

**SB0775/450118/1**

BY:    Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 775

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, after “term;” insert “requiring the Department to submit a certain report on the recreational license donation program to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 4, in line 25, after “That” insert “, on or before December 31, 2018, the Department of Natural Resources shall submit a report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly that states:

(1) the number of donated licenses and stamps issued under the recreational license donation program, aggregated by:

(i) the types of licenses issued; and

(ii) the status that formed the basis of the license recipient’s eligibility for the donated licenses;

(2) the nonprofit charitable organizations that sponsored recipients of donated licenses, aggregated by the number and types of licenses issued;

(3) an accounting of the money deposited into and redeemed out of the Recreational License Donation Fund; and

(4) any other information related to the recreational license donation program that the Department considers relevant.

SECTION 4. AND BE IT FURTHER ENACTED, That”;

and in line 26, 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 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. 1319)

**MESSAGE TO THE SENATE**

**BILL:**                    **HB0422**  
**SPONSOR:**            Delegate Fraser–Hidalgo, et al  
**SUBJECT:**             Interest Rate on Tax Deficiencies and Refunds

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 Walker, Chair  
 Delegate Platt  
 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:**                   **HB0422**  
**SPONSOR:**            Delegate Fraser–Hidalgo, et al  
**SUBJECT:**             Interest Rate on Tax Deficiencies and Refunds

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 Walker, Chairman  
Delegate Platt  
Delegate Simonaire.

The Senate appoints:

Senator Madaleno, Chair  
Senator Guzzone  
Senator Serafini

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**MESSAGE TO THE SENATE**

**BILL:**                   **HB0036**  
**SPONSOR:**            Baltimore City Delegation  
**SUBJECT:**             Rebuilding Baltimore City Communities Act of 2016

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 Walker, Chair  
Delegate Platt  
Delegate Reilly

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:** **HB0036**  
**SPONSOR:** Baltimore City Delegation  
**SUBJECT:** Rebuilding Baltimore City Communities Act of 2016

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 Walker, Chairman  
Delegate Platt  
Delegate Reilly.

The Senate appoints:

Senator Ferguson, Chair  
Senator Madaleno  
Senator Eckardt

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**MESSAGE TO THE SENATE**

**BILL:** **HB0140**  
**SPONSOR:** Speaker  
**SUBJECT:** Security Systems Technicians and Agencies – Sunset Extension  
and Program Evaluation

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 Jameson, Chair  
Delegate Davis  
Delegate W. Miller

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:** **HB0140**  
**SPONSOR:** Speaker  
**SUBJECT:** Security Systems Technicians and Agencies – Sunset Extension  
and Program Evaluation

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 Jameson, Chairman  
Delegate Davis  
Delegate W. Miller.

The Senate appoints:

Senator Conway, Chair  
Senator Zucker  
Senator Salling

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:

#### CONFERENCE COMMITTEE REPORT

**BILL NO.: SB 182      SPONSOR: Senator Mathias**

**SUBJECT: Public Safety – Rental Dwelling Units – Carbon  
Monoxide Alarms**

**THIRD READING CALENDAR      HOUSE NO. 55      SENATE NO. 23**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:



That the attached Environment and Transportation Committee Amendments (SB0182/320112/1) be adopted.

**SB0182/320112/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 182

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 3, in line 3, strike “OR PLUGGED”.

On page 5, in line 2, after “DWELLING” insert “AS FOLLOWS:”

**(1) OUTSIDE AND IN THE IMMEDIATE VICINITY OF EACH SEPARATE SLEEPING AREA; AND**

**(2) ON EVERY LEVEL OF THE UNIT, INCLUDING THE BASEMENT.”;**

and strike in their entirety lines 6 through 8, inclusive.

AMENDMENT NO. 3

On page 3, after line 21, insert:

**“(H) “SLEEPING AREA” HAS THE MEANING STATED IN § 9-101 OF THIS ARTICLE.”.**

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Steve Waugh**

\_\_\_\_\_  
Chair, **Marvin E. Holmes, Jr.**

\_\_\_\_\_  
**Cheryl C. Kagan**

\_\_\_\_\_  
**Carl Anderton, Jr.**



relating to the appointment of certain members to certain councils established under this Act; requiring the Department of Legislative Services to conduct a certain review and make certain recommendations on or before a certain date; applying certain requirements in certain provisions of law to a certain review; providing for the termination of this Act;

On page 2, in line 7, strike “and”; and in the same line, after “7-215” insert “, and 7-216”.

#### AMENDMENT NO. 2

On page 4, in line 3, strike the second “AND”; after line 3, insert:

**“(IX) ONE MEMBER WHO IS A USER OF COMMUTER BUS SERVICES, APPOINTED BY THE GOVERNOR; AND”;**

in line 4, strike “(IX)” and substitute “(X)”; in line 10, after the comma insert “OR THE SECRETARY’S DESIGNEE,”; and in line 11, after “SECRETARY” insert “, OR THE SECRETARY’S DESIGNEE,”.

On page 6, strike beginning with “REQUIRE” in line 23 down through “PLAN” in line 26 and substitute “REVIEW AND COMMENT ON THE MULTIMODAL TRANSIT DEVELOPMENT PLAN PREPARED BY THE ADMINISTRATION EVERY 5 YEARS UNDER SUBSECTION (J)(2) OF THIS SECTION”.

On page 7, in line 16, after the comma insert “IN COOPERATION WITH THE ADMINISTRATION,”.

On page 8, in line 2, strike “THIS”; in the same line, after “SUBSECTION” insert “(J) OF THIS SECTION”; after line 2, insert:

**“(I) IN CARRYING OUT ITS DUTIES UNDER SUBSECTION (H) OF THIS SECTION, THE BOARD SHALL ENDEAVOR TO ENSURE THAT THE ADMINISTRATION’S PLANS, BUDGET, DECISIONS, POLICIES, GOALS, PRIORITIES, OPERATIONS, AND SERVICES ADDRESS THE PUBLIC TRANSIT NEEDS OF RESIDENTS AND BUSINESSES IN ALL OF THE GEOGRAPHIC REGIONS OF THE STATE.”;**

in line 3, strike “(I)” and substitute “(J)”; strike beginning with “BOARD” in line 3 down through “SUBSECTION” in line 4 and substitute “BOARD AT ITS QUARTERLY MEETINGS”

AS PRESCRIBED IN SUBSECTION (E)(4) OF THIS SECTION"; strike beginning with "THE" in line 6 down through "INCLUDE" in line 8 and substitute "THE ADMINISTRATION SHALL, EVERY 5 YEARS, PREPARE A COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN THAT INCLUDES"; strike beginning with "IN" in line 27 down through the first "THE" in line 29 and substitute "THE"; after line 30, insert:

"1. ANY CHANGES THAT HAVE BEEN MADE TO THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN;";

and in lines 31 and 32, strike "1." and "2.", respectively, and substitute "2." and "3.", respectively.

On page 9, in line 1, strike "3." and substitute "4."; and strike beginning with "IN" in line 5 down through "AN" in line 6 and substitute "AN".

On page 14, after line 3, insert:

"7-216.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADMINISTRATION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE ON:

(1) THE ADMINISTRATION'S PROCESS FOR AND PROGRESS ON PREPARING THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN REQUIRED UNDER SUBSECTION (J)(2) OF THIS SECTION; AND

(2) (I) THE STATUS OF THE ESTABLISHMENT OF THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD, THE CITIZEN'S ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, THE MARC RIDERS ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, AND THE ACCESSIBLE TRANSPORTATION ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION; AND

(II) RECOMMENDATIONS ON ANY CHANGES NEEDED TO THE MEMBERSHIP OF THE BOARD AND ADVISORY COUNCILS, AND TO THE

ORGANIZATIONAL STRUCTURE OF THE BOARD AND ADVISORY COUNCILS WITHIN THE ADMINISTRATION, TO IMPROVE THE OPERATIONS OF THE BOARD AND ADVISORY COUNCILS.”

AMENDMENT NO. 3

On page 14, in line 27, strike “and”; after line 27, insert:

“(10) the member of the MARC Riders Advisory Council appointed by the Governor shall serve an initial term of two years;

(11) the member of the Accessible Transportation Advisory Council appointed by the Governor shall serve an initial term of two years;

(12) the member who is a user of commuter bus services appointed by the Governor shall serve an initial term of two years; and”;

and in line 28, strike “(10)” and substitute “(13)”.

AMENDMENT NO. 4

On page 14, after line 30, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Transit Administration, when appointing members to the advisory councils established under this Act, include members who have served or are serving on the existing advisory councils established by the Administration.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 15, 2020, the Department of Legislative Services shall conduct a review of the Maryland Transit Administration Oversight and Planning Board and the advisory councils established under Section 1 of this Act and make recommendations, including any proposed legislation necessary to implement the recommendations, to the Senate Finance Committee and the House Environment and Transportation Committee regarding:

(1) whether the termination date of the Board and advisory councils should be extended; and

(2) what, if any, statutory or nonstatutory changes should be made to improve the operations of the Board and advisory councils, including any changes that should be made to:

(i) the membership of the Board and advisory councils relating to geographic representation and other criteria;

(ii) the duties of the Board and advisory councils; and

(iii) the organizational structure of the Board and advisory councils within the Maryland Transit Administration, including:

1. whether the Board and each of the advisory councils should continue to function as separate entities; and

2. whether any modifications should be made to the reporting process and requirements that specify the entities to which the Board and each of the advisory councils is to report information.

(b) The requirements of § 8–408 of the State Government Article shall apply to the review conducted under subsection (a) of this section.”;

in line 31, strike “3.” and substitute “5.”; and in line 32, after the period insert “It shall remain effective for a period of 5 years and, at the end of May 31, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read only.

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

The motion was adopted.

#### **THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #80**

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

House Bill 1007 – Delegates Luedtke, Hettleman, Hixson, Rosenberg, M. Washington, Moon, Reznik, Smith, A. Washington, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hill, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, McCray, McIntosh, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena–Melnyk, Pendergrass, Platt, Proctor, B. Robinson, S. Robinson, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Waldstreicher, Walker, C. Wilson, and P. Young

AN ACT concerning

### Freedom to Vote Act

**HB1007/834231/2**

BY: Education, Health, and Environmental Affairs Committee

#### AMENDMENTS TO HOUSE BILL 1007

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 3, strike beginning with “requiring” in line 2 down through the semicolon in line 29.

On page 3, in line 43, strike “hunting and fishing licenses” and substitute “any license, permit, or certificate”; in line 44, after “system;” insert “requiring the State Board and the Department of Veterans Affairs to develop procedures for individuals who use the Department of Veterans Affairs Web site or who are contacted through a certain program to register to vote through a link to the online voter registration system; requiring the State Board and the Department of Human Resources to develop and implement procedures for certain individuals who use the Department’s electronic portal for certain purposes to be offered the opportunity to register to vote through a link to the State Board’s online voter registration system;”.

On pages 3 and 4, strike beginning with “requiring” in line 47 on page 3 down through “year;” in line 3 on page 4, inclusive.

On page 4, in line 9, after “Administration;” insert “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; requiring the Department of Information Technology and the State Board of Elections to conduct a certain study;”; in line 33, strike “3-203.1,” and substitute “3-204(a-1), (c), and (j), and”; in the same line, strike “, and 3-204.3”; and in line 38, after “1-101(y)” insert “and 3-204(a)(1) and (3), (d), (e), (g), (h), and (i)”.

On page 5, in line 9, after “3-203” insert “and 3-204(c)”; and in line 14, strike “3-204” and substitute “3-204(a)(2), (b), and (f)”.

#### AMENDMENT NO. 2

On page 26, in line 11, after “CARD” insert “, OR ANY OTHER TRANSACTION IN WHICH THE MOTOR VEHICLE ADMINISTRATION OBTAINS ALL OF THE INFORMATION FROM AN APPLICANT THAT SATISFIES THE REQUIREMENTS TO REGISTER TO VOTE”.

On page 27, in lines 2 and 3, strike “A SOCIAL SERVICE” and substitute “AN ELECTRONIC VOTER REGISTRATION”; and in line 24, strike “SOCIAL SERVICE” and substitute “ELECTRONIC VOTER REGISTRATION”.

#### AMENDMENT NO. 3

On page 28, in line 1, strike “AN” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN”; after line 2, insert:

“(2) A LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE DECEMBER 1, 2019.”;

in line 13, strike the colon; in line 14, strike “(1)”; in line 17, strike the semicolon; and strike in their entirety lines 18 through 29, inclusive, and substitute a period.

#### AMENDMENT NO. 4

On pages 28 and 29, strike beginning with line 30 on page 28 through line 2 on page 29, inclusive.

On page 29, in line 3, strike “(E)” and substitute “(D)”; after line 15, insert:

“(E) 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.”;

and in line 32, after the semicolon insert “AND”.

On page 30, in line 2, after the semicolon insert “AND”; strike in their entirety lines 3 through 10, inclusive; in line 24, after “SHALL” insert “CONSOLIDATE AND”; in line 25, after “AS” insert “A”; and in line 26, strike “DOCUMENTS” and substitute “DOCUMENT”.

#### AMENDMENT NO. 5

On pages 30 through 35, strike the lines beginning with line 28 on page 30 through line 23 on page 35, inclusive.

#### AMENDMENT NO. 6

On page 36, in line 2, strike the brackets; in line 3, strike “; AND” and substitute a period; strike lines 4 and 5, inclusive; and in line 9, strike “(A-2)” and substitute “(A-1)”.

#### AMENDMENT NO. 7

On page 37, in line 15, after “VOTE” insert “AND IS INFORMED 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”.

#### AMENDMENT NO. 8

On page 38, in lines 5 and 20, strike “2017,” and “2018,”, respectively, and substitute “2018,” and “2019,”, respectively; and in line 13, strike “6” and substitute “18”.

On page 39, in lines 1 and 6, strike “2017,” and “2018,”, respectively, and substitute “2018,” and “2019,”, respectively; in line 16, strike “an” and substitute “THE INDIVIDUAL’S”; and in the same line, strike “copy of the individual’s”.

#### AMENDMENT NO. 9

On page 40, in line 25, strike “RECREATIONAL HUNTING OR FISHING”; in line 26, after “LICENSE” insert “, PERMIT, OR CERTIFICATE”; strike in their entirety lines 11 through 21, inclusive; and after line 32, insert:

“(C) THE STATE BOARD AND THE DEPARTMENT OF VETERANS AFFAIRS SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE DEPARTMENT OF VETERANS AFFAIRS WEB SITE OR WHO ARE CONTACTED BY THE DEPARTMENT’S OUTREACH AND ADVOCACY PROGRAM TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “APPLICABLE TRANSACTION” MEANS AN ONLINE APPLICATION FOR A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM OR AN ONLINE APPLICATION FOR A RECERTIFICATION, RENEWAL, OR CHANGE OF NAME OR ADDRESS RELATING TO A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM.

(III) “DEPARTMENT” MEANS THE DEPARTMENT OF HUMAN RESOURCES.

(IV) “ELECTRONIC PORTAL” MEANS THE DEPARTMENT’S ONLINE SYSTEM, KNOWN AS MYDHR, THROUGH WHICH AN INDIVIDUAL MAY COMPLETE AN APPLICABLE TRANSACTION.

(2) THE STATE BOARD AND THE DEPARTMENT SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE DEPARTMENT’S ELECTRONIC PORTAL TO COMPLETE AN APPLICABLE TRANSACTION TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.”.

#### AMENDMENT NO. 10

On pages 40 and 41, strike beginning with line 33 on page 40 through line 27 on page 41, inclusive.

#### AMENDMENT NO. 11

On page 43, after line 22, insert:

“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, 2018, 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 WAYS AND MEANS COMMITTEE 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.”;

in line 23, strike “2.” and substitute “3.”; after line 30, insert:

“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, on or before August 1, 2016, the Attorney General shall request a determination letter from the Internal Revenue Service confirming that federal law does not preclude the Comptroller from engaging with the State Board of Elections for purposes of voter registration, including the sharing of information with the State Board that would allow for the identification of individuals who filed a Maryland resident individual income tax return and are not registered to vote.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2017, the Department of Information Technology and the State Board of Elections shall complete a study of voter registration at agencies in the Executive Branch of the State. The study shall:

(1) identify and assess the readiness and time frame within which the agencies that currently offer paper-based voter registration services to eligible State citizens might transition to an electronic system of voter registration;

(2) identify additional agencies for which it would be beneficial to the public to include a link on the agency's Web site to the online voter registration system at the State Board of Elections;

(3) identify additional agencies for which it would be beneficial to the public to be designated as voter registration agencies that provide paper-based or electronic voter registration services;

(4) assess how all agencies entrusted with providing electronic or paper-based voter registration services for citizens of the State maintain and ensure the confidentiality, security, and integrity of personal information obtained from citizens for purposes of voter registration.

(b) On or before October 1, 2017, the Department of Information Technology and the State Board of Elections shall jointly submit a report, in accordance with § 2-1246 of the State Government Article, summarizing the findings of the study to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION 8. AND BE IT FURTHER ENACTED, That on or before January 1, 2017, the State Board of Elections shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, concerning the process for informing applicants for voter registration of the manner in which an individual may apply to keep the individual's residence address confidential for specified safety or privacy reasons, as prescribed by the State Board of Elections regulations.”;

in line 31, strike “3.” and substitute “9.”; and in the same line, after “That” insert “. subject to Section 5 of this Act.”.

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

### CONCURRENCE CALENDAR #37

#### AMENDED IN THE HOUSE

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

AN ACT concerning

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

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

**SB0707/706987/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 707

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 11, after “date;” insert “stating the intent of the General Assembly; providing for the construction of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 8, in line 16, strike “**45**” and substitute “**60**”.

AMENDMENT NO. 3

On page 13, after line 24, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that, due to unique circumstances and a desire for prompt consideration by the Maryland Health Care Commission of the certificate of need for the Prince George’s Regional Medical Center, the memorandum of understanding, which sets forth the process for community engagement regarding the modernization and transformation plan for Laurel Regional Hospital entered into by the University of Maryland Medical System and representatives of local government, shall supplement the process for community engagement regarding the modernization and transformation plan for the Laurel Regional Hospital.

(b) Subsection (a) of this section may not be construed to affect the processes established under Section 1 of this Act.”;

and in line 25, strike “3.” and substitute “4.”.

On page 14, in line 3, strike “4.” and substitute “5.”.

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. 1321)

### RECONSIDERATION

Senator Middleton moved, duly seconded, to reconsider the vote by which **House Bill 1350** passed Third Reading.

The motion was adopted.

**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**

Senator Middleton moved, duly seconded, to recommit the Bill.

The motion was adopted.

### THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #81

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

**House Bill 670 – Delegates McCray, Anderson, Carter, Conaway, Glenn, Hayes, Lierman, Oaks, B. Robinson, and M. Washington**

AN ACT concerning

#### **Baltimore City – Remediation of Illegal Dumping – Report**

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 1210 – Delegates Clippinger, Hammen, and Lierman**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Class C Beer, Wine, and Liquor~~ Licenses****HB1210/464530/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1210

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 12, after “City,” insert “authorizing the Board to transfer a certain Class B–D–7 license from a certain location to a certain location;”; in line 14, after “school,” insert “altering the expiration date for certain licenses; making this Act an emergency measure;”; and in line 23, after “12–604” insert “and 12–1604(d) and (e)”.

On page 2, in line 5, after “12–1604(c)(2)(iv)” insert “, (d), and (e)”.

AMENDMENT NO. 2

On page 3, in line 15, after “district,” insert “AND”; strike beginning with “A” in line 16 down through “AREA” in line 28 and substitute “A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF WEST SARATOGA STREET IN WARD 4, PRECINCT 3 OF THE 40TH ALCOHOLIC BEVERAGES DISTRICT”; and after line 28, insert:

“(E) ONE CLASS B–D–7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY MORTON STREET ON THE WEST, WEST EAGER STREET ON THE NORTH, NORTH CHARLES STREET ON THE EAST, AND WEST READ STREET ON THE SOUTH MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY 21ST STREET ON THE NORTH, MORTON STREET ON THE WEST, NORTH CHARLES STREET ON THE EAST, AND 20TH STREET ON THE SOUTH.”

On page 4, after line 10, insert:

“(D) THE BOARD MAY ISSUE:



(1) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF HOLLIDAY STREET IN WARD 3, PRECINCT 3;

(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK OF SOUTH CENTRAL AVENUE IN WARD 3, PRECINCT 3; AND

(3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, A CLASS D BEER LICENSE FOR THE AREA IN WARD 24, PRECINCT 5 THAT IS BOUNDED BY EAST FORT AVENUE ON THE NORTH, THE CSX ACCESS WAY ON THE EAST, EAST MCCOMAS STREET ON THE SOUTH, AND WHETSTONE WAY ON THE WEST.

(E) A CLASS D BEER LICENSE MAY BE TRANSFERRED INTO THE AREA SPECIFIED UNDER SUBSECTION (D)(3) OF THIS SECTION IF ORIGINALLY ISSUED FOR ANOTHER AREA.

[(d)] (F) Notwithstanding subsection (c)(1) and (2) of this section, the Board may not issue a Class B beer, wine, and liquor restaurant license in:

(1) the area covered by the Key Highway East Industrial Area Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June 29, 1987;

(2) the area covered by the Key Highway Urban Renewal Plan, as adopted by the Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986;

(3) (i) ward 1, precinct 4 or 5;

(ii) ward 23, precinct 1; and

(iii) ward 24, precinct 5; and

(4) the area known as Pen Lucy, ward 9, precincts 1 and 2.

[(e)] (G) (1) Except as provided in paragraph (2) of this subsection, the Board may not issue a license for:

(i) ward 1, precincts 4 and 5;

(ii) ward 23, precinct 1; or

(iii) ward 24, precinct 5.

(2) The Board may issue not more than two Class B beer, wine, and liquor licenses, so that the cumulative number of licenses issued or transferred is two, into the area of 829 through 919 E. Fort Avenue only if the Board:

(i) has executed a memorandum of understanding between the community associations in Riverside and Locust Point regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under this paragraph and seeks to renew or transfer the license.”.

On page 5, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That all alcoholic beverages licenses issued by the Baltimore City Board of Liquor License Commissioners that are due to expire on April 30, 2016:

(1) will expire instead on May 31, 2016; and

(2) if renewed, will expire on April 30, 2017.”;

in line 17, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 1 of”; and after line 18, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

**House Bill 1644 – Delegates West, Aumann, Hettleman, Morhaim, and Stein**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Racetrack License**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #40**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably:

**House Bill 46 – Delegate Chang**

AN ACT concerning

**~~Animal Control and Veterinary Facilities – Stray Dogs and Cats – Microchip~~  
Seans Units – Impounded Animals – Identification**

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 253 – Delegate Otto**

AN ACT concerning

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

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 565 – Delegates Dumais and Vallario**

AN ACT concerning

**Criminal Law – Possession of Less Than 10 Grams of Marijuana – Code Violation**

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 751 – Delegates Sanchez, Atterbeary, D. Barnes, Dumais, Glass, McComas, Moon, Parrott, Rey, Smith, Sydnor, Valentino–Smith, and B. Wilson**

AN ACT concerning

**Criminal Law – Sexual Offenses – Court–Ordered Services Provider**

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 822 – Delegates Atterbeary, Dumais, Kittleman, McComas, Moon, Morales, Rosenberg, Sanchez, Smith, Sydnor, Valentino–Smith, and B. Wilson**

AN ACT concerning

**Criminal Law – Altering References From Mentally Defective to Substantially Cognitively Impaired Individual**

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 1183 – Delegates Angel, Atterbeary, Carter, Kelly, Morales, Pena–Melnyk, Proctor, Rosenberg, Sanchez, Sydnor, Tarlau, and Walker**

AN ACT concerning

**Family Law – Divorce – Restoration of Former Name**

Senator Zirkin moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

### SPECIAL ORDERS

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

**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–Melnik, 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**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR HOUGH.

FLOOR AMENDMENT

**HB1106/343522/1**

BY: Senator Hough

#### AMENDMENTS TO HOUSE BILL 1106, AS AMENDED

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1 of the bill, in line 3, after “of” insert “removing waste-to-energy from the definition of “Tier 1 renewable source”;”.

On page 1 of the Finance Committee Amendments (HB1106/507779/1), in line 16 of Amendment No. 1, after “Section” insert “7-701(a) and”.

On page 2 of the bill, in line 24, after “Section” insert “7-701(r).”.

#### AMENDMENT NO. 2

On page 5 of the bill, after line 10, insert:

“7-701.

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

(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 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.

**CONCURRENCE CALENDAR #38**

**AMENDED IN THE HOUSE**

**Senate Bill 71 – ~~Senator Young~~ Senators Young and Nathan-Pulliam**

AN ACT concerning

**Public and Nonpublic Schools – Student Diabetes Management Program**

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

**SB0071/395262/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 71

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Nonpublic”; in the same line, strike “Student Diabetes Management Program” and substitute “Provision of Diabetes Care Services to Students – Requirements”; in line 4, strike “, in consultation with certain other organizations,” and substitute “jointly”; and strike beginning with “the” in line 5 down through “providers” in line 6 and substitute “public schools regarding the provision of health care services to students with diabetes, provide certain technical assistance, and develop a certain process; requiring that the guidelines be informed by best practices in school diabetes management”.

On pages 1 and 2, strike beginning with “requiring” line 6 on page 1 down through “schools” in line 4 on page 2 and substitute “providing that a certain individual is not civilly liable for certain acts or omissions; providing that a certain provision of this Act does not affect, and may not be construed to affect, certain immunities and defenses; requiring the State Department of Education and the Department of Health and Mental Hygiene, in consultation with the State Board of Nursing, local school systems, local health departments, and certain stakeholders, to establish a certain plan; requiring the State Department of Education and the Department of Health and Mental Hygiene jointly to report to certain committees of the General Assembly on or before a certain date; defining”.

a certain term; and generally relating to the provision of diabetic care services in public schools in the State”.

On page 2, in line 7, strike “7-438 and 7-439” and substitute “7-426.4”.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 13 on page 2 through line 2 on page 11, inclusive, and substitute:

“7-426.4.

(A) IN THIS SECTION, “DIABETES MEDICAL MANAGEMENT PLAN” MEANS A SET OF INSTRUCTIONS AND MEDICATION ORDERS PROVIDED BY A STUDENT’S HEALTH CARE PROVIDER THAT INDICATES THE HEALTH CARE SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT’S DIABETES WHILE THE STUDENT IS AT SCHOOL.

(B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH GUIDELINES FOR PUBLIC SCHOOLS REGARDING THE PROVISION OF HEALTH CARE SERVICES TO STUDENTS WITH DIABETES.

(2) THE GUIDELINES SHALL BE INFORMED BY BEST PRACTICES IN SCHOOL DIABETES MANAGEMENT.

(C) THE GUIDELINES SHALL INCLUDE:

(1) PROCEDURES FOR TREATING A STUDENT’S DIABETIC SYMPTOMS, INCLUDING ADMINISTERING MEDICATION SUCH AS INSULIN AND OTHER MEDICATIONS AS ORDERED BY THE STUDENT’S HEALTH CARE PROVIDER AND INDICATED IN THE STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN;

(2) PROCEDURES FOR MONITORING BLOOD GLUCOSE AND KETONE LEVELS;



(3) A DESCRIPTION OF A PARENT’S OR CAREGIVER’S RESPONSIBILITIES IN RELATION TO THE CARE OF A STUDENT WITH DIABETES WHILE THE STUDENT IS AT SCHOOL, INCLUDING:

(I) NOTIFYING THE SCHOOL OF THE STUDENT’S DIABETES DIAGNOSIS;

(II) PROVIDING APPROPRIATE MEDICATION, DELIVERY DEVICES, AND MEDICAL CONDITION INDICATION DEVICES, INCLUDING MEDIC ALERT BRACELETS OR NECKLACES, TO THE SCHOOL OR THE STUDENT, AS APPROPRIATE;

(III) PROVIDING PARENTAL OR CAREGIVER CONSENT FOR THE ADMINISTRATION OF MEDICATIONS BY SCHOOL PERSONNEL WHILE THE STUDENT IS AT SCHOOL OR AT SCHOOL-SPONSORED EVENTS OR ACTIVITIES; AND

(IV) PROVIDING THE SCHOOL WITH AN EMERGENCY CARD FOR MEDICAL EMERGENCIES WITH UP-TO-DATE CONTACT NAMES AND TELEPHONE NUMBERS;

(4) A DESCRIPTION OF A SCHOOL’S RESPONSIBILITIES IN RELATION TO THE CARE OF A STUDENT WITH DIABETES, INCLUDING:

(I) PROVIDING INSTRUCTION BY THE SCHOOL NURSE TO SCHOOL HEALTH SERVICES PERSONNEL, TEACHERS, COACHES, TRANSPORTATION PERSONNEL, AND OTHER APPROPRIATE SCHOOL PERSONNEL, AS DETERMINED BY THE SCHOOL NURSE, INCLUDING INSTRUCTION ON:

1. RECOGNIZING THE SYMPTOMS OF HYPOGLYCEMIA AND HYPERGLYCEMIA AND THE APPROPRIATE ACTIONS TO TAKE TO CONTROL THE SYMPTOMS;

2. ADMINISTERING GLUCAGON IN AN EMERGENCY IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS, IF THE SCHOOL PERSONNEL HAS RECEIVED INSTRUCTION BY THE SCHOOL NURSE ON ADMINISTERING GLUCAGON; AND

3. IMPLEMENTING A STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN AND A STUDENT’S 504 PLAN OR OTHER WRITTEN EDUCATION PLAN;

(II) PROVIDING AND DISTRIBUTING THE REQUIRED DOCUMENTS FOR NOTIFICATION, CONSENT FOR THE ADMINISTRATION OF MEDICATIONS, MEDICAL EMERGENCY CONTACT INFORMATION, AND ANY OTHER APPROPRIATE DOCUMENTS; AND

(III) ENSURING THAT APPROPRIATE SCHOOL PERSONNEL, AS DETERMINED BY THE SCHOOL NURSE, ARE AVAILABLE TO MEET STUDENTS’ HEALTH CARE NEEDS DURING THE SCHOOL DAY AND DURING SCHOOL–SPONSORED EVENTS AND ACTIVITIES;

(5) A DESCRIPTION OF A STUDENT’S RESPONSIBILITIES IN RELATION TO THE STUDENT’S DIABETES CARE WHILE THE STUDENT IS AT SCHOOL THAT ARE AGE AND CLINICALLY APPROPRIATE;

(6) THE ESTABLISHMENT BY THE SCHOOL OF PROCEDURES, AS DETERMINED BY THE SCHOOL NURSE AND IN ACCORDANCE WITH A STUDENT DIABETES MANAGEMENT PLAN, FOR STUDENTS WHO ARE CAPABLE OF AND RESPONSIBLE FOR SELF–MANAGEMENT OF THEIR DIABETES IN ACCORDANCE WITH HEALTH CARE PROVIDER ORDERS AND WITH ANY NECESSARY SUPPORTS FROM SCHOOL PERSONNEL WHO HAVE RECEIVED INSTRUCTION FROM THE SCHOOL NURSE; AND

(7) ANY OTHER PROCEDURES, DESCRIPTIONS, OR OTHER ITEMS THAT ARE RELEVANT TO THE PROVISION OF DIABETES CARE SERVICES TO STUDENTS.

(D) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE TO PUBLIC SCHOOLS TO AID THE SCHOOLS IN:

(I) IMPLEMENTING THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION; AND

(II) INSTRUCTING SCHOOL PERSONNEL AT THE LOCAL LEVEL; AND

(2) DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(E) (1) AN INDIVIDUAL WHO HAS RECEIVED INSTRUCTION TO PROVIDE DIABETES CARE SERVICES TO STUDENTS IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED UNDER SUBSECTION (B)(1) OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF PROVIDING DIABETES CARE SERVICES TO A STUDENT WHILE THE STUDENT IS AT SCHOOL IF:

(I) THE INDIVIDUAL IS ACTING IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO A STUDENT WHO IS IN NEED OF, OR WHO THE INDIVIDUAL IN GOOD FAITH BELIEVES TO BE IN NEED OF, DIABETES CARE SERVICES;

(II) THE DIABETES CARE SERVICES ARE PROVIDED IN A REASONABLY PRUDENT MANNER; AND

(III) THE DIABETES CARE SERVICES ARE PROVIDED TO THE STUDENT WITHOUT FEE OR OTHER COMPENSATION.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED TO AFFECT, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF LAW TO WHICH AN INDIVIDUAL MAY BE ENTITLED.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education and the Department of Health and Mental Hygiene, in consultation with the State Board of Nursing, local school systems, local health departments, and other interested stakeholders, shall establish a plan for all public school

health services programs in the State to provide diabetes care services through the implementation of policies and programs so students with diabetes may:

- (1) remain safe in school;
- (2) be supported for optimal academic achievement; and
- (3) fully participate in all aspects of school programming, including after-school activities and other school-sponsored events.

(b) On or before December 1, 2016, the State Department of Education and the Department of Health and Mental Hygiene jointly shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, in accordance with § 2–1246 of the State Government Article, on the progress of establishing the plan required under subsection (a) of this section.”.

On page 11, in line 3, strike “2.” and substitute “3.”.

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: **SB0071**  
SPONSOR: Senator Young  
SUBJECT: Public and Nonpublic Schools – Student Diabetes Management Program

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 Nathan–Pulliam  
Senator Bates

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**AMENDED IN THE HOUSE**

**Senate Bill 225 – Senator Simonaire**

AN ACT concerning

**Hunting and Fishing Licenses – Disabled Active Military, Former Prisoners of War, Recipients of the Purple Heart Award, and Disabled Veterans**

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

**SB0225/970415/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 225

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Licenses”; strike beginning with “Disabled” in line 2 down through “Veterans” in line 3 and substitute “Complimentary Licenses – Purple Heart Recipients”; strike beginning with “exempting” in line 4 down through “circumstances;” in line 6; in line 7, strike “certain” and substitute “a”; in the same line, strike “hunting and fishing licenses” and substitute “angler’s license, Chesapeake Bay and coastal sport fishing license, or hunting license and any associated State-issued stamps or permits”; in lines 7 and 8, strike “an out-of-state” and substitute “a”; strike beginning with “certifies” in line 8 down through “recipients” in line 16 and substitute “is a recipient”; in line 16, strike “Award” and substitute “award”; in lines 16 and 17, strike “providing for the termination of certain provisions of this Act;”; in line 17, after “making” insert “certain”; in the same line, after “to” insert “complimentary”; in line 21, strike “4-604(c).”; in the same line, strike “4-614(a)(2).”; in the same line, strike “4-745(c) and (e)” and substitute “4-745(e)”; in the same line, strike “10-303(a)(2)” and substitute “10-303”; and after line 23, insert:

“BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4-745(a)(1)

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 22, inclusive; in line 30, strike “LIFETIME”; in line 31, after “LICENSE” insert “AND TROUT STAMP”; and in the same line, strike “AN OUT-OF-STATE” and substitute “A”.

On pages 2 and 3, strike beginning with “CERTIFIES” in line 31 on page 2 down through “STATE” in line 3 on page 3 and substitute “IS A RECIPIENT OF THE PURPLE HEART AWARD”.

On page 3, in lines 4, 6, and 8, in each instance, strike the brackets; in lines 4 and 6, in each instance, after “complimentary” insert “ANGLER’S”; in line 8, strike “(C)”; strike in their entirety lines 12 through 28, inclusive; and after line 29, insert:

“(a) (1) Except as provided in subsections (c) and (d) of this section and § 4–217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and their tributaries without first obtaining a Chesapeake Bay and coastal sport fishing license or registration issued under subsection (d)(3) of this section and possessing evidence of the license or registration.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 30 on page 3 through line 28 on page 4, inclusive.

On page 5, in line 1, after “(2)” insert “(I)”; after line 3, insert:

“(II) THE DEPARTMENT MAY ISSUE A COMPLIMENTARY CHESAPEAKE BAY AND COASTAL SPORT FISHING LICENSE TO A PERSON WHO IS A RECIPIENT OF THE PURPLE HEART AWARD.”;

strike beginning with “THE” in the line 4 down through “(4)” in line 10; in line 10, after “complimentary” insert “CHESAPEAKE BAY AND COASTAL SPORT FISHING”; after line 12, insert:

“(a) (1) The Department annually may issue a complimentary [hunter’s] HUNTING license to the President of the United States, the governor of any state, or an

official or an enforcement officer of the game and fish management agency of another state which reciprocally offers complimentary hunting licenses.”;

in line 13, strike “(a)”; in lines 13 and 17, in each instance, strike the brackets; in lines 13 and 14 and lines 17 and 18, in each instance, strike “**SUBJECT TO THE REQUIREMENTS OF § 10–301.1 OF THIS SUBTITLE, THE**”; in lines 14 and 18, in each instance, strike “hunter’s” and substitute “**HUNTING**”; after line 22, insert:

**“(3) THE DEPARTMENT MAY ISSUE A COMPLIMENTARY HUNTING LICENSE AND ANY ASSOCIATED STATE–ISSUED STAMP OR PERMIT TO A PERSON WHO IS A RECIPIENT OF THE PURPLE HEART AWARD.**

[(3)] (4) A complimentary license is not transferable and shall be issued on forms designated by the Department.

(b) For the purposes of this section, “former prisoner of war” means a person who, while serving in the active military, naval, or air service of the United States, was forcibly detained or interned in the line of duty by an enemy government or its agents, or a hostile force, during a period of armed conflict.”;

strike beginning with “the” in line 23 down through “That” in line 27; and strike beginning with “Section” in line 28 down through “effect.” in line 31.

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: **SB0225**  
 SPONSOR: Senator Simonaire  
 SUBJECT: Hntg and Fishing Lcnss – Dsblld Active Mltry, Frmr POWs,  
 Rcpnts of the Purple Hrt Awd, and Dsblld Vets

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 Simonaire, Chair  
Senator Zucker  
Senator Rosapepe

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

### AMENDED IN THE HOUSE

#### Senate Bill 837 – Senator Waugh

AN ACT concerning

#### Crabs – Harvest Times – Trotlines and Crab Pots

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

**SB0837/720311/1**

BY: Environment and Transportation Committee

#### AMENDMENTS TO SENATE BILL 837

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Tidal Fish License – Catching Crabs Using Trotline Gear – Holidays”; in line 3, strike “requiring” and substitute “authorizing”; in the same line, after “adopt” insert “certain”; strike beginning with “that” in line 4 down through “option” in line 10 and substitute “restricting a tidal fish licensee who catches crabs using trotline gear to a workday of at least a certain duration on certain holidays if the Department authorizes the workday to begin at a certain time”; and in line 11, strike “harvest times for crabs using trotlines and crab pots” and substitute “tidal fish licenses”.

#### AMENDMENT NO. 2

On page 2, in line 21, strike “If” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF**”; in line 23, strike the brackets; in the same



line, strike “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE**”; and after line 28, insert:

**“(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, IF THE DEPARTMENT AUTHORIZES THE WORKDAY TO BEGIN EARLIER THAN 1 HOUR BEFORE SUNRISE, THEN THE DEPARTMENT MAY ADOPT REGULATIONS TO RESTRICT A TIDAL FISH LICENSEE WHO CATCHES CRABS USING TROTLINE GEAR TO A WORKDAY OF AT LEAST 10 HOURS PER DAY, EXCLUDING TIME SPENT SETTING OR TAKING UP GEAR, ON THE FOLLOWING HOLIDAYS AND THE WEEKEND EITHER BEFORE OR AFTER THE HOLIDAY:**

- (I) MEMORIAL DAY;**
- (II) INDEPENDENCE DAY; AND**
- (III) LABOR DAY.”.**

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 14 on page 3, inclusive.

On page 3, in line 15, strike the brackets; and in the same line, strike “**(D)**”.

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:** SB0837  
**SPONSOR:** Senator Waugh  
**SUBJECT:** Crabs – Harvest Times – Trotlines and Crab Pots

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 Waugh, Chair

Senator Zucker  
Senator Bates

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**AMENDED IN THE HOUSE**

**Senate Bill 950 – Senator Conway**

AN ACT concerning

~~**Education – Students With Disabilities – Parental Consent for Individualized  
Education Program Content**~~  
**Education – Students With Disabilities – Study of Parental Consent in the  
Individualized Education Program Process**

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

**SB0950/235163/1**

BY: Committee on Ways and Means

**AMENDMENT TO SENATE BILL 950**  
(Third Reading File Bill)

On page 2, in line 16, after “directors” insert “and teachers”; in line 20, strike “and”; and in the same line, after “Association” insert “of Maryland, and parents of students with disabilities”.

On page 3, strike beginning with the colon in line 4 down through “(i)” in line 5; and strike in their entirety lines 7 and 8, inclusive.

On page 5, in line 2, strike “July” and substitute “June”.

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:** **SB0950**  
**SPONSOR:** Senator Conway  
**SUBJECT:** Ed – Students With Disabilities – Stdy of Parental Consent in the Individualized Ed Program Process

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 Kagan, Chair  
Senator Bates  
Senator Conway

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**ADJOURNMENT**

At 5:13 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 6:30 P.M. on Monday, April 11, 2016.

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**Annapolis, Maryland**  
**Legislative Day: April 6, 2016**  
**Calendar Day: Monday, April 11, 2016**  
**6:30 P.M. Session**

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The Senate met at 6:51 P.M.

**QUORUM CALL**

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

(See Roll Call No. 1322)

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

The Journal of April 5, 2016 was read and approved.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 508**      **SPONSOR: Senator Ramirez**

**SUBJECT: Civil Penalties for Shoplifting and Employee Theft**

**THIRD READING CALENDAR**      **HOUSE NO. 23**      **SENATE NO. 50**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the House Judiciary Committee Amendments (SB0508/912218/1) be rejected.
- (2) That the attached Conference Committee Amendments (SB0508/393624/1) be adopted.

**SB0508/393624/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 508  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Penalties” and substitute “Remedies”; in line 3, after “of” insert “repealing a certain provision of law providing that a responsible person is civilly liable to a merchant for certain civil penalties for shoplifting and employee theft;”; in line 9, strike “and civil penalties”; in line 10, strike “a certain civil penalty” and substitute “certain damages”; in line 11, after “violations;” insert “requiring certain merchants to report certain information to the Department of Labor, Licensing, and Regulation on or before a certain date; providing for the termination of a certain provision of this Act;”; in the same line, after “stylistic” insert “and conforming”; and in line 12, strike “penalties” and substitute “remedies”.

On page 2, in line 8, after “3-1306.1” insert “and 3-1309”.

AMENDMENT NO. 2

On page 2, in line 14, strike “Civil Penalties” and substitute “**REMEDIES**”.

On page 3, in line 17, after the semicolon insert “and”; strike beginning with the semicolon in line 20 down through “\$1,000” in line 23; and strike in their entirety lines 25 through 31, inclusive.

On page 4, in line 1, strike “(b)” and substitute “**(A)**”; in the same line, strike “The” and substitute “**IF A MERCHANT ELECTS TO SEEK THE DAMAGES AVAILABLE UNDER § 3-1302 OF THIS SUBTITLE, THE**”; strike in their entirety lines 15 and 16; in lines 17, 19, 23, and 27, strike “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively, and substitute “**(IV)**”, “**(V)**”, “**(VI)**”, and “**(VII)**”, respectively; in lines 17 and 20, in each instance, strike “and civil penalty”; and in line 30, strike “**AND CIVIL PENALTY**”.

On page 5, in line 2, strike “**AND PENALTIES**”; in lines 8, 15, and 24, strike “(c)”, “(b)(2)(i) through ~~(v)~~ **(VIII)**”, and “(d)”, respectively, and substitute “**(B)**”, “**(A)(2)(I)** **THROUGH (VII)**”, and “**(C)**”, respectively; and in line 22, strike “penalties.”.

On pages 5 and 6, strike beginning with “and” in line 35 on page 5 down through “penalty” in line 1 on page 6.

On page 6, in lines 17 and 19, in each instance, strike “and penalties”; in lines 23 and 24, in each instance, strike “AND CIVIL PENALTIES”; in lines 26 and 27, strike “OR A CIVIL PENALTY”.

On page 7, strike beginning with the colon in line 15 down through “Do” in line 18 and substitute “DO”; and in line 23, strike “and civil penalty”.

AMENDMENT NO. 3

On page 7, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-1309.

ON OR BEFORE JANUARY 15 OF EACH YEAR, A MERCHANT THAT SOUGHT DAMAGES UNDER THIS SUBTITLE DURING THE PRECEDING CALENDAR YEAR SHALL SUBMIT A LETTER TO THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION THAT INCLUDES THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

(1) THE NUMBER OF ALLEGED SHOPLIFTING OR EMPLOYEE THEFT INCIDENTS;

(2) THE NUMBER OF DEMAND LETTERS SENT BY THE MERCHANT;

(3) THE AMOUNT OF MONEY RECEIVED IN RESPONSE TO THOSE DEMAND LETTERS;

(4) THE NUMBER OF CRIMINAL PROSECUTIONS SOUGHT BY THE MERCHANT AND THE FINAL DISPOSITIONS OF THOSE PROSECUTIONS; AND

(5) THE NUMBER OF CIVIL SUITS FILED UNDER THIS SUBTITLE BY THE MERCHANT AND THE FINAL DISPOSITION OF THOSE SUITS.”;

in line 25, strike "2." and substitute "3."; and in line 26, after "2016." insert "Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 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.".

Senate Members:

House Members:

Chair, **Victor R. Ramirez**

Chair, **William C. Smith, Jr.**

**James Brochin**

**Marice Morales**

**Wayne Norman**

**Carlo Sanchez**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 42    Negative – 0    (See Roll Call No. 1323)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 161      SPONSOR: Senator Hough**

**SUBJECT: Criminal Procedure – Seizure and Forfeiture**

**THIRD READING CALENDAR      HOUSE NO. 23      SENATE NO. 41**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the House Judiciary Committee Amendments (SB0161/502316/1) be rejected.
- (2) That Delegate Vallario's Amendments (SB0161/273523/1) be rejected.
- (3) That the attached Conference Committee Amendments (SB0161/673827/1) be adopted.

**SB0161/673827/1**

BY: Conference 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; 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;”.

On pages 1 and 2, strike beginning with “authorizing” in line 20 on page 1 down through “programs;” in line 18 on page 2, inclusive.

On page 2, 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”; in the same line, strike “or”; in line 3, after the first comma insert “**OR**”; and in the same line, strike “, or possession”.

AMENDMENT NO. 4

On page 7, in line 30, strike “**THAT INCLUDES PROOF OF OWNERSHIP,**”.

On page 8, strike beginning with the colon in line 17 down through “(2)” in line 19; and in line 26, strike “**THAT INCLUDES PROOF OF OWNERSHIP**”.

AMENDMENT NO. 5

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. 6

On page 10, strike beginning with “**(A)**” in line 17 down through “**(B)**” in line 23; and after line 27, insert:

**“(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.”**

On pages 10 and 11, strike in their entirety the lines beginning with line 28 on page 10 through line 3 on page 11, inclusive.

On page 11, in line 5, strike “**SUBSECTION**” and substitute “**SUBSECTIONS**”; in the same line, after “**(b)**” insert “**, (C), AND (D)**”; in line 6, strike “**AND § 12-304.1 OF THIS**

SUBTITLE"; in line 13, strike "(1)"; and strike in their entirety lines 18 through 28 and substitute:

"(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.

On pages 11 through 13, strike in their entirety the lines beginning with line 29 on page 11 through line 11 on page 13, inclusive.

AMENDMENT NO. 7

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)".

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Michael J. Hough**

\_\_\_\_\_  
Chair, **Joseph F. Vallario, Jr.**

\_\_\_\_\_  
**C. Anthony Muse**

\_\_\_\_\_  
**Charles E. Sydnor, III**

\_\_\_\_\_  
**Jamie Raskin**

\_\_\_\_\_  
**David Moon**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

Amendment Office Delivers Report to:

( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 42    Negative – 0    (See Roll Call No. 1324)

The Bill was then sent to the House of Delegates.

**CONCURRENCE CALENDAR #39**

**AMENDED IN THE HOUSE**

**Senate Bill 540 – Senator Conway**

AN ACT concerning

**Morgan State University – Student Housing**

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

**SB0540/124863/1**

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 540

(Third Reading File Bill)

AMENDMENT NO. 1On page 2, in line 9, strike “**THE**” and substitute “**;**”**(I) THE”;**in line 10, after “**APPROVES**” insert “**;** AND”**(II) THE DEVELOPER EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE HILLEN ROAD IMPROVEMENT ASSOCIATION AND THE ORIGINAL NORTHWOOD COMMUNITY ASSOCIATION REGARDING DEVELOPMENT OF THE NORTHWOOD SHOPPING CENTER”;**

strike in their entirety lines 13 through 18, inclusive; after line 18, insert:

**“(I) TWO STORIES ABOVE ANY RETAIL DEVELOPMENT THAT IS LOCATED ON THE NORTH SIDE OF THE 1500 OR 1600 BLOCKS OF HAVENWOOD ROAD; AND”;**and in lines 19 and 20, strike “**(IV)**” and “**1600**”, respectively, and substitute “**(II)**” and “**1500**”, respectively.AMENDMENT NO. 2On page 3, in line 5, strike “AND”; and in line 6, after “STUDENTS” insert “**;**”**(IV) SOPHOMORE UNDERGRADUATE STUDENTS; AND**

**(V) FRESHMAN UNDERGRADUATE STUDENTS**".

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 – 41    Negative – 0    (See Roll Call No. 1325)

**AMENDED IN THE HOUSE**

**Senate Bill 1047 – Senator Lee**

AN ACT concerning

**Task Force to Study Recording Deeds for Victims of Domestic Violence**

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

**SB1047/370011/1**

BY: Environment and Transportation Committee

**AMENDMENT TO SENATE BILL 1047**

(Third Reading File Bill)

On page 2, in line 16, strike "and"; and in line 18, after "violence" insert ";

(vii) one representative of the Maryland Associations of Counties; and

(viii) one representative of the Maryland Municipal League".

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 – 42    Negative – 0    (See Roll Call No. 1326)

**AMENDED IN THE HOUSE**

**Senate Bill 88 – Chair, Finance Committee (By Request – Departmental – Labor,  
Licensing and Regulation)**

AN ACT concerning

**Commissioner of Financial Regulation – Consolidation of Nondepository  
Special Funds**

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

**SB0088/383791/1**

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 88

(Third Reading File Bill)

On page 7, in line 30, strike “and under Subtitle 10 of this title”.

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 – 43    Negative – 0    (See Roll Call No. 1327)

**CONCURRENCE CALENDAR #41**

**AMENDED IN THE HOUSE**

**Senate Bill 135 – Senator Mathias**

AN ACT concerning

**Somerset County – Commissioners – Salary and Expense Reimbursements**

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

**SB0135/170616/1**

BY: Environment and Transportation Committee

AMENDMENT TO SENATE BILL 135

(Third Reading File Bill)

On page 1, in line 5, strike “altering the types of expenses eligible for reimbursement;” and substitute “altering the expenses for which each Commissioner may receive reimbursement; altering a certain requirement related to the submission of certain reimbursement vouchers by the Commissioners;”.

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 – 43    Negative – 0    (See Roll Call No. 1328)

### MESSAGE TO THE SENATE

BILL:                    **HB0849**  
SPONSOR:            Delegate Sample–Hughes, et al  
SUBJECT:             Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

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 Holmes, Chair  
Delegate Anderton  
Delegate McCray

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:**                    **HB0849**  
**SPONSOR:**            Delegate Sample–Hughes, et al  
**SUBJECT:**             Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms

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 Holmes, Chairman  
Delegate Anderton  
Delegate McCray.

The Senate appoints:

Senator Waugh, Chair  
Senator Kagan  
Senator Salling

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

### AMENDED IN THE HOUSE

#### Senate Bill 356 – Senator Zirkin

AN ACT concerning

**Local Government Tort Claims Act and Maryland Tort Claims Act – Statute of  
Limitations and ~~Repeal of Certain~~ Notice Requirements**

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

**SB0356/282710/1**

BY: House Judiciary Committee



AMENDMENTS TO SENATE BILL 356  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike “within” and substitute “not later than”.

AMENDMENT NO. 2

On page 2, in line 27, after “ACTION” insert “FOR PERSONAL INJURY OR OTHER LOSS CAUSED BY THE INGESTION OF LEAD”; and in line 29, strike “WITHIN” and substitute “NOT LATER THAN”.

AMENDMENT NO. 3

On page 3, in line 17, after “ACTION” insert “FOR PERSONAL INJURY OR OTHER LOSS CAUSED BY THE INGESTION OF LEAD”; and in line 19, strike “WITHIN” and substitute “NOT LATER THAN”.

The preceding 3 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:** SB0356  
**SPONSOR:** Senator Zirkin  
**SUBJECT:** Local Govt Tort Claims Act and Md Tort Claims Act – Statute of Limitations and Notice Requirements

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 Muse  
Senator Norman

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**AMENDED IN THE HOUSE**

**Senate Bill 924 – Senator Ramirez**

AN ACT concerning

**Family Law – Protective Orders – Notification of Service – Sunset Repeal**

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

**SB0924/233123/1**

BY: Delegate Angel

AMENDMENTS TO SENATE BILL 924

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Notification of Service – Sunset Repeal” and substitute “Definition of Abuse and Repeal of Sunset of Notification of Service”; in line 3, after the first “of” insert “altering the definition of “abuse” for purposes of certain provisions of law relating to domestic violence to include harassment and malicious destruction of property;”; in line 5, after “contingency;” insert “defining certain terms;”; and after line 6, insert:

“BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–501

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“4–501.

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

(b) (1) “Abuse” means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under §§ 3–303 through 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment; [or]

(vi) stalking under § 3–802 of the Criminal Law Article;

**(VII) HARASSMENT; OR**

**(VIII) MALICIOUS DESTRUCTION OF PROPERTY.**

(2) If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, “abuse” may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

(c) “Child care provider” means a person that provides supervision and care for a minor child.

(d) “Cohabitant” means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

(e) “Commissioner” means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

(f) “Court” means the District Court or a circuit court in this State.

(g) “Emergency family maintenance” means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:

(1) the financial needs of the person eligible for relief; and

(2) the resources available to the person eligible for relief and the respondent.

(h) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.

(i) “Final protective order” means a protective order issued under § 4–506 of this subtitle.

**(J) “HARASSMENT” MEANS AN INTENTIONAL OR KNOWING COURSE OF CONDUCT OR A SERIES OF ACTS, INCLUDING WRITTEN OR ELECTRONIC COMMUNICATION OR TRANSMISSION, THAT CONTINUES AFTER A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF ANOTHER PERSON AND THAT:**

**(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS THE OTHER PERSON;**

**(2) HAS NO LEGAL PURPOSE; AND**

**(3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR EMOTIONAL DISTRESS.**

**[(j)] (K) “Home” means the property in this State that:**

**(1) is the principal residence of a person eligible for relief; and**

**(2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.**

**[(k)] (L)** “Interim protective order” means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

**[(l)] (M)** “Local department” means the local department that has jurisdiction in the county:

- (1) where the home is located; or
- (2) if different, where the abuse is alleged to have taken place.

**(N)** “MALICIOUS DESTRUCTION OF PROPERTY” MEANS AN ACT THAT WILLFULLY DESTROYS, INJURES, OR DEFACTS THE REAL OR PERSONAL PROPERTY OF ANOTHER PERSON, INCLUDING A PERMANENT DRAWING, PAINTING, MARKING, OR INSCRIPTION, EVEN IF THE PROPERTY IS HELD AS TENANTS BY THE ENTIRETY, AND THAT:

- (1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS THE OTHER PERSON;
- (2) HAS NO LEGAL PURPOSE; AND
- (3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR EMOTIONAL DISTRESS.

**[(m)] (O)** “Person eligible for relief” includes:

- (1) the current or former spouse of the respondent;
- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;
- (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- (5) a vulnerable adult;

(6) an individual who has a child in common with the respondent; or

(7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition.

**[(n)] (P)** (1) “Pet” means a domesticated animal.

(2) “Pet” does not include livestock.

**[(o)] (Q)** (1) “Petitioner” means an individual who files a petition.

(2) “Petitioner” includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State’s Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; or

4. an adult who resides in the home.

**[(p)] (R)** “Residence” includes the yard, grounds, outbuildings, and common areas surrounding the residence.

**[(q)] (S)** “Respondent” means the person alleged in the petition to have committed the abuse.

**[(r)] (T)** “Temporary protective order” means a protective order issued under § 4–505 of this subtitle.

~~[(s)] (U)~~      “Victim” includes a person eligible for relief.

~~[(t)] (V)~~      “Vulnerable adult” has the meaning provided in § 14–101(q) of this article.”.

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:                    **SB0924**  
SPONSOR:            Senator Ramirez  
SUBJECT:             Family Law – Protective Orders – Notification of Service – Sunset  
                             Repeal

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 Brochin  
Senator Hough

Said Bill is returned herewith.

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

Read and adopted.

**YEAS AND NAYS**

**SENATE BILLS PASSED IN THE HOUSE**

BILL NO.	SPONSOR	CONTENT
SB 134	Sen. Mathias	Somerset County – Sheriff – Salary
SB 244	Sen. Mathias	Somerset County Code of Public Local Laws – 2016 Edition – Legalization
SB 368	Sen. Ferguson	Baltimore City – Police Commissioner – Length of Term
SB 390	Sen. Middleton	Charles County Sheriff – Salaries and Collective Bargaining
SB 431	Sen. Edwards	Allegany County and Garrett County – Annual Financial Reports – Filing Date
SB 517	Washington County Senators	Washington County – Contributions to Nonprofit Organizations – Process
SB 518	Washington County Senators	Washington County – Collection of Fees, Charges, Penalties, and Assessments
SB 682	Sen. Edwards	Garrett County – Alcoholic Beverages – Sunday Sales
SB 699	Sen. Young	Frederick County – Alcoholic Beverages – Theater and Entertainment Center License
SB 736	Sen. Edwards	Allegany County – Alcoholic Beverages – Sunday Sales for Class A Licenses
SB 774	Sen. Norman	Motor Vehicles – Autocycles – Standards and Requirements
SB 811	Sen. Benson	Electric Cmpns – Installation of Solar Electric Generating Fac – Completion of Interconnection
SB 860	Sen. Young	Frederick County – Alcoholic Beverages – Refillable Container Permits
SB 878	Sen. Edwards	Allegany County – Alcoholic Beverages – Sunday Sales



BILL NO.	SPONSOR	CONTENT
SB 941	Sen. Mathias	Worcester County – Family Entertainment Centers – Amusement Gaming Licenses
SB 995	Sen. Waugh	St. Mary’s County – Local Licenses – Repeal
SB 999	Sen. Waugh	St. Mary’s County – Keeper of the Jail – Repeal
SB 1136 (Emerg)	Sen. Eckardt	Regulation of Radiation Sources – Fee – Exemption for Pro Bono Temporary Dental Clinics
SJ 1	Chair, Education, Health, and Environmental Affairs Committee	Patuxent River Watershed – Amendment of Patuxent River Policy Plan

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 833 – Delegates Ebersole, Hixson, and Turner

AN ACT concerning

#### **Agricultural Land Transfer Tax – Calculation**

FOR the purpose of altering the definition of “agricultural land transfer tax” and defining “total rate of tax” to provide that, for purposes of certain provisions of law concerning the calculation of the agricultural land transfer tax, the tax does not include a certain surcharge; making conforming changes; and generally relating to the agricultural land transfer tax.

BY repealing and reenacting, with amendments,  
Article – Tax – Property

Section 13–301, 13–303, and 13–407  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Tax – Property  
Section 13–302  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**House Bill 1399 – Delegates Hayes, Conaway, Lierman, Moon, Smith, and Tarlau**

AN ACT concerning

**Maryland Education Development Collaborative – Established**

FOR the purpose of establishing the Maryland Education Development Collaborative; providing that the Collaborative is ~~a body politic and corporate and is~~ an instrumentality of the State; providing for the purposes of the Collaborative; establishing a Governing Board of Directors of the Collaborative; providing for the composition, residency requirement, appointment considerations, removal, chair, and quorum requirements for the Governing Board; requiring the Collaborative to employ an executive director that meets certain qualifications; providing for the legal advisor for the Collaborative and the hiring of certain legal counsel; authorizing the Collaborative to retain certain professionals; exempting the Collaborative from certain provisions of law; providing that the Collaborative is subject to the Public Information Act; providing that the Governing Board and the officers and employees of the Collaborative are subject to the Public Ethics Law; providing that certain officers and employees of the Collaborative are not subject to certain provisions of law governing State personnel; providing that the Collaborative and its Governing Board and employees are subject to certain procurement policies and procedures governing certain exempt units of government; establishing the powers and duties of the Collaborative; providing that certain debts, claims, obligations, or liabilities of the Collaborative ~~or any subsidiary of the Collaborative~~ are not held against the State or a pledge of credit of the State; authorizing certain institutions of higher education to perform certain acts regarding the Collaborative; providing that the Collaborative is exempt from State and local taxes; providing that the books and records of the Collaborative are subject to a certain audit by certain entities at certain times; requiring the Collaborative to report certain information to the Governor, State Department of Education, and General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to the establishment of the Maryland Education Development Collaborative.

BY adding to

Article – Education

Section 9.5–101 through ~~9.5–114~~ 9.5–113 to be under the new title “Title 9.5.  
Maryland Education Development Collaborative”

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### **House Bill 1409 – Delegates Otto and Beitzel**

AN ACT concerning

### **Payment in Lieu of Taxes – ~~State Forests, State Parks, and Wildlife Management Areas~~ State Forest and State Park Land**

FOR the purpose of ~~prohibiting a county from receiving certain revenues derived from a State forest or State park reserve within a county if the county receives a certain payment in a fiscal year; prohibiting a county from receiving certain revenues derived from concession operations within a State forest or State park if the county receives a certain payment in a fiscal year; requiring certain payments to counties for State forests, State parks, and wildlife management areas that are exempt from the property tax; providing for the amount of the payments; establishing eligibility criteria for a county to receive certain payments for State forests, State parks, and wildlife management areas that are exempt from the property tax; providing for a triennial adjustment to the amount of the payments beginning in a certain fiscal year; establishing the manner of determining which land is considered in determining the amount of the payment; clarifying how to apportion the land in a State forest, State park, or wildlife management area that is contained in multiple counties; clarifying when land shall be included in the total number of acres for a county in a fiscal year; excluding certain lands from being included in the total number of acres in a county; requiring the Secretary of Natural Resources to certify certain information to the Governor and the Secretary of Budget and Management on or before a certain date each year; requiring the Governor to include certain amounts to be paid to each county in the annual budget bill; requiring the State to pay to each county a certain percent of a certain payment on or before certain dates; clarifying that the provisions of this Act may not be construed to prohibit the application of or collection of certain taxes; defining certain terms; requiring the State to make certain payments to counties as a payment in lieu of taxes for State forest and State park land located in the county for certain fiscal years; requiring the Governor to include certain amounts to be paid to each county in the annual budget bill; requiring the State Department of Assessments and Taxation to complete an update of a certain study and submit the updated study to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to payments to counties for State forests, State parks, and wildlife management areas within~~ forest and State park land located in a county.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
 Section ~~5-101(a) and (c) and 10-801~~ 5-212 and 5-212.1  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

~~BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section ~~5-212 and 5-212.1~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)~~

BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section ~~6-102, 7-210, 7-211(c), and 7-501(a) and (b)~~  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY adding to  
 Article – Tax – Property  
 Section ~~6.5-101 through 6.5-301~~ to be under the new title “Title 6.5. Open Space  
 Incentive Program Payment in Lieu of Taxes for State Forest and State Park  
 Land”  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

#### **THE COMMITTEE ON BUDGET AND TAXATION REPORT #44**

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

**House Bill 1395 – Delegates Anderton, B. Barnes, Sample-Hughes, and  
 A. Washington**

AN ACT concerning

#### **Local Government – Disparity Grants – Amounts**

**HB1395/929739/2**

BY: Budget and Taxation Committee

#### AMENDMENTS TO HOUSE BILL 1395

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “years;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, in line 15, after “section;” insert “AND”; in line 16, strike “**YEAR 2018**” and substitute “YEARS 2018 AND 2019”; strike beginning with “**SECTION;**” in line 18 down through “**THIS**” in line 21; 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 RULES REPORT #13**

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

**House Bill 390 – Delegates Reilly, Adams, Afzali, Anderton, Arentz, Aumann, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Flanagan, Ghrist, Hornberger, S. Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Lisanti, Long, Malone, Mautz, McComas, McConkey, McDonough, McKay, McMillan, Metzgar, W. Miller, Morgan, Otto, Parrott, Rey, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, B. Wilson, and Wivell**

AN ACT concerning

**Maryland Income Tax Refunds – Warrant Intercept Program – Statewide**

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 683 – Delegates Moon, Anderson, Atterbeary, Bromwell, Carter, Conaway, Gutierrez, Hettleman, Jalisi, Lierman, Luedtke, Morales, Sanchez, Smith, and P. Young**

AN ACT concerning

**Guardianship and Child in Need of Assistance Proceedings – Jurisdiction and Authority of Juvenile Court**

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 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**

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 1624 – Delegates Reilly, Adams, Afzali, Anderson, Anderton, Angel, Arentz, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Beitzel, Branch, Bromwell, Brooks, Buckel, Busch, Carey, Carozza, Carr, Carter, Cassilly, Chang, Ciliberti, Clippinger, Cluster, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fisher, Flanagan, Folden, Fraser-Hidalgo, Frick, Frush, Gaines, Ghrist, Gilchrist, Glass, Glenn, Grammer, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Hornberger, C. Howard, S. Howard, Impallaria, Jackson, Jacobs, Jalisi, Jameson, Jones, Kaiser, Kelly, Kipke, Kittleman, Knotts, Korman, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Long, Luedtke, Malone, Mautz, McComas, McConkey, McCray, McDonough, McIntosh, McKay, McMillan, Metzgar, Miele, A. Miller, W. Miller, Moon, Morales, Morgan, Morhaim, O'Donnell, Oaks, Otto, Parrott, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Queen, Rey, Reznik, B. Robinson, S. Robinson, Rose, Rosenberg, Saab, Sample-Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Vaughn, Vogt, Waldstreicher, Walker, A. Washington, M. Washington, West, B. Wilson, C. Wilson, Wivell, K. Young, and P. Young**

**EMERGENCY BILL**

AN ACT concerning

**Transportation – Highways – Heroes Highway**

The bill was re-referred to the Committee on Finance.

**CONCURRENCE CALENDAR #39**

**AMENDED IN THE HOUSE**

**Senate Bill 31 – ~~Senator DeGrange~~ Senators DeGrange and Ready**

AN ACT concerning

**Family Law – Child Abuse and Neglect – Expungement of Reports and Records –  
Time Period**

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

**SB0031/702218/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 31

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “time;” in line 6; in line 6, strike “after” and substitute “within”; in the same line, after “department” insert “of social services”; and in line 7, after “neglect;” insert “authorizing a local department to immediately expunge certain reports and records of suspected child abuse and neglect under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in lines 7, 9, and 14, in each instance, strike the brackets; strike beginning with “**UNLESS**” in line 7 down through “**THE**” in line 9; in line 9, strike “**MAINTAIN**”; strike beginning with “**FOR**” in line 10 down through “**IF**” in line 11; in line 12, strike the second set of brackets; in line 14, strike “**OR**”; in line 15, before the second “the” insert “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 2 YEARS AFTER THE DATE OF REFERRAL IF**”; in line 16, strike “**5 YEARS**” and substitute “**2 YEARS**”; and strike beginning with “**THE**” in line 17 down through “**SUBSECTION**” in line 20 and substitute “**IF A REPORT IS RULED OUT, THE LOCAL DEPARTMENT MAY, ON GOOD CAUSE SHOWN, IMMEDIATELY EXPUNGE THE REPORT AND ALL ASSESSMENTS AND INVESTIGATIVE FINDINGS**”.

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. 1329)

### **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 recommit the Bill.

The motion was adopted.

### **House Bill 571 – Delegates Barkley and W. Miller**

AN ACT concerning

#### **Gas Companies – Rate Regulation – Environmental Remediation Costs**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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 1010 – Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

AN ACT concerning

#### **Maryland Transit Administration Oversight and Planning Board**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

**HB1010/487376/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1010  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “produce” in line 8 down through “a” in line 9 and substitute “prepare a”; and in line 18, after the semicolon insert “requiring the Administration to submit a certain report to certain committees of the General Assembly on or before a certain date each year; declaring a certain intent of the General Assembly relating to the appointment of certain members to certain councils established under this Act; requiring the Department of Legislative Services to conduct a certain review and make certain recommendations on or before a certain date; applying certain requirements in certain provisions of law to a certain review; providing for the termination of this Act;”.

On page 2, in line 7, strike “and”; and in the same line, after “7-215” insert “, and 7-216”.

AMENDMENT NO. 2

On page 4, in line 3, strike the second “AND”; after line 3, insert:

**“(IX) ONE MEMBER WHO IS A USER OF COMMUTER BUS SERVICES, APPOINTED BY THE GOVERNOR; AND”;**

in line 4, strike “(IX)” and substitute “(X)”; in line 10, after the comma insert “OR THE SECRETARY’S DESIGNEE,”; and in line 11, after “SECRETARY” insert “, OR THE SECRETARY’S DESIGNEE,”.

On page 6, strike beginning with “REQUIRE” in line 23 down through “PLAN” in line 26 and substitute “REVIEW AND COMMENT ON THE MULTIMODAL TRANSIT DEVELOPMENT PLAN PREPARED BY THE ADMINISTRATION EVERY 5 YEARS UNDER SUBSECTION (J)(2) OF THIS SECTION”.

On page 7, in line 16, after the comma insert “IN COOPERATION WITH THE ADMINISTRATION,”.

On page 8, in line 2, strike “THIS”; in the same line, after “SUBSECTION” insert “(J) OF THIS SECTION”; after line 2, insert:

“(I) IN CARRYING OUT ITS DUTIES UNDER SUBSECTION (H) OF THIS SECTION, THE BOARD SHALL ENDEAVOR TO ENSURE THAT THE ADMINISTRATION’S PLANS, BUDGET, DECISIONS, POLICIES, GOALS, PRIORITIES, OPERATIONS, AND SERVICES ADDRESS THE PUBLIC TRANSIT NEEDS OF RESIDENTS AND BUSINESSES IN ALL OF THE GEOGRAPHIC REGIONS OF THE STATE.”;

in line 3, strike “(I)” and substitute “(J)”; strike beginning with “BOARD” in line 3 down through “SUBSECTION” in line 4 and substitute “BOARD AT ITS QUARTERLY MEETINGS AS PRESCRIBED IN SUBSECTION (E)(4) OF THIS SECTION”; strike beginning with “THE” in line 6 down through “INCLUDE” in line 8 and substitute “THE ADMINISTRATION SHALL, EVERY 5 YEARS, PREPARE A COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN THAT INCLUDES”; strike beginning with “IN” in line 27 down through the first “THE” in line 29 and substitute “THE”; after line 30, insert:

“1. ANY CHANGES THAT HAVE BEEN MADE TO THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN;”;

and in lines 31 and 32, strike “1.” and “2.”, respectively, and substitute “2.” and “3.”, respectively.

On page 9, in line 1, strike “3.” and substitute “4.”; and strike beginning with “IN” in line 5 down through “AN” in line 6 and substitute “AN”.

On page 14, after line 3, insert:

“7-216.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADMINISTRATION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE ON:

(1) THE ADMINISTRATION’S PROCESS FOR AND PROGRESS ON PREPARING THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN REQUIRED UNDER SUBSECTION (J)(2) OF THIS SECTION; AND

(2) (I) THE STATUS OF THE ESTABLISHMENT OF THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD, THE CITIZEN’S ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, THE MARC RIDERS ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, AND THE ACCESSIBLE TRANSPORTATION ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION; AND

(II) RECOMMENDATIONS ON ANY CHANGES NEEDED TO THE MEMBERSHIP OF THE BOARD AND ADVISORY COUNCILS, AND TO THE ORGANIZATIONAL STRUCTURE OF THE BOARD AND ADVISORY COUNCILS WITHIN THE ADMINISTRATION, TO IMPROVE THE OPERATIONS OF THE BOARD AND ADVISORY COUNCILS.”

AMENDMENT NO. 3

On page 14, in line 27, strike “and”; after line 27, insert:

“(10) the member of the MARC Riders Advisory Council appointed by the Governor shall serve an initial term of two years;

(11) the member of the Accessible Transportation Advisory Council appointed by the Governor shall serve an initial term of two years;

(12) the member who is a user of commuter bus services appointed by the Governor shall serve an initial term of two years; and”;

and in line 28, strike “(10)” and substitute “(13)”.

AMENDMENT NO. 4

On page 14, after line 30, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Transit Administration, when appointing members to the advisory councils established under this Act, include members who have served or are serving on the existing advisory councils established by the Administration.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 15, 2020, the Department of Legislative Services shall conduct a review of the Maryland Transit Administration Oversight and Planning Board and the advisory councils established under Section 1 of this Act and make recommendations, including any proposed legislation necessary to implement the recommendations, to the Senate Finance Committee and the House Environment and Transportation Committee regarding:

(1) whether the termination date of the Board and advisory councils should be extended; and

(2) what, if any, statutory or nonstatutory changes should be made to improve the operations of the Board and advisory councils, including any changes that should be made to:

(i) the membership of the Board and advisory councils relating to geographic representation and other criteria;

(ii) the duties of the Board and advisory councils; and

(iii) the organizational structure of the Board and advisory councils within the Maryland Transit Administration, including:

1. whether the Board and each of the advisory councils should continue to function as separate entities; and

2. whether any modifications should be made to the reporting process and requirements that specify the entities to which the Board and each of the advisory councils is to report information.

(b) The requirements of § 8-408 of the State Government Article shall apply to the review conducted under subsection (a) of this section.”;

in line 31, strike “3.” and substitute “5.”; and in line 32, after the period insert “It shall remain effective for a period of 5 years and, at the end of May 31, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read only.

Senator Bates moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

### QUORUM CALL

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

(See Roll Call No. 1330)

### THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

#### THIRD READING CALENDAR (HOUSE BILLS) #60

##### House Bill 46 – Delegate Chang

AN ACT concerning

~~Animal Control and Veterinary Facilities – Stray Dogs and Cats – Microchip~~  
Seans Units – Impounded Animals – Identification

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1331)

The Bill was then sent to the House of Delegates.

##### House Bill 253 – Delegate Otto

AN ACT concerning

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

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1332)

The Bill was then sent to the House of Delegates.

##### House Bill 565 – Delegates Dumais and Vallario

AN ACT concerning

**Criminal Law – Possession of Less Than 10 Grams of Marijuana – Code Violation**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1333)

The Bill was then sent to the House of Delegates.

**House Bill 670 – Delegates McCray, Anderson, Carter, Conaway, Glenn, Hayes, Lierman, Oaks, B. Robinson, and M. Washington**

AN ACT concerning

**Baltimore City – Remediation of Illegal Dumping – Report**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1334)

The Bill was then sent to the House of Delegates.

**House Bill 751 – Delegates Sanchez, Atterbeary, D. Barnes, Dumais, Glass, McComas, Moon, Parrott, Rey, Smith, Sydnor, Valentino–Smith, and B. Wilson**

AN ACT concerning

**Criminal Law – Sexual Offenses – Court–Ordered Services Provider**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1335)

The Bill was then sent to the House of Delegates.

**House Bill 822 – Delegates Atterbeary, Dumais, Kittleman, McComas, Moon, Morales, Rosenberg, Sanchez, Smith, Sydnor, Valentino–Smith, and B. Wilson**

AN ACT concerning

**Criminal Law – Altering References From Mentally Defective to Substantially Cognitively Impaired Individual**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1336)

The Bill was then sent to the House of Delegates.

**House Bill 1007 – Delegates Luedtke, Hettleman, Hixson, Rosenberg, M. Washington, Moon, Reznik, Smith, A. Washington, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hill, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, McCray, McIntosh, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena–Melnyk, Pendergrass, Platt, Proctor, B. Robinson, S. Robinson, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Waldstreicher, Walker, C. Wilson, and P. Young**

AN ACT concerning

**Freedom to Vote Act**

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

The motion was adopted.

**House Bill 1210 – Delegates Clippinger, Hammen, and Lierman**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – ~~Class C Beer, Wine, and Liquor~~ Licenses**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1337)

The Bill was then sent to the House of Delegates.

**House Bill 1644 – Delegates West, Aumann, Hettleman, Morhaim, and Stein**

AN ACT concerning

**Baltimore County – Alcoholic Beverages – Racetrack License**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1338)



The Bill was then sent to the House of Delegates.

**SPECIAL ORDERS**

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

**House Bill 1183 – Delegates Angel, Atterbeary, Carter, Kelly, Morales, Pena–Melnyk, Proctor, Rosenberg, Sanchez, Sydnor, Tarlau, and Walker**

AN ACT concerning

**Family Law – Divorce – Restoration of Former Name**

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

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

The motion was adopted.

**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**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR HOUGH.

FLOOR AMENDMENT

**HB1106/343522/1**

BY: Senator Hough

AMENDMENTS TO HOUSE BILL 1106, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after “of” insert “removing waste-to-energy from the definition of “Tier 1 renewable source”;”.

On page 1 of the Finance Committee Amendments (HB1106/507779/1), in line 16 of Amendment No. 1, after “Section” insert “7-701(a) and”.

On page 2 of the bill, in line 24, after “Section” insert “7-701(r).”.

#### AMENDMENT NO. 2

On page 5 of the bill, after line 10, insert:

“7-701.

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

(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 – 16 Negative – 29 (See Roll Call No. 1339)

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

Affirmative – 32 Negative – 14 (See Roll Call No. 1340)

The Bill was then sent to the House of Delegates.

**CONCURRENCE CALENDAR #42**

**AMENDED IN THE HOUSE**

**Senate Bill 411 – Senators Eckardt, Hershey, and Mathias**

AN ACT concerning

**Income Tax – Credit for ~~Physician~~ Preceptors in Areas With Health Care Workforce Shortages**

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

**SB0411/475760/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 411

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in lines 11 and 12, strike “**THAT IS APPROVED BY THE STATE BOARD OF PHYSICIANS**”; and in line 19, strike “**APPROVED BY THE STATE BOARD OF**”

PHYSICIANS” and substitute “AUTHORIZED BY AN ACCREDITED MEDICAL SCHOOL IN THE STATE”.

AMENDMENT NO. 2

On page 9, in line 17, after “CERTIFICATION” insert “OF A NURSE PRACTITIONER”.

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. 1341)

**AMENDED IN THE HOUSE**

**Senate Bill 910 – Senators Ferguson, Feldman, Guzzone, Madaleno, McFadden, Miller, Ramirez, Rosapepe, Young, and Zucker**

AN ACT concerning

**Maryland Education Development Collaborative – Established**

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

**SB0910/445062/1**

BY:    Committee on Ways and Means

AMENDMENTS TO SENATE BILL 910

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 13, strike “ENHANCES” and substitute “:

**(I)    ENHANCES”;**

and in line 14, after “SCHOOLS” insert “;AND

**(II)    REDUCES    THE    ACHIEVEMENT    GAP    BETWEEN    SOCIOECONOMIC    AND    DEMOGRAPHIC    GROUPS    ACROSS    THE    STATE’S    PUBLIC    SCHOOLS”.**

AMENDMENT NO. 2

On page 5, in line 25, strike “AND”; after line 25, insert:

**“(11) A REPRESENTATIVE OF THE PUBLIC SCHOOL SUPERINTENDENTS ASSOCIATION OF MARYLAND, APPOINTED BY THE ASSOCIATION;**

**(12) A REPRESENTATIVE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE, APPOINTED BY THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND; AND**”;

in line 26, strike “**(11)**” and substitute “**(13)**”; and in the same line, strike “**7**” and substitute “**6**”.

On page 6, strike beginning with “**ONE**” in line 5 down through “**(IV)**” in line 8; in lines 10, 12, and 19, strike “**(V)**”, “**(VI)**”, and “**(VII)**”, respectively, and substitute “**(IV)**”, “**(V)**”, and “**(VI)**”, respectively; after line 20, insert:

**“(C) THE GOVERNOR SHALL APPOINT A REPRESENTATIVE OF A PRIVATE SCHOOL THAT HAS SUCCESSFULLY ENHANCED 21ST CENTURY LEARNING AND SOCIOECONOMIC DIVERSITY TO SERVE AS A NONVOTING, ADVISORY MEMBER TO THE GOVERNING BOARD.”;**

and in lines 21, 22, and 26, strike “**(C)**”, “**(D)**”, and “**(E)**”, respectively, and substitute “**(D)**”, “**(E)**”, and “**(F)**”, respectively.

On page 7, in lines 3, 9, 12, and 14, strike “**(F)**”, “**(G)**”, “**(H)**”, and “**(I)**”, respectively, and substitute “**(G)**”, “**(H)**”, “**(I)**”, and “**(J)**”, respectively.

AMENDMENT NO. 3

On page 6, in line 24, after “**DIVERSITY**” insert “**BASED ON SEX, GENDER IDENTITY, SEXUAL ORIENTATION, RACE, ETHNICITY, AND ECONOMIC STATUS**”.

On page 8, in line 23, after “**SOURCE**” insert “**IF THE COLLABORATIVE GIVES PRIOR NOTICE TO THE STATE BOARD AND EACH LOCAL SCHOOL SYSTEM**”.

The preceding 3 amendments were read and concurred in.

**SB0910/143322/1**

BY: Delegate Kaiser

AMENDMENT TO SENATE BILL 910

(Third Reading File Bill)

On page 5, in line 4, strike "17" and substitute "18".

On page 7, in line 15, strike "NINE" and substitute "TEN".

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. 1342)

**SPECIAL ORDERS**

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

**House Bill 1010 – Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

AN ACT concerning

**Maryland Transit Administration Oversight and Planning Board**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

**HB1010/487376/1**

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1010

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “produce” in line 8 down through “a” in line 9 and substitute “prepare a”; and in line 18, after the semicolon insert “requiring the Administration to submit a certain report to certain committees of the General Assembly on or before a certain date each year; declaring a certain intent of the General Assembly relating to the appointment of certain members to certain councils established under this Act; requiring the Department of Legislative Services to conduct a certain review and make certain recommendations on or before a certain date; applying certain requirements in certain provisions of law to a certain review; providing for the termination of this Act;”.

On page 2, in line 7, strike “and”; and in the same line, after “7-215” insert “, and 7-216”.

#### AMENDMENT NO. 2

On page 4, in line 3, strike the second “AND”; after line 3, insert:

**“(IX) ONE MEMBER WHO IS A USER OF COMMUTER BUS SERVICES, APPOINTED BY THE GOVERNOR; AND”**;

in line 4, strike “(IX)” and substitute “(X)”; in line 10, after the comma insert “OR THE SECRETARY’S DESIGNEE,”; and in line 11, after “SECRETARY” insert “, OR THE SECRETARY’S DESIGNEE,”.

On page 6, strike beginning with “REQUIRE” in line 23 down through “PLAN” in line 26 and substitute “REVIEW AND COMMENT ON THE MULTIMODAL TRANSIT DEVELOPMENT PLAN PREPARED BY THE ADMINISTRATION EVERY 5 YEARS UNDER SUBSECTION (J)(2) OF THIS SECTION”.

On page 7, in line 16, after the comma insert “IN COOPERATION WITH THE ADMINISTRATION,”.

On page 8, in line 2, strike “THIS”; in the same line, after “SUBSECTION” insert “(J) OF THIS SECTION”; after line 2, insert:

**“(I) IN CARRYING OUT ITS DUTIES UNDER SUBSECTION (H) OF THIS SECTION, THE BOARD SHALL ENDEAVOR TO ENSURE THAT THE ADMINISTRATION’S PLANS, BUDGET, DECISIONS, POLICIES, GOALS, PRIORITIES, OPERATIONS, AND SERVICES ADDRESS THE PUBLIC TRANSIT NEEDS OF RESIDENTS AND BUSINESSES IN ALL OF THE GEOGRAPHIC REGIONS OF THE STATE.”**;

in line 3, strike “(I)” and substitute “(J)”; strike beginning with “BOARD” in line 3 down through “SUBSECTION” in line 4 and substitute “BOARD AT ITS QUARTERLY MEETINGS AS PRESCRIBED IN SUBSECTION (E)(4) OF THIS SECTION”; strike beginning with “THE” in line 6 down through “INCLUDE” in line 8 and substitute “THE ADMINISTRATION SHALL, EVERY 5 YEARS, PREPARE A COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN THAT INCLUDES”; strike beginning with “IN” in line 27 down through the first “THE” in line 29 and substitute “THE”; after line 30, insert:

“1. ANY CHANGES THAT HAVE BEEN MADE TO THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN;”;

and in lines 31 and 32, strike “1.” and “2.”, respectively, and substitute “2.” and “3.”, respectively.

On page 9, in line 1, strike “3.” and substitute “4.”; and strike beginning with “IN” in line 5 down through “AN” in line 6 and substitute “AN”.

On page 14, after line 3, insert:

“7-216.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE ADMINISTRATION SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE ON:

(1) THE ADMINISTRATION’S PROCESS FOR AND PROGRESS ON PREPARING THE COMPREHENSIVE MULTIMODAL TRANSIT DEVELOPMENT PLAN REQUIRED UNDER SUBSECTION (J)(2) OF THIS SECTION; AND

(2) (I) THE STATUS OF THE ESTABLISHMENT OF THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD, THE CITIZEN’S ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, THE MARC RIDERS ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION, AND THE ACCESSIBLE TRANSPORTATION ADVISORY COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION; AND



(II) RECOMMENDATIONS ON ANY CHANGES NEEDED TO THE MEMBERSHIP OF THE BOARD AND ADVISORY COUNCILS, AND TO THE ORGANIZATIONAL STRUCTURE OF THE BOARD AND ADVISORY COUNCILS WITHIN THE ADMINISTRATION, TO IMPROVE THE OPERATIONS OF THE BOARD AND ADVISORY COUNCILS.”.

AMENDMENT NO. 3

On page 14, in line 27, strike “and”; after line 27, insert:

“(10) the member of the MARC Riders Advisory Council appointed by the Governor shall serve an initial term of two years;

(11) the member of the Accessible Transportation Advisory Council appointed by the Governor shall serve an initial term of two years;

(12) the member who is a user of commuter bus services appointed by the Governor shall serve an initial term of two years; and”;

and in line 28, strike “(10)” and substitute “(13)”.

AMENDMENT NO. 4

On page 14, after line 30, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Transit Administration, when appointing members to the advisory councils established under this Act, include members who have served or are serving on the existing advisory councils established by the Administration.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 15, 2020, the Department of Legislative Services shall conduct a review of the Maryland Transit Administration Oversight and Planning Board and the advisory councils established under Section 1 of this Act and make recommendations, including any proposed legislation necessary to implement the recommendations, to the Senate Finance Committee and the House Environment and Transportation Committee regarding:

(1) whether the termination date of the Board and advisory councils should be extended; and

(2) what, if any, statutory or nonstatutory changes should be made to improve the operations of the Board and advisory councils, including any changes that should be made to:

(i) the membership of the Board and advisory councils relating to geographic representation and other criteria;

(ii) the duties of the Board and advisory councils; and

(iii) the organizational structure of the Board and advisory councils within the Maryland Transit Administration, including:

1. whether the Board and each of the advisory councils should continue to function as separate entities; and

2. whether any modifications should be made to the reporting process and requirements that specify the entities to which the Board and each of the advisory councils is to report information.

(b) The requirements of § 8–408 of the State Government Article shall apply to the review conducted under subsection (a) of this section.”;

in line 31, strike “3.” and substitute “5.”; and in line 32, after the period insert “It shall remain effective for a period of 5 years and, at the end of May 31, 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

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

The motion was adopted.

**House Bill 1007 – Delegates Luedtke, Hettleman, Hixson, Rosenberg, M. Washington, Moon, Reznik, Smith, A. Washington, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole,**

**Fennell, Fraser–Hidalgo, Frick, Frush, Gaines, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hill, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, McCray, McIntosh, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena–Melnyk, Pendergrass, Platt, Proctor, B. Robinson, S. Robinson, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Waldstreicher, Walker, C. Wilson, and P. Young**

AN ACT concerning

**Freedom to Vote Act**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

**HB1007/944633/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1007, AS AMENDED

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments (HB1007/834231/2), in line 22 of Amendment No. 11, after “utilizing” insert “federal or”.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in line 7 of Amendment No. 11, after “utilizing” insert “federal or”.

The preceding amendment was read and adopted.

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

The motion was adopted.

**CONCURRENCE CALENDAR #43**

**AMENDED IN THE HOUSE**

**Senate Bill 843 – The President (By Request – Maryland Economic Development and Business Climate Commission)**

AN ACT concerning

**Tax Credits – Evaluations and Sunset Provisions**

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

**SB0843/745264/1**

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 843

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Sunset Provisions”.

AMENDMENT NO. 2

On page 1, strike beginning with “terminating” in line 10 down through “changes;” in line 13; strike beginning with “providing” in line 15 down through the second “Act;” in line 16; and in lines 17 and 18, strike “and the termination of certain tax credits”.

AMENDMENT NO. 3

On page 1, in line 21, strike “1–310, 10–205(b), and 10–804(j)” and substitute “and 1–310”.

On page 2, strike in their entirety lines 1 through 36, inclusive.

AMENDMENT NO. 4

On pages 5 through 11, strike beginning with line 13 on page 5 through line 2 on page 11, inclusive.

On page 11, in line 3, strike “7.” and substitute “2.”; and strike in their entirety lines 18 through 22, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.”.

The preceding 4 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: **SB0843**  
SPONSOR: President  
SUBJECT: Tax Credits – Evaluations and Sunset Provisions

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 Peters, Chair  
Senator Currie  
Senator Edwards

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 1010 – Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

AN ACT concerning

#### **Maryland Transit Administration Oversight and Planning Board**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1007 – Delegates Luedtke, Hettleman, Hixson, Rosenberg, M. Washington, Moon, Reznik, Smith, A. Washington, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hill, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, Lierman, McCray, McIntosh, A. Miller, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, B. Robinson, S. Robinson, Sanchez, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Vaughn, Waldstreicher, Walker, C. Wilson, and P. Young

AN ACT concerning

### Freedom to Vote Act

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1343)

The Bill was then sent to the House of Delegates.

### QUORUM CALL

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

(See Roll Call No. 1344)

### QUORUM CALL

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

(See Roll Call No. 1345)

### ADJOURNMENT

At 7:44 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 9:00 P.M. on Legislative Day April 7, 2016, Calendar Day, Monday, April 11, 2016.

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**Annapolis, Maryland**  
**Legislative Day: April 7, 2016**  
**Calendar Day: Monday, April 11, 2016**  
**9:00 P.M. Session**

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The Senate met at 9:08 P.M.

**QUORUM CALL**

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

(See Roll Call No. 1346)

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

The Journal of April 6, 2016 was read and approved.

**MESSAGE TO THE SENATE**

**BILL:**                    **SB0837**  
**SPONSOR:**            Senator Waugh  
**SUBJECT:**             Crabs – Harvest Times – Trotlines and Crab Pots

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 Waugh, Chairman  
Senator Zucker  
Senator Bates.

The House appoints:

Delegate O'Donnell, Chair  
Delegate Stein  
Delegate Gilchrist

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

**BILL:** SB0225  
**SPONSOR:** Senator Simonaire  
**SUBJECT:** Hntg and Fishing Lnss – Dsbld Active Mltry, Frmr POWs,  
Rcpnts of the Purple Hrt Awd, and Dsbld Vets

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 Simonaire, Chairman  
Senator Zucker  
Senator Rosapepe.

The House appoints:

Delegate Stein, Chair  
Delegate Folden  
Delegate Gilchrist

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE



BILL: **SB0071**  
SPONSOR: Senator Young  
SUBJECT: Public and Nonpublic Schools – Student Diabetes Management Program

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 Young, Chairman  
Senator Nathan–Pulliam  
Senator Bates.

The House appoints:

Delegate D. Barnes, Chair  
Delegate Shoemaker  
Delegate Patterson

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### MESSAGE TO THE SENATE

BILL: **SB0950**  
SPONSOR: Senator Conway  
SUBJECT: Ed – Students With Disabilities – Stdy of Parental Consent in the Individualized Ed Program Process

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 Kagan, Chairman  
Senator Bates  
Senator Conway.

The House appoints:

Delegate M. Washington, Chair  
Delegate Hornberger  
Delegate Ebersole

Said Bill is returned herewith.

By Order,

Sylvia Siegert  
Chief Clerk

Read and ordered journalized.

### CONFERENCE COMMITTEE REPORT

**BILL NO.: SB 1097      SPONSOR: Senator Mathias**

**SUBJECT: Local Government Tort Claims Act – Regional  
Development Councils**

**THIRD READING CALENDAR      HOUSE NO. 62      SENATE NO. 69**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the House Judiciary Committee Amendments (SB1097/722611/1) be rejected.
- (2) That the attached Conference Committee Amendments (SB1097/683223/1) be adopted.

**SB1097/683223/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 1097

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “repealing certain provisions of law granting the Tri–County Council for Southern Maryland and the Tri–County Council for Western Maryland immunity from suit;”; and after line 6, insert:

“BY repealing

Article – Courts and Judicial Proceedings

Section 5–505 and 5–506

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 11, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–505 and 5–506 of Article – Courts and Judicial Proceedings of the Annotated Code of Maryland be repealed.”;

in line 12, strike “1.” and substitute “2.”; and in the same line, strike “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND” and substitute “AND BE IT FURTHER ENACTED”.

On page 4, in lines 13 and 16, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.

Senate Members:

House Members:

Chair, **James Brochin**

Chair, **David Moon**

**Robert Cassilly**

**Marice Morales**

**C. Anthony Muse**

**Carlo Sanchez**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

( ) Chief Clerk

(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1347)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 352**      SPONSOR: **Senator Hershey**

SUBJECT: **Maryland Health Care Commission – Certificate of Need Review – Interested Party**

THIRD READING CALENDAR      HOUSE NO. **21**      SENATE NO. **31**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Health and Government Operations Committee Amendments (SB0352/216988/1) be rejected; and
- (2) That the attached Conference Committee Amendments (SB0352/573728/1) be adopted.

**SB0352/573728/1**

BY: Conference Committee

#### AMENDMENTS TO SENATE BILL 352

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, in lines 5 and 6, in each instance, strike “health care facility” and substitute “hospital”; and in lines 5 and 6, strike “that does not contain” and substitute “within the region served by a certain regional health system that does not contain”.

#### AMENDMENT NO. 2

On page 2, in lines 31 and 32, strike “HEALTH CARE FACILITY” and substitute “ACUTE GENERAL HOSPITAL”.

On page 3, in line 1, after “SERVES” insert “MULTIPLE”; in the same line, after “JURISDICTION” insert “WITHIN THE REGION SERVED BY THE REGIONAL HEALTH SYSTEM”; and in line 2, strike “HEALTH CARE FACILITY” and substitute “ACUTE GENERAL HOSPITAL”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Stephen S. Hershey, Jr.**

\_\_\_\_\_  
Chair, **Sheree Sample–Hughes**

\_\_\_\_\_  
**Joanne C. Benson**

\_\_\_\_\_  
**Karen Lewis Young**

\_\_\_\_\_  
**Edward R. Reilly**

\_\_\_\_\_  
**April Rose**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to: ( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1348)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 190      SPONSOR: Delegate Lierman**

**SUBJECT: Civil Penalties for Shoplifting and Employee Theft – Repeal**

**THIRD READING CALENDAR      HOUSE NO. 27      SENATE NO. 16**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Judicial Proceedings Committee Amendments (HB0190/298679/1) be rejected.
- (2) That the attached Conference Committee Amendments (HB0190/293621/1) be adopted.

**HB0190/293621/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 190

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Penalties” and substitute “Remedies”; in the same line, strike “– Repeal”; strike beginning with “repealing” in line 3 down through “theft” in line 4 and substitute “repealing a certain provision of law providing that a responsible person is civilly liable to a merchant for certain civil penalties for shoplifting and employee theft; 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; prohibiting a person from taking certain actions in recovering or attempting to recover certain damages; establishing a certain penalty for certain violations; requiring certain merchants to report certain information to the Department of Labor, Licensing, and Regulation on or before a certain date; providing for the termination of a certain provision of this Act; making stylistic and conforming changes”; in line 4, strike “penalties” and substitute “remedies”; 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 and 3–1309  
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 1, in line 15, strike “Civil Penalties” and substitute “**REMEDIES**”.

On page 3, in line 3, after the semicolon insert “**AND**”; strike beginning with the semicolon in line 6 down through “\$1,000” in line 9; strike in their entirety lines 11 through 17, inclusive; in line 18, strike “(b)” and substitute “**(A)**”; in the same line, strike “The” and substitute “**IF A MERCHANT ELECTS TO SEEK THE DAMAGES AVAILABLE UNDER § 3–1302 OF THIS SUBTITLE, THE**”; in the same line, 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**”;

in line 25, strike “(ii)” and substitute “**(III)**”; strike in their entirety lines 27 and 28; and in line 29, strike “and civil penalty”.

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 2, strike “and civil penalty”; in line 4, strike “and”; in line 7, after “letter” insert “**; AND**”

**(VII) 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**

**2. IF THE RESPONSIBLE PERSON PREVAILS IN A CIVIL SUIT FOR DAMAGES 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”;**

in lines 8, 13, and 21, strike “(c)”, “(b)(2)(i) through (v)”, and “(d)”, respectively, and substitute “**(B)**”, “**(A)(2)(I) THROUGH (VII)**”, and “**(C)**”, respectively; in line 9, after the second “letter” insert “, **PREPARED BY A LAWYER ADMITTED TO PRACTICE LAW IN THE STATE,**”; in line 19, strike “penalties,”; and in lines 32 and 33, strike “and the civil penalty”.

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 lines 7 and 8, in each instance, strike “and penalties”; 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 UNDER THIS SUBTITLE BY AN AMOUNT EQUAL TO THOSE DAMAGES.

3-1306.1.

(A) IN RECOVERING OR ATTEMPTING TO RECOVER DAMAGES 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.”;**

strike beginning with the colon in line 11 down through “Do” in line 14 and substitute “**DO**”; and in line 19, strike “and civil penalty”; after line 20, insert:

**“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:**

**Article – Courts and Judicial Proceedings**

**3–1309.**

**ON OR BEFORE JANUARY 15 OF EACH YEAR, A MERCHANT THAT SOUGHT DAMAGES UNDER THIS SUBTITLE DURING THE PRECEDING CALENDAR YEAR SHALL SUBMIT A LETTER TO THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION THAT INCLUDES THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:**

**(1) THE NUMBER OF ALLEGED SHOPLIFTING OR EMPLOYEE THEFT INCIDENTS;**

**(2) THE NUMBER OF DEMAND LETTERS SENT BY THE MERCHANT;**

**(3) THE AMOUNT OF MONEY RECEIVED IN RESPONSE TO THOSE DEMAND LETTERS;**

**(4) THE NUMBER OF CRIMINAL PROSECUTIONS SOUGHT BY THE MERCHANT AND THE FINAL DISPOSITIONS OF THOSE PROSECUTIONS; AND**

**(5) THE NUMBER OF CIVIL SUITS FILED UNDER THIS SUBTITLE BY THE MERCHANT AND THE FINAL DISPOSITION OF THOSE SUITS.”;**

in line 21, strike “2.” and substitute “**3.**”; and in line 22, after “2016.” insert “**Section 2 of this Act shall remain effective for a period of 3 years and, at the end of September 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.”.

Senate Members:

House Members:

Chair, **Victor R. Ramirez**

Chair, **William C. Smith, Jr.**

**James Brochin**

**Marice Morales**

**Wayne Norman**

**Carlo Sanchez**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

Chief Clerk  
 Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1349)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 636      SPONSOR: Delegate Smith**

**SUBJECT: Maryland Tort Claims Act – Certain Claim Requirement – Exception**

**THIRD READING CALENDAR      HOUSE NO. 16      SENATE NO. 25**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Judicial Proceedings Committee Amendments (HB0636/708979/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0636/143220/1) be adopted.

**HB0636/143220/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 636  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with “TO” in line 16 down through “ACTION” in line 23 and substitute “IF, WITHIN 1 YEAR AFTER THE INJURY TO PERSON OR PROPERTY THAT IS THE BASIS OF THE CLAIM, THE STATE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:

**(I) THE CLAIMANT’S INJURY; OR**

**(II) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE CLAIMANT’S INJURY”.**

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 18 on page 3, inclusive.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Bobby A. Zirkin**

\_\_\_\_\_  
Chair, **Charles E. Sydnor, III**

\_\_\_\_\_  
**Jamie Raskin**

\_\_\_\_\_  
**Pam Queen**

\_\_\_\_\_  
**Wayne Norman**

\_\_\_\_\_  
**Deborah C. Rey**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
(X) Chief Clerk

( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1350)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 637      SPONSOR: Delegate Smith**

**SUBJECT: Local Government Tort Claims Act – Notice Requirement – Exception**

**THIRD READING CALENDAR      HOUSE NO. 17      SENATE NO. 24**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Judicial Proceedings Committee Amendments (HB0637/488177/1) be rejected.
- (2) That the attached Conference Committee Amendments (HB0637/413728/1) be adopted.

**HB0637/413728/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 637  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “TO” in line 27 on page 2 down through “ACTION” in line 4 on page 3 and substitute “**IF, WITHIN 1 YEAR AFTER THE INJURY, THE DEFENDANT LOCAL GOVERNMENT HAS ACTUAL OR CONSTRUCTIVE NOTICE OF:**

**(1) THE CLAIMANT’S INJURY; OR**

**(2) THE DEFECT OR CIRCUMSTANCES GIVING RISE TO THE CLAIMANT’S INJURY”.**

On page 3, strike in their entirety lines 5 through 29, inclusive.

Senate Members:

House Members:

Chair, **Bobby A. Zirkin**

Chair, **Charles E. Sydnor, III**

**Jamie Raskin**

**Pam Queen**

**Wayne Norman**

**Deborah C. Rey**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

Chief Clerk  
 Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1351)

The Bill was then sent to the House of Delegates.

**CONCURRENCE CALENDAR #44**

**AMENDED IN THE HOUSE**

**Senate Bill 266 – Senators Salling, Astle, Jennings, and Waugh**

AN ACT concerning

~~Natural Resources – Poaching Restitution Act of 2016~~  
Hunting – Deer – Penalties

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

**SB0266/690011/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 266  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute “Natural Resources – Poaching Restitution Act of 2016”; in line 4, after “requiring” insert “a court to order”; in lines 4 and 5, strike “violating certain provisions involving certain” and substitute “poaching”; in line 5, after “deer” insert “on any land in the State”; in line 6, strike “finest” and substitute “restitution”; in lines 6 and 7, strike “in accordance with certain requirements” and substitute “under certain circumstances and to perform community service under certain circumstances”; in line 9, strike “finest” and substitute “restitution”; in line 17, after “term;” insert “providing for the application of certain provisions of this Act;”; and in lines 17 and 18, strike “illegally hunting, killing, or taking” and substitute “poaching”.

On page 2, after line 3, insert:

“BY renumbering

Article – Natural Resources

Section 10–101(q) through (cc), respectively

to be Section 10–101(r) through (dd), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

in line 6, after “Section” insert “10–101(q) and”; in line 11, after “Section” insert “10–212(a) and”; in line 28, after “MARYLAND,” insert “That Section(s) 10–101(q) through (cc), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 10–101(r) through (dd), respectively.”; and in line 32, strike “That” and substitute “SECTION 2. AND BE IT FURTHER ENACTED, That”.

AMENDMENT NO. 2

On page 2, after line 34, insert:

“10–101.

**(Q) “POACHING” MEANS THE ILLEGAL HUNTING, KILLING, OR TAKING OF GAME.**

10–212.

(a) The General Assembly finds and declares that:

(1) Hunting is an important and traditional activity in which 14,000,000 Americans who are at least 16 years old participate;

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) Hunters and hunting organizations provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments;

(4) Fees for hunting licenses, permits, and stamps, and taxes on goods used by hunters, have generated billions of dollars for wildlife conservation, research, and management;

(5) Hunting is an essential component of effective wildlife management, as it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depends; [and]

(6) Hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of the lands;  
AND

**(7) POACHING, AS DEFINED IN § 10–101 OF THIS TITLE, IS NOT ONLY A VIOLATION OF THE PUBLIC TRUST DOCTRINE, BUT ALSO VIOLATES THE TENETS OF SOUND WILDLIFE MANAGEMENT AND CONSERVATION PRACTICES STRICTLY**



ADHERED TO BY LAW-ABIDING SPORTSMEN AND SPORTSWOMEN WHO DEEM THE ACT INTOLERABLE.”.

On page 3, in line 28, strike “**10-1101.1.**”.

On pages 4 and 5, strike beginning with “**(A)**” in line 24 on page 4 down through “**(E)**” in line 14 on page 5 and substitute:

**10-1101.1.**

**(A) (1) NOTWITHSTANDING § 10-1101 OF THIS SUBTITLE, IF A PERSON IS CONVICTED OF POACHING DEER ON ANY LAND IN THE STATE, THE COURT SHALL ORDER THE PERSON TO PAY THE STATE RESTITUTION IN ACCORDANCE WITH THIS SECTION.**

**(2) FOR AN ACT OF POACHING THAT INVOLVES TRESPASSING ON ANOTHER’S PROPERTY, THIS SECTION APPLIES WITH RESPECT TO THE TRESPASS VIOLATION ONLY IF THE PERSON TRESPASSES IN A KNOWING OR WILLFUL MANNER.**

**(B) (1) FOR EACH SIKA DEER OR ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF 150 GROSS INCHES OR LESS, AS MEASURED BY THE BOONE AND CROCKETT CLUB’S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:**

**(I) PAY RESTITUTION OF NOT LESS THAN \$2,000 BUT NOT EXCEEDING \$5,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND**

**(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.**

**(2) FOR EACH ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB’S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:**

**(I) PAY RESTITUTION OF NOT LESS THAN \$5,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND**

**(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.**

**(3) FOR EACH ANTLERLESS WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL;**

**(I) PAY RESTITUTION OF NOT LESS THAN \$300 BUT NOT EXCEEDING \$500, IN AN MOUNT DEEMED REASONABLE BY THE COURT; OR**

**(II) PERFORM 40 HOURS OF COMMUNITY SERVICE.**

**(C) THE RESTITUTION COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.**

**(D)**”;

in line 19, strike “FINE” and substitute “RESTITUTION”; and in lines 26 and 34, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.

On page 6, in line 3, strike “4.” and substitute “5.”.

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. 1352)

### AMENDED IN THE HOUSE

**Senate Bill 677 – Carroll County Senators**

AN ACT concerning

**Carroll County – Alcoholic Beverages Licenses – Beginning Hour of Sale**

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

**SB0677/253495/1**

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 677

(Third Reading File Bill)

On page 2, in line 6, strike “or 7–day”; in line 11, after “sell” insert “**OR PROVIDE**”; in line 12, strike “**ON– OR off–premises**” and substitute “**ON–PREMISES**”; in line 13, strike “11 p.m.” and substitute “**1 A.M.**”; and after line 15, insert:

**“(3) A HOLDER OF A 7–DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.”.**

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. 1353)

**AMENDED IN THE HOUSE**

**Senate Bill 696 – Senators Young and Hough**

AN ACT concerning

**Frederick County and St. Mary’s County – Alcoholic Beverages – Art Gallery  
Beer and Wine License**

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

**SB0696/743794/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 696

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and St. Mary’s County”; in line 5, strike “and the Board of License Commissioners for St. Mary’s County”; in line 13, strike “and St. Mary’s County”;

in line 16, strike “and 28–1001, respectively”; in line 17, strike “and 28–1001.1, respectively”; and in line 23, strike “and 28–1001”.

On page 2, in line 5, strike “and 28–1001, respectively.”; and in lines 6 and 7, strike “and 28–1001.1, respectively”.

#### AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 9 on page 3, inclusive.

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. 1354)

### **AMENDED IN THE HOUSE**

**Senate Bill 795 – Senators Jennings, Cassilly, and Norman**

AN ACT concerning

**Harford County – Alcoholic Beverages – Movie Theater License**

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

**SB0795/953197/1**

BY: Economic Matters Committee

#### AMENDMENTS TO SENATE BILL 795

(Third Reading File Bill)

#### AMENDMENT NO. 1

On page 1, in line 5, after “theater;” insert “requiring the owner of a movie theater to provide certain documentation to the Board to be eligible for the license;”; in line 6, strike “and wine” and substitute “, wine, and liquor”; and in line 7, strike “and wine” and substitute “, wine, and liquor”.

#### AMENDMENT NO. 2

On page 2, in lines 1 and 4, in each instance, strike “AND WINE” and substitute “, WINE, AND LIQUOR”; in line 2, after “(B)” insert “(1)”; after line 3, insert:

**“(2) TO BE ELIGIBLE FOR THE LICENSE, THE OWNER OF A MOVIE THEATER IS REQUIRED TO PROVIDE DOCUMENTATION TO THE BOARD THAT THE OWNER HAS MADE AN INVESTMENT OF AT LEAST \$250,000 IN THE MOVIE THEATER.”;**

and in line 7, strike “AND WINE” and substitute “, WINE, AND LIQUOR”.

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. 1355)

### MESSAGE TO THE SENATE

BILL:                    **HB0616**  
 SPONSOR:            Delegate Barkley  
 SUBJECT:             Alcoholic Beverages – Class 1 Distillery Licenses

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 Lisanti, Chair  
 Delegate W. Miller  
 Delegate Arentz

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:**                   **HB0616**  
**SPONSOR:**            Delegate Barkley  
**SUBJECT:**            Alcoholic Beverages – Class 1 Distillery Licenses

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 Lisanti, Chairman  
Delegate W. Miller  
Delegate Arentz.

The Senate appoints:

Senator Conway, Chair  
Senator Zucker  
Senator Young

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**THE COMMITTEE ON RULES REPORT #14**

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

**House Bill 833 – Delegates Ebersole, Hixson, and Turner**

AN ACT concerning

**Agricultural Land Transfer Tax – Calculation**

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 and the Committee on Education, Health, and Environmental Affairs:

**House Bill 1399 – Delegates Hayes, Conaway, Lierman, Moon, Smith, and Tarlau**

AN ACT concerning

**Maryland Education Development Collaborative – Established**

The bill was re-referred to the Committee on Budget and Taxation and 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 1409 – Delegates Otto and Beitzel**

AN ACT concerning

**Payment in Lieu of Taxes – ~~State Forests, State Parks, and Wildlife Management Areas~~ State Forest and State Park Land**

The bill was re-referred to the Committee on Budget and Taxation.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #83**

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

**Senate Bill 529 – Senators Bates, Cassilly, Eckardt, Kelley, Ready, Salling, Serafini, and Waugh**

AN ACT concerning

**Open Meetings Act – Requirements for Providing Agendas**

**SB0529/994135/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 529

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Providing”; in lines 3, 8, and 17, in each instance, strike “provide” and substitute “make available”; strike beginning with “except” in line 5 down through “circumstances” in line 7; in line 9, after “agenda;” insert “authorizing a public body to make available an agenda within a certain time after a meeting is held under certain circumstances; providing for the construction of this Act;”; in lines 21 and 22, strike “making public participation in” and substitute “allowing the public to observe”; and in line 22, strike “possible”.

AMENDMENT NO. 2

On page 2, in lines 4, 12, 15, 20, 25, and 26, in each instance, strike “PROVIDE” and substitute “MAKE AVAILABLE”; strike beginning with “AVAILABLE” in line 5 down through “MATTERS” in line 6 and substitute “KNOWN ITEMS OF BUSINESS OR TOPICS”; in line 12, strike “PROVIDES” and substitute “GIVES”; in line 16, strike “AT LEAST” and substitute “AS SOON AS PRACTICABLE AFTER THE AGENDA HAS BEEN DETERMINED BUT NO LATER THAN”; in line 19, after “EMERGENCY,” insert “A”; in the same line, strike “SIMILAR” and substitute “ANY OTHER”; in line 20, strike “TO THE PUBLIC” and substitute “MAKE AVAILABLE ON REQUEST”; in line 26, strike “SUBSECTIONS (A) OR (B)” and substitute “SUBSECTION (A)”; in line 28, strike “PROVIDING” and substitute “MAKING AVAILABLE”; and after line 29, insert:

**“(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A PUBLIC BODY FROM ALTERING THE AGENDA OF A MEETING AFTER THE AGENDA HAS BEEN MADE AVAILABLE TO THE PUBLIC.”**

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 #42**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**Senate Bill 593 – Senators Raskin, Astle, Benson, Brochin, Cassilly, Eckardt, Edwards, Feldman, Guzzone, Hough, Jennings, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Muse,**



Norman, Peters, Pinsky, Pugh, Ramirez, Ready, Rosapepe, Salling, Serafini,  
Simonaire, and Young

AN ACT concerning

**Family Law – Child Conceived Without Consent – Termination of Parental  
Rights  
(Rape Survivor Family Protection Act)**

**SB0593/928178/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 593

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Courts and Family Law – Evidence of Sexually Assaultive Behavior and Child Conceived Without Consent”; in line 5, after “of” insert “providing that, in a prosecution for certain sexual offenses, evidence that the defendant committed certain sexually assaultive behavior may be admissible for certain reasons; requiring that the State file a certain motion to introduce evidence of certain sexually assaultive behavior within a certain period of time; requiring a motion to include certain information; requiring a court to hold a hearing on a motion outside the presence of a jury; authorizing the court to admit certain evidence if the court makes certain findings; providing factors that a court shall consider; providing that certain provisions of this Act do not limit the admission or consideration of certain evidence;”; in line 6, after “individual” insert “convicted of or”; in line 7, after “child;” insert “prohibiting the court from terminating parental rights under certain circumstances;”; in line 9, after “rights” insert “and responsibilities”; strike beginning with “authorizing” in line 9 down through “circumstances;” in line 10; in line 11, after “Act;” insert “requiring an action for termination of parental rights under this Act to be filed within a certain period of time; requiring the court to advise the respondent of certain rights at a certain scheduling conference; requiring an action for termination of parental rights under this Act to be stayed under certain circumstances; providing that in an action to terminate parental rights under this Act, a respondent may not be required to testify or to offer evidence that may incriminate the respondent and no adverse inference may be drawn from the respondent’s refusal to testify or to offer evidence;”; strike beginning with “prohibiting” in line 12 down through “child;” in line 14 and substitute “specifying that a party’s testimony and any other information obtained in a certain termination of parental rights proceeding and any information derived from the testimony or other information is inadmissible as

evidence in a criminal proceeding against that party under certain circumstances; requiring the Office of the Public Defender to represent certain respondents in a proceeding under this Act;”; in line 14, after “to” insert “the admissibility of evidence and”; and after line 15, insert:

“BY adding to

Article – Courts and Judicial Proceedings  
Section 10–923  
Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure  
Section 16–204(b)(1)  
Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page1, after line 23, insert:

“Article – Courts and Judicial Proceedings

10–923.

(A) IN THIS SECTION, “SEXUALLY ASSAULTIVE BEHAVIOR” MEANS AN ACT THAT WOULD CONSTITUTE:

(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) SEXUAL ABUSE OF A MINOR UNDER § 3–602 OF THE CRIMINAL LAW ARTICLE;

(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3–604 OF THE CRIMINAL LAW ARTICLE;

(4) A VIOLATION OF 18 U.S.C. CHAPTER 109A; OR

(5) A VIOLATION OF A LAW OF ANOTHER STATE, THE UNITED STATES, OR A FOREIGN COUNTRY THAT IS EQUIVALENT TO AN OFFENSE UNDER ITEM (1), (2), (3), OR (4) OF THIS SUBSECTION.

(B) IN A CRIMINAL TRIAL FOR A SEXUAL OFFENSE LISTED IN SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION, EVIDENCE OF OTHER SEXUALLY ASSAULTIVE BEHAVIOR BY THE DEFENDANT OCCURRING BEFORE OR AFTER THE OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL MAY BE ADMISSIBLE.

(C) (1) THE STATE SHALL FILE A MOTION OF INTENT TO INTRODUCE EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR AT LEAST 90 DAYS BEFORE TRIAL OR AT A LATER TIME IF AUTHORIZED BY THE COURT FOR GOOD CAUSE.

(2) A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE EVIDENCE.

(3) THE STATE SHALL PROVIDE A COPY OF A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE DEFENDANT AND INCLUDE ANY OTHER INFORMATION REQUIRED TO BE DISCLOSED UNDER MARYLAND RULE 4-262 OR 4-263.

(D) THE COURT SHALL HOLD A HEARING OUTSIDE THE PRESENCE OF A JURY TO DETERMINE THE ADMISSIBILITY OF EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR.

(E) THE COURT MAY ADMIT EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR IF THE COURT FINDS AND STATES ON THE RECORD THAT:

(1) THE EVIDENCE IS BEING OFFERED TO:

(I) PROVE LACK OF CONSENT; OR

(II) REBUT AN EXPRESS OR IMPLIED ALLEGATION THAT A MINOR VICTIM FABRICATED THE SEXUAL OFFENSE;

(2) THE SEXUALLY ASSAULTIVE BEHAVIOR WAS PROVEN BY CLEAR AND CONVINCING EVIDENCE; AND

(3) THE PROBATIVE VALUE OF THE EVIDENCE IS NOT SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE.

(F) BEFORE MAKING THE FINDINGS UNDER SUBSECTION (E) OF THIS SECTION, THE COURT SHALL CONSIDER:

(1) WHETHER THE ISSUE FOR WHICH THE EVIDENCE OF THE SEXUALLY ASSAULTIVE BEHAVIOR IS BEING OFFERED IS IN DISPUTE;

(2) THE SIMILARITY BETWEEN THE SEXUALLY ASSAULTIVE BEHAVIOR AND THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL;

(3) THE CLOSENESS IN TIME OF THE SEXUALLY ASSAULTIVE BEHAVIOR AND THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL;  
AND

(4) THE INDEPENDENCE OF THE SEXUALLY ASSAULTIVE BEHAVIOR FROM THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL.

(G) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY MARYLAND RULE OR OTHER PROVISION OF LAW.

Article – Criminal Procedure

16–204.

(b) (1) Indigent defendants or parties shall be provided representation under this title in:

(i) a criminal or juvenile proceeding in which a defendant or party is alleged to have committed a serious offense;

(ii) a criminal or juvenile proceeding in which an attorney is constitutionally required to be present prior to presentment being made before a commissioner or judge;

(iii) a postconviction proceeding for which the defendant has a right to an attorney under Title 7 of this article;

(iv) any other proceeding in which confinement under a judicial commitment of an individual in a public or private institution may result;

(v) a proceeding involving children in need of assistance under § 3–813 of the Courts Article; [or]

(vi) a family law proceeding under Title 5, Subtitle 3, Part II or Part III of the Family Law Article, including:

1. for a parent, a hearing in connection with guardianship or adoption;

2. a hearing under § 5–326 of the Family Law Article for which the parent has not waived the right to notice; and

3. an appeal; OR

**(VII) FOR A RESPONDENT, AS DEFINED IN § 5–1401 OF THE FAMILY LAW ARTICLE, A PROCEEDING UNDER TITLE 5, SUBTITLE 14 OF THE FAMILY LAW ARTICLE TO TERMINATE THE RESPONDENT’S PARENTAL RIGHTS.”**

On page 2, strike in their entirety lines 5 through 12, inclusive; in line 13, strike “(C)” and substitute “(B)”; and strike beginning with “VAGINAL” in line 13 down through “INDIVIDUAL” in line 20 and substitute “**AN ACT THAT IS PROHIBITED UNDER § 3–303, § 3–304(A)(1) OR (2), OR § 3–323 OF THE CRIMINAL LAW ARTICLE**”.

On pages 2 and 3, strike beginning with “(D)” in line 21 on page 2 down through “(E)” in line 1 on page 3 and substitute “(C)”.

On page 3, strike beginning with “ALLEGED” in line 1 down through “ACTION” in line 3 and substitute “**AGAINST WHOM AN ACTION FOR TERMINATION OF PARENTAL RIGHTS IS FILED**”; strike in their entirety lines 4 through 12, inclusive; in line 14, strike “AFTER AN EVIDENTIARY HEARING” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER A TRIAL**”; in the same line, strike “SHALL” and substitute “**MAY**”; strike beginning with the colon in line 16 down through “(I)” in line

17; in line 17, after “WITH” insert “RULE 2-121(A)(1) OF”; in the same line, strike “AND”; strike in their entirety lines 18 and 19; in line 20, after “(2)” insert “(I) FINDS THAT THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD AT ISSUE IN AN ACTION UNDER THIS SUBTITLE; OR”

(II)”;

in line 24, strike “A PREPONDERANCE OF THE” and substitute “CLEAR AND CONVINCING”; in line 27, after “(B)” insert “THE COURT MAY NOT TERMINATE PARENTAL RIGHTS UNDER SUBSECTION (A) OF THIS SECTION IF THE PARENTS WERE MARRIED AT THE TIME OF THE CONCEPTION OF THE CHILD AT ISSUE, UNLESS THE RESPONDENT HAS BEEN CONVICTED OF AN ACT OF NONCONSENSUAL SEXUAL CONDUCT AGAINST THE OTHER PARENT THAT RESULTED IN THE CONCEPTION OF THE CHILD.”

(C)”;

in line 28, after “COMPLETELY” insert “:

(1)”;

and in line 29, after “CHILD” insert “;AND”

(2) A PARENT’S RESPONSIBILITY TO SUPPORT THE CHILD, INCLUDING THE RESPONSIBILITY TO PAY CHILD SUPPORT”.

On page 4, strike in their entirety lines 1 through 6, inclusive; strike beginning with the first comma in line 10 down through “GUARDIAN” in line 11; in line 12, after “COMPLAINT” insert “IN THE CIRCUIT COURT HAVING JURISDICTION OVER THE CHILD”; after line 12, insert:

“(B) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS UNDER THIS SUBTITLE SHALL BE FILED WITHIN 5 YEARS AFTER THE DATE ON WHICH THE ALLEGED ACT OF NONCONSENSUAL SEXUAL CONDUCT THAT RESULTED IN CONCEPTION OF THE CHILD AT ISSUE OCCURRED.”;

in lines 13, 15, and 26, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; strike beginning with “WITHIN” in line 15 down through the period in line 25 and substitute “IN ACCORDANCE WITH THE MARYLAND RULES.”

**(2) AT THE SCHEDULING CONFERENCE, THE COURT SHALL ADVISE THE RESPONDENT THAT:**

**(I) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE THAT MAY INCRIMINATE THE RESPONDENT; AND**

**(II) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT’S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.”;**

in line 26, strike “UNLESS IT IS CONTRARY TO THE BEST INTEREST OF THE CHILD” and substitute “**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**”; in line 27, strike “AN EVIDENTIARY HEARING AND ISSUE A DECISION” and substitute “**A TRIAL**”; strike beginning with “SERVICE” in line 28 down through “COMPLAINT” in line 29 and substitute “**AN ANSWER TO THE COMPLAINT IS FILED**”; and after line 29, insert:

**“(2) UNLESS BOTH PARTIES AGREE OTHERWISE, IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS PENDING AT THE TIME AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, OR IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS COMMENCED AFTER AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, THE COURT SHALL STAY ALL FURTHER PROCEEDINGS IN THE ACTION TO TERMINATE PARENTAL RIGHTS UNTIL THE CRIMINAL PROCEEDING IS RESOLVED.**

**(F) IN AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE:**

**(1) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE THAT MAY INCRIMINATE THE RESPONDENT; AND**

**(2) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT’S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.”.**

On page 5, strike beginning with “EXCEPT” in line 1 down through “THAT” in line 2 and substitute “**IF**”; in line 3, strike “THAT”; and strike in their entirety lines 8 through 11, inclusive, and substitute:

**“(B) A PARTY’S TESTIMONY AND ANY OTHER INFORMATION OBTAINED IN A PROCEEDING UNDER THIS SUBTITLE AND ANY INFORMATION DIRECTLY OR INDIRECTLY DERIVED FROM THE PARTY’S TESTIMONY OR THE OTHER INFORMATION IS INADMISSIBLE AS EVIDENCE IN A CRIMINAL PROCEEDING AGAINST THAT PARTY IF:**

**(1) THE CRIMINAL PROCEEDING INVOLVES THE SAME UNDERLYING FACTS; AND**

**(2) THE EVIDENCE IS OFFERED FOR A PURPOSE OTHER THAN IMPEACHMENT.”**

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.

### **THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

#### **THIRD READING CALENDAR (HOUSE BILLS) #61**

**House Bill 1010 – Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

AN ACT concerning

**Maryland Transit Administration Oversight and Planning Board**



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

The motion was adopted.

**House Bill 1395 – Delegates Anderton, B. Barnes, Sample–Hughes, and A. Washington**

AN ACT concerning

**Local Government – Disparity Grants – Amounts**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1356)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 306      SPONSOR: Delegate Smith**

**SUBJECT: Labor and Employment – Hiring and Promotion Preferences – Veterans and Their Spouses**

**THIRD READING CALENDAR      HOUSE NO. 4      SENATE NO. 7**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Finance Committee Amendments (HB0306/627679/1) be rejected.

Senate Members:

House Members:

\_\_\_\_\_  
Chair,      **John C. Astle**

\_\_\_\_\_  
Chair,      **C. T. Wilson**

\_\_\_\_\_  
**Katherine Klausmeier**

\_\_\_\_\_  
**Benjamin Brooks**

\_\_\_\_\_  
**Edward R. Reilly**

\_\_\_\_\_  
**Seth A. Howard**

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Read in the Senate:

Read in the House of Delegates:

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Amendment Office Delivers Report to:

(X) Chief Clerk

( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1357)

The Bill was then sent to the House of Delegates.

### SPECIAL ORDERS

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

**House Bill 852 – Delegates Lisanti, Fennell, and Tarlau**

AN ACT concerning

**Local Government – Municipal Elections – Tie Votes**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1358)

The Bill was then sent to the House of Delegates.

### THE COMMITTEE ON FINANCE REPORT #55

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

**Senate Bill 1075 – Senators Klausmeier and Feldman**

AN ACT concerning

**Public Service Commission – Electric Affordability Program – Study**

Senator Peters moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

**THE COMMITTEE ON FINANCE REPORT #56**

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

**House Bill 927 – Delegate Davis**

AN ACT concerning

**Public Service Commission – Electric Affordability Program – Study**

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #41**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**House Bill 646 – Delegates Dumais, Anderson, Angel, Arentz, Atterbeary, Barkley, B. Barnes, Barve, Beidle, Carozza, Carr, Chang, Clippinger, Cluster, Conaway, Cullison, Davis, Folden, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glass, Glenn, Gutierrez, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jameson, Jones, Kaiser, Kelly, Kittleman, Korman, Krebs, Lafferty, Lierman, Lisanti, Luedtke, Malone, McComas, McIntosh, A. Miller, Moon, Morales, Oaks, Parrott, Pena-Melnyk, Pendergrass, Platt, Proctor, Rey, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Stein, Sydnor, Szeliga, Tarlau, Valderrama, Valentino-Smith, Vogt, Waldstreicher, A. Washington, M. Washington, West, B. Wilson, C. Wilson, and P. Young**

AN ACT concerning

**Family Law – Child Conceived Without Consent – Termination of Parental Rights  
(Rape Survivor Family Protection Act)**

**HB0646/368578/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 646  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Courts and Family Law – Evidence of Sexually Assaultive Behavior and Child Conceived Without Consent”; in line 5, after “of” insert “providing that, in a prosecution for certain sexual offenses, evidence that the defendant committed certain sexually assaultive behavior may be admissible for certain reasons; requiring that the State file a certain motion to introduce evidence of certain sexually assaultive behavior within a certain period of time; requiring a motion to include certain information; requiring a court to hold a hearing on a motion outside the presence of a jury; authorizing the court to admit certain evidence if the court makes certain findings; providing factors that a court shall consider; providing that certain provisions of this Act do not limit the admission or consideration of certain evidence;”; in line 10, after “rights” insert “and responsibilities”; in line 12, after “Act;” insert “requiring an action for termination of parental rights under this Act to be filed within a certain period of time; requiring the court to advise the respondent of certain rights at a certain scheduling conference; requiring an action for termination of parental rights under this Act to be stayed under certain circumstances; providing that in an action to terminate parental rights under this Act, a respondent may not be required to testify or to offer evidence that may incriminate the respondent and no adverse inference may be drawn from the respondent’s refusal to testify or to offer evidence;”; strike beginning with “prohibiting” in line 14 down through “child;” in line 15; and in line 15, after “testimony” insert “and any other information obtained”.

On page 2, in line 1, after “proceeding” insert “and any information derived from the testimony or other information”; in line 4, after “to” insert “the admissibility of evidence and”; and after line 5, insert:

“BY adding to

Article – Courts and Judicial Proceedings

Section 10–923

Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“Article – Courts and Judicial Proceedings

10-923.

(A) IN THIS SECTION, "SEXUALLY ASSAULTIVE BEHAVIOR" MEANS AN ACT THAT WOULD CONSTITUTE:

(1) A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE;

(2) SEXUAL ABUSE OF A MINOR UNDER § 3-602 OF THE CRIMINAL LAW ARTICLE;

(3) SEXUAL ABUSE OF A VULNERABLE ADULT UNDER § 3-604 OF THE CRIMINAL LAW ARTICLE;

(4) A VIOLATION OF 18 U.S.C. CHAPTER 109A; OR

(5) A VIOLATION OF A LAW OF ANOTHER STATE, THE UNITED STATES, OR A FOREIGN COUNTRY THAT IS EQUIVALENT TO AN OFFENSE UNDER ITEM (1), (2), (3), OR (4) OF THIS SUBSECTION.

(B) IN A CRIMINAL TRIAL FOR A SEXUAL OFFENSE LISTED IN SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION, EVIDENCE OF OTHER SEXUALLY ASSAULTIVE BEHAVIOR BY THE DEFENDANT OCCURRING BEFORE OR AFTER THE OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL MAY BE ADMISSIBLE.

(C) (1) THE STATE SHALL FILE A MOTION OF INTENT TO INTRODUCE EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR AT LEAST 90 DAYS BEFORE TRIAL OR AT A LATER TIME IF AUTHORIZED BY THE COURT FOR GOOD CAUSE.

(2) A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A DESCRIPTION OF THE EVIDENCE.

(3) THE STATE SHALL PROVIDE A COPY OF A MOTION FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE DEFENDANT AND INCLUDE ANY OTHER INFORMATION REQUIRED TO BE DISCLOSED UNDER MARYLAND RULE 4-262 OR 4-263.

**(D) THE COURT SHALL HOLD A HEARING OUTSIDE THE PRESENCE OF A JURY TO DETERMINE THE ADMISSIBILITY OF EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR.**

**(E) THE COURT MAY ADMIT EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR IF THE COURT FINDS AND STATES ON THE RECORD THAT:**

**(1) THE EVIDENCE IS BEING OFFERED TO:**

**(I) PROVE LACK OF CONSENT; OR**

**(II) REBUT AN EXPRESS OR IMPLIED ALLEGATION THAT A MINOR VICTIM FABRICATED THE SEXUAL OFFENSE;**

**(2) THE SEXUALLY ASSAULTIVE BEHAVIOR WAS PROVEN BY CLEAR AND CONVINCING EVIDENCE; AND**

**(3) THE PROBATIVE VALUE OF THE EVIDENCE IS NOT SUBSTANTIALLY OUTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE.**

**(F) BEFORE MAKING THE FINDINGS UNDER SUBSECTION (E) OF THIS SECTION, THE COURT SHALL CONSIDER:**

**(1) WHETHER THE ISSUE FOR WHICH THE EVIDENCE OF THE SEXUALLY ASSAULTIVE BEHAVIOR IS BEING OFFERED IS IN DISPUTE;**

**(2) THE SIMILARITY BETWEEN THE SEXUALLY ASSAULTIVE BEHAVIOR AND THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL;**

**(3) THE CLOSENESS IN TIME OF THE SEXUALLY ASSAULTIVE BEHAVIOR AND THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL; AND**

**(4) THE INDEPENDENCE OF THE SEXUALLY ASSAULTIVE BEHAVIOR FROM THE SEXUAL OFFENSE FOR WHICH THE DEFENDANT IS ON TRIAL.**

**(G) THIS SECTION DOES NOT LIMIT THE ADMISSION OR CONSIDERATION OF EVIDENCE UNDER ANY MARYLAND RULE OR OTHER PROVISION OF LAW.**

**AMENDMENT NO. 3**

On page 4, in line 23, strike “AN EVIDENTIARY HEARING” and substitute “**A TRIAL**”; in the same line, strike “SHALL” and substitute “**MAY**”; strike beginning with the colon in line 25 down through “**(I)**” in line 26; in line 26, after “WITH” insert “**RULE 2-121(A)(1)** **OF**”; in the same line, strike “AND”; and strike in their entirety lines 27 and 28.

**AMENDMENT NO. 4**

On page 5, in line 16, after “COMPLETELY” insert “:

**(1)**”;

and in line 17, after “CHILD” insert “; **AND**

**(2) A PARENT’S RESPONSIBILITY TO SUPPORT THE CHILD, INCLUDING THE RESPONSIBILITY TO PAY CHILD SUPPORT**”.

**AMENDMENT NO. 5**

On page 5, strike beginning with the first comma in line 27 down through “GUARDIAN” in line 28; in line 29, after “COMPLAINT” insert “**IN THE CIRCUIT COURT HAVING JURISDICTION OVER THE CHILD**”; after line 29, insert:

**(B) AN ACTION FOR TERMINATION OF PARENTAL RIGHTS UNDER THIS SUBTITLE SHALL BE FILED WITHIN 5 YEARS AFTER THE DATE ON WHICH THE ALLEGED ACT OF NONCONSENSUAL SEXUAL CONDUCT THAT RESULTED IN CONCEPTION OF THE CHILD AT ISSUE OCCURRED.**”;

and in lines 30 and 32, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively.

On page 6, in line 10, strike “**(D)**” and substitute “**(E)**”; and strike beginning with “SERVICE” in line 12 down through “COMPLAINT” in line 13 and substitute “**AN ANSWER TO THE COMPLAINT IS FILED**”.

**AMENDMENT NO. 6**

On pages 5 and 6, strike beginning with “WITHIN” in line 32 on page 5 down through the period in line 9 on page 6 and substitute “IN ACCORDANCE WITH THE MARYLAND RULES.”

(2) AT THE SCHEDULING CONFERENCE, THE COURT SHALL ADVISE THE RESPONDENT THAT:

(I) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE THAT MAY INCRIMINATE THE RESPONDENT; AND

(II) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT’S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.”.

AMENDMENT NO. 7

On page 6, in line 10, strike “UNLESS IT IS CONTRARY TO THE BEST INTEREST OF THE CHILD” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION”; in line 11, strike “AN EVIDENTIARY HEARING AND ISSUE A DECISION” and substitute “A TRIAL”; and after line 13, insert:

“(2) UNLESS BOTH PARTIES AGREE OTHERWISE, IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS PENDING AT THE TIME AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, OR IF A CRIMINAL PROCEEDING INVOLVING THE SAME UNDERLYING FACTS IS COMMENCED AFTER AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE IS FILED, THE COURT SHALL STAY ALL FURTHER PROCEEDINGS IN THE ACTION TO TERMINATE PARENTAL RIGHTS UNTIL THE CRIMINAL PROCEEDING IS RESOLVED.”

(F) IN AN ACTION TO TERMINATE PARENTAL RIGHTS UNDER THIS SUBTITLE:

(1) THE RESPONDENT MAY REFUSE TO TESTIFY OR TO OFFER EVIDENCE THAT MAY INCRIMINATE THE RESPONDENT; AND

(2) NO ADVERSE INFERENCE MAY BE DRAWN FROM THE RESPONDENT’S REFUSAL TO TESTIFY OR TO OFFER EVIDENCE.”.



AMENDMENT NO. 8

On page 6, strike beginning with “**(1)**” in line 15 down through “**THAT**” in line 16 and substitute “**IF**”; in line 17, strike “**THAT**”; and strike in their entirety lines 22 through 25, inclusive.

AMENDMENT NO. 9

On page 6, in line 26, after “TESTIMONY” insert “AND ANY OTHER INFORMATION OBTAINED”; and in the same line, after “SUBTITLE” insert “AND ANY INFORMATION DIRECTLY OR INDIRECTLY DERIVED FROM THE PARTY’S TESTIMONY OR THE OTHER INFORMATION”.

The preceding 9 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:

**House Bill 1634 – Delegate Jalisi**

AN ACT concerning

~~Juveniles – Restraint and Searches – Limitations~~  
**Task Force to Study the Restraint, Searches, and Needs of Children in the Juvenile Justice System**

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 571 – Delegates Barkley and W. Miller**

AN ACT concerning

**Gas Companies – Rate Regulation – Environmental Remediation Costs**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Middleton moved, duly seconded, to recommit the Bill.

The motion was adopted.

**House Bill 1183 – Delegates Angel, Atterbeary, Carter, Kelly, Morales, Pena–Melnyk, Proctor, Rosenberg, Sanchez, Sydnor, Tarlau, and Walker**

AN ACT concerning

**Family Law – Divorce – Restoration of Former Name**

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

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

The motion was adopted.

**CONCURRENCE CALENDAR #45**

**AMENDED IN THE HOUSE**

**Senate Bill 937 – Senators Manno, Astle, Bates, Klausmeier, Raskin, and Zucker**

AN ACT concerning

**Sustainable Oyster Harvest Act of 2016**

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

**SB0937/350412/1**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 937

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Harvest” and substitute “Population and Fishery”; in line 3, after the second “the” insert “Department of Natural Resources, in consultation with the”; in the same line, after “Science” insert a comma; in line 4, after “fishery,” insert “requiring the Department to identify certain oyster management strategies in a certain manner;”; in the same line, strike “Center” and substitute “Department”; in line 5, strike

“report” and substitute “submit certain reports on the study and certain oyster management strategies”; in the same line, strike “the Department of Natural Resources,”; in line 6, strike “a certain date” and substitute “certain dates; providing for the construction of this Act; providing for the termination of this Act”; and after line 8, insert:

“BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–215(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–215(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

#### AMENDMENT NO. 2

On page 3, in line 2, after “That” insert “the Laws of Maryland read as follows”; strike in their entirety lines 3 through 20, inclusive, and substitute:

“Article – Natural Resources

4–215.

(d) (1) Conservation and management measures adopted under a fishery management plan, to the extent possible:

(i) Shall prevent overfishing while attempting to achieve the best and most efficient utilization of the State’s fishery resources;

(ii) Shall be based on the best information available;

(iii) May not discriminate unfairly among groups of fishermen or have economic allocation as its sole purpose;

(iv) Shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches; and

(v) Shall avoid duplication of regulatory efforts and unnecessary costs to the State and to any other person.

(2) If it becomes necessary to allocate or assign fishing privileges among various groups of individuals under paragraph (1)(iii) of this subsection, or under any fishery management plan, that allocation shall be:

(i) Fair and equitable to all individuals;

(ii) Reasonably calculated to promote conservation; and

(iii) Carried out in such a manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(e) (1) Except as provided in paragraph (2) of this subsection, a fishery management plan may apply separately or jointly to the waters of the Chesapeake Bay and its tidal tributaries, the coastal bays and their tributaries, and the Maryland waters of the Atlantic Ocean and shall include:

(i) The best available estimates of sustainable harvest rates;

(ii) Indicators that would trigger any tightening or loosening of harvest restrictions;

(iii) A description of the fishery, including:

1. The history of the fishery, and its current condition relative to historic populations;

2. The numbers of potential commercial and recreational fishermen projected to participate in the fishery;

3. The type and quantity of fishing gear used commercially;

4. Where practicable, the cost likely to be incurred in the management of the fishery; and

5. The actual and potential revenues from the recreational and commercial fishery;

(iv) If the Department determines that a fishery has been, or is currently, overfished:

1. A species-specific time period for:

A. Ending or appropriately addressing overfishing; and

B. Rebuilding the stock of the species to a sustainable level;

and

2. A description of:

A. Management strategies that have a high probability of reducing fishing to a target level within a target time period, as determined by the Department; and

B. The appropriate assignment or allocation of fishing privileges in accordance with subsection (d)(2) of this section; and

(v) Other pertinent data that will assist the Secretary in determining conservation and management measures reasonably necessary to ensure that the fishery resources will be sustained.

(2) The Department may waive the requirements in paragraph (1)(iv) of this subsection for a species of fish if the Department determines that meeting the requirements is not practicable or biologically appropriate based on:

(i) The specific biology of the species;

(ii) The management of the species under a federal or multi-state fishery management plan;

(iii) The designation of the species as a nuisance;

(iv) Environmental conditions; or

(v) Other ecological factors.

(3) (I) THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, AS PART OF ITS FISHERY MANAGEMENT PLAN FOR OYSTERS, SHALL CONDUCT A STUDY TO:

1. IDENTIFY ALL AVAILABLE DATA THAT MAY BE USED TO CONDUCT A STOCK ASSESSMENT;

2. IDENTIFY POSSIBLE STOCK ASSESSMENT TECHNIQUES THAT MAY BE APPLIED BASED ON AVAILABLE DATA AND THE IDENTIFIED OBJECTIVES UNDER SUBSECTION (D) OF THIS SECTION FOR THE RESOURCE AND THE FISHERY;

3. CONDUCT A STOCK ASSESSMENT THAT PROVIDES GUIDANCE FOR THE DEVELOPMENT OF BIOLOGICAL REFERENCE POINTS THAT ARE BASED ON THE BIOLOGICAL CHARACTERISTICS OF THE OYSTER POPULATION AND OTHER APPROPRIATE FACTORS THAT AFFECT THE OYSTER POPULATION;

4. IDENTIFY OBJECTIVE AND MEASURABLE MEANS TO DETERMINE IF THE PUBLIC OYSTER FISHERY IS OPERATING WITHIN THE BIOLOGICAL REFERENCE POINTS DEVELOPED UNDER THIS PARAGRAPH; AND

5. SUBMIT THE STUDY TO A PEER REVIEW PANEL COMPOSED OF STOCK ASSESSMENT EXPERTS.

(II) BASED ON A DETERMINATION MADE UNDER ITEM (I)4 OF THIS PARAGRAPH AND THE AUTHORITY OF THE DEPARTMENT UNDER THIS SECTION, THE DEPARTMENT, THROUGH A PUBLIC PROCESS IN COLLABORATION WITH THE COMMERCIAL OYSTER INDUSTRY, CONSERVATION ORGANIZATIONS, AND OTHER CONCERNED STAKEHOLDERS, SHALL IDENTIFY MANAGEMENT STRATEGIES TO ADDRESS THE MAINTENANCE OF A SUSTAINABLE OYSTER POPULATION AND FISHERY.

(III) THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE OYSTER ADVISORY COMMISSION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, WITH RESPECT TO THE

**STUDY REQUIRED UNDER THIS PARAGRAPH AND ANY PROPOSED OR IMPLEMENTED OYSTER MANAGEMENT STRATEGIES:**

- 1. AN INTERIM PROGRESS REPORT ON OR BEFORE DECEMBER 1, 2016;**
- 2. A SUBSEQUENT INTERIM PROGRESS REPORT ON OR BEFORE DECEMBER 1, 2017; AND**
- 3. A FINAL REPORT ON OR BEFORE DECEMBER 1, 2018.”;**

in line 24, after “That” insert “this Act may not be construed to limit or affect the ability of the Department of Natural Resources to manage the oyster fishery under § 4-215 of the Natural Resources Article.”

**SECTION 3. AND BE IT FURTHER ENACTED, That”;**

and in line 25, after “2016.” insert “It shall remain effective for a period of 3 years and, at the end of May 31, 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 concurred in.

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

Affirmative – 44    Negative – 2    (See Roll Call No. 1359)

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 943      SPONSOR: Senator Raskin**

**SUBJECT: Criminal Procedure – Firearms – Transfer**

**THIRD READING CALENDAR      HOUSE NO. 62      SENATE NO. 67**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0943/952710/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0943/533426/1) be adopted.

**SB0943/533426/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 943

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure –”; in the same line, after “Transfer” insert “and Public Institutions of Higher Education”; in line 3, after “of” insert “prohibiting the carrying or possession of certain firearms on the property of public institutions of higher education; providing for certain exceptions to the prohibition;”; in line 5, after “court” insert “, on request of the State’s Attorney;”; strike beginning with “requiring” in line 6 down through “firearms;” in line 10 and substitute “requiring a person who is prohibited from possessing a certain firearm to transfer the firearm to a certain law enforcement official or a certain firearms dealer within a certain time period; requiring a person who is prohibited from possessing a certain rifle or shotgun to transfer the rifle or shotgun to a certain law enforcement official, a certain firearms dealer, or, under certain circumstances, another person; requiring a person to file a certain motion for approval of a certain transfer; authorizing the State’s Attorney to file a certain objection; requiring the court to make certain findings before approving a certain transfer; requiring a certain transfer of a rifle or shotgun to be conducted in a certain manner; requiring a certain motion to include a certain statement;”; strike beginning with “requiring” in line 11 down through “circumstances;” in line 15 and substitute “requiring a person who receives a certain notice or proof of transfer to retain the notice or proof of transfer;”; and in line 19, strike “4-203(b)” and substitute “4-102, 4-203(b).”

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 4 on page 2, inclusive.

On page 2, after line 9, insert:

“BY adding to

Article – Education



Section 15–119  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“4–102.

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer’s duty;

(2) an off–duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property **OR ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION**, provided that:

(i) the officer or retired officer is displaying the officer’s or retired officer’s badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education **OR A PUBLIC INSTITUTION OF HIGHER EDUCATION** specifically for the purpose of guarding public school **OR INSTITUTION** property;

(4) a person engaged in organized shooting activity for educational purposes; [or]

(5) a person who, with a written invitation from the school principal **OR THE PRESIDENT OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION**, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes;

(6) **A PERSON CARRYING OR POSSESSING A FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO:**

(I) IS REQUIRED TO CARRY THE FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR A LAWFUL PURPOSE; OR

(II) IS AUTHORIZED BY THE POLICIES OR AN APPROVED EDUCATIONAL PURPOSE OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO CARRY OR POSSESS A FIREARM ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION; OR

(7) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE PROPERTY IS USED FOR STUDENT HOUSING.

(b) (1) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(2) A PERSON MAY NOT CARRY OR POSSESS A FIREARM WHILE KNOWINGLY ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.”.

On page 4 in line 10, on page 6 in line 6, on page 9 in line 19, and on page 10 in lines 10 and 11, in each instance, strike “FELONY OR CONVICTED OF A”.

On page 6, strike in their entirety lines 20 through 34, inclusive.

On page 7, strike in their entirety lines 4 and 5 and substitute:

“(2) “CONVICTED OF A DISQUALIFYING CRIME” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.”.

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 11 on page 8, inclusive, and substitute:

“(B) ON REQUEST OF THE STATE’S ATTORNEY, A COURT SHALL INFORM A PERSON CONVICTED OF A DISQUALIFYING CRIME, EITHER VERBALLY OR IN WRITING OR BOTH, THAT THE PERSON IS PROHIBITED FROM POSSESSING:

(1) A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE; OR

(2) A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.

(C) (1) A PERSON WHO IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE FIREARM WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

(I) A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL; OR

(II) A FEDERALLY LICENSED FIREARMS DEALER.

(2) (I) 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. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANOTHER PERSON.

(II) 1. BEFORE A PERSON MAY TRANSFER A RIFLE OR SHOTGUN TO ANOTHER PERSON UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH, THE PERSON SHALL FILE A MOTION WITH THE COURT FOR THE APPROVAL OF THE TRANSFER.

2. THE STATE'S ATTORNEY MAY FILE AN OBJECTION TO THE MOTION.

**3. THE COURT MAY ONLY APPROVE A TRANSFER OF A RIFLE OR SHOTGUN UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH IF THE COURT FINDS THAT:**

**A. THE TRANSFER WILL NOT PRESENT A THREAT TO PUBLIC SAFETY;**

**B. THE TRANSFEREE DOES NOT LIVE IN THE SAME RESIDENCE AS THE PERSON TRANSFERRING THE RIFLE OR SHOTGUN; AND**

**C. THE TRANSFEREE IS NOT PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER STATE OR FEDERAL LAW.**

**4. IF THE COURT APPROVES THE MOTION TO TRANSFER THE RIFLE OR SHOTGUN, THE TRANSFER SHALL BE CARRIED OUT BY A FEDERALLY LICENSED FIREARMS DEALER AND THE DEALER SHALL REQUEST A CRIMINAL HISTORY RECORDS CHECK.**

**5. A COURT ORDER GRANTING A MOTION UNDER THIS SUBPARAGRAPH SHALL STATE THAT THE TRANSFEREE MAY NOT AT ANY TIME RETURN THE RIFLE OR SHOTGUN TO THE PERSON PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.”.**

On page 8, in line 12, after “(3)” insert “(I)”; in line 13, after “PARAGRAPH” insert “(1) OR”; and after line 15, insert:

**“(II) A PERSON WHO RECEIVES A WRITTEN NOTICE OF COMPLETED TRANSACTION OR OTHER PROOF OF TRANSFER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL RETAIN THE NOTICE OR PROOF OF TRANSFER.”.**

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 13 on page 9, inclusive, and substitute:

“Article – Education

A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST SIGNS IN PROMINENT LOCATIONS ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION, INCLUDING AT ENTRANCES TO AND EXITS FROM THE PROPERTY, DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 4-102(B)(2) OF THE CRIMINAL LAW ARTICLE PROHIBITING THE POSSESSION OF FIREARMS.”.

Senate Members:

House Members:

Chair, **Jamie Raskin**

Chair, **Samuel I. Rosenberg**

**Susan C. Lee**

**Kathleen M. Dumais**

**Justin Ready**

**William C. Smith, Jr.**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read only.

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

The motion was adopted.

**THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (HOUSE BILLS) #48**

**House Bill 58 – Delegate O’Donnell**

AN ACT concerning

**Vehicle Laws – Historic Motor Vehicles – Authorized Uses and Inspections**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1360)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1361)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1362)

The Bill was then sent to the House of Delegates.

**House Bill 184 – Delegate Dumais**

AN ACT concerning

**Public Safety – Firearm Application**

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

The motion was adopted.

**House Bill 359 – Delegates Dumais and B. Wilson**

AN ACT concerning

**Criminal Procedure – Charges Against Correctional Officer – Review by State’s Attorney**

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

The motion was adopted.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1363)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1364)

The Bill was then sent to the House of Delegates.

**House Bill 1182 – Delegate Sydnor**

AN ACT concerning

**Charitable Organizations and Representatives – Fund-Raising Counsel – Definition**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1365)

The Bill was then sent to the House of Delegates.

**House Bill 1371 – Delegate Folden**

AN ACT concerning

**Criminal Law – ~~Assault in the First Degree~~ – Strangulation – Lethality  
Screening Protocol and Training**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1366)

The Bill was then sent to the House of Delegates.

**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)**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1367)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #55**

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1368)

The Bill was then sent to the House of Delegates.



**House Bill 773 – Delegates Valentino–Smith, Atterbeary, and B. Wilson**

AN ACT concerning

**Drunk and Drugged Driving – Evidence of Blood Test**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1369)

The Bill was then sent to the House of Delegates.

**House Bill 887 – Delegate West**

AN ACT concerning

**Maryland Trust Act – Representation**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1370)

The Bill was then sent to the House of Delegates.

**House Bill 888 – Delegate West**

AN ACT concerning

**Maryland Trust Act – Nonjudicial Settlement Agreements**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1371)

The Bill was then sent to the House of Delegates.

**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**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1372)

The Bill was then sent to the House of Delegates.

**House Bill 1192 – Delegates McMillan, Davis, and Holmes**

AN ACT concerning

**Real Property – Condominiums and Homeowners Associations – Resales –  
Disclosures and Fees**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1373)

The Bill was then sent to the House of Delegates.

**House Bill 1444 – Delegate Aumann**

AN ACT concerning

**Mary Byrd Wyman Memorial Association of Baltimore City**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1374)

The Bill was then sent to the House of Delegates.

**House Bill 1502 – Delegate Rosenberg**

AN ACT concerning

**Child Support Enforcement – Noncustodial Parent Employment Assistance  
Pilot Program**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1375)

The Bill was then sent to the House of Delegates.

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

**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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON FINANCE REPORT #57**

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

**House Bill 1624 – Delegates Reilly, Adams, Afzali, Anderson, Anderton, Angel, Arentz, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Beitzel, Branch, Bromwell, Brooks, Buckel, Busch, Carey, Carozza, Carr, Carter, Cassilly, Chang, Ciliberti, Clippinger, Cluster, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fisher, Flanagan, Folden, Fraser–Hidalgo, Frick, Frush, Gaines, Ghrist, Gilchrist, Glass, Glenn, Grammer, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Hornberger, C. Howard, S. Howard, Impallaria, Jackson, Jacobs, Jalisi, Jameson, Jones, Kaiser, Kelly, Kipke, Kittleman, Knotts, Korman, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Long, Luedtke, Malone, Mautz, McComas, McConkey, McCray, McDonough, McIntosh, McKay, McMillan, Metzgar, Miele, A. Miller, W. Miller, Moon, Morales, Morgan, Morhaim, O’Donnell, Oaks, Otto, Parrott, Patterson, Pena–Melnyk, Pendergrass, Platt, Proctor, Queen, Rey, Reznik, B. Robinson, S. Robinson, Rose, Rosenberg, Saab, Sample–Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Vaughn, Vogt, Waldstreicher, Walker, A. Washington, M. Washington, West, B. Wilson, C. Wilson, Wivell, K. Young, and P. Young**

**EMERGENCY BILL**

AN ACT concerning

**Transportation – Highways – Heroes Highway**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON BUDGET AND TAXATION REPORT #46**

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

**House Bill 1572 – Delegate Otto**

EMERGENCY BILL

AN ACT concerning

**Maryland Consolidated Capital Bond ~~Loan of 2015~~ Loans of 2015 and 2016 –  
~~Worcester County – Delmarva Discovery Center and Museum~~**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**CONFERENCE COMMITTEE REPORT**

BILL NO.: **SB 245**      SPONSOR: **Senator Manno**

SUBJECT: **Labor and Employment – Hiring and Promotion  
Preferences – Veterans and Spouses**

THIRD READING CALENDAR      HOUSE NO. 47      SENATE NO. 12

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Economic Matters Committee Amendments (SB0245/553597/1) be adopted.

**SB0245/553597/1**

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 245

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the third “and” insert “Their”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 3 down through “SURVEY” in line 10 and substitute “THE NATIONAL GUARD AND THE MILITARY RESERVES”.

Senate Members:

House Members:

Chair, **John C. Astle**

Chair, **C. T. Wilson**

**Katherine Klausmeier**

**Benjamin Brooks**

**Edward R. Reilly**

**Seth A. Howard**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1376)

The Bill was then sent to the House of Delegates.

**SPECIAL ORDERS**

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

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 943      SPONSOR: Senator Raskin**

**SUBJECT: Criminal Procedure – Firearms – Transfer**

**THIRD READING CALENDAR      HOUSE NO. 62      SENATE NO. 67**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the House Judiciary Committee Amendments (SB0943/952710/1) be rejected.
- (2) That the attached Conference Committee Amendments (SB0943/533426/1) be adopted.

**SB0943/533426/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 943

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure –”; in the same line, after “Transfer” insert “and Public Institutions of Higher Education”; in line 3, after “of” insert “prohibiting the carrying or possession of certain firearms on the property of public institutions of higher education; providing for certain exceptions to the prohibition;”; in line 5, after “court” insert “, on request of the State’s Attorney;”; strike beginning with “requiring” in line 6 down through “firearms;” in line 10 and substitute “requiring a person who is prohibited from possessing a certain firearm to transfer the firearm to a certain law enforcement official or a certain firearms dealer within a certain time period; requiring a person who is prohibited from possessing a certain rifle or shotgun to transfer the rifle or shotgun to a certain law enforcement official, a certain firearms dealer, or, under certain circumstances, another person; requiring a person to file a certain motion for approval of a certain transfer; authorizing the State’s Attorney to file a certain objection; requiring the court to make certain findings before approving a certain transfer; requiring a certain transfer of a rifle or shotgun to be conducted in a certain manner; requiring a certain motion to include a certain statement;”; strike beginning with “requiring” in line 11 down through “circumstances;” in line 15 and substitute “requiring a person who receives a certain notice or proof of transfer to retain the notice or proof of transfer;”; and in line 19, strike “4-203(b)” and substitute “4-102, 4-203(b).”

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 4 on page 2, inclusive.

On page 2, after line 9, insert:

“BY adding to

Article – Education

Section 15–119

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“4–102.

(a) This section does not apply to:

(1) a law enforcement officer in the regular course of the officer’s duty;

(2) an off–duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property **OR ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION**, provided that:

(i) the officer or retired officer is displaying the officer’s or retired officer’s badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county board of education **OR A PUBLIC INSTITUTION OF HIGHER EDUCATION** specifically for the purpose of guarding public school **OR INSTITUTION** property;

(4) a person engaged in organized shooting activity for educational purposes; [or]

(5) a person who, with a written invitation from the school principal **OR THE PRESIDENT OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION**, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes;

**(6) A PERSON CARRYING OR POSSESSING A FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO:**

**(I) IS REQUIRED TO CARRY THE FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR A LAWFUL PURPOSE; OR**

**(II) IS AUTHORIZED BY THE POLICIES OR AN APPROVED EDUCATIONAL PURPOSE OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO CARRY OR POSSESS A FIREARM ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION; OR**

**(7) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE PROPERTY IS USED FOR STUDENT HOUSING.**

**(b) (1) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.**

**(2) A PERSON MAY NOT CARRY OR POSSESS A FIREARM WHILE KNOWINGLY ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION.**

**(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.**

**(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.”.**

On page 4 in line 10, on page 6 in line 6, on page 9 in line 19, and on page 10 in lines 10 and 11, in each instance, strike “**FELONY OR CONVICTED OF A**”.

On page 6, strike in their entirety lines 20 through 34, inclusive.

On page 7, strike in their entirety lines 4 and 5 and substitute:

**“(2) “CONVICTED OF A DISQUALIFYING CRIME” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.”.**

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 11 on page 8, inclusive, and substitute:



“(B) ON REQUEST OF THE STATE’S ATTORNEY, A COURT SHALL INFORM A PERSON CONVICTED OF A DISQUALIFYING CRIME, EITHER VERBALLY OR IN WRITING OR BOTH, THAT THE PERSON IS PROHIBITED FROM POSSESSING:

(1) A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE; OR

(2) A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.

(C) (1) A PERSON WHO IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE FIREARM WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

(I) A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL; OR

(II) A FEDERALLY LICENSED FIREARMS DEALER.

(2) (I) 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. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANOTHER PERSON.

(II) 1. BEFORE A PERSON MAY TRANSFER A RIFLE OR SHOTGUN TO ANOTHER PERSON UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH, THE PERSON SHALL FILE A MOTION WITH THE COURT FOR THE APPROVAL OF THE TRANSFER.

**2. THE STATE’S ATTORNEY MAY FILE AN OBJECTION TO THE MOTION.**

**3. THE COURT MAY ONLY APPROVE A TRANSFER OF A RIFLE OR SHOTGUN UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH IF THE COURT FINDS THAT:**

**A. THE TRANSFER WILL NOT PRESENT A THREAT TO PUBLIC SAFETY;**

**B. THE TRANSFEREE DOES NOT LIVE IN THE SAME RESIDENCE AS THE PERSON TRANSFERRING THE RIFLE OR SHOTGUN; AND**

**C. THE TRANSFEREE IS NOT PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER STATE OR FEDERAL LAW.**

**4. IF THE COURT APPROVES THE MOTION TO TRANSFER THE RIFLE OR SHOTGUN, THE TRANSFER SHALL BE CARRIED OUT BY A FEDERALLY LICENSED FIREARMS DEALER AND THE DEALER SHALL REQUEST A CRIMINAL HISTORY RECORDS CHECK.**

**5. A COURT ORDER GRANTING A MOTION UNDER THIS SUBPARAGRAPH SHALL STATE THAT THE TRANSFEREE MAY NOT AT ANY TIME RETURN THE RIFLE OR SHOTGUN TO THE PERSON PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5–205 OF THE PUBLIC SAFETY ARTICLE.”.**

On page 8, in line 12, after “(3)” insert “(I)”; in line 13, after “PARAGRAPH” insert “(1) OR”; and after line 15, insert:

**“(II) A PERSON WHO RECEIVES A WRITTEN NOTICE OF COMPLETED TRANSACTION OR OTHER PROOF OF TRANSFER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL RETAIN THE NOTICE OR PROOF OF TRANSFER.”.**

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 13 on page 9, inclusive, and substitute:

“Article – Education

15-119.

A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST SIGNS IN PROMINENT LOCATIONS ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION, INCLUDING AT ENTRANCES TO AND EXITS FROM THE PROPERTY, DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 4-102(B)(2) OF THE CRIMINAL LAW ARTICLE PROHIBITING THE POSSESSION OF FIREARMS.”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Jamie Raskin**

\_\_\_\_\_  
Chair, **Samuel I. Rosenberg**

\_\_\_\_\_  
**Susan C. Lee**

\_\_\_\_\_  
**Kathleen M. Dumais**

\_\_\_\_\_  
**Justin Ready**

\_\_\_\_\_  
**William C. Smith, Jr.**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
( ) Chief Clerk  
(X) Secretary, Senate

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE CONFERENCE COMMITTEE REPORT.

Conference Committee Report read only.

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

The motion was adopted.

**MESSAGE TO THE SENATE**

**BILL:** **HB1167**  
**SPONSOR:** Delegate Buckel, et al  
**SUBJECT:** Biotechnology Investment Tax Credit – Investment in Qualified Companies in Low–Income Areas

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 M. Washington, Chair  
Delegate Fennell  
Delegate Long

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:** **HB1167**  
**SPONSOR:** Delegate Buckel, et al  
**SUBJECT:** Biotechnology Investment Tax Credit – Investment in Qualified  
Companies in Low–Income Areas

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 M. Washington, Chairman  
Delegate Fennell  
Delegate Long.

The Senate appoints:

Senator Madaleno, Chair  
Senator Edwards

Senator Ferguson

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**MESSAGE TO THE SENATE**

**BILL:** **HB1168**  
**SPONSOR:** Delegate Buckel, et al  
**SUBJECT:** Cybersecurity Investment Tax Credit – Investment in Qualified  
Companies in Low–Income Areas

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 M. Washington, Chair  
Delegate Fennell  
Delegate Long

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:** **HB1168**  
**SPONSOR:** Delegate Buckel, et al  
**SUBJECT:** Cybersecurity Investment Tax Credit – Investment in Qualified  
Companies in Low–Income Areas

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 M. Washington, Chairman  
Delegate Fennell  
Delegate Long.

The Senate appoints:

Senator Madaleno, Chair  
Senator Edwards  
Senator Ferguson

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 1010 – Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

AN ACT concerning

**Maryland Transit Administration Oversight and Planning Board**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

The motion was rejected by a roll call vote as follows:

Affirmative – 15    Negative – 29    (See Roll Call No. 1377)

Senator Pugh moved, duly seconded, to limit the debate on **House Bill 1010**.

### **MOTION TO LIMIT DEBATE**

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 1010** SHALL BE LIMITED TO 30 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS, AMENDMENTS AND MOTIONS SO RELATED TO SUCH MOTIONS, READINGS AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 30 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 15 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 15 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 30    Negative – 15    (See Roll Call No. 1378)

### FLOOR AMENDMENT

#### **HB1010/483521/1**

BY: Senator Young

(To be offered in the Finance Committee)

#### AMENDMENT TO HOUSE BILL 1010

(Third Reading File Bill)

On page 3, in line 22, after “(VI)” insert “**TWO MEMBERS FROM FREDERICK COUNTY, APPOINTED BY THE COUNTY EXECUTIVE OF FREDERICK COUNTY;**”

**(VII)**”;

and in line 25, strike “**(VII)**” and substitute “**(VIII)**”.

On page 4, in lines 1 and 4, strike “**(VIII)**” and “**(IX)**”, respectively, and substitute “**(IX)**” and “**(X)**”, respectively.

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

Affirmative – 17    Negative – 29    (See Roll Call No. 1379)

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

Affirmative – 26    Negative – 19    (See Roll Call No. 1380)

The Bill was then sent to the House of Delegates.

### CONCURRENCE CALENDAR #46

#### 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 concur in the House amendment.

**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 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. 1381)

### CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1016**      SPONSOR: **Speaker**

SUBJECT: **Public Safety and Policing Workgroup –  
Recommendations**

THIRD READING CALENDAR      HOUSE NO. **65**      SENATE NO. **55**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Judicial Proceedings Committee Amendments (HB1016/938871/2) be adopted; and

(2) That the attached Conference Committee Amendments (HB1016/323220/1) be adopted.

#### **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.”.

**HB1016/323220/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1016, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1016/938871/2), strike beginning with “and” in line 14 of Amendment No. 1 down through “Commission” in line 15.

On page 2 of the bill, in lines 9 and 26, in each instance, after “each” insert “local”; and in line 10, after “the” insert “local”.

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 2, strike “and 8-206(a)”; and strike beginning with “BY” in line 2 down through “Supplement” in line 6.

AMENDMENT NO. 2

On page 3 of the Judicial Proceedings Committee Amendments, strike Amendment No. 3 in its entirety.

AMENDMENT NO. 3

On page 9 of the Judicial Proceedings Committee Amendments, strike beginning with “REQUIRE” in line 12 of Amendment No. 5 down through “COMPLAINT;” in line 16; in line 16, strike “(III)”; and in line 19, strike “(IV)” and substitute “(III)”.

AMENDMENT NO. 4

On page 23 of the bill, in line 7, before “LAW” insert “LOCAL”.

On page 25 of the bill, in line 17, after “(A)” insert “IN THIS SECTION, “LOCAL LAW ENFORCEMENT AGENCY” MEANS:”

(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE; OR

(2) A SHERIFF’S OFFICE THAT PROVIDES A LAW ENFORCEMENT FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.”;

in line 22, before “EACH” insert “(B)”; and in lines 22, 25, 26, and 29, in each instance, before “LAW” insert “LOCAL”.

On page 10 of the Judicial Proceedings Committee Amendments, in line 13 of Amendment No. 5, strike “(B)” and substitute “(C)”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Bobby A. Zirkin**

\_\_\_\_\_  
Chair, **Curt Anderson**

\_\_\_\_\_  
**Nathaniel J. McFadden**

\_\_\_\_\_  
**Vanessa E. Atterbeary**

\_\_\_\_\_  
**Michael J. Hough**

\_\_\_\_\_  
**Joseph F. Vallario, Jr.**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
(X) Chief Clerk  
( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 1    (See Roll Call No. 1382)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 945**

**SPONSOR: Senator Raskin**

**SUBJECT: Drunk Driving Reduction Act of 2016 (Noah's Law)**

THIRD READING CALENDAR      HOUSE NO. ???      SENATE NO. 66

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0945/952311/2) be rejected.

(2) That the attached Conference Committee Amendments (SB0945/263827/1) be adopted.

**SB0945/263827/1**

BY: Conference 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; providing for the construction of a certain provision of law; establishing certain completion requirements; authorizing the Maryland Department of Transportation to publicize this Act in a certain manner;”; 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 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”; and in line 25, strike the semicolon and substitute “OR A LONGER PERIOD IF REQUIRED UNDER § 16-404.1 OF THIS TITLE; AND”.

On pages 5 and 6, strike in their entirety the lines beginning with line 28 on page 5 through line 8 on page 6, inclusive.

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”; in line 18, strike “for 1 year”; and strike beginning with “and” in line 20 down through “article” in line 31.

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 4, on page 12 in line 7, on page 17 in line 31, and on page 24 in line 9, in each instance, strike “90” and substitute “180”.

#### 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 16, after “HEARING” insert “OR ON A SUSPENSION OR REVOCATION”; 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. 180 DAYS FOR AN OFFENSE OF A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF AT LEAST 0.08 BUT NOT MORE THAN 0.14;**

**2. 1 YEAR FOR AN OFFENSE OF A TEST RESULT INDICATING AN ALCOHOL CONCENTRATION OF 0.15 OR MORE; OR**

**3. 1 YEAR FOR AN OFFENSE OF A TEST REFUSAL.”**

**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**”; strike beginning with “during” in line 12 down through “period” in line 13; 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**”; and in the same line, after “**SECTION**” insert “**OR AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION**”.

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.

**AMENDMENT NO. 13**

On page 42, strike in their entirety lines 1 and 2, and substitute:

**“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Transportation may publicize this Act by public service announcements, stickers to be**

placed on motor vehicle fuel dispensers, or any other method calculated to make the public aware of the provisions of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.”.

Senate Members:

House Members:

Chair, **Bobby A. Zirkin**

Chair, **Kathleen M. Dumais**

**Jamie Raskin**

**Curt Anderson**

**Wayne Norman**

**Susie Proctor**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1383)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: SB 794      SPONSOR: Senator Jennings**

**SUBJECT: Education – Prekindergarten and Kindergarten Assessments – Administration**

**THIRD READING CALENDAR      HOUSE NO. 25      SENATE NO. 52**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:





**SUBJECT: Education – Prekindergarten and Kindergarten  
Assessments – Administration**

THIRD READING CALENDAR      HOUSE NO. 44      SENATE NO. 20

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Affairs Committee Amendments (HB0657/584137/1) be adopted.

(2) That the Conference Committee Amendments (HB0657/603520/1) be adopted.

**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.”.

**HB0657/603520/1**

BY: Conference Committee

AMENDMENT TO HOUSE BILL 657

(Third Reading File Bill)

On page 2, in line 21, strike “THE FIRST FULL DAY OF KINDERGARTEN” and substitute “OCTOBER 1”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Paul G. Pinsky**

\_\_\_\_\_  
Chair, **Anne R. Kaiser**

\_\_\_\_\_  
**Steve Waugh**

\_\_\_\_\_  
**Kevin B. Hornberger**

\_\_\_\_\_  
**Joan Carter Conway**

\_\_\_\_\_  
**Alonzo T. Washington**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
(X) Chief Clerk  
( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1385)

The Bill was then sent to the House of Delegates.

## MESSAGE FROM THE HOUSE OF DELEGATES

## FIRST READING OF HOUSE BILLS

**House Bill 595 – Delegates Hayes, Zucker, ~~and Sample-Hughes~~ Sample-Hughes, Queen, Hammen, Cullison, Hill, Kipke, Krebs, Miele, Morgan, Morhaim, Pena-Melnyk, Pendergrass, Rose, Saab, West, and K. Young**

AN ACT concerning

**Behavioral Health Community Providers – Keep the Door Open Act**

FOR the purpose of requiring a substance use disorder services program to submit annually to the Department of Health and Mental Hygiene financial statements and salary information in accordance with certain regulations; requiring, except under certain circumstances, the Department of Health and Mental Hygiene to adjust the rate of reimbursement for certain community providers each fiscal year by the rate adjustment included in a certain State budget; requiring that the Governor's proposed budget for a certain fiscal year, and for each certain fiscal year years thereafter, include a certain rate adjustments adjustment for certain community providers based on the funding provided in certain legislative appropriations; requiring that a certain rate of adjustment equal the average annual percentage change in a certain Consumer Price Index for a certain period; requiring, under certain circumstances, managed care organizations to pay a certain rate for a certain time period for services provided by community providers and to adjust the rate of reimbursement for community providers each fiscal year by a certain amount a certain percentage; defining certain terms; providing for the application of this Act; providing that certain rate increases do not apply in fiscal years in which State employees do not receive certain salary or pay increases; requiring the Governor's proposed budget to include certain rate adjustments and managed care organizations to pay and adjust certain rates in certain fiscal years after a certain fiscal year under certain circumstances; requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date in certain years, beginning on or before a certain date; authorizing the Department to require certain community providers to submit certain information to the Department in the form and manner required by the Department; requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring, beginning with reimbursements paid after a certain date, that at least a certain percentage of total reimbursements to community providers be linked to certain outcome measures; and generally relating to the rate of reimbursement for behavioral health community providers.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 10-901.1

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Health – General  
Section 16–201.3  
Annotated Code of Maryland  
(2015 Replacement Volume)

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

**House Bill 1506 – Chair, Environment and Transportation Committee (By Request – Departmental – Natural Resources)**

AN ACT concerning

**Natural Resources – Wildlife and Hunting**

FOR the purpose of clarifying the authorized uses of the State Wildlife Management and Protection Fund; repealing certain provisions of law requiring the Department of Natural Resources to use certain funds from certain hunting license sales for certain purposes; repealing certain reporting requirements for killed deer; requiring a person who harvests a game bird or mammal to report the harvest in accordance with certain regulations; prohibiting a person from removing any part of a deer or cutting deer meat into parts until the person has obtain a certain confirmation number from the Department; repealing certain requirements related to the possession of a deer killed by a collision with a motor vehicle; requiring a person who possesses a game bird or mammal killed by means other than hunting to report the possession in accordance with certain regulations; repealing a provision of law prohibiting a nonresident from hunting or trapping a beaver or otter in the State; making a certain technical correction; and generally relating to wildlife and hunting in the State.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 10–209(a), (b), (c), and (f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 10–209(g) and 10–415(e)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing

Article – Natural Resources  
Section 10–308, 10–415(b) and (f), and 10–503

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY adding to

Article – Natural Resources  
Section 10–415(b) and (f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**House Bill 1603 – Delegates Frush, Flanagan, Healey, Krebs, Lafferty, Lam, and Morhaim**

AN ACT concerning

**Sustainable Oyster ~~Harvest~~ Population and Fishery Act of 2016**

FOR the purpose of requiring the Department of Natural Resources, in consultation with the University of Maryland Center for Environmental Science, to conduct a certain study related to the public oyster fishery; requiring the Department to identify certain oyster management strategies in a certain manner; requiring the ~~Center~~ Department to ~~report~~ submit certain reports on the study and certain oyster management strategies to the Governor, ~~the Department of Natural Resources,~~ the Oyster Advisory Commission, and the General Assembly on or before ~~a certain date~~ certain dates; providing for the construction of this Act; providing for the termination of this Act; ~~prohibiting the Department from taking certain actions until after the Center has made a certain report;~~ and generally relating to the public oyster fishery.

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 4–215(d)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 4–215(e)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

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

**AMENDED IN THE HOUSE**

**Senate Bill 263 – Senators Edwards, Astle, Bates, Cassilly, Conway, Currie, DeGrange, Eckardt, Hershey, Hough, Jennings, Kagan, Kasemeyer, King, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Miller, Muse, Norman, Ready, Salling, Serafini, ~~and Waugh~~ Waugh, Ferguson, Guzzone, and Peters**

AN ACT concerning

**Payment in Lieu of Taxes – State Forests, State Parks, and Wildlife Management Areas**

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

**SB0263/170716/2**

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 263

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “State” in line 2 down through “Areas” in line 3 and substitute “State Forest and State Park Land”.

On pages 1 and 2, strike beginning with “prohibiting” in line 4 on page 1 down through “terms;” in line 3 on page 2 and substitute “requiring the State to make certain payments to counties as a payment in lieu of taxes for State forest and State park land located in the county for certain fiscal years; requiring the Governor to include certain amounts to be paid to each county in the annual budget bill; requiring the State Department of Assessments and Taxation to complete an update of a certain study and submit the updated study to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;”; and strike beginning with “forests” in line 4 down through “within” in line 5 and substitute “forest and State park land located in”.

On page 2, in line 8, strike “5–101(a) and (e) and 10–801” and substitute “5–212 and 5–212.1”; strike in their entirety lines 11 through 15, inclusive; in line 18, strike “6–102;”; in the same line, strike the second comma; in the same line, strike “7–211(c), and 7–501(a) and (b)”; in line 23, strike “through 6.5–301”; and in lines 23 and 24, strike “Open Space Incentive Program” and substitute “Payment in Lieu of Taxes for State Forest and State Park Land”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 30 through 37, inclusive.

On page 3, in lines 20 and 28, in each instance, strike the bracket; in the same lines, in each instance, strike “PARAGRAPHS”; and in the same lines, in each instance, strike “AND (4)”.

On page 4, strike in their entirety lines 21 through 24, inclusive.

On page 6, in line 6, in each instance, strike the bracket; in the same line, strike “SUBPARAGRAPHS”; in the same line, strike “AND (III)”; and strike in their entirety lines 17 through 20, inclusive.

On pages 6 and 7, strike beginning with line 30 on page 6 through line 6 on page 7, inclusive.

On page 7, strike in their entirety lines 8 through 34, inclusive.

### AMENDMENT NO. 3

On page 8, in line 1, strike “OPEN SPACE INCENTIVE PROGRAM” and substitute “PAYMENT IN LIEU OF TAXES FOR STATE FOREST AND STATE PARK LAND”; strike line 2 in its entirety; and after line 3, insert:

**“(A) FOR FISCAL YEAR 2018 AND FISCAL YEAR 2019, THE STATE SHALL PAY TO EACH COUNTY AS A PAYMENT IN LIEU OF TAXES FOR STATE FOREST AND STATE PARK LAND LOCATED IN THE COUNTY AN AMOUNT EQUIVALENT TO THE PAYMENTS RECEIVED BY THE COUNTY UNDER §§ 5-212(G)(1)(II) AND 5-212.1(G)(2)(I) OF THE NATURAL RESOURCES ARTICLE.**

**“(B) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL THE TOTAL AMOUNT TO BE PAID TO EACH COUNTY AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.”.**

On pages 8 through 11, strike beginning with line 4 on page 8 through line 9 on page 11, inclusive.

On pages 11 and 12, strike beginning with line 24 on page 11 through line 11 on page 12, inclusive.

AMENDMENT NO. 4

On page 12, after line 11, insert:

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

(a) The State Department of Assessments and Taxation shall complete an update of the study of the impact of real property tax exemptions on county revenue that was completed by the Department of Legislative Services in January 2014. The updated study shall include:

(1) the total value of tax–exempt property statewide and in each county, including as a percentage of the county’s assessable base;

(2) the total value of tax–exempt property statewide and in each county, categorized by type of exemption, including at a minimum:

(i) federal government property;

(ii) State government property;

(iii) local government property;

(iv) educational property;

(v) religious property; and

(vi) charitable and fraternal property;

(3) the total revenue foregone due to tax–exempt property statewide and in each county and the property tax rate equivalent of the foregone revenue;

(4) the revenue foregone due to tax–exempt property statewide and in each county categorized by type of exemption and the property tax rate equivalent of the foregone revenue;

(5) the five tax–exempt properties with the highest assessed value in each county; and



(6) the number of payment in lieu of taxes agreements with tax-exempt entities and the amount of revenue raised through payment in lieu of taxes agreements statewide and in each county.

(b) On or before July 1, 2017, the State Department of Assessments and Taxation shall submit the updated study to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”;

in line 12, strike “2.” and substitute “3.”; and in line 13, after the period 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 4 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:** SB0263  
**SPONSOR:** Senator Edwards, et al  
**SUBJECT:** Payment in Lieu of Taxes – State Forests, State Parks, and Wildlife Management Areas

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 Edwards, Chair  
Senator Manno  
Senator King

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.  
Secretary

Read and adopted.

**CONCURRENCE CALENDAR #47****AMENDED IN THE HOUSE****Senate Bill 843 – The President (By Request – Maryland Economic Development and Business Climate Commission)**

AN ACT concerning

**Tax Credits – Evaluations and Sunset Provisions**

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

**SB0843/745264/1**

BY: Committee on Ways and Means

**AMENDMENTS TO SENATE BILL 843**

(Third Reading File Bill)

**AMENDMENT NO. 1**

On page 1, in line 2, strike “and Sunset Provisions”.

**AMENDMENT NO. 2**

On page 1, strike beginning with “terminating” in line 10 down through “changes;” in line 13; strike beginning with “providing” in line 15 down through the second “Act;” in line 16; and in lines 17 and 18, strike “and the termination of certain tax credits”.

**AMENDMENT NO. 3**

On page 1, in line 21, strike “1–310, 10–205(b), and 10–804(j)” and substitute “and 1–310”.

On page 2, strike in their entirety lines 1 through 36, inclusive.

**AMENDMENT NO. 4**

On pages 5 through 11, strike beginning with line 13 on page 5 through line 2 on page 11, inclusive.

On page 11, in line 3, strike “7.” and substitute “2.”; and strike in their entirety lines 18 through 22, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.”.

The preceding 4 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. 1386)

### CONCURRENCE CALENDAR #48

#### AMENDED IN THE HOUSE

**Senate Bill 907 – Senators Middleton, Astle, Conway, DeGrange, Ferguson, Gladden, Guzzone, Kagan, King, Klausmeier, Madaleno, Manno, McFadden, Miller, Muse, Nathan–Pulliam, Peters, Pugh, Ramirez, Raskin, Rosapepe, Zirkin, ~~and Zucker~~ Zucker, Benson, Feldman, and Kelley**

AN ACT concerning

**Transportation – Harry W. Nice Memorial Potomac River Bridge – Replacement**

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

**SB0907/374866/1**

BY: Appropriations Committee

#### AMENDMENTS TO SENATE BILL 907

(Third Reading File Bill)

##### AMENDMENT NO. 1

On page 1, in lines 7 and 8, strike “no less than”; strike beginning with “and” in line 13 down through “exception.” in line 15; and in line 16, strike “an annual report” and substitute “certain reports”.

##### AMENDMENT NO. 2

On page 3, after line 6, insert:

**“(2) “EMERGENCY CIRCUMSTANCE” MEANS AN UNFORESEEN EVENT OR OCCURRENCE THAT REQUIRES THE AUTHORITY TO EXPEND AT LEAST**

**\$25,000,000 IN A GIVEN FISCAL YEAR TO ADDRESS AN UNFORESEEN NEED THAT WAS NOT INCLUDED IN THE AUTHORITY’S MOST RECENT FINANCIAL FORECAST SUBMITTED UNDER § 4-210(B)(2) OF THIS ARTICLE.**”;

and in lines 7 and 9, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

#### AMENDMENT NO. 3

On page 4, strike beginning with “IN” in line 14 down through “PARAGRAPH,” in line 15, and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, IN EACH OF FISCAL YEARS 2018 THROUGH 2027,”; and in line 16, strike “AT LEAST \$26,000,000” and substitute “\$75,000,000”.

#### AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 27, inclusive, and substitute:

**1. THE AUTHORITY DETERMINES THAT AN EMERGENCY CIRCUMSTANCE EXISTS;**

**2. THE EMERGENCY CIRCUMSTANCE REQUIRES A REDUCTION IN THE AMOUNT THAT MUST BE DEPOSITED IN THE FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN ORDER FOR THE AUTHORITY TO:**

**A. REMAIN IN COMPLIANCE WITH REQUIREMENTS OF THE TRUST AGREEMENT AND ANY SUPPLEMENTAL TRUST AGREEMENTS; OR**

**B. ENSURE THAT THE UNFORESEEN CIRCUMSTANCE DOES NOT ADVERSELY AFFECT THE CONTINUITY OF OPERATIONS AT ONE OR MORE TRANSPORTATION FACILITIES PROJECTS; AND**

**3. THE AUTHORITY APPROVES AT A PUBLIC MEETING THE REDUCTION IN THE AMOUNT THAT MUST BE DEPOSITED INTO THE FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**”;

and in lines 28 and 31, strike “(VII)” and “(VIII)”, respectively, and substitute “(V)” and “(VI)”, respectively.

On page 6, in line 1, strike “(IX)” and substitute “(VII)”.

AMENDMENT NO. 5

On page 7, after line 4, insert:

“(G) (1) IF A REDUCTION IS APPROVED BY THE AUTHORITY UNDER SUBSECTION (E)(4)(IV) OF THIS SECTION, THE AUTHORITY SHALL SUBMIT, WITHIN 5 BUSINESS DAYS AFTER THE APPROVAL AND IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE ON THE APPROVAL OF THE EMERGENCY CIRCUMSTANCE.

(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) A DESCRIPTION OF THE EMERGENCY CIRCUMSTANCE;

(II) THE RATIONALE FOR THE APPROVAL OF THE EMERGENCY CIRCUMSTANCE;

(III) AN ACCOUNTING OF THE DECREASED AMOUNT TO BE DEPOSITED IN THE FUND; AND

(IV) IF APPLICABLE, A DESCRIPTION OF HOW THE APPROVAL OF THE EMERGENCY CIRCUMSTANCE MAY IMPEDE THE PROGRESS OF THE PROJECT.

(3) THE BUDGET COMMITTEES SHALL HAVE 45 DAYS TO REVIEW AND COMMENT ON THE REPORT.”

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 – 33    Negative – 12    (See Roll Call No. 1387)

## AMENDED IN THE HOUSE

**Senate Bill 448 – Senators Kelley, Astle, Benson, Currie, Guzzone, Jennings, Kagan, King, Klausmeier, Lee, Madaleno, Manno, McFadden, Middleton, Muse, Nathan–Pulliam, Peters, Pinsky, Ramirez, Raskin, Rosapepe, Young, and Zirkin**

AN ACT concerning

**Guardianship and Child in Need of Assistance Proceedings – Jurisdiction and Authority of Juvenile Court**

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

**SB0448/732818/1**

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 448

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, strike “shall retain” and substitute “retains”; and in the same line, strike “over the child”.

On page 2, strike in their entirety lines 11 through 15, inclusive; and in line 18, after “Section” insert “5–324(b) and”.

AMENDMENT NO. 2

On page 4, in lines 18 and 19, strike “**§ 3–819(C)(3) OR**”; in line 19, strike “**SHALL RETAIN**” and substitute “RETAINS”; strike beginning with “**OVER**” in line 20 down through “**RULING**” in line 22 and substitute “TO RULE”; and in line 23, after “**ORDER**” insert “, FOR AS LONG AS THE ORDER IS EFFECTIVE”.

On page 10, in line 5, strike “**§ 5–324(B)(II)(2)7B**” and substitute “**§ 5–324(B)(1)(II)7B**”; in line 5, strike “**SHALL RETAIN**” and substitute “RETAINS”; strike beginning with “**OVER**” in line 6 down through “**RULING**” in line 8 and substitute “TO RULE”; and in line 9, after “**ORDER**” insert “, FOR AS LONG AS THE ORDER IS EFFECTIVE”.

AMENDMENT NO. 3

On page 5 in line 8, and on page 6 in line 23, in each instance, after the second “A” insert “DEVELOPMENTAL”.

On page 8, in line 10, strike “disability” and substitute “DEVELOPMENTAL DISABILITY, AS DEFINED IN § 3-801 OF THE COURTS ARTICLE”.

On page 9, in line 9, strike “DISABILITY” and substitute “DEVELOPMENTAL DISABILITY, AS DEFINED IN § 3-801 OF THE COURTS ARTICLE,”; and in the same line, strike “(B)(II)(2)7B” and substitute “(B)(1)(II)7B”.

#### AMENDMENT NO. 4

On page 5 in line 17, and on page 7 in line 4, in each instance, strike “THE DEPARTMENT OR A LOCAL DEPARTMENT” and substitute “THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE”.

On page 5 in lines 20 and 21, on page 7 in lines 7 and 8, and on page 9 in lines 13 and 16, in each instance, strike “THE DEPARTMENT OR A LOCAL DEPARTMENT” and substitute “THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE”.

The preceding 4 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: SB0448  
SPONSOR: Senator Kelley, et al  
SUBJECT: Grdnshp and Child in Need of Assistance Prcdgs – Jurisdctn and Athrty of Juv Ct

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 Muse  
Senator Hough

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 #82**

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

**House Bill 217 – Delegates Krebs, Fisher, Kittleman, ~~and W. Miller~~ W. Miller, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young**

AN ACT concerning

**Open Meetings Act – Requirements for ~~Providing~~ Agendas**

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 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**

**HB0771/564832/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 771

(Third Reading File Bill)



AMENDMENT NO. 1

On page 1, in line 2, after “Public” insert “and Nonpublic”; strike line 3 in its entirety and substitute “Student Diabetes Management Program”; in line 6, after “the” insert “training of employees to become trained diabetes care providers; 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; encouraging 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 trained diabetes care providers 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; encouraging certain parents or guardians of a certain student to submit a Diabetes Medical Management Plan to the school under certain circumstances; requiring that 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.”; and strike beginning with “administration” in line 7 down through “guidelines;” in line 8.

On page 2, strike beginning with “requiring” in line 4 down through “State.” in line 9; and in line 12, strike “7-426.4” and substitute “7-438 and 7-439”.

AMENDMENT NO. 2

On pages 10 through 12, strike in their entirety the lines beginning with line 7 on page 10 through line 32 on page 12, inclusive.

AMENDMENT NO. 3

On page 12, after line 32, insert:

**“7-438.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “DIABETES MEDICAL MANAGEMENT PLAN” MEANS A PLAN DEVELOPED BY A STUDENT’S PHYSICIAN THAT DESCRIBES THE HEALTH CARE SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT’S DIABETES AT SCHOOL.**

**(3) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A LOCAL BOARD OF EDUCATION, INCLUDING PART-TIME EMPLOYEES, CERTIFIED AND NONCERTIFIED SUBSTITUTE TEACHERS EMPLOYED BY THE LOCAL BOARD OF EDUCATION FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, AND ADMINISTRATIVE STAFF.**

**(4) “PROGRAM” MEANS A STUDENT DIABETES MANAGEMENT PROGRAM.**

**(5) “TRAINED DIABETES CARE PROVIDER” MEANS AN EMPLOYEE TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH DIABETES.**

**(B) (1) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN CONSULTATION WITH THE AMERICAN ASSOCIATION OF DIABETES EDUCATORS, THE AMERICAN DIABETES ASSOCIATION, THE MARYLAND ASSOCIATION OF SCHOOL HEALTH NURSES, AND THE DIABETES CONTROL PROGRAM JOINTLY SHALL ESTABLISH GUIDELINES FOR THE TRAINING OF EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.**

**(2) THE GUIDELINES SHALL INCLUDE INSTRUCTION ON:**

**(I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND HYPERGLYCEMIA;**

(II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN;

(III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF ADMINISTRATION;

(IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING, KETONE CHECKING, AND RESULTS RECORDATION;

(V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE USE OF CONTINUOUS GLUCOSE MONITORS; AND

(VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE WITH THE STUDENT'S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

(C) (1) EACH COUNTY BOARD SHALL REQUIRE THE PUBLIC SCHOOLS WITHIN THE JURISDICTION OF THE COUNTY BOARD TO ESTABLISH A STUDENT DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.

(2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS WITH DIABETES IN ACCORDANCE WITH THE STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES.

(D) (1) THE PROGRAM SHALL:

(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;

(II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN;

(III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

(IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

(V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, TRAINED DIABETES CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL MANAGEMENT PLAN;

(VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

(VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED EMERGENCIES.

(2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

(II) A PUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO PARTICIPATE IN THE PROGRAM.

(3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE PROGRAM SHALL AGREE TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING HAS BEEN PROVIDED, INCLUDING:

(I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;

(II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY TREATMENTS AS PRESCRIBED;

(III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE STUDENT USES; AND

(IV) PROVIDING ORAL DIABETES MEDICATIONS.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.

(5) (I) A TRAINED DIABETES CARE PROVIDER WHO PROVIDES DIABETES CARE SERVICES TO AN INDIVIDUAL IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF PROVIDING DIABETES CARE SERVICES IF:

1. THE TRAINED DIABETES CARE PROVIDER IS ACTING IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO AN INDIVIDUAL WHO IS IN NEED OF DIABETES CARE SERVICES OR TO AN INDIVIDUAL BELIEVED IN GOOD FAITH BY THE TRAINED DIABETES CARE PROVIDER TO BE IN NEED OF DIABETES CARE SERVICES;

2. THE DIABETES CARE SERVICES ARE PROVIDED IN A REASONABLY PRUDENT MANNER; AND

3. THE DIABETES CARE SERVICES ARE PROVIDED TO THE INDIVIDUAL WITHOUT FEE OR OTHER COMPENSATION.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR BY COMMON LAW TO WHICH A VOLUNTEER MAY BE ENTITLED.

**(E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO NEEDS DIABETES CARE AT SCHOOL SHALL SUBMIT A DIABETES MEDICAL MANAGEMENT PLAN TO THE SCHOOL.**

**(2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN SHALL BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:**

**(I) THE PARENTS OR GUARDIANS OF THE STUDENT;**

**(II) THE STUDENT;**

**(III) THE SCHOOL NURSE;**

**(IV) THE STUDENT'S CLASSROOM TEACHER;**

**(V) ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND**

**(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE SCHOOL.**

**(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING SHALL BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT PLAN IS SUBMITTED.**

**(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS INDEPENDENTLY, THE STUDENT MAY:**

**(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF SCHOOL GROUNDS;**

**(II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT NECESSARY TO PERFORM DIABETES CARE TASKS; AND**

(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE WHEN NECESSARY.

7-439.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A PLAN DEVELOPED BY A STUDENT'S PHYSICIAN THAT DESCRIBES THE HEALTH CARE SERVICES NEEDED BY THE STUDENT FOR THE TREATMENT OF THE STUDENT'S DIABETES AT SCHOOL.

(3) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A NONPUBLIC SCHOOL, INCLUDING PART-TIME EMPLOYEES, TEACHERS, AND SUBSTITUTE TEACHERS EMPLOYED BY THE SCHOOL FOR AT LEAST 7 DAYS EACH SCHOOL YEAR, A SCHOOL NURSE, REGISTERED NURSE CASE MANAGER, DELEGATING NURSE, AND ADMINISTRATIVE STAFF.

(4) "PROGRAM" MEANS A STUDENT DIABETES MANAGEMENT PROGRAM.

(5) "TRAINED DIABETES CARE PROVIDER" MEANS AN EMPLOYEE TRAINED IN THE RECOGNITION OF THE SYMPTOMS OF DIABETES AND THE ADMINISTRATION OF HEALTH CARE SERVICES NEEDED BY AN INDIVIDUAL WITH DIABETES.

(B) (1) A NONPUBLIC SCHOOL MAY CONDUCT OR CONTRACT FOR A COURSE FOR THE TRAINING OF EMPLOYEES TO BECOME TRAINED DIABETES CARE PROVIDERS.

(2) A TRAINING COURSE FOR TRAINED DIABETES CARE PROVIDERS MAY INCLUDE INSTRUCTION ON:

(I) RECOGNITION AND TREATMENT OF HYPOGLYCEMIA AND HYPERGLYCEMIA;

(II) APPROPRIATE ACTIONS TO TAKE WHEN BLOOD GLUCOSE LEVELS ARE OUTSIDE THE TARGET RANGES DETAILED IN THE STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN;

(III) UNDERSTANDING PHYSICIAN INSTRUCTIONS REGARDING DIABETES MEDICATION DRUG DOSAGE, FREQUENCY, AND THE MANNER OF ADMINISTRATION;

(IV) PERFORMING FINGER-STICK BLOOD GLUCOSE CHECKING, KETONE CHECKING, AND RESULTS RECORDATION;

(V) UNDERSTANDING THE FUNCTION AND PROTOCOL FOR THE USE OF CONTINUOUS GLUCOSE MONITORS; AND

(VI) ADMINISTERING GLUCAGON AND INSULIN IN ACCORDANCE WITH THE STUDENT’S DIABETES MANAGEMENT PLAN AND RESULTS RECORDATION.

(C) (1) A NONPUBLIC SCHOOL MAY ESTABLISH A STUDENT DIABETES MANAGEMENT PROGRAM IN THE SCHOOL.

(2) THE PURPOSE OF THE PROGRAM IS TO HAVE EMPLOYEE VOLUNTEERS AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO STUDENTS WITH DIABETES IN ACCORDANCE WITH THE STUDENT’S DIABETES MEDICAL MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES.

(D) (1) THE PROGRAM MAY:

(I) RECRUIT EMPLOYEES WHO ARE INTERESTED IN BEING TRAINED TO BECOME TRAINED DIABETES CARE PROVIDERS;

(II) PROVIDE TRAINING FOR EMPLOYEE VOLUNTEERS TO BECOME TRAINED DIABETES CARE PROVIDERS BEFORE THE COMMENCEMENT OF A SCHOOL YEAR OR WHEN REQUIRED BY THE ENROLLMENT OF A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN THAT INCLUDES THE ITEMS UNDER SUBSECTION (B)(2) OF THIS SECTION;



(III) DESIGNATE LOCATIONS WITHIN THE SCHOOL WHERE A STUDENT MAY PRIVATELY PERFORM DIABETES CARE TASKS;

(IV) REQUIRE THE SCHOOL NURSE OR A TRAINED DIABETES CARE PROVIDER TO BE ON-SITE AND AVAILABLE TO PROVIDE DIABETES CARE SERVICES TO A STUDENT WITH A DIABETES MEDICAL MANAGEMENT PLAN DURING SCHOOL HOURS AND, WHEN POSSIBLE, AT SCHOOL-SPONSORED ACTIVITIES, INCLUDING FIELD TRIPS AND EXTRACURRICULAR ACTIVITIES;

(V) ESTABLISH A SYSTEM OF COMMUNICATION BETWEEN THE SCHOOL ADMINISTRATORS AND THE FACULTY, SCHOOL NURSE, IF APPLICABLE, TRAINED DIABETES CARE PROVIDERS, PARENTS OR GUARDIANS OF STUDENTS WITH A DIABETES MEDICAL MANAGEMENT PLAN, AND STUDENTS WITH A DIABETES MEDICAL MANAGEMENT PLAN;

(VI) FACILITATE THE ACCESS OF AUTHORIZED SCHOOL PERSONNEL TO STUDENT DIABETES MEDICAL MANAGEMENT PLANS; AND

(VII) ESTABLISH PROCEDURES FOR DIABETES-RELATED EMERGENCIES.

(2) (I) ANY EMPLOYEE MAY VOLUNTEER TO PARTICIPATE IN THE PROGRAM AND BE TRAINED TO BECOME A TRAINED DIABETES CARE PROVIDER.

(II) A NONPUBLIC SCHOOL MAY NOT COMPEL ANY EMPLOYEE TO PARTICIPATE IN THE PROGRAM.

(3) A TRAINED DIABETES CARE PROVIDER WHO PARTICIPATES IN THE PROGRAM IS ENCOURAGED TO PERFORM DIABETES CARE TASKS FOR WHICH TRAINING HAS BEEN PROVIDED, INCLUDING:

(I) CHECKING AND RECORDING BLOOD GLUCOSE LEVELS AND KETONE LEVELS OR ASSISTING A STUDENT WITH THESE TASKS;

(II) ADMINISTERING GLUCAGON AND OTHER EMERGENCY TREATMENTS AS PRESCRIBED;

(III) ADMINISTERING INSULIN OR ASSISTING A STUDENT IN THE ADMINISTRATION OF INSULIN THROUGH THE INSULIN DELIVERY SYSTEM THAT THE STUDENT USES; AND

(IV) PROVIDING ORAL DIABETES MEDICATIONS.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROVISION OF DIABETES CARE SERVICES BY A TRAINED DIABETES CARE PROVIDER IN ACCORDANCE WITH THIS SECTION MAY NOT BE CONSTRUED AS PERFORMING ACTS OF PRACTICAL NURSING OR REGISTERED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE.

(5) (I) A TRAINED DIABETES CARE PROVIDER WHO PROVIDES DIABETES CARE SERVICES TO AN INDIVIDUAL IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN THE COURSE OF PROVIDING DIABETES CARE SERVICES IF:

1. THE TRAINED DIABETES CARE PROVIDER IS ACTING IN GOOD FAITH WHILE PROVIDING DIABETES CARE SERVICES TO AN INDIVIDUAL WHO IS IN NEED OF DIABETES CARE SERVICES OR TO AN INDIVIDUAL BELIEVED IN GOOD FAITH BY THE TRAINED DIABETES CARE PROVIDER TO BE IN NEED OF DIABETES CARE SERVICES;

2. THE DIABETES CARE SERVICES ARE PROVIDED IN A REASONABLY PRUDENT MANNER; AND

3. THE DIABETES CARE SERVICES ARE PROVIDED TO THE INDIVIDUAL WITHOUT FEE OR OTHER COMPENSATION.

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR BY COMMON LAW TO WHICH A VOLUNTEER MAY BE ENTITLED.

**(E) (1) THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO NEEDS DIABETES CARE AT SCHOOL IS ENCOURAGED TO SUBMIT A DIABETES MEDICAL MANAGEMENT PLAN TO THE SCHOOL.**

**(2) EACH STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN MAY BE REVIEWED IN A MEETING OF THE FOLLOWING INDIVIDUALS:**

**(I) THE PARENTS OR GUARDIANS OF THE STUDENT;**

**(II) THE STUDENT;**

**(III) THE SCHOOL NURSE, IF APPLICABLE;**

**(IV) THE STUDENT'S CLASSROOM TEACHER;**

**(V) IF THE PROGRAM HAS BEEN ESTABLISHED AT THE SCHOOL, ALL TRAINED DIABETES CARE PROVIDERS AT THE SCHOOL WHO MAY BE REQUIRED TO PROVIDE CARE TO THE STUDENT; AND**

**(VI) ANY OTHER INDIVIDUALS DETERMINED NECESSARY BY THE SCHOOL.**

**(3) A DIABETES MEDICAL MANAGEMENT PLAN REVIEW MEETING MAY BE HELD WITHIN 30 DAYS AFTER THE DIABETES MEDICAL MANAGEMENT PLAN IS SUBMITTED.**

**(4) IF A STUDENT'S DIABETES MEDICAL MANAGEMENT PLAN STATES THAT THE STUDENT MAY PERFORM SPECIFIED DIABETES CARE TASKS INDEPENDENTLY, THE STUDENT MAY:**

**(I) PERFORM AUTHORIZED TASKS WHEREVER THE STUDENT CONSIDERS NECESSARY, INCLUDING IN THE STUDENT'S CLASSROOM, THE AREA DESIGNATED BY THE SCHOOL UNDER SUBSECTION (D) OF THIS SECTION, OR OFF SCHOOL GROUNDS;**

**(II) POSSESS AND CARRY ANY SUPPLIES AND EQUIPMENT NECESSARY TO PERFORM DIABETES CARE TASKS; AND**

**(III) POSSESS A CELLULAR PHONE TO ASK FOR ASSISTANCE WHEN NECESSARY.”.**

On page 13, in line 1, strike “3.” and substitute “2.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL  
AFFAIRS REPORT #85**

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

**Senate Bill 11 – Senator Manno**

AN ACT concerning

**Universal Voter Registration Act**

**SB0011/704735/1**

BY: Education, Health, and Environmental Affairs Committee

**AMENDMENTS TO SENATE BILL 11**

**(First Reading File Bill)**

**AMENDMENT NO. 1**

On page 1, strike line 2 in its entirety and substitute “Freedom to Vote Act”; strike beginning with “requiring” in line 3 down through “registration.” in line 20 and substitute “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; 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; 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 any license, permit, or certificate online to register to vote through a link to the online voter registration system; requiring the State Board and the Department of Veterans Affairs to develop procedures for individuals who use the Department of Veterans Affairs Web site or who are contacted through a certain program to register to vote through a link to the online voter registration system; requiring the State Board and the Department of Human Resources to develop and implement procedures for certain individuals who use the Department's electronic portal for certain purposes to be offered the opportunity to register to vote through a link to the State Board's 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 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; requiring the Department of Information Technology and the State Board of Elections to conduct a certain study; defining certain terms; and generally relating to voter registration."

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 12 on page 2 and substitute:

“BY adding to

Article – Election Law

Section 1–101(b–1), 3–203, 3–204(a–1), (c), and (j), and 3–204.2

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(a)(1) and (3), (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 16 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, OR ANY OTHER TRANSACTION IN WHICH THE MOTOR VEHICLE ADMINISTRATION OBTAINS ALL OF THE INFORMATION FROM AN APPLICANT THAT SATISFIES THE REQUIREMENTS TO REGISTER TO VOTE;**

**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) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ELECTRONIC VOTER REGISTRATION AGENCY SHALL IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE JULY 1, 2017.

(2) A LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL IMPLEMENT AN ELECTRONIC VOTER REGISTRATION SYSTEM ON OR BEFORE DECEMBER 1, 2019.

(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 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.

(D) 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.

(E) 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.

(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; AND

2. THE STATUS OF THE IMPLEMENTATION OF AN ELECTRONIC VOTER REGISTRATION SYSTEM; 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 CONSOLIDATE AND SUBMIT THE REPORTS REQUIRED UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION AS A SINGLE DOCUMENT ON BEHALF OF ALL THE LOCAL DEPARTMENTS OF SOCIAL SERVICES.

3-204.

(a) (1) The State Board shall designate public agencies and nongovernmental agencies as voter registration agencies where qualified individuals may apply to register to vote.

(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.

(3) The State Board and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the armed forces of the United States, which shall be deemed voter registration agencies.

**(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 IS INFORMED 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; 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 18 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, 2018, 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, 2019, 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 LICENSE, PERMIT, OR CERTIFICATE 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.

(C) THE STATE BOARD AND THE DEPARTMENT OF VETERANS AFFAIRS SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE DEPARTMENT OF VETERANS AFFAIRS WEB SITE OR WHO ARE CONTACTED BY THE DEPARTMENT'S OUTREACH AND ADVOCACY PROGRAM TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

(D) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(ii) "APPLICABLE TRANSACTION" MEANS AN ONLINE APPLICATION FOR A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM OR AN ONLINE APPLICATION FOR A RECERTIFICATION, RENEWAL, OR CHANGE OF NAME OR ADDRESS RELATING TO A STATE OR FEDERALLY FUNDED PUBLIC ASSISTANCE PROGRAM.

(iii) "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

(IV) “ELECTRONIC PORTAL” MEANS THE DEPARTMENT’S ONLINE SYSTEM, KNOWN AS MYDHR, THROUGH WHICH AN INDIVIDUAL MAY COMPLETE AN APPLICABLE TRANSACTION.

(2) THE STATE BOARD AND THE DEPARTMENT SHALL JOINTLY DEVELOP AND IMPLEMENT PROCEDURES FOR INDIVIDUALS WHO USE THE DEPARTMENT’S ELECTRONIC PORTAL TO COMPLETE AN APPLICABLE TRANSACTION TO BE OFFERED THE OPPORTUNITY TO REGISTER TO VOTE THROUGH A LINK TO THE ONLINE VOTER REGISTRATION SYSTEM.

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, 2018, 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 WAYS AND MEANS COMMITTEE 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 federal or 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 federal or 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, on or before August 1, 2016, the Attorney General shall request a determination letter from the Internal Revenue Service confirming that federal law does not preclude the Comptroller from engaging with the State Board of Elections for purposes of voter registration, including the sharing of information with the State Board that would allow for the identification of individuals who filed a Maryland resident individual income tax return and are not registered to vote.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2017, the Department of Information Technology and the State Board of Elections shall complete a study of voter registration at agencies in the Executive Branch of the State. The study shall:

(1) identify and assess the readiness and time frame within which the agencies that currently offer paper-based voter registration services to eligible State citizens might transition to an electronic system of voter registration;

(2) identify additional agencies for which it would be beneficial to the public to include a link on the agency's Web site to the online voter registration system at the State Board of Elections;

(3) identify additional agencies for which it would be beneficial to the public to be designated as voter registration agencies that provide paper-based or electronic voter registration services; and

(4) assess how all agencies entrusted with providing electronic or paper-based voter registration services for citizens of the State maintain and ensure the confidentiality, security, and integrity of personal information obtained from citizens for purposes of voter registration.

(b) On or before October 1, 2017, the Department of Information Technology and the State Board of Elections shall jointly submit a report, in accordance with § 2-1246 of the State Government Article, summarizing the findings of the study to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

SECTION 8. AND BE IT FURTHER ENACTED, That on or before January 1, 2017, the State Board of Elections shall submit a report to the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee, in accordance with § 2-1246 of the State Government Article, concerning the process for informing applicants for voter registration of the manner in which an individual may apply to keep the individual's residence address confidential for specified safety or privacy reasons, as prescribed by the State Board of Elections regulations.

SECTION 9. 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.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL  
AFFAIRS REPORT #84**

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

**House Bill 195 – Delegates Krebs, W. Miller, Rose, and West**

AN ACT concerning

**Procurement – ~~Prohibition~~ Prohibitions on Participation**

**HB0195/334635/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 195

(Third Reading File Bill)

On page 3, in line 13, strike "2" and substitute "3".

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 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:

**House Bill 741 – Delegates Stein and Kaiser**

AN ACT concerning

**Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Pinsky moved, duly seconded, to put **House Bill 741** on Third Reading on the same day in compliance with the Constitution.

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 741** on Third Reading and Final Passage.

**House Bill 741 – Delegates Stein and Kaiser**

AN ACT concerning

**Higher Education – Institutions of Postsecondary Education – Consumer Protection Provisions**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1388)

The Bill was then sent to the House of Delegates.

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

**House Bill 1344 – Delegate Arentz**

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON BUDGET AND TAXATION REPORT #47**

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

**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**

**HB1618/709530/1**

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1618

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Behavioral Health Act of 2016”; in line 4, after “of” insert “requiring a substance use disorder services program”

to submit annually to the Department of Health and Mental Hygiene financial statements and salary information in accordance with certain regulations; requiring the Department to adjust the rate of reimbursement for certain community providers each fiscal year by the rate adjustment included in a certain State budget; requiring that the Governor’s proposed budget for a certain fiscal year, and for certain fiscal years thereafter, include certain rate adjustments for certain community providers based on the funding provided in certain legislative appropriations; requiring, under certain circumstances, managed care organizations to pay a certain rate for a certain time period for services provided by community providers and to adjust the rate of reimbursement for community providers in certain fiscal years by certain percentages; defining certain terms; providing for the application of certain provisions of this Act; requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date in certain years, beginning on or before a certain date; authorizing the Department to require certain community providers to submit certain information to the Department in the form and manner required by the Department; requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring, beginning with reimbursements paid after a certain date, that certain funding provided to community providers be linked to certain outcome measures;”; strike beginning with “the” in line 16 down through “services” in line 18 and substitute “funding for behavioral health providers and services”; and after line 18, insert:

“BY repealing and reenacting, with amendments,

Article – Health – General

Section 10–901.1

Annotated Code of Maryland

(2015 Replacement Volume)

BY adding to

Article – Health – General

Section 16–201.3

Annotated Code of Maryland

(2015 Replacement Volume)”.

## AMENDMENT NO. 2

On page 2, after line 5, insert:

“Article – Health – General

10–901.1.

(a) A community mental health services program AND A SUBSTANCE USE DISORDER SERVICES PROGRAM shall submit annually financial statements and salary information in accordance with the Department's regulations.

(b) The Administration may impose a penalty not exceeding \$500 per day per violation for each day a violation occurs on a licensee that fails to comply with subsection (a) of this section.

**16-201.3.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "COMMUNITY PROVIDER" MEANS A COMMUNITY-BASED AGENCY OR PROGRAM FUNDED BY THE BEHAVIORAL HEALTH ADMINISTRATION OR THE MEDICAL CARE PROGRAMS ADMINISTRATION TO SERVE INDIVIDUALS WITH MENTAL DISORDERS, SUBSTANCE-RELATED DISORDERS, OR A COMBINATION OF THESE DISORDERS.**

**(3) "RATE" MEANS THE REIMBURSEMENT RATE PAID BY THE DEPARTMENT TO A COMMUNITY PROVIDER FROM THE GENERAL FUND OF THE STATE, MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL FUNDS, OR A COMBINATION OF THESE FUNDS.**

**(B) THIS SECTION DOES NOT APPLY TO REIMBURSEMENT FOR ANY SERVICE PROVIDED BY A COMMUNITY PROVIDER WHOSE RATES ARE REGULATED BY THE HEALTH SERVICES COST REVIEW COMMISSION.**

**(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT SHALL ADJUST THE RATE OF REIMBURSEMENT FOR COMMUNITY PROVIDERS EACH FISCAL YEAR BY THE RATE ADJUSTMENT INCLUDED IN THE STATE BUDGET FOR THAT FISCAL YEAR.**

**(2) (I) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2018, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE RATE ADJUSTMENTS FOR COMMUNITY PROVIDERS BASED ON THE FUNDING PROVIDED IN**

THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

1. OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

2. OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

3. OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(II) THE RATE ADJUSTMENT REQUIRED TO BE INCLUDED IN THE GOVERNOR’S PROPOSED BUDGET UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL EQUAL:

1. FOR FISCAL YEAR 2018, 3%;

2. FOR FISCAL YEAR 2019, 3%;

3. FOR FISCAL YEAR 2020, 2%; AND

4. FOR FISCAL YEAR 2021, 2%.

(3) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2018, AND FOR EACH FISCAL YEAR THEREAFTER, FOR COMMUNITY PROVIDERS SHALL BE PRESENTED IN THE SAME MANNER, INCLUDING OBJECT AND PROGRAM INFORMATION, AS IN THE FISCAL YEAR 2017 BUDGET.

(D) IF SERVICES PROVIDED BY COMMUNITY PROVIDERS ARE PROVIDED THROUGH MANAGED CARE ORGANIZATIONS IN FISCAL YEARS 2018 THROUGH 2021, THE MANAGED CARE ORGANIZATIONS SHALL:



(1) PAY THE RATE IN EFFECT DURING THE IMMEDIATELY PRECEDING FISCAL YEAR FOR THE FIRST FISCAL YEAR THE MANAGED CARE ORGANIZATIONS PROVIDE THE SERVICES; AND

(2) ADJUST THE RATE OF REIMBURSEMENT FOR COMMUNITY PROVIDERS EACH FISCAL YEAR BASED ON THE RATE IN THE IMMEDIATELY PRECEDING FISCAL YEAR BY:

(I) FOR FISCAL YEAR 2018, 3%;

(II) FOR FISCAL YEAR 2019, 3%;

(III) FOR FISCAL YEAR 2020, 2%; AND

(IV) FOR FISCAL YEAR 2021, 2%.

(E) (1) ON OR BEFORE DECEMBER 1, 2018, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER IN WHICH A RATE ADJUSTMENT WAS MADE IN ACCORDANCE WITH THIS SECTION, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE IMPACT OF THE REIMBURSEMENT RATE ADJUSTMENT REQUIRED UNDER THIS SECTION ON COMMUNITY PROVIDERS, INCLUDING THE IMPACT ON:

(I) THE WAGES AND SALARIES PAID AND THE BENEFITS PROVIDED TO DIRECT CARE STAFF AND LICENSED CLINICIANS EMPLOYED BY COMMUNITY PROVIDERS;

(II) THE TENURE AND TURNOVER OF DIRECT CARE STAFF AND LICENSED CLINICIANS EMPLOYED BY COMMUNITY PROVIDERS; AND

(III) THE ABILITY OF COMMUNITY PROVIDERS TO RECRUIT QUALIFIED DIRECT CARE STAFF AND LICENSED CLINICIANS.

(2) THE DEPARTMENT MAY REQUIRE A COMMUNITY PROVIDER TO SUBMIT, IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT,

INFORMATION THAT THE DEPARTMENT DEEMS NECESSARY FOR COMPLETION OF THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) (1) ON OR BEFORE DECEMBER 1, 2017, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY DETAILING OUTCOME MEASURES THAT REASONABLY CAN BE COLLECTED FOR EACH TREATMENT MODALITY OFFERED BY COMMUNITY PROVIDERS.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE RECOMMENDATIONS TO TIE REIMBURSEMENT TO OUTCOMES INCLUDING:

(I) DIFFERENTIAL PAYMENT FOR IMPLEMENTATION OF, AND ADHERENCE TO, EVIDENCE-BASED PRACTICES;

(II) DIFFERENTIAL PAYMENT BASED ON OUTCOMES; AND

(III) ANY OTHER FINANCIAL PAYMENT SYSTEM LINKING REIMBURSEMENT TO OUTCOMES.

(3) BEGINNING WITH REIMBURSEMENTS PAID AFTER JULY 1, 2018, ADDITIONAL FUNDING PROVIDED TO COMMUNITY PROVIDERS AS A RESULT OF RATE ADJUSTMENTS MADE UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION SHALL BE LINKED TO OUTCOME MEASURES THAT ARE RECOMMENDED IN THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Guzzone moved, duly seconded, to put **House Bill 1618** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 1389)

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put House Bill 1618 on Third Reading and Final Passage.

**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**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1390)

The Bill was then sent to the House of Delegates.

**THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #43**

Senator Zirkin, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

**House Bill 1107 – Delegate Anderson (By Request – Baltimore City Administration)**

AN ACT concerning

**Baltimore City – Police Officers – Warrantless Arrests**

**HB1107/828478/1**

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1107

(Third Reading File Bill)

On page 1, strike beginning with “requiring” in line 6 down through “suspected;” in line 7.

On page 2, in line 29, strike “**WITHIN 48 HOURS OF**” and substitute “**IMMEDIATELY FOLLOWING**”; and in line 30, after “**INCIDENT**” insert “**AT THE SCENE OF THE ALLEGED INCIDENT**”.

On page 3, strike in their entirety lines 1 through 6, inclusive.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Zirkin moved, duly seconded, to put **House Bill 1107** on Third Reading on the same day in compliance with the Constitution.

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1107** on Third Reading and Final Passage.

**House Bill 1107 – Delegate Anderson (By Request – Baltimore City Administration)**

AN ACT concerning

**Baltimore City – Police Officers – Warrantless Arrests**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 32    Negative – 13    (See Roll Call No. 1391)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 950**      SPONSOR: **Senator Conway**

SUBJECT: **Ed – Students With Disabilities – Stdy of Parental Consent in the Individualized Ed Program Process**

THIRD READING CALENDAR      HOUSE NO. **63**      SENATE NO. **58**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

- (1) That the Committee on Ways and Means Amendments (SB0950/235163/1) be rejected.
- (2) That the Conference Committee Amendments (SB0950/213225/1) be adopted.

**SB0950/213225/1**

BY: Conference Committee

AMENDMENT TO SENATE BILL 950  
(Third Reading File Bill)

On page 2, in line 16, after “directors” insert “and teachers”; in line 20, strike “and”; and in the same line, after “Association” insert “of Maryland, and parents of students with disabilities”.

On page 3, in line 6, strike “, including a school in another local school system”; and strike beginning with “use” in line 7 down through “needs” in line 8 and substitute “receive early intervention services before entering kindergarten”.

On page 5, in line 2, strike “July” and substitute “June”.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Cheryl C. Kagan**

\_\_\_\_\_  
Chair, **Mary L. Washington**

\_\_\_\_\_  
**Gail H. Bates**

\_\_\_\_\_  
**Kevin B. Hornberger**

\_\_\_\_\_  
**Joan Carter Conway**

\_\_\_\_\_  
**Eric Ebersole**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

( ) Chief Clerk  
(X) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1392)

The Bill was then sent to the House of Delegates.

## CONCURRENCE CALENDAR

### AMENDED IN THE HOUSE

**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**

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

**SB0726/133197/1**

BY: Economic Matters Committee

#### AMENDMENT TO SENATE BILL 726

(Third Reading File Bill)

On page 2, strike beginning with “requiring” in line 3 down through “audit” in line 4.

On page 22, strike in their entirety lines 33 and 34.

On page 23, in line 1, strike “3.” and substitute “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 – 46    Negative – 0    (See Roll Call No. 1393)

**ADJOURNMENT**

At 11:33 P.M. on motion of Senator Pugh, seconded, the Senate adjourned until 11:34 P.M. on Monday, April 11, 2016.

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**Annapolis, Maryland**  
**Legislative Day: April 8, 2016**  
**Calendar Day: Monday, April 11, 2016**  
**11:34 P.M. Session**

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The Senate met at 11:34 P.M.

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

The Journal of April 7, 2016 was read and approved.

**QUORUM CALL**

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

(See Roll Call No. 1394)

**THIRD READING FILE**

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (HOUSE BILLS) #63**

**House Bill 217 – Delegates Krebs, Fisher, Kittleman, ~~and W. Miller~~ W. Miller, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young**

AN ACT concerning

**Open Meetings Act – Requirements for ~~Providing~~ Agendas**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1395)

The Bill was then sent to the House of Delegates.



**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**

Senator Pinsky moved, duly seconded, to place **House Bill 771** back on second reading for the purpose of adding amendments.

The motion was adopted.

STATUS OF BILL: BILL ON 2ND READING AND OPEN TO AMENDMENT

The preceding 3 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senator Pinsky moved, duly seconded, to put **House Bill 771** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 46    Negative – 0    (See Roll Call No. 1396)

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 771** on Third Reading and Final Passage.

**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**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1397)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (SENATE BILLS) #79**

**Senate Bill 529 – Senators Bates, Cassilly, Eckardt, Kelley, Ready, Salling, Serafini, and Waugh**

AN ACT concerning

**Open Meetings Act – Requirements for ~~Providing~~ Agendas**

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1398)

The Bill was then sent to the House of Delegates.

**ANNOUNCEMENT**

A Governor's Citation was presented to Lynne B. Porter for her 31 years of dedicated service to the State of Maryland.

**THIRD READING CALENDAR (HOUSE BILLS) #64**

**House Bill 1624 – Delegates Reilly, Adams, Afzali, Anderson, Anderton, Angel, Arentz, Atterbeary, Aumann, Barkley, B. Barnes, D. Barnes, Barron, Barve, Beidle, Beitzel, Branch, Bromwell, Brooks, Buckel, Busch, Carey, Carozza, Carr, Carter, Cassilly, Chang, Ciliberti, Clippinger, Cluster, Conaway, Cullison, Davis, Dumais, Ebersole, Fennell, Fisher, Flanagan, Folden, Fraser-Hidalgo, Frick, Frush, Gaines, Ghrist, Gilchrist, Glass, Glenn, Grammer, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, Hornberger, C. Howard, S. Howard, Impallaria, Jackson, Jacobs, Jalisi, Jameson, Jones, Kaiser, Kelly, Kipke, Kittleman, Knotts, Korman, Kramer, Krebs, Krimm, Lafferty, Lam, Lierman, Lisanti, Long, Luedtke, Malone, Mautz, McComas, McConkey, McCray, McDonough, McIntosh, McKay, McMillan, Metzgar, Miele, A. Miller, W. Miller, Moon, Morales, Morgan, Morhaim, O'Donnell, Oaks, Otto, Parrott, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Queen, Rey, Reznik, B. Robinson, S. Robinson, Rose, Rosenberg, Saab, Sample-Hughes, Sanchez, Shoemaker, Simonaire, Smith, Sophocleus, Stein, Sydnor, Szeliga, Tarlau, Turner, Valderrama, Valentino-Smith, Vallario, Vaughn, Vogt, Waldstreicher, Walker, A. Washington, M. Washington, West, B. Wilson, C. Wilson, Wivell, K. Young, and P. Young**

**EMERGENCY BILL**

AN ACT concerning

**Transportation – Highways – Heroes Highway**

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

Affirmative – 44    Negative – 0    (See Roll Call No. 1399)

The Bill was then sent to the House of Delegates.

**House Bill 1634 – Delegate Jalisi**

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 – 44    Negative – 0    (See Roll Call No. 1400)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #65**

**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**

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

Affirmative – 43    Negative – 0    (See Roll Call No. 1401)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #66**

**House Bill 195 – Delegates Krebs, W. Miller, Rose, and West**

AN ACT concerning

**Procurement – ~~Prohibition~~ Prohibitions on Participation**

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1402)

The Bill was then sent to the House of Delegates.

**House Bill 1344 – Delegate Arentz**

AN ACT concerning

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

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

Affirmative – 41    Negative – 0    (See Roll Call No. 1403)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

BILL NO.: **HB 140**      SPONSOR: **Speaker**

SUBJECT: **Security Systems Technicians and Agencies –  
Sunset Extension and Program Evaluation**

THIRD READING CALENDAR      HOUSE NO. 4      SENATE NO. **30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Affairs Committee Amendments (HB0140/244331/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0140/663021/1) be adopted.

**HB0140/663021/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 140  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Sunset” insert “Fees and”; 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;”; and in line 23, after “Section” insert “18–303 and”.

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.**”.

Senate Members:

House Members:

Chair, **Joan Carter Conway**

Chair, **Sally Jameson**

**Craig J. Zucker**

**Dereck E. Davis**

**Johnny Ray Salling**

**Warren E. Miller**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

Chief Clerk  
 Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1404)

The Bill was then sent to the House of Delegates.

**MOTION**

Senator Conway moved, duly seconded, to place **House Bill 413** on Third Reading.

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**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1405)

The Bill was then sent to the House of Delegates.

### **THE COMMITTEE ON BUDGET AND TAXATION REPORT #48**

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

#### **House Bill 833 – Delegates Ebersole, Hixson, and Turner**

AN ACT concerning

#### **Agricultural Land Transfer Tax – Calculation**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kasemeyer moved, duly seconded, to put **House Bill 833** on Third Reading on the same day in compliance with the Constitution.

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 833** on Third Reading and Final Passage.

#### **House Bill 833 – Delegates Ebersole, Hixson, and Turner**

AN ACT concerning

#### **Agricultural Land Transfer Tax – Calculation**

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1406)

The Bill was then sent to the House of Delegates.

### **CONFERENCE COMMITTEE REPORT**

BILL NO.: **HB 422**      SPONSOR: **Delegate Fraser-Hidalgo**

SUBJECT: **Interest Rate on Tax Deficiencies and Refunds**



THIRD READING CALENDAR      HOUSE NO. 47      SENATE NO. 35

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Budget and Taxation Committee Amendments (HB0422/839339/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0422/233426/1) be adopted.

**HB0422/233426/1**

BY: Conference Committee

AMENDMENT TO HOUSE BILL 422

(Third Reading File Bill)

On page 2, in lines 12, 13, and 14, strike "11%", "10%", and "9%", respectively, and substitute "11.5%", "11%", and "10.5%", respectively; in line 13, strike "AND"; and in line 14, after "2020" insert ";

**(VI) 10% FOR 2021;**

**(VII) 9.5% FOR 2022; AND**

**(VIII) 9% FOR 2023**".

Senate Members:

House Members:

Chair, **Richard S. Madaleno, Jr.**

Chair, **Jay Walker**

**Guy Guzzone**

**Andrew Platt**

**Andrew A. Serafini**

**Meagan C. Simonaire**



“BY adding to

Article – Economic Development  
Section 10–645(m)  
Annotated Code of Maryland  
(2008 Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“Article – Economic Development

10–645.

**(M) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A DEMOLITION OR PARTIAL DEMOLITION OF A SCHOOL BUILDING UNDER THE BALTIMORE CITY PUBLIC SCHOOLS’ 10–YEAR PLAN SHALL BE EXEMPT FROM ANY REQUIRED NOTICE TO THE BALTIMORE CITY COUNCIL OR THE PRESIDENT OF THE BALTIMORE CITY COUNCIL.”**

AMENDMENT NO. 3

On page 4, in lines 19 and 20, strike beginning with the second comma in line 19 down through “2017” in line 20.

Senate Members:

House Members:

\_\_\_\_\_  
Chair, **Bill Ferguson**

\_\_\_\_\_  
Chair, **Jay Walker**

\_\_\_\_\_  
**Richard S. Madaleno, Jr.**

\_\_\_\_\_  
**Andrew Platt**

\_\_\_\_\_  
**Adelaide C. Eckardt**

\_\_\_\_\_  
**Teresa E. Reilly**

\_\_\_\_\_  
Read in the Senate:

\_\_\_\_\_  
Read in the House of Delegates:

\_\_\_\_\_  
Amendment Office Delivers Report to:

\_\_\_\_\_  
 Chief Clerk  
 Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1408)

The Bill was then sent to the House of Delegates.

### CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 849**      SPONSOR: **Delegate Sample–Hughes**

SUBJECT: **Public Safety – Rental Dwelling Units – Carbon Monoxide Alarms**

THIRD READING CALENDAR      HOUSE NO. **22**      SENATE NO. **51**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Affairs Committee Amendments (HB0849/844137/2) be rejected; and

(2) That the Conference Committee Amendments (HB0849/673120/1) be adopted.

**HB0849/673120/1**

BY: Conference 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, 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**”.

Senate Members:

House Members:

Chair, **Steve Waugh**

Chair, **Marvin E. Holmes, Jr.**

**Cheryl C. Kagan**

**Carl Anderton, Jr.**

**Johnny Ray Salling**

**Cory V. McCray**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

Chief Clerk  
 Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 45    Negative – 0    (See Roll Call No. 1409)

The Bill was then sent to the House of Delegates.

**CONFERENCE COMMITTEE REPORT**

**BILL NO.: HB 360      SPONSOR: Delegate Jalisi**

**SUBJECT: Maryland Loan Assistance Repayment Program  
for Foster Care Recipients**

**THIRD READING CALENDAR      HOUSE NO. 42      SENATE NO. 20**

Hon. Thomas V. Mike Miller, Jr., President of the Senate  
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Education, Health, and Environmental Affairs Committee Amendments (HB0360/614938/1) be rejected.

(2) That the Conference Committee Amendments (HB0360/783324/1) be adopted.

**HB0360/783324/1**

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 360  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the second “the” insert “funding.”; in line 8, after “regulations;” insert “requiring the Department of Budget and Management to provide State employees information about the Program; requiring the local governing body of each county and municipality in the State to provide their employees with information about the Program.”; in line 9, strike “make” and substitute “submit”; and in line 14, strike “18–3106” and substitute “18–3107”.

AMENDMENT NO. 2

On page 2, in line 10, after “UNDERGRADUATE” insert “OR GRADUATE”.

On page 3, in line 1, strike “ON A FULL–TIME OR PART–TIME BASIS” and substitute “FOR A MINIMUM OF 20 HOURS PER WEEK”; in line 4, after “UNDERGRADUATE” insert “OR A GRADUATE”; in the same line, strike “A PUBLIC” and substitute “AN”; in line 10, after “UNDERGRADUATE” insert “OR GRADUATE”; and in line 15, strike “THE” and substitute “(A) SUBJECT TO THE AVAILABILITY OF FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION, THE”; in the same line, after “TO” insert “THE LESSER OF:”

**(1) \$5,000; OR**

**(2)**”;

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.”**

On page 4, after line 3, insert:

“18-3107.

(A) THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL PROVIDE TO STATE EMPLOYEES INFORMATION ABOUT THE PROGRAM.

(B) THE LOCAL GOVERNING BODY OF EACH COUNTY AND MUNICIPALITY OF THE STATE SHALL PROVIDE THEIR EMPLOYEES WITH INFORMATION ABOUT THE PROGRAM.”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 9 through 14, inclusive; after line 14, insert:

“SECTION 3. 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.”.

Senate Members:

House Members:

Chair, **Ronald N. Young**

Chair, **Mary L. Washington**

**Cheryl C. Kagan**

**Jimmy Tarlau**

**Johnny Ray Salling**

**Ric Metzgar**

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

(X) Chief Clerk

( ) Secretary, Senate

Conference Committee Report read and adopted.

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

Affirmative – 46    Negative – 0    (See Roll Call No. 1410)

The Bill was then sent to the House of Delegates.

## **PETITIONS, MEMORIALS AND OTHER PAPERS**

### **SUMMARY REPORT OF THE SENATE EXECUTIVE NOMINATIONS COMMITTEE**

(See Exhibit Q of Appendix III)

### **REPORT ON THE FISCAL 2017 STATE OPERATING BUDGET (SENATE BILL 190) AND THE STATE CAPITAL BUDGET (SENATE BILL 191) AND RELATED RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION COMMITTEE AND HOUSE APPROPRIATIONS COMMITTEE – JOINT CHAIRMEN’S REPORT**

(See Exhibit R of Appendix III)

### **ANNOUNCEMENTS BY THE PRESIDENT COMMITTEE ANNOUNCEMENTS EFFECTIVE APRIL 11, 2016**

(See Exhibit S of Appendix III)

## **MESSAGE TO THE SENATE**

APRIL 11, 2016

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 11, 2016 AT TWELVE O’CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM



THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 11, 2016, AT TWELVE O'CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES KAISER AND KIPKE.

BY ORDER,

SYLVIA SIEGERT  
CHIEF CLERK

Read and Ordered journalized.

### MESSAGE TO THE HOUSE OF DELEGATES

April 11, 2016

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 11, 2016, at Twelve o'clock Midnight, it stands adjourned Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Lawrence J. Hogan, Jr., Governor of Maryland. The Senate appoints Senators Pugh and Jennings.

By Order,

William B.C. Addison, Jr.  
Secretary

Read and adopted.

At 12:00 A.M. on motion of Senator Pugh the Senate adjourned Sine Die.

