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PROCEEDINGS
of the
HOUSE OF DELEGATES
of
MARYLAND
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VOLUME III

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Annapolis, Maryland
Legislative Day: March 18, 2007
Calendar Day: Wednesday, March 21, 2007

The House met at 10:19 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Shawn Z. Tarrant of Baltimore City.

QUORUM CALL

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

(See Roll Call No. 378)

The Journal of March 17, 2007 was read and approved.

EXCUSES:

Del. Goldwater – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 258 – Senators Frosh, Britt, Dyson, and Harris

AN ACT concerning

State Board of Physicians – Subpoenas – Medical Records for Mental Health Services

FOR the purpose of requiring certain health care providers, in accordance with a subpoena, to disclose certain medical records for mental health services to the State Board of Physicians for certain investigations into complaints made by a certain person under certain circumstances; authorizing the Board to issue certain subpoenas for medical records for mental health services for certain investigations if on a certain date the Board notifies the patient by certified mail that the subpoena has been issued and that the patient may assert certain rights within a certain period of time; authorizing the Board to require the disclosure of certain medical records if certain rights are not asserted within a certain period of time;

and generally relating to the issuance of subpoenas for medical records for mental health services by the State Board of Physicians.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–307(k)(1)(v)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–401(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 268 – Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Greenip, Haines, Hogan, Hooper, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

FOR the purpose of requiring the Maryland Library for the Blind and Physically Handicapped to convene a certain committee on or before a certain date; providing for the membership of the committee; requiring a certain number of the members of the committee to be blind or print disabled; requiring the committee to establish certain ~~procedures~~ guidelines to facilitate the delivery of certain materials to certain students in certain formats; establishing the duties of the Committee; providing for the content of certain guidelines; authorizing the Library to determine certain eligibility of certain students to make certain requests; requiring the Library to make certain requests to certain publishers regarding the provision of certain instructional materials; providing certain publishers a certain period of time to respond to certain requests; requiring certain publishers to indicate certain information to the Library; exempting certain publishers from certain requirements of this Act; requiring a certain electronic format to have certain characteristics; requiring a publisher to submit a certain electronic format containing certain characteristics under certain circumstances; providing for the content of a certain request to a certain publisher; requiring certain publishers to provide the Library with certain material at no cost and in a timely manner; authorizing certain publishers to request a copy of a certain agreement containing certain information; establishing certain technological security requirements for certain material by

certain persons; requiring certain persons to make a request of certain publishers using a certain procedure; authorizing an institution to assist certain students in transcribing certain materials into a braille copy; providing that certain institutions have a right to share a certain braille copy with certain students at the institution; requiring the Governor to include in the annual budget submission a certain appropriation beginning in a certain fiscal year and each fiscal year thereafter; providing for the application of this Act; providing that certain publishers may not be required to perform certain acts that may constitute infringement of a copyright or provide certain electronic formats under certain circumstances; defining certain terms; requiring the Library to consult and coordinate with the State Department of Education to facilitate the utilization of certain equipment and staff for certain purposes; and generally relating to instructional materials for blind or print disabled students.

BY adding to

Article – Education

Section 11-901 through ~~11-905~~ 11-906 to be under the new subtitle “Subtitle 9. Instructional Materials for Blind and Print Disabled Students”

Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 331 – Senator Frosh

AN ACT concerning

State Government – Commemorative Days – Rachel Carson Day

FOR the purpose of requiring the Governor to proclaim annually a certain date as Rachel Carson Day; and generally relating to establishing Rachel Carson Day.

BY adding to

Article – State Government

Section 13-406

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 351 – Senators Kelley, Astle, Currie, DeGrange, Exum, Gladden, Pinsky, Raskin, and Stone

AN ACT concerning

Forensic Laboratories – Standards and Oversight

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to adopt regulations that set certain standards and requirements; specifying the required contents of certain regulations; requiring ~~an individual who~~ a laboratory that examines or analyzes forensic specimens ~~on behalf of a certain laboratory~~ to demonstrate satisfactory performance in a certain proficiency testing program; requiring the Secretary to adopt certain regulations for a certain proficiency testing program; requiring ~~a certain employee~~ the Department of Health and Mental Hygiene to review certain proficiency tests and proficiency ~~test results at certain times~~ testing programs; requiring the Secretary to conduct certain inspections for a certain purpose; authorizing the Secretary to conduct certain investigations and surveys; providing that certain documents are public documents; requiring ~~the Secretary~~ a forensic laboratory to make certain information available to the public within a certain time of a written request; requiring the Secretary to adopt regulations that set qualifications for certain personnel; requiring the Secretary to set certain fees; ~~authorizing the Secretary to set a certain fee~~; requiring a person to hold a certain license before the person may offer or perform certain tests, examinations, or analyses in the State on or after a certain date; requiring the Secretary to issue a letter of exception to certain laboratories under certain circumstances; authorizing the Secretary to grant a certain waiver to certain laboratories; requiring an applicant to provide certain evidence to qualify for a certain license; requiring a certain applicant to submit an application to the Secretary on a certain form; specifying the required contents of an application for a certain license; requiring a certain applicant to pay a certain fee to the Department of Health and Mental Hygiene; requiring the Secretary to issue a certain license to a certain applicant; specifying the required contents of a certain license; requiring a certain license to designate the tests, examinations, or analyses that may be offered or performed by the laboratory; prohibiting a certain laboratory from operating in a manner not designated by its license; providing that a certain license is not transferable; providing that a certain license expires on a certain date, unless the license is renewed in accordance with this Act; authorizing a certain licensee to renew its license for an additional term under certain circumstances; requiring the Secretary to renew the license of each licensee who meets certain requirements; authorizing the Secretary to deny a certain license or suspend, revoke, or limit a certain license or the authority of a certain licensee to offer or perform tests that a certain license sets forth under certain circumstances; ~~requiring the Secretary to take certain actions if the Secretary finds that a certain laboratory no longer meets certain standards and requirements and the Secretary does not suspend or revoke the laboratory's license~~; ~~requiring the Secretary to undertake a certain due diligence review under certain circumstances~~; requiring authorizing the Secretary to order a certain laboratory to take certain actions if the Secretary finds that the laboratory provided erroneous or questionable reports, analyses, examinations, or test results; requiring a State's Attorney to provide certain notice to certain victims under certain circumstances; providing for certain

penalties; requiring the Secretary to give a certain applicant or licensee notice and an opportunity for a hearing under certain circumstances; requiring a certain laboratory to post a certain notice in a certain place; specifying the required contents of a certain notice; requiring the Secretary to specify the form of a certain notice; authorizing an employee of a forensic laboratory to disclose certain information to the Secretary under certain circumstances; prohibiting a certain laboratory from ~~discriminating or retaliating~~ taking certain adverse employment actions against a certain employee for ~~a certain reason~~ certain reasons; authorizing a certain employee to initiate ~~judicial~~ an action under certain circumstances; providing that a certain employee who prevails in a certain ~~judicial~~ action is entitled to certain remedies; limiting the time in which a certain ~~judicial~~ action may be filed; establishing a Forensic Laboratory Advisory Committee; specifying the membership of the Advisory Committee; requiring the ~~Secretary~~ Governor to designate a chair of the Advisory Committee and appoint members of the Advisory Committee at certain times; ~~establishing the Maryland Forensic Laboratory Improvement Fund as a special fund; providing for the funding of a certain fund; requiring the Governor's Office of Crime Control and Prevention to administer a certain fund; specifying the purposes for which grants shall be made from a certain fund;~~ providing that certain proceedings, records, and files of a ~~certain organization or agency~~ certain organizations or agencies are not discoverable and are not admissible in a certain criminal case; ~~providing that certain reports, findings, recommendations, and corrective actions issued by a certain organization or agency are discoverable and admissible to a certain extent;~~ requiring the Governor to include certain funds in the State budget for a certain ~~purpose for certain years~~; requiring the Secretary to make certain appointments on or before a certain date; requiring the Secretary to adopt certain regulations on or before a certain date; defining certain terms; modifying a certain definition; ~~providing that this Act does not apply to a certain type of testing;~~ and generally relating to standards and oversight for forensic laboratories.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 1–101(c) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General
Section 17–2A–01 through ~~17–2A–16~~ 17–2A–12 to be under the new subtitle
“Subtitle 2A. Forensic Laboratories”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – ~~Health Occupations~~ Health – General

Section ~~4-401~~ 19-2301

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 416 – Senators Jones, Britt, Conway, Currie, Exum, Gladden, McFadden, Muse, and Pugh

AN ACT concerning

Higher Education – Institutions of Higher Education – Plans for Programs of Cultural Diversity

FOR the purpose of requiring certain nonpublic institutions of higher education to submit a certain report regarding cultural diversity programs to the Maryland Independent College and University Association on or before a certain date each year; requiring the Association to submit a certain report on the status of certain cultural diversity programs to the Maryland Higher Education Commission on or before a certain date each year; requiring the report to include a certain analysis; requiring certain public institutions of higher education to develop and implement certain plans for a program of cultural diversity; requiring certain plans to include certain improvements to certain programs under certain circumstances; requiring certain plans to include certain implementation strategies and timelines for meeting certain goals; providing for the contents of a certain plan; requiring certain plans to enhance certain programming and certain sensitivity through certain instruction and training; ~~requiring certain institutions of higher education to submit certain plans to the Maryland Higher Education Commission; requiring the Commission to monitor certain plans to track implementation and compliance with the plans; requiring certain public institutions of higher education to submit certain plans to the governing body of the institution for review on or before a certain date each year; requiring the governing body of certain institutions to submit a certain progress report to the Commission on or before a certain date each year; requiring the Commission to review the progress report to monitor compliance with the goals of the State Plan for Higher Education;~~ and generally relating to plans for programs of cultural diversity.

BY repealing and reenacting, with amendments,

Article – Education

Section 10-211

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Education
 Section 11–406
 Annotated Code of Maryland
 (2006 Replacement Volume)

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

Senate Bill 419 – ~~Senator Madaleno~~ Senators Madaleno, Brinkley, Currie, DeGrange, Hogan, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

**Income Tax – Subtraction Modification – Military Retirement Income for
 Commissioned Officers**

FOR the purpose of altering a certain subtraction modification under the State income tax for certain military retirement income to include certain individuals; defining certain terms; providing for the application of this Act; and generally relating to the State income ~~tax~~ taxation of certain retirement income.

BY repealing and reenacting, without amendments,
 Article – Tax – General
 Section 10–207(a)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 10–207(q)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 472 – Senator Munson

AN ACT concerning

**Mental Hygiene Law – Court Records Relating to a Petition for Emergency
 Evaluation – Confidentiality**

FOR the purpose of requiring that ~~a certain~~ certain court records relating to a petition for emergency evaluation be confidential; prohibiting ~~a certain petition for emergency evaluation~~ certain court records from being divulged, except by a certain order of the court; providing that a certain ~~section~~ provision of this Act does not prohibit a

~~certain law enforcement agency, the Department of Health and Mental Hygiene, or a local health department from having access to and confidential use of a certain petition for a certain purpose; providing that the Department or a local health department shall be liable for the unauthorized release of a certain petition; requiring the Department or a local health department that has accessed a certain petition to submit a certain report to a certain court within a certain period of time; certain persons from reviewing certain court records; requiring that a certain petition for an emergency evaluation be considered a mental health record; authorizing the release of the petition by certain health care providers only as permitted by law; and generally relating to the confidentiality of court records relating to a petition for emergency evaluation.~~

BY adding to

Article – Health – General
Section 10–630
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 536 – Senators Klausmeier, Colburn, Hooper, Kelley, and Stone

AN ACT concerning

State Lottery – Compulsive Gambling Grants

FOR the purpose of establishing a special fund to provide grants to address the problem of compulsive gambling in the State; requiring that the Secretary of Health and Mental Hygiene issue certain grants to address the problem of compulsive gambling in the State; establishing the purpose of a certain pilot project; specifying the use of certain funds for certain services; providing for the termination of this Act; and generally relating to the State lottery and compulsive gambling in the State.

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–120
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 19–803 and 19–804
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 679 – Senators Raskin, Forehand, Jacobs, Kittleman, Lenett, Madaleno, McFadden, Peters, Robey, ~~and Simonaire~~ Simonaire, Brochin, Haines, Mooney, and Stone

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

FOR the purpose of excluding as a father of a child a man who has committed a certain sexual crime against the child’s mother for purposes of certain provisions relating to guardianship and adoption of a child under certain circumstances; authorizing the court to order a man to provide financial support to a child under certain circumstances; prohibiting a court from awarding custody or visitation of a child to a parent who has committed a certain sexual crime against the other parent under certain circumstances; requiring the court to consider the safety and well-being of the child’s other parent or guardian in approving supervised visitation; making a conforming change; and generally relating to paternity, custody, and visitation.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–306, 5–318(a)(1), 5–3A–06, 5–3B–05, and 9–101.2

Annotated Code of Maryland

(2006 Replacement Volume)

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

Senate Bill 711 – Senators Gladden and Dyson

AN ACT concerning

Education – “Share the State Fair!” ~~Matching Fund~~ Program

FOR the purpose of establishing the “Share the State Fair!” ~~Matching Fund~~ Program in the State Department of Education; specifying the purpose of the ~~Fund~~, ~~specifying sources of money for the Fund and~~ Program; requiring the Governor to include certain money in the State budget each year for the ~~Fund~~ Program; specifying the amount of a matching grant; restricting the use of grant money to the payment of certain costs; requiring the State Superintendent of Education to evaluate and make recommendations to the State Board of Education regarding grant applications ~~and to issue a certain annual report~~; requiring the State Board to adopt certain regulations; and generally relating to the “Share the State Fair!” ~~Matching~~

~~Fund~~ Program.

BY adding to
Article – Education
Section 7–116
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 765 – Senator Exum

EMERGENCY BILL

AN ACT concerning

Workers' Compensation Insurance – Notice – Premiums

FOR the purpose of establishing certain requirements for notice relating to premium amounts for renewal of workers' compensation insurance policies; ~~altering certain requirements relating to the renewal of workers' compensation and commercial insurance policies; altering the circumstances under which an insurer must provide a reasonable estimate of a renewal policy premium;~~ making this Act an emergency measure; providing for the application of this Act; and generally relating to certain requirements relating to notice and renewal of workers' compensation ~~and commercial~~ insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–608
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

FOR the purpose of altering the date by which a certain affidavit for surplus lines insurance must be filed with the Maryland Insurance Commissioner; and generally relating to surplus lines insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–307
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Joint Resolution 4 – ~~Senator Garagiola~~ Senators Garagiola, Astle, Della, Edwards, Exum, Kelley, Klausmeier, Middleton, and Pugh

A Senate Joint Resolution concerning

Veterans Health Care Budget Reform

FOR the purpose of urging the Maryland Congressional Delegation and the United States Congress to support veterans health care budget reform to allow direct funding instead of discretionary funding; and generally relating to the veterans health care budget.

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

THE COMMITTEE ON APPROPRIATIONS REPORT #7

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

House Bill 51 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2007, and the Maryland Consolidated Capital Bond Loans of 2000, 2001, 2003, 2004, 2005, and 2006

REPORT OF THE HOUSE COMMITTEE ON APPROPRIATIONS
TO THE MARYLAND HOUSE OF DELEGATES – 2007 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 51 – THE CAPITAL BUDGET

(Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 51 – THE CAPITAL BUDGET

(Exhibit I of Appendix II)

The preceding amendments were read only.

Delegate Jones moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

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

House Bill 1116 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

(Amendment ID: HB1116/184864/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1116
(First Reading File Bill)

On page 1, in line 17, strike “each of the following projects” and substitute “the Coppin State University New Physical Education Complex (Baltimore City)”; and in line 20, strike “these projects:” and substitute “this project.”.

On pages 1 and 2, strike in their entirety the lines beginning line 21 on page 1 through in line 3 on page 2, inclusive.

The preceding amendment was read only.

Delegate Jones moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #13

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

House Bill 500 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – State’s Attorney’s Office – Composition and Salaries
PG 302–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 525 – Delegates McConkey, V. Clagett, Hucker, Shewell, and Weir

AN ACT concerning

**Real Property – Condominiums and Homeowners Associations – Court
Appointment of Receiver**

(Amendment ID: HB0525/470710/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 525 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a unit owner” and substitute “not less than a certain number of unit owners”; in lines 6 and 7, strike “a certain unit owner” and substitute “the unit owners”; in line 7, strike “a certain unit owner” and substitute “the unit owners”; in line 8, strike “owner” and substitute “owners”; in line 9, after “circumstances;” insert

“providing that a certain receiver may not reside in or own a unit in a certain condominium;”; in lines 12 and 13, strike “an owner of a certain lot” and substitute “not less than a certain number of owners of certain lots”; in line 15, strike “a certain lot owner” and substitute “the lot owners”; in line 16, strike “owner” and substitute “owners”; and in line 17, after “circumstances;” insert “providing that a certain receiver may not reside in or own a lot in a certain development;”.

AMENDMENT NO. 2

On page 2, in line 7, strike “A UNIT OWNER” and substitute “THREE OR MORE UNIT OWNERS”; in line 11, strike “OWNER” and substitute “OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION”; in lines 13 and 17, in each instance, strike “OWNER” and substitute “OWNERS”; after line 17, insert:

“(D) A RECEIVER APPOINTED BY A COURT UNDER THIS SECTION MAY NOT RESIDE IN OR OWN A UNIT IN THE CONDOMINIUM GOVERNED BY THE COUNCIL OF UNIT OWNERS.”;

in lines 18 and 23, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; and in line 23, strike “IF A RECEIVER IS APPOINTED, THE” and substitute “THE”.

AMENDMENT NO. 3

On page 2, in line 28, strike “AN OWNER OF A LOT” and substitute “THREE OR MORE OWNERS OF LOTS”.

On page 3, in line 4, strike “OWNER” and substitute “OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION”; in lines 6 and 9, in each instance, strike “OWNER” and substitute “OWNERS”; after line 10, insert:

“(D) A RECEIVER APPOINTED BY A COURT UNDER THIS SECTION MAY NOT RESIDE IN OR OWN A LOT IN THE DEVELOPMENT GOVERNED BY THE HOMEOWNERS ASSOCIATION.”;

in lines 11 and 16, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; and in line 16, strike “IF A RECEIVER IS APPOINTED, THE” and substitute “THE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 627 – Prince George’s County Delegation

AN ACT concerning

**Task Force to Study Rent Stabilization for the Elderly in Prince George’s County
PG 405–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 711 – Montgomery County Delegation and Prince George’s County Delegation (By Request)

AN ACT concerning

**Maryland–National Capital Park and Planning Commission – Open Space
Dedication – Fee in Lieu
MC/PG 120–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 762 – Delegates Anderson, Glenn, Hammen, Haynes, Kirk, Krysiak, and McHale

AN ACT concerning

**Baltimore City – Housing Authority – Continued Occupancy by Family Member on
Death of Tenant**

(Amendment ID: HB0762/450710/1)

BY: Environmental Matters Committee

AMENDMENT NO. 1

On page 1, in line 8, after “occupancy;” insert “authorizing the Authority to initiate legal proceedings no earlier than a certain time to evict a certain occupant who does not satisfy certain conditions for continued occupancy of the premises;”.

AMENDMENT NO. 2

On page 1, in line 19, before “If” insert “(A)”.

On page 2, in line 5, before “**IF**” insert “(B)”; after line 17, insert:

“(C) IF THE SURVIVING SPOUSE OR OTHER MEMBER OF THE DECEASED TENANT’S IMMEDIATE FAMILY WHO IS AN OCCUPANT OF THE PREMISES AT THE TIME OF THE TENANT’S DEATH DOES NOT SATISFY THE CONDITIONS IN SUBSECTION (B)(1) AND (2) OF THIS SECTION, THE HOUSING AUTHORITY OF BALTIMORE CITY MAY INITIATE LEGAL PROCEEDINGS TO EVICT THE OCCUPANT NO EARLIER THAN 10 DAYS FOLLOWING THE DATE OF THE TENANT’S DEATH.”;

in line 18, before “If” insert “(D)”; and in line 21, before “If” insert “(E)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 784 – Delegates Lawton, McIntosh, Barkley, Bobo, Bronrott, Cane, V. Clagett, Frush, Glassman, Healey, Holmes, Hucker, Lafferty, Malone, Manno, Mizur, Shewell, and Waldstreicher

AN ACT concerning

Affordable Housing – Enabling Authority for Counties and Municipalities

(Amendment ID: HB0784/230712/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 784
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “making certain technical corrections;”; in line 8, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 10, strike “6–203” and substitute “20–101 to be under the new title “Title 20. Affordable Housing Programs””.

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 16 on page 2, inclusive, and substitute:

“TITLE 20. AFFORDABLE HOUSING PROGRAMS.

20–101.”

On page 2, in line 17, strike “(B)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 22 through 24, inclusive; in lines 25 and 28, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; and in line 29, after the semicolon, insert “AND”.

On page 3, in line 1, strike “(5)” and substitute “(4)”; in the same line, strike “PILOT” and substitute “PILOT (PAYMENT IN LIEU OF TAXES)”; and strike beginning with the semicolon in line 2 down through “HOUSING” in line 4.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #14

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

House Bill 1111 – Delegates Sossi, Smigiel, and Walkup

AN ACT concerning

Town of Sudlersville (Queen Anne’s County) – Urban Renewal Authority for Slum Clearance – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1131 – Delegates Hubbard and Frush

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

(Amendment ID: HB1131/940217/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1131
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; and in line 5, after “date;” insert “requiring the Department of the Environment to report to the Governor and General Assembly by a certain date;”.

AMENDMENT NO. 2

On page 3, in line 4, strike “**DECEMBER 1, 2008**” and substitute “**JULY 1, 2010**”; in line 6, strike “**USED**” and substitute “**FOR USE**”; in the same line, after “A” insert “**HOUSEHOLD**”; strike beginning with “, **WHETHER**” in line 6 down through “**HOUSEHOLD,**” in line 7; after line 8, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, by December 1, 2008, the Maryland Department of the Environment shall report to the Governor and, subject to § 2–1246 of the State Government Article, the General Assembly on:

(1) the prospective availability of detergents containing 0.5 percent phosphorus or less, by weight, for use in commercial dishwashing machines; and

(2) a recommended date by which the use of such detergents in commercial dishwashing machines may be reasonably required.”;

and in line 9, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1215 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Community Right-to-Know Fund – Reports

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #7**

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

House Bill 325 – Delegates Hubbard, Costa, Gaines, Kullen, and Taylor

AN ACT concerning

State Residential Centers – Money Follows the Individual Act

(Amendment ID: HB0325/326784/2)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 325
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, Hammen, Benson, Donoghue, Elliott, Kipke, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; strike line 2 in its entirety and substitute “Department of Health and Mental Hygiene – Money Follows the Person Grant – Report”; strike beginning with “prohibiting” in line 3 down through “waivers” in line 11 and substitute “requiring the Department of Health and Mental Hygiene to make a certain report to certain committees of the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to the Department of Health and Mental”

Hygiene and the Money Follows the Person grant”; and in line 14, strike “15–135.1” and substitute “15–144”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 15 on page 3, inclusive, and substitute:

“15–144.

(A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE’S MONEY FOLLOWS THE PERSON GRANT.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) AN UPDATE ON COMMUNICATIONS BETWEEN THE DEPARTMENT AND THE CENTERS FOR MEDICARE AND MEDICAID SERVICES RELATED TO THE GRANT;

(2) INFORMATION ON FUNDING RECEIVED FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER THE GRANT;

(3) THE NUMBER OF INDIVIDUALS MOVED OUT OF INSTITUTIONAL SETTINGS UNDER THE GRANT, BY TYPE OF INSTITUTION; AND

(4) ANY PLANS OR POLICIES DEVELOPED BY THE DEPARTMENT TO MOVE INDIVIDUALS OUT OF INSTITUTIONAL SETTINGS.”.

AMENDMENT NO. 3

On page 3, in line 17, after “2007.” insert “It shall remain effective for a period of 6 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 524 – Delegates Nathan–Pulliam, Benson, Bronrott, Burns, Costa, Donoghue, Hammen, Hubbard, Kach, Kullen, Lawton, Lee, Mizeur, Montgomery, Morhaim, Oaks, Pendergrass, Proctor, Stein, F. Turner, and Waldstreicher

AN ACT concerning

Workgroup on Cultural Competency and Workforce Development for Mental Health Professionals

(Amendment ID: HB0524/346584/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 524
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Kipke, Tarrant, V. Turner, and Pena–Melnyk”.

AMENDMENT NO. 2

On page 1, in line 4, after the second “the” insert “Mental Health Transformation Working Group, in collaboration with the Mental Hygiene Administration and the”; in the same line, after “Disparities” insert a comma; in line 9, strike “Governor and” and substitute “Governor,”; and in line 10, after “Assembly” insert “, and a certain committee”.

AMENDMENT NO. 3

On page 1, in line 15, after “The” insert “Mental Health Transformation Working Group, in collaboration with the Mental Hygiene Administration and the”; and in line 16, after “Hygiene” insert a comma.

AMENDMENT NO. 4

On page 2, in line 6, strike “and”; and in line 8, after “Workgroup” insert “;

(7) the Statewide Commission on the Shortage in the Healthcare Workforce;

(8) the Governor’s Workforce Investment Board or other groups working on health workforce shortage issues; and

(9) State and other organizations that represent minority health professionals".

AMENDMENT NO. 5

On page 3, in line 3, strike "changes to" and substitute "the advantages and disadvantages of changing".

AMENDMENT NO. 6

On page 3, in line 9, after "Assembly" insert "and the Joint Committee on Access to Mental Health Services".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 579 – Delegates Tarrant, Bromwell, Harrison, Hucker, Jones, Kirk, Lawton, Mathias, Rice, Riley, and Walker

AN ACT concerning

**Health Insurance – Authorization of Additional Products and Small Group
Administrative Discounts**

(Amendment ID: HB0579/116586/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 579

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute, "Walker, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, V. Turner, and Weldon"; in line 3, after "Discounts" insert "and Study"; strike beginning with "making" in line 4 down through "specialists;" in line 8 and substitute "providing that the Maryland Insurance Commissioner may authorize certain health insurance carriers to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the health insurance carrier meets certain requirements;"; in lines 9 and 10, in each instance, after "insurers" insert "and nonprofit health service plans";

strike beginning with “providing” in line 13 down through “circumstances;” in line 16 and substitute “requiring certain carriers that use a provider panel and offer a certain preferred provider insurance policy to adhere to certain standards;”; strike beginning with “providing” in line 18 down through “exclude” in line 20 and substitute “providing that a limited benefit group health insurance contract may be issued only by an insurer or nonprofit health service plan to an employer to provide health coverage only for certain employees; authorizing certain health insurance carriers to condition the sale of certain contracts on an employer taking certain actions;”; in line 20, strike “a carrier” and substitute “certain health insurance carriers;”; and in line 21, after “circumstances;” insert “requiring the Maryland Health Care Commission to conduct a certain study and report to certain committees of the General Assembly on or before a certain date;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 4 on page 2, inclusive.

On page 2, in line 12, strike “14–205, 15–1202, 15–1204,” and substitute “15–112(b)(1)”; and strike beginning with “14–205.1” in line 17 down through “Employees” in line 19 and substitute “14–205.1 and 15–1104”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 24 through 27, inclusive.

On pages 4 and 5, strike beginning with line 17 on page 4 through line 23 on page 5, inclusive.

On page 5, after line 24, insert:

“(A) THE COMMISSIONER MAY AUTHORIZE AN INSURER OR NONPROFIT HEALTH SERVICE PLAN TO OFFER A PREFERRED PROVIDER INSURANCE POLICY THAT CONDITIONS THE PAYMENT OF BENEFITS ON THE USE OF PREFERRED PROVIDERS IF THE INSURER OR NONPROFIT HEALTH SERVICE PLAN:

(1) HAS DEMONSTRATED TO THE SECRETARY OF HEALTH AND MENTAL HYGIENE THAT THE PROVIDER PANEL OF THE INSURER OR NONPROFIT HEALTH SERVICE PLAN COMPLIES WITH THE REGULATIONS ADOPTED UNDER § 19–705.1(B)(1)(II) OF THE HEALTH – GENERAL ARTICLE; AND

(2) DOES NOT RESTRICT PAYMENT FOR COVERED SERVICES PROVIDED BY NONPREFERRED PROVIDERS:

(i) FOR EMERGENCY SERVICES, AS DEFINED IN § 19–701 OF THE HEALTH – GENERAL ARTICLE;

(ii) FOR AN UNFORESEEN ILLNESS, INJURY, OR CONDITION REQUIRING IMMEDIATE CARE; OR

(III) AS REQUIRED UNDER § 15-830 OF THIS ARTICLE.”;

in line 25, strike “(A)” and substitute “**(B)**”; and in line 27, after “INSURER” insert “**OR NONPROFIT HEALTH SERVICE PLAN**”.

On page 6, in line 1, after “INSURER” insert “**OR NONPROFIT HEALTH SERVICE PLAN**”; in line 6, strike “(B)” and substitute “**(C)**”; and after line 10, insert:

“**15-112.**

(b) (1) A carrier that uses a provider panel shall:

(i) 1. if the carrier is an insurer, nonprofit health service plan, or dental plan organization, maintain standards in accordance with regulations adopted by the Commissioner for availability of health care providers to meet the health care needs of enrollees; [and]

2. if the carrier is a health maintenance organization, adhere to the standards for accessibility of covered services in accordance with regulations adopted under § 19-705.1(b)(1)(ii) of the Health – General Article; and

3. IF THE CARRIER IS AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT OFFERS A PREFERRED PROVIDER INSURANCE POLICY THAT CONDITIONS THE PAYMENT OF BENEFITS ON THE USE OF PREFERRED PROVIDERS, ADHERE TO THE STANDARDS FOR ACCESSIBILITY OF COVERED SERVICES IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 19-705.1(B)(1)(II) OF THE HEALTH – GENERAL ARTICLE AND AS ENFORCED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

(ii) establish procedures to:

1. review applications for participation on the carrier’s provider panel in accordance with this section;

2. notify an enrollee of:

A. the termination from the carrier’s provider panel of the primary care provider that was furnishing health care services to the enrollee; and

B. the right of the enrollee, on request, to continue to receive health care services from the enrollee’s primary care provider for up to 90 days after the date of the notice of termination of the enrollee’s primary care provider from the carrier’s provider panel, if the termination was for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status;

3. notify primary care providers on the carrier's provider panel of the termination of a specialty referral services provider;

4. verify with each provider on the carrier's provider panel, at the time of credentialing and recredentialing, whether the provider is accepting new patients and update the information on participating providers that the carrier is required to provide under subsection (j) of this section; and

5. notify a provider at least 90 days before the date of the termination of the provider from the carrier's provider panel, if the termination is for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status.

15-1104.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EMPLOYER SPONSORED HEALTH BENEFIT PLAN" MEANS ANY PLAN, FUND, OR PROGRAM THAT:

(I) IS ESTABLISHED OR MAINTAINED BY AN EMPLOYER UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974;

(II) OFFERS COVERAGE FOR HEALTH BENEFITS; AND

(III) IS TREATED BY THE EMPLOYER OR ANY ELIGIBLE EMPLOYEE OR DEPENDENT AS PART OF A PLAN, FUND, OR PROGRAM UNDER THE UNITED STATES INTERNAL REVENUE CODE, 26 U.S.C. § 106, § 125, OR § 162.

(3) "GROUP HEALTH INSURANCE" HAS THE MEANING STATED IN § 15-302 OF THIS TITLE.

(4) "LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT" MEANS A GROUP HEALTH INSURANCE CONTRACT THAT PROVIDES HEALTH INSURANCE BENEFITS, BUT IS NOT REQUIRED TO PROVIDE ALL THE BENEFITS REQUIRED UNDER SUBTITLES 7 AND 8 OF THIS TITLE.

(5) "SPECIAL ELIGIBLE EMPLOYEE" MEANS AN EMPLOYEE WHO:

(I) IS ELIGIBLE FOR HEALTH COVERAGE UNDER THE TERMS OF AN EMPLOYER SPONSORED HEALTH BENEFIT PLAN;

(II) WORKS:

1. ON A TEMPORARY OR SUBSTITUTE BASIS; OR
2. LESS THAN 30 HOURS IN A NORMAL WORKWEEK;

AND

(III) IS NOT ELIGIBLE FOR COVERAGE UNDER ANY GROUP HEALTH INSURANCE CONTRACT, NONPROFIT HEALTH SERVICE PLAN CONTRACT, OR HEALTH MAINTENANCE ORGANIZATION CONTRACT ISSUED TO THE EMPLOYEE'S EMPLOYER BECAUSE THE EMPLOYEE MEETS THE CRITERIA OF ITEM (II) OF THIS PARAGRAPH.

(B) A LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT MAY BE ISSUED ONLY BY AN INSURER OR NONPROFIT HEALTH SERVICE PLAN TO AN EMPLOYER IF THE LIMITED GROUP HEALTH INSURANCE CONTRACT IS ISSUED TO PROVIDE HEALTH COVERAGE ONLY FOR:

- (1) SPECIAL ELIGIBLE EMPLOYEES; OR
- (2) SPECIAL ELIGIBLE EMPLOYEES AND THEIR DEPENDENTS.

(C) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT SELLS A LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT, AS A CONDITION OF SALE, MAY REQUIRE THE EMPLOYER TO:

- (1) COLLECT PAYMENT FOR PREMIUMS DUE UNDER THE LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT THROUGH PAYROLL DEDUCTION;
- (2) CONTRIBUTE TO THE PREMIUM PAYMENTS APPLICABLE TO THE COVERAGE OF A SPECIAL ELIGIBLE EMPLOYEE; AND
- (3) OFFER COVERAGE TO ANY DEPENDENT OF A SPECIAL ELIGIBLE EMPLOYEE.

(D) A LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT SHALL COMPLY WITH:

- (1) TITLE 15 OF THIS ARTICLE, EXCEPT SUBTITLES 7 AND 8; AND
- (2) NOTWITHSTANDING ITEM (1) OF THIS SUBSECTION, §§ 15-802, 15-812, 15-815, 15-830, 15-831, 15-832, AND 15-833 OF THIS ARTICLE.

(E) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN SHALL DISCLOSE IN THE GROUP CERTIFICATE AND IN ENROLLMENT MATERIAL PROVIDED TO EACH SPECIAL ELIGIBLE EMPLOYEE THAT THE LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT DOES NOT PROVIDE COMPREHENSIVE HEALTH COVERAGE.”.

AMENDMENT NO. 3

On pages 6 through 8, strike in their entirety the lines beginning with line 11 on page 6 through line 23 on page 8, inclusive.

AMENDMENT NO. 4

On page 9, strike beginning with “ADDITIONAL” in line 26 down through “THROUGH” in line 27 and substitute “, FOR ITS EMPLOYEES, AN ANNUITY, DENTAL INSURANCE, DISABILITY INSURANCE, LIFE INSURANCE, LONG TERM CARE INSURANCE, VISION INSURANCE, OR, WITH THE APPROVAL OF THE COMMISSIONER, ANY OTHER INSURANCE SOLD BY”.

On pages 10 and 11, strike in their entirety the lines beginning with line 3 on page 10 through line 19 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Health Care Commission shall:

(1) conduct a study of the comprehensive standard health benefit plan for the small group health insurance market; and

(2) on or before December 1, 2007, report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on options available, including modifying the comprehensive standard health benefit plan to specify a separate in-network deductible, out-of-network deductible, in-network out-of-pocket maximum, and out-of-network out-of-pocket maximum, to reform the comprehensive standard health benefit plan in a manner that will encourage more employers to enter the small group market.”;

and in line 20, strike “2.” and substitute “3.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 692 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Local Small Business Enterprise Program – Eligibility Criteria
MC/PG 105–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 800 – Chair, Health and Government Operations Committee

AN ACT concerning

Maryland Health Care Commission – Program Evaluation

(Amendment ID: HB0800/386582/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 800
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “making permanent a certain authorization to assess a certain administrative charge to fund certain services;”.

On page 2, in line 13, strike “19–111(c)(1),” and substitute “19–110(b), 19–111(c).”.

AMENDMENT NO. 2

On page 3, after line 25, insert:

“19–110.

(b) (1) The power of the Secretary to transfer, by rule, regulation, or written directive, any staff, functions, or funds of units in the Department does not apply to any staff, function, or funds of the Commission.

(2) [For fiscal year 2007, the] THE Secretary may assess an administrative charge, consistent with the indirect cost charge assessed to federal grants, to fund services provided to the Commission by the Executive Branch.”;

and after line 28, insert:

“(2) (I) The fees assessed by the Commission shall be used exclusively to cover the actual documented direct costs of fulfilling the statutory and regulatory duties of the Commission in accordance with the provisions of this subtitle.

(II) [For the fiscal year 2007, the] THE costs of the Commission include the administrative costs incurred by the Department on behalf of the Commission.

(III) The amount to be paid by the Commission to the Department for administrative costs, not to exceed 18% of the salaries of the Commission, shall be based on indirect costs or services benefiting the Commission, less overhead costs paid directly by the Commission.

(3) The Commission shall pay all funds collected from the fees assessed in accordance with this section into the Fund.

(4) The fees assessed may be expended only for purposes authorized by the provisions of this subtitle.

(5) The amount in paragraph (1) of this subsection limits only the total fees the Commission may assess in a fiscal year.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 880 – Delegates Aumann, Bates, Boteler, Burns, Dwyer, Frank, Haddaway, Haynes, Jennings, Kach, Lafferty, O’Donnell, Olszewski, Smigiel, Stocksdales, and Weir

AN ACT concerning

**Senior Citizen Activities Centers – Capital Improvement Grants Program
– Maximum Grant Amount**

(Amendment ID: HB0880/776386/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 880
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weir” and substitute “Weir, Hammen, Benson, Costa, Donoghue, Elliott, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”.

AMENDMENT NO. 2

On page 2, in line 2, strike “\$1,000,000” and substitute “\$800,000”.

AMENDMENT NO. 3

On page 3, in line 6, strike “July” and substitute “October”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 907 – Cecil County Delegation

AN ACT concerning

Cecil County – Bridge or Road Construction or Repair Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 947 – Delegates Kach, Kipke, Kullen, Morhaim, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Providers – Reimbursement by Carriers

(Amendment ID: HB0947/736586/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 947 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Riley” and substitute “Riley, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, McDonough, Mizeur, Montgomery, Oaks, Pena–Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon”; in line 2, strike “by Carriers” and substitute “and Charges”; in line 3, strike the second “certain”; in line 4, strike “deliver” and substitute “provide”; in the same line, after “a” insert “certain”; in the same line, strike “other”; in line 5, strike “entity” and substitute “facility to be considered participating providers or”; in the same line, strike “the” and substitute “a certain”; strike beginning with “applicable” in line 5 down through “provider” in line 7 and substitute “under certain circumstances; requiring a certain provider to give certain notice to an enrollee”; and in line 8, strike “reimbursement of health care providers by carriers” and substitute “health care provider reimbursement and charges”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 through 26, inclusive, and substitute:

“(O) (1) A CARRIER MAY NOT REQUIRE A PROVIDER THAT PROVIDES HEALTH CARE SERVICES THROUGH A GROUP PRACTICE OR HEALTH CARE FACILITY THAT PARTICIPATES ON THE CARRIER’S PROVIDER PANEL UNDER A CONTRACT WITH THE CARRIER TO BE CONSIDERED A PARTICIPATING PROVIDER OR ACCEPT THE REIMBURSEMENT FEE SCHEDULE APPLICABLE UNDER THE CONTRACT WHEN:

(I) PROVIDING HEALTH CARE SERVICES TO ENROLLEES OF THE CARRIER THROUGH AN INDIVIDUAL OR GROUP PRACTICE OR HEALTH CARE FACILITY THAT DOES NOT HAVE A CONTRACT WITH THE CARRIER; OR

(II) BILLING FOR HEALTH CARE SERVICES PROVIDED TO ENROLLEES OF THE CARRIER USING A DIFFERENT FEDERAL TAX IDENTIFICATION NUMBER THAN THAT USED BY THE GROUP PRACTICE OR HEALTH CARE FACILITY UNDER A CONTRACT WITH THE CARRIER.

(2) A NONPARTICIPATING PROVIDER SHALL NOTIFY AN ENROLLEE:

(I) THAT THE PROVIDER DOES NOT PARTICIPATE ON THE PROVIDER PANEL OF THE ENROLLEE’S CARRIER; AND

(II) OF THE ANTICIPATED TOTAL CHARGES FOR THE HEALTH CARE SERVICES.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1078 – Delegate Conway

AN ACT concerning

**Public Safety – Maryland State Firemen’s Association – Uses
of Appropriation**

(Amendment ID: HB1078/986489/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1078
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Conway” and substitute “Delegates Conway, Elmore, Hammen, Beitzel, Benson, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; and in line 5, after “budget;” insert “altering the purposes for which the Volunteer Company Assistance Fund may be used for a certain fiscal year;”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any provisions of law, in fiscal year 2008 the Volunteer Company Assistance Fund established under § 8–202 of the Public Safety Article may be used for the purpose of providing grants to the Maryland State Firemen’s Association for administrative expenses and grants to widows and orphans.”

On page 3, in line 1, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #7

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

House Bill 38 – Delegates Hixson, Cardin, Doory, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, Olszewski, Stukes, and F. Turner

AN ACT concerning

Income Tax – Credit for Providing Adult Literacy Programs

(Amendment ID: HB0038/765068/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 38

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Manno, Bartlett, Barve, Elmore, George, Jennings, McKee, Murphy, Rice, Ross, and Walker”.

AMENDMENT NO. 2

On page 3, in line 27, strike “**\$2,000,000**” and substitute “\$250,000”.

On page 4, in line 5, strike “**\$2,000,000**” and substitute “\$250,000”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 275 – Delegates Kaiser, Barkley, Bohanan, Cane, Donoghue, Feldman, George, Gutierrez, Heller, Howard, Hubbard, N. King, Kipke, Krebs, Kullen, Lawton, Manno, Mizeur, Montgomery, Olszewski, Pena–Melnyk, Proctor, Riley, Ross, Shewell, and Waldstreicher

AN ACT concerning

Education – Teachers – State and Local Aid Program for Certification by the National Board for Professional Teaching Standards

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 475 – Delegates Healey, Cardin, G. Clagett, V. Clagett, Davis, Gaines, Gilchrist, Haynes, Heller, Hixson, Howard, Hubbard, Ivey, James, Kaiser, N. King, Love, Montgomery, Niemann, Pendergrass, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Public School Construction Assistance Act of 2007

(Amendment ID: HB0475/435868/4)

BY: Committee on Ways and Means and Appropriations Committee

AMENDMENTS TO HOUSE BILL 475
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “renovation;” insert “providing that certain transfer tax revenues for certain fiscal years may be used for certain purposes; providing for a certain report to be submitted to the Governor and the General Assembly by a certain date;”; and in line 17, after “13–209(a)” insert “and (b)”.

AMENDMENT NO. 2

On page 11, after line 20, insert:

“(b) **(1)** For the fiscal year beginning July 1, 2002 and for subsequent fiscal years, up to 3% of the revenues in the special fund may be appropriated in the State budget for salaries and related expenses in the Departments of General Services and

Natural Resources and in the Department of Planning necessary to administer Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space).

(2) IN ADDITION TO AMOUNTS THAT MAY BE APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, FOR EACH FISCAL YEAR BEGINNING ON OR AFTER JULY 1, 2007, BUT BEFORE JULY 1, 2011, UP TO \$5,000,000 OF THE REVENUES IN THE SPECIAL FUND MAY BE APPROPRIATED IN THE STATE BUDGET FOR SALARIES AND RELATED EXPENSES FOR THE MARYLAND PARK SERVICE IN THE DEPARTMENT OF NATURAL RESOURCES.

(3) ANY FUNDS APPROPRIATED UNDER PARAGRAPH (2) OF THIS SUBSECTION ARE INTENDED TO SUPPLEMENT, AND NOT SUPPLANT, ANY STATE GENERAL FUND APPROPRIATIONS OTHERWISE PROVIDED FOR IN THE ANNUAL STATE BUDGET.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Natural Resources study, develop, and implement a plan to fully fund the operations of the Maryland Park Service using State general funds. The Department shall report the results of its study and its recommendations to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on or before October 1, 2008.”;

and in line 21, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 523 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Municipal Corporations – Building Excise Tax

(Amendment ID: HB0523/215561/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 523
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after the second “to” insert “calculate and”; and in line 20, strike “and operating”.

AMENDMENT NO. 2

On page 2, in line 21, after “TO” insert “CALCULATE AND”.

On page 3, in line 1, after “RATES” insert “IMPOSED”; and in line 10, strike “, BUT NOT LIMITED TO” and substitute “FOR”.

AMENDMENT NO. 3

On page 3, in line 18, strike “AND”; after line 18, insert:

“(VII) DEBT REDUCTION RELATED TO EXPENDITURES FOR CAPITAL IMPROVEMENTS; AND”;

and in line 19, strike “(VII)” and substitute “(VIII)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 619 – Delegates Kelly, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carter, G. Clagett, V. Clagett, Conaway, Conway, Costa, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Gaines, George, Gilchrist, Glassman, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Impallaria, Ivey, James, Jameson, Jennings, Jones, Kach, Kaiser, J. King, N. King, Kipke, Kirk, Kramer, Krebs, Krysiak, Kullen, Lafferty, Lawton, Lee, Levy, Love, Malone, Manno, McComas, McConkey, McDonough, McHale, McIntosh, McKee, Miller, Minnick, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, O’Donnell, Olszewski, Pena–Melnik, Pendergrass, Proctor, Rice, Riley, Robinson, Rosenberg, Ross, Rudolph, Schuh, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, Taylor, F. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Public Schools – County Superintendent of Schools – Notification of Criminal Charges

Favorable report adopted.

Delegate Anderson moved to make the Bill a Special Order for Thursday.

The motion was adopted.

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

House Bill 698 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Public School Facilities Surcharge
PG 420–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 838 – Delegates Ross, Barkley, Barnes, Bronrott, George, Heller, Hubbard, Hucker, Ivey, Kach, Kaiser, Levi, McDonough, Minnick, Niemann, Ramirez, Rice, Simmons, Stukes, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Education – Character Education Fund

(Amendment ID: HB0838/845969/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 838
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walker” and substitute “Walker, Cardin, Doory, Howard, N. King, Olszewski, and F. Turner”; in line 10, strike “host a certain conference annually” and substitute “devote a certain amount of the Fund to

certain activities”; and strike beginning with “expressing” in line 12 down through “time;” in line 14.

On page 3, strike beginning with the first “THE” in line 4 down through “CONFERENCE” in line 7 and substitute “PROGRAM ADMINISTRATION, PROFESSIONAL DEVELOPMENT, AND TECHNICAL ASSISTANCE TO LOCAL SCHOOL SYSTEMS WITH CHARACTER EDUCATION PROGRAMS THAT RECEIVED GRANTS FROM THE FUND”.

On page 4, strike in their entirety lines 20 and 21; and strike in their entirety lines 27 through 29.

On page 5, in line 1, strike “3.” and substitute “2.”.

AMENDMENT NO. 2

On page 4, in line 7, after “COUNTY;” insert “AND”; and strike beginning with “, BY” in line 8 down through “AND” in line 19 and substitute “REPORTING REQUIREMENTS THAT ARE ALIGNED WITH THE CRITERIA TO BE ESTABLISHED FOR CHARACTER EDUCATION PROGRAMS BY THE DEPARTMENT, INCLUDING, BUT NOT LIMITED TO, ACADEMIC ACHIEVEMENT, SCHOOL CLIMATE, AND THE DEVELOPMENT OF IDENTIFIED SOCIAL SKILLS.”.

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 964 – Delegates Conway and Mathias

AN ACT concerning

Atlantic Coastal Bays – Dredging for Oysters and Clams – Prohibition

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

FLOOR AMENDMENT

(Amendment ID: HB0964/633121/1)

BY: Delegate Haddaway

AMENDMENTS TO HOUSE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the comma and substitute “or”; and in the same line, strike “or other mechanical means of” and substitute “for”.

AMENDMENT NO. 2

On page 2, in line 16, strike the first comma and substitute “OR”; and in the same line, strike “, **OR OTHER MECHANICAL MEANS**”.

On page 3, in line 2, strike “**OR OTHER MECHANICAL MEANS**”.

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

(Amendment ID: HB0964/913120/1)

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Act;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 6, in line 7, strike “2007” and substitute “2008”.

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

Affirmative – 41 Negative – 96 (See Roll Call No. 379)

FLOOR AMENDMENT

(Amendment ID: HB0964/233224/1)

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 964
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Act;” insert “requiring the Department of Natural Resources to report to the General Assembly on or before a certain date; providing for a delayed effective date for certain provisions of this Act;”.

AMENDMENT NO. 2

On page 6, after line 5, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2007, the Department of Natural Resources shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on a plan to allow limited entry into the Atlantic Coastal Bays, as defined in § 8-1802 of the Natural Resources Article, for the purposes of dredging clams and oysters.

SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act shall take effect October 1, 2008.”;

in line 6, strike “3.” and substitute “5.”; in the same line, after “That” insert “, except as provided in Section 4 of this Act,”; and in line 7, strike “October” and substitute “June”.

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

Affirmative – 39 Negative – 99 (See Roll Call No. 380)

Read the second time and ordered prepared for Third Reading.

House Bill 992 – Delegates Anderson, Carter, Conaway, Lee, Love, and Rosenberg

AN ACT concerning

Criminal Procedure – Drug-Related Offenses – Repeal of Mandatory Minimum Sentences

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

Delegate Aumann moved to make the Bill a Special Order for Thursday.

The motion was adopted.

House Bill 1195 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Local Correctional Facilities – Diminution Credits – Good Conduct

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

Delegate O'Donnell moved to make the Bill a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 381)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 161 – The Speaker and Delegates Jones, G. Claggett, McIntosh, and Simmons

AN ACT concerning

Governor's Appointments Office and Appointing Authorities – Duties

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

Affirmative – 140 Negative – 0 (See Roll Call No. 382)

The Bill was then sent to the Senate.

House Bill 222 – Delegate Beitzel

AN ACT concerning

**Garrett County – Local Government Tort Claims Act – Inclusion of Specified
Nonprofit Entity**

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

Affirmative – 136 Negative – 4 (See Roll Call No. 383)

The Bill was then sent to the Senate.

House Bill 340 – Delegates Nathan–Pulliam, Benson, Burns, Kipke, Kullen, Montgomery, Morhaim, and Tarrant

AN ACT concerning

Drug–Exposed Infants – Methamphetamine

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

Affirmative – 139 Negative – 0 (See Roll Call No. 384)

The Bill was then sent to the Senate.

House Bill 390 – Delegates Simmons, Kelly, and Shank

AN ACT concerning

Sexual Offenders – Evaluation Before Sentencing

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

Affirmative – 139 Negative – 0 (See Roll Call No. 385)

The Bill was then sent to the Senate.

House Bill 432 – Delegate James

AN ACT concerning

**Law Enforcement Officers’ Pension System – Department of Public Safety and
Correctional Services Internal Investigative Unit Investigators**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 386)

The Bill was then sent to the Senate.

House Bill 630 – Delegate Bohanan

AN ACT concerning

Judges' Retirement System – Employment on Faculty of Public Institution of Higher Education

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

Affirmative – 138 Negative – 0 (See Roll Call No. 387)

The Bill was then sent to the Senate.

House Bill 636 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Task Force to Improve Child Support Compliance
PG 426-07**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 388)

The Bill was then sent to the Senate.

House Bill 653 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Marriage License Fee – Increase
PG 411-07**

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

Affirmative – 140 Negative – 0 (See Roll Call No. 389)

The Bill was then sent to the Senate.

House Bill 683 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Fire and Explosive Investigators – Authority

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

Affirmative – 138 Negative – 0 (See Roll Call No. 390)

The Bill was then sent to the Senate.

House Bill 962 – Delegates Conway, Proctor, Gaines, Healey, Ross, Costa, Anderson, Branch, Braveboy, G. Clagett, Eckardt, Griffith, Guzzone, Haynes, Hixson, James, Jones, Levy, Love, Mathias, McIntosh, Niemann, ~~Proctor~~, Rosenberg, Rudolph, and Stocksdale Stocksdale, Barnes, Benson, Davis, Frush, Holmes, Howard, Hubbard, Ivey, Levi, Pena-Melnyk, Ramirez, Valderrama, Vallario, and Vaughn

AN ACT concerning

Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees

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

Affirmative – 140 Negative – 0 (See Roll Call No. 391)

The Bill was then sent to the Senate.

House Bill 1013 – Delegate James

AN ACT concerning

Governor's Pension Plan – Surviving Spouse Benefits

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

Affirmative – 140 Negative – 0 (See Roll Call No. 392)

The Bill was then sent to the Senate.

House Bill 1206 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Inmates and Detainees Who Are Pregnant or Have Newborn Child

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

Affirmative – 140 Negative – 0 (See Roll Call No. 393)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 117 – Delegates Lee, Rudolph, Goldwater, Ali, Anderson, Aumann, Barkley, Bobo, Bronrott, Dumais, Frank, Gaines, Gilchrist, Harrison, Hecht, Howard, Hucker, Impallaria, Ivey, James, Kach, Kaiser, Kirk, Krysiak, Kullen, Lawton, Manno, McDonough, Montgomery, Nathan–Pulliam, Niemann, O’Donnell, Rice, Shank, Shewell, Simmons, Smigiel, Stifler, Stocksdale, Stukes, Taylor, F. Turner, Valderrama, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Braveboy, Burns, Davis, Haddaway, Love, Jameson, J. King, Mathias, McHale, Minnick, Walkup, Holmes, Costa, Dwyer, Eckardt, Elliott, Elmore, George, and Sossi

AN ACT concerning

Consumer Protection – Consumer Reporting Agencies – Security Freezes

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

Affirmative – 140 Negative – 0 (See Roll Call No. 394)

The Bill was then sent to the Senate.

House Bill 208 – Delegates Howard, Ali, Aumann, Benson, Cane, Harrison, Haynes, Healey, Holmes, Kaiser, Kirk, Kullen, Lee, Pendergrass, Rice, Ross, Sossi, F. Turner, ~~and Vaughn~~ Vaughn, Braveboy, Burns, Feldman, Hecht, Jameson, Manno, Mathias, McHale, Rudolph, Shewell, and Walkup

AN ACT concerning

Consumer Protection – Personal Information Protection Act

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

Affirmative – 138 Negative – 1 (See Roll Call No. 395)

The Bill was then sent to the Senate.

House Bill 564 – Delegates Haddaway, Cane, Eckardt, and Mathias

AN ACT concerning

Dorchester and Talbot Counties – Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas – Pilot Program

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

Affirmative – 139 Negative – 0 (See Roll Call No. 396)

The Bill was then sent to the Senate.

House Bill 749 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Maryland–National Capital Park and Planning Commission Park Police – Workers’ Compensation – Lyme Disease Presumption
MC/PG 113–07**

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

Affirmative – 138 Negative – 2 (See Roll Call No. 397)

The Bill was then sent to the Senate.

House Bill 789 – Delegates Minnick, Burns, Feldman, Haddaway, Impallaria, Jameson, Love, Manno, and Miller

AN ACT concerning

Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties

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

Affirmative – 139 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the Senate.

House Bill 989 – Delegates Harrison, Branch, and Conway

AN ACT concerning

Maryland Small Business Development Financing Authority – Financing Limitations

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

Affirmative – 140 Negative – 0 (See Roll Call No. 399)

The Bill was then sent to the Senate.

House Bill 1165 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Charter Documents – Execution Requirements for Business Trusts

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

Affirmative – 140 Negative – 0 (See Roll Call No. 400)

The Bill was then sent to the Senate.

House Bill 1166 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

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

Affirmative – 140 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the Senate.

House Bill 1185 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Film Production Activity – Employer Wage Rebate Program

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

Affirmative – 140 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the Senate.

House Bill 1186 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

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

Affirmative – 140 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the Senate.

House Bill 1187 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Motor Vehicle Liability Insurance – Exclusion of Named Driver

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

Affirmative – 140 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the Senate.

House Bill 1241 – Delegate Manno

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

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

Affirmative – 139 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #34

House Bill 18 – ~~Delegate Hixson~~ Delegates Hixson, Bobo, Montgomery, Ali, Barve, Boteler, Bronrott, Cardin, Doory, Feldman, George, Gilchrist, Haynes, Howard, Hucker, Ivey, Jones, Kaiser, N. King, Kirk, Krebs, Lawton, Lee, Levi, Manno, McKee, Murphy, Olszewski, Pendergrass, Ramirez, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Election Law – Voting Systems – Voter-Verified Paper Records

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

Affirmative – 140 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the Senate.

House Bill 47 – Delegates Hixson, Cardin, Doory, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, Olszewski, Rice, Stukes, ~~and F. Turner~~ F. Turner, Bartlett, Barve, Elmore, George, Manno, McKee, Murphy, Ross, and Walker

AN ACT concerning

Motor Fuel Tax – Exemption for Biodiesel Fuel – Government Vehicles

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

Affirmative – 140 Negative – 0 (See Roll Call No. 407)

The Bill was then sent to the Senate.

House Bill 181 – Delegates Bromwell, Aumann, Boteler, Burns, Cardin, Frank, Impallaria, Jennings, Jones, Kach, Lafferty, Malone, McDonough, Morhaim, Olszewski, Stein, and Weir

AN ACT concerning

Baltimore County – Election Law – ~~Assistant Chief Election Judge~~ Compensation for Election Judges

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

Affirmative – 140 Negative – 0 (See Roll Call No. 408)

The Bill was then sent to the Senate.

House Bill 227 – Delegates Hixson, Barve, Doory, Elmore, Gilchrist, Howard, Ivey, Kaiser, N. King, Olszewski, Rice, Stukes, and Walker

AN ACT concerning

Maryland Transportation Authority – Public–Private Partnerships

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

Affirmative – 140 Negative – 0 (See Roll Call No. 409)

The Bill was then sent to the Senate.

House Bill 274 – Delegates Kaiser, Barkley, Bohanan, Cane, Donoghue, Feldman, George, Gutierrez, Heller, Howard, Hubbard, N. King, Kipke, Krebs, Kullen, Lawton, Manno, Mizeur, Montgomery, Olszewski, Pena–Melnik, Proctor, Riley, Shewell, and Waldstreicher

AN ACT concerning

Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers

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

Affirmative – 140 Negative – 0 (See Roll Call No. 410)

The Bill was then sent to the Senate.

House Bill 436 – Delegates Kaiser, Aumann, Barnes, Beidle, V. Clagett, Conway, Frush, Gaines, Gilchrist, Healey, Hubbard, Lawton, Love, Mathias, Montgomery, Niemann, Pena–Melnik, Riley, Ross, Simmons, Sophocleus, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Barve, Cardin, Doory, Elmore, George, Hixson, Howard, Ivey, Jennings, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Stukes, and F. Turner

AN ACT concerning

Homestead Tax Credit – Eligibility Verification – Application

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

Affirmative – 139 Negative – 0 (See Roll Call No. 411)

The Bill was then sent to the Senate.

House Bill 590 – Delegates Bartlett, Cardin, George, Gilchrist, Ivey, Jennings, Kaiser, N. King, McKee, Murphy, Rice, ~~and Ross~~ Ross, Barve, Doory, Elmore, Hixson, Howard, Krebs, Olszewski, Stukes, F. Turner, and Walker

AN ACT concerning

~~State Property Tax Exemption – Solar Energy Devices~~
State Taxes – Solar Energy Grants and Devices

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

Affirmative – 140 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the Senate.

House Bill 610 – Delegate Dumais

AN ACT concerning

~~Education~~ **Department of Education and Department of Health and Mental Hygiene**
~~– Student Surveys – Youth Risk Behavior Surveillance System Survey~~ **Workgroup**

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

Affirmative – 138 Negative – 1 (See Roll Call No. 413)

The Bill was then sent to the Senate.

House Bill 921 – ~~Delegate Kullen~~ Delegates Kullen, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Motor Vehicle Excise Tax – Active Duty Military Personnel Who Become Maryland Residents

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

Affirmative – 140 Negative – 0 (See Roll Call No. 414)

The Bill was then sent to the Senate.

House Bill 991 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Glenn, Kirk, Krysiak, McHale, and Stukes

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

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

Affirmative – 134 Negative – 5 (See Roll Call No. 415)

The Bill was then sent to the Senate.

House Bill 1056 – Delegates Heller, Ali, Anderson, Aumann, Barkley, Bates, Bobo, Boteler, Braveboy, Bromwell, Bronrott, G. Clagett, V. Clagett, Conaway, Conway, DeBoy, Dumais, Elliott, Elmore, Feldman, Frank, Gilchrist, Glenn, Guzzone, Haddaway, Harrison, Haynes, Healey, Hixson, Hubbard, Hucker, Impallaria, Jennings, Jones, Kach, Kaiser, Kelly, N. King, Kipke, Kirk, Kramer, Krysiak, Kullen, Lawton, Lee, Love, Malone, Manno, McDonough, McKee, Minnick, Mizeur, Montgomery, Morhaim, Myers, Nathan–Pulliam, Oaks, Pendergrass, Proctor, Ramirez, Rice, Riley, Rosenberg, Schuler, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stukes, Stull, Taylor, F. Turner, Vaughn, Waldstreicher, Weir, Weldon, ~~and Wood~~ Wood, and Krebs

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

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

Affirmative – 140 Negative – 0 (See Roll Call No. 416)

The Bill was then sent to the Senate.

House Bill 1077 – Delegate O’Donnell

AN ACT concerning

Calvert County – Highway User Revenues – Special Taxing Districts

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

Affirmative – 140 Negative – 0 (See Roll Call No. 417)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 7 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Services Article – Cross–References and Corrections

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

Affirmative – 140 Negative – 0 (See Roll Call No. 418)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 140 Members present.

(See Roll Call No. 419)

ADJOURNMENT

At 11:59 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 19, 2007, Calendar Day Thursday, March 22, 2007 in memory of former Delegate L. Leonard Ruben.

Annapolis, Maryland
Legislative Day: March 19, 2007
Calendar Day: Thursday, March 22, 2007

The House met at 11:23 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Proctor, Jr. of Calvert and Prince George's Counties.

QUORUM CALL

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

(See Roll Call No. 420)

The Journal of March 18, 2007 was read and approved.

EXCUSES:

Del. Goldwater – illness

THE COMMITTEE ON APPROPRIATIONS REPORT #8

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

House Bill 105 – Delegates Haddaway and Eckardt

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick
Douglass Memorial**

(Amendment ID: HB0105/554063/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 105
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “provided” insert “; and altering the matching fund requirement”.

AMENDMENT NO. 2

On page 2, in line 7, after “ACT,” insert “THE MATCHING FUND MAY INCLUDE REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1093 – Charles County Delegation

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1170 – Delegate Bohanan

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – St. Mary’s County – Sotterley Plantation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1184 – Delegates Mizeur, Hixson, Hucker, and N. King

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair
Baseball Field Improvements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1191 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2004 – Baltimore County – The
Children’s Home**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1232 – Delegates Oaks and Rosenberg

AN ACT concerning

Baltimore City – Park Heights Golf Range and Family Sports Park Loan of 2000

(Amendment ID: HB1232/534368/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1232
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “extending” in line 4 down through “provided” in line 6 and substitute “altering the Baltimore City – Park Heights Golf Range and Family Sports Park Loan of 2000 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date”; strike line 7 in its entirety and substitute:

“BY adding to”;

strike beginning with “, as” in line 8 down through “2002” in line 9; in line 10, strike “(3) Item ZA00 (EE)” and substitute “(6)”; and strike beginning with “, as” in line 13 down through “2002” in line 14.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 9 on page 2, inclusive, and substitute:

“(6) THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2009.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1235 – Delegates McIntosh, Anderson, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #8

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

House Bill 342 – Delegates Minnick, Elmore, Feldman, Haddaway, Harrison, Impallaria, Jameson, Kirk, Krebs, Krysiak, Rudolph, Smigiel, Vaughn, and Weir

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 359 – Delegates Frush, Ali, Anderson, Aumann, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Braveboy, Bronrott, Cane, Cardin, Carter, V. Clagett, Doory, Dumais, Elmore, Gaines, Gilchrist, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, N. King, Krebs, Kullen, Lafferty, Lawton, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Rosenberg, Ross, Schuh, Simmons, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Clean Indoor Air Act of 2007

(Amendment ID: HB0359/833391/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 359

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “products” insert “in certain places”; in line 12, after the first “Act;” insert “requiring that certain moneys be placed in a certain fund; authorizing the Secretary of Health and Mental Hygiene and the Commissioner of Labor and Industry to waive certain penalties under certain circumstances; establishing a certain affirmative”

defense; providing that an employer who discharges or discriminates against an employee for certain reasons is deemed in violation of certain provisions of law; prohibiting an employee from making certain groundless or malicious complaints or from taking certain actions in bad faith; authorizing the Secretary of Health and Mental Hygiene and the Commissioner of Labor and Industry to bring certain actions against certain persons under certain circumstances;”.

On page 2, in line 1, after “employment;” insert “authorizing the Secretary of Health and Mental Hygiene to grant a certain waiver under certain circumstances;”; in line 3, after “change” insert “; providing for a delayed effective date;”; and in line 29, strike “24-509” and substitute “24-510”.

On page 3, after line 16, insert:

“BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7-317(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 8, in line 25, strike “AN” and substitute “;”

(1) AN”;

and in line 27, after “PERMISSION” insert “; OR”

(2) AN INDOOR AREA OF ANY ESTABLISHMENT LICENSED OR PERMITTED UNDER ARTICLE 2B OF THE CODE FOR THE SALE OR POSSESSION OF ALCOHOLIC BEVERAGES”.

On page 10, in line 2, strike “AND AUTOMOBILES;”; in line 3, strike beginning with “FOR” through the second “CARE,” and substitute “BY A PERSON WHO IS LICENSED OR REGISTERED UNDER SUBTITLE 5 OF THE FAMILY LAW ARTICLE TO PROVIDE DAY CARE OR CHILD CARE, AND PRIVATE VEHICLES, UNLESS BEING USED FOR”; in line 7, strike “OR”; and strike beginning with the colon in line 8 down through “TIMES” in line 15 and substitute “DERIVES ITS PRIMARY REVENUE FROM THE SALE OF TOBACCO PRODUCTS AND TOBACCO-RELATED PRODUCTS AND ACCESSORIES AND DERIVES ONLY INCIDENTAL REVENUE FROM THE SALE OF NONTOBACCO-RELATED PRODUCTS;”

(4) ANY FACILITY OF A MANUFACTURER, IMPORTER, WHOLESALER, OR DISTRIBUTOR OF TOBACCO PRODUCTS OR OF ANY TOBACCO LEAF DEALER OR PROCESSOR IN WHICH EMPLOYEES OF THE MANUFACTURER, IMPORTER, WHOLESALER, DISTRIBUTOR, OR PROCESSOR WORK OR CONGREGATE; OR

(5) A RESEARCH OR EDUCATIONAL LABORATORY FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH INTO THE HEALTH EFFECTS OF TOBACCO SMOKE”.

AMENDMENT NO. 3

On page 11, in line 2, after “REPORT” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”; strike in their entirety lines 8 through 12, inclusive, and substitute:

“(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER § 24-507(A) OF THIS SUBTITLE:

(1) FOR A FIRST VIOLATION, SHALL BE ISSUED A WRITTEN REPRIMAND BY THE SECRETARY OR THE SECRETARY’S DESIGNEE;

(2) FOR A SECOND VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF \$100; AND

(3) FOR EACH SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$250.

(B) THE SECRETARY MAY WAIVE A PENALTY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:

(1) THE SERIOUSNESS OF THE VIOLATION; AND

(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO AN ALLEGED VIOLATION OF SUBSECTION (D) OF THIS SECTION.

(2) IT IS AN AFFIRMATIVE DEFENSE TO A COMPLAINT BROUGHT AGAINST A PERSON FOR A VIOLATION OF A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE THAT THE PERSON OR AN EMPLOYEE OF THE PERSON:

(I) POSTED A “NO SMOKING” SIGN AS REQUIRED UNDER § 24-506 OF THIS SUBTITLE;

(II) REMOVED ALL ASHTRAYS AND OTHER SMOKING PARAPHERNALIA FROM ALL AREAS WHERE SMOKING IS PROHIBITED; AND

(III) IF THE VIOLATION OCCURRED IN A BAR, TAVERN, OR RESTAURANT:

1. REFUSED TO SEAT OR SERVE ANY INDIVIDUAL WHO WAS SMOKING IN A PROHIBITED AREA; AND

2. IF THE INDIVIDUAL CONTINUED TO SMOKE AFTER AN INITIAL WARNING, ASKED THE INDIVIDUAL TO LEAVE THE ESTABLISHMENT.”;

in line 13, strike “(B)” and substitute “(D)”;

“(E) (1) AN EMPLOYEE MAY NOT:

(I) MAKE A GROUNDLESS OR MALICIOUS COMPLAINT UNDER THIS SUBTITLE TO THE SECRETARY OR AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY;

(II) IN BAD FAITH, BRING AN ACTION UNDER THIS SUBTITLE; OR

(III) IN BAD FAITH, TESTIFY IN AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE.

(2) THE SECRETARY MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND DAMAGES AGAINST A PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

(F) A PENALTY COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL BE PAID TO THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24-509.

(A) THE SECRETARY, IN CONSULTATION WITH THE COMPTROLLER, MAY GRANT A WAIVER FROM THE APPLICATION OF A SPECIFIC PROVISION OF THIS SUBTITLE, IF PRIOR TO THE GRANTING OF THE WAIVER, THE APPLICANT FOR A WAIVER ESTABLISHES IN WRITING:

(1) COMPLIANCE WITH A SPECIFIC PROVISION OF THIS SUBTITLE WOULD CAUSE UNDUE FINANCIAL HARDSHIP; OR

(2) THE EXISTENCE OF OTHER FACTORS THAT WOULD RENDER COMPLIANCE UNREASONABLE.

(B) THE SECRETARY MAY IMPOSE CONDITIONS OR RESTRICTIONS ON A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TO:

(1) MINIMIZE THE ADVERSE EFFECTS OF THE WAIVER ON INDIVIDUALS INVOLUNTARILY EXPOSED TO SECONDHAND SMOKE; AND

(2) ENSURE THAT THE WAIVER IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

(C) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.”;

and in line 21, strike “24-509.” and substitute “24-510.”.

AMENDMENT NO. 4

On page 16, in line 11, after “(B)” insert “(1)”; after line 14, insert:

“(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SUBTITLE:

(I) FOR A FIRST VIOLATION, SHALL BE ISSUED A WRITTEN REPRIMAND BY THE COMMISSIONER OR THE COMMISSIONER’S DESIGNEE;

(II) FOR A SECOND VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF \$100; AND

(III) FOR EACH SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$250.

(C) THE COMMISSIONER MAY WAIVE A PENALTY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:

(1) THE SERIOUSNESS OF THE VIOLATION; AND

(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(D) A PENALTY COLLECTED BY THE COMMISSIONER UNDER THIS SECTION SHALL BE PAID TO THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 15, strike “(C)” and substitute “(E)”; in line 16, after “REPORT” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”; in line 22, strike “(D)” and substitute “(F)”; and after line 29, insert:

“(G) (1) AN EMPLOYEE MAY NOT:

(I) MAKE A GROUNDLESS OR MALICIOUS COMPLAINT TO THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER;

(II) IN BAD FAITH, BRING AN ACTION UNDER THIS SUBTITLE; OR

(III) IN BAD FAITH, TESTIFY IN AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE.

(2) THE COMMISSIONER MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND DAMAGES AGAINST A PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

Article – State Finance and Procurement

7-317.

(b) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of this subtitle.

(2) There shall be credited to the Fund all revenues consisting of funds received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with tobacco product manufacturers, tobacco research associations, or any other person in the tobacco industry relating to litigation, administrative proceedings, or any other claims made or prosecuted by the State to recover damages for violations of State law.

(3) THERE SHALL BE CREDITED TO THE FUND ALL MONEYS COLLECTED UNDER § 24-508 OF THE HEALTH – GENERAL ARTICLE OR § 5-608 OF THE LABOR AND EMPLOYMENT ARTICLE.”

AMENDMENT NO. 5

On page 17, in line 9, strike “October 1, 2007” and substitute “January 1, 2008”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Davis moved to make the Bill a Special Order for Friday.

The motion was adopted.

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

House Bill 1006 – Delegate Kach

AN ACT concerning

Workers' Compensation – Benefits – Cost of Living Adjustment

(Amendment ID: HB1006/703598/2)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1006
(First Reading File Bill)AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Kach” and substitute “Delegates Kach, Harrison, Braveboy, Impallaria, Hecht, Manno, McHale, Walkup, Krysiak, Minnick, Burns, Love, King, Stifler, and Vaughn”; and in line 8, after “Act;” insert “making the provisions of this Act severable;”.

AMENDMENT NO. 2

On page 2, in line 7, after “COMPENSATION” insert “FROM THE INJURED WORKERS' INSURANCE FUND”; and strike in their entirety lines 9 through 11, inclusive, and substitute:

“2. WAS NOT AN EMPLOYEE OF A COUNTY OR MUNICIPAL CORPORATION WHEN THE CLAIM WAS FILED.”

On page 3, in line 20, strike “WITH” and substitute “PAID BY”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 25 through 28, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect compensation paid by the Injured Workers' Insurance Fund on or after October 1, 2006.

SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 29, strike “3.” and substitute “4.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1107 – Delegates Feldman, Miller, and Vaughn

AN ACT concerning

Credit Regulation – Mortgage Brokers – Finder’s Fee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1288 – Delegates Vaughn, Davis, Feldman, Hucker, Manno, Proctor, Ramirez, Ross, and Valderrama

AN ACT concerning

State Real Estate Commission – Home Builders and Sales Agents for Home Builders – Licensure

(Amendment ID: HB1288/623095/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1288

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Home Builders and”; in line 4, strike “as home builders or”; and in lines 6 and 7, strike “home builders and”.

AMENDMENT NO. 2

On page 2, in line 8, strike “AS A HOME BUILDER OR”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #9

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

House Bill 74 – Delegates Krebs, Ali, Anderson, Aumann, Eckardt, Elliott, Elmore, George, Haddaway, Holmes, Kach, Kaiser, Minnick, Montgomery, Morhaim, Olszewski, Shewell, Sophocleus, Stocksdale, and Weldon

AN ACT concerning

Solar Energy Grant Program – Grant Awards

(Amendment ID: HB0074/933997/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 74 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Bartlett, Burns, Doory, Feldman, Hecht, Impallaria, Jameson, J. King, Krysiak, Love, Manno, Mathias, McHale, Miller, Rudolph, Stifler, Taylor, Vaughn, and Walkup”.

AMENDMENT NO. 2

On page 1, in lines 2 and 5, in each instance, after “Solar” insert “and Geothermal”; in line 3, after the first “of” insert “altering the Solar Energy Grant Program in the Maryland Energy Administration to be the Solar and Geothermal Energy Grant Program;”; strike beginning with “Solar” in line 3 down through “Grant” in line 4; in line 4, strike “administered by the Maryland Energy Administration”; in the same line, after the semicolon insert “providing certain grants to individuals, local governments, and businesses for certain portions of the costs of acquiring and installing certain geothermal property; limiting the amount of certain grants awarded under the Program for geothermal property; defining a certain term; repealing certain provisions relating to geothermal property;”; and after line 10, insert:

“BY repealing

Article – State Government
Section 9–2008

Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)".

AMENDMENT NO. 3

On page 1, in line 16, after "(2)" insert "**GEOTHERMAL PROPERTY**" MEANS A HEATING AND COOLING DEVICE THAT IS INSTALLED USING GROUND LOOP TECHNOLOGY.

(3)".

On page 2, in lines 3, 4, and 12, strike "(3)", "(4)", and "(5)", respectively, and substitute "(4)", "(5)", and "(6)", respectively; in lines 3 and 18, in each instance, after "Solar" insert "AND GEOTHERMAL"; in line 21, strike "and" and substitute a comma; and in the same line, after the second "property" insert ", AND GEOTHERMAL PROPERTY".

On page 3, in line 6, strike "and"; in line 8, after "property" insert "; AND

(4) SUBJECT TO SUBSECTION (F) OF THIS SECTION, FOR GEOTHERMAL PROPERTY INSTALLED ON RESIDENTIAL PROPERTY, AN AMOUNT THAT MAY NOT EXCEED \$1,000.

(F) NOT MORE THAN 10% OF THE MONEY IN THE PROGRAM MAY BE USED FOR GEOTHERMAL PROPERTY GRANTS UNDER SUBSECTION (E)(4) OF THIS SECTION";

and after line 8, insert:

"[9-2008.

- (a) (1) In this section the following words have the meanings indicated.
- (2) "Geothermal heat pump" means a heating and cooling device that is installed using ground loop technology.
- (3) "Program" means the Geothermal Heat Pump Grant Program.
- (b) There is a Geothermal Heat Pump Grant Program in the Administration.
- (c) The purpose of the Program is to provide grants to individuals for a portion of the cost of acquiring and installing a geothermal heat pump.
- (d) The Administration shall:
 - (1) administer the Program;
 - (2) establish application procedures for the Program; and

(3) award grants from the Program.

(e) A grant awarded under the Program may not exceed \$1,000.]”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 482 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Class B–DD Alcoholic Beverages Licenses – Woodmore
Towne Centre at Glenarden and the Greenbelt Station Town Centre
PG 314–07**

(Amendment ID: HB0482/603099/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 482
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 3 down through “Centre” in line 4; in line 11, strike “or the Greenbelt Station Town Centre”; in line 13, after “determine” insert “the number of Class B–DD licenses to be issued,”; in line 14, after “issued” insert a comma; and in the same line, after “hold;” insert “limiting the number of Class B–DD licenses that the Board may issue in a certain area under certain circumstances; limiting the number of Class B–DD licenses the Board may issue to any individual in a certain area;”.

AMENDMENT NO. 2

On page 2, in line 19, strike “\$2,000” and substitute “\$2,750”; and in line 26, after “(F)” insert “(7) (WOODMORE TOWNE CENTRE AT GLENARDEN)”;

On page 3, in line 5, after “(VII)” insert “1.”; in line 6, after “DETERMINE” insert “THE NUMBER OF CLASS B–DD LICENSES TO BE ISSUED.”; in the same line, after “ISSUED” insert a comma; after line 7, insert:

“2. NOTWITHSTANDING SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE A CLASS B–DD LICENSE TO ANY RESTAURANT LOCATED WITHIN THE AREA DESIGNATED IN § 9–217(F)(7) (WOODMORE TOWNE CENTRE AT GLENARDEN) OF THIS ARTICLE IF, AT THE TIME OF ISSUANCE:

A. THERE ARE FIVE RESTAURANTS OPERATING WITH A CLASS B–DD LICENSE IN THAT AREA; OR

B. THE APPLICANT FOR THE CLASS B–DD LICENSE IS THE LICENSE HOLDER OF TWO CLASS B–DD LICENSES FOR RESTAURANTS OPERATING IN THAT AREA.”;

in line 14, after the first comma insert “ISSUANCE, RENEWAL, OR TRANSFER OF”; and in the same line, after “B–DD” insert “(DEVELOPMENT DISTRICT)”.

On page 4, in line 1, after “(7)” insert “(I)”; in line 2, after “MAY” insert “ISSUE UP TO FIVE CLASS B–DD LICENSES FOR RESTAURANTS LOCATED WITHIN A DEVELOPMENT DISTRICT IN THE WOODMORE TOWNE CENTRE AT GLENARDEN, LOCATED NORTHEAST OF THE INTERSECTION OF THE CAPITAL BELTWAY AND ROUTE 202.

(II) THE BOARD OF LICENSE COMMISSIONERS MAY”;

in line 4, strike “ONE OR MORE” and substitute “UP TO TWO”; in line 5, after “LICENSES” insert “UNDER THIS PARAGRAPH”; and strike beginning with the second comma in line 5 down through “STATION” in line 13.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 889 – Delegates Burns, Anderson, Aumann, Cane, Elmore, Frank, Jennings, Nathan–Pulliam, Smigiel, Stukes, and Vaughn

AN ACT concerning

Commercial Truck Warranty Enforcement

(Amendment ID: HB0889/623890/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 889 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Truck” and substitute “Vehicle”; in the same line, after “Enforcement” insert “– Study”; strike beginning with “a” in line 3 down through “Act” in line 22 and substitute “the Consumer Protection Division of the Office of the Attorney General, in conjunction with certain units of State government, to study certain issues relating to commercial vehicle warranty enforcement; requiring the Consumer Protection Division to report the results of its study and certain recommendations to certain legislative committees on or before a certain date”; in line 23, after “to” insert “a study of”; and in the same line, strike “trucks and” and substitute “vehicle”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 15 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 17, strike “the Laws of Maryland read as follows”; and after line 17, insert:

“(a) The Consumer Protection Division of the Office of the Attorney General, in conjunction with the Motor Vehicle Administration and other interested units of State government, shall study the issue of commercial vehicle warranty enforcement.

(b) The study shall address:

(1) the procedures that a commercial vehicle purchaser, dealer, and manufacturer follow to ensure that applicable vehicle and component part warranties are fulfilled;

(2) the procedures that commercial vehicle dealers and manufacturers follow when a purchaser of a commercial vehicle reports a problem with the vehicle;

(3) whether a model law or standard establishing a mechanism for enforcing commercial vehicle warranties has been adopted in another state;

(4) strategies that dealers and manufacturers of commercial vehicles use to educate purchasers of commercial vehicles about the process for making a claim and obtaining benefits under a commercial vehicle warranty; and

(5) whether there is a need to establish a commercial vehicle warranty enforcement program in Maryland and, if so, what elements the program should include.

(c) On or before January 1, 2008, the Consumer Protection Division shall report its findings, and any recommendations for regulatory or statutory changes needed to implement the recommendations, to the House Economic Matters Committee and the Senate Finance Committee, in accordance with § 2-1246 of the State Government Article.”.

On pages 2 through 11, strike in their entirety the lines beginning with line 18 on page 2 through line 23 on page 11, inclusive.

On page 11, in line 25, strike “October” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1089 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Beer Tasting
Ho. Co. 19-07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1106 – Delegate Feldman

AN ACT concerning

**Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss
– Statement of Additional Optional Coverage**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1234 – Delegate Feldman

AN ACT concerning

Maryland General Corporation Law – Altering Corporate Procedures

(Amendment ID: HB1234/223595/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1234

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Altering” insert “and Updating”; in the same line, after “Procedures” insert “and Miscellaneous Provisions”; in line 3, after “repealing” insert “a provision requiring a corporation to give written notice of the amount, time, and place of payment on subscriptions to each subscriber; repealing”; strike beginning with “a” in line 3 down through “of” in line 4 and substitute “that”; in line 4, after “call” insert “by the board of directors”; in the same line, after “subscriptions” insert “be uniform as to stock of any class”; in line 5, strike “only have preemptive rights, for” and substitute “of”; in line 6, strike the comma and substitute “only have certain preemptive rights”; and in the same line, strike the semicolon and substitute a comma; strike beginning with “repealing” in line 6 down through “time” in line 8 and substitute “and that stockholders of a corporation formed before that date have certain preemptive rights unless and until the charter expressly provides otherwise”; in line 9, strike beginning with “; clarifying” through “sent”; in line 10, after “stockholder” insert “; repealing a requirement to send certain information to the stockholder at the time of issue or transfer of stock”; in line 10, strike “clarifying” and substitute “establishing”; in the same line, strike “is enforceable” and substitute “of a director may provide that it will be effective at a later time or on the occurrence of an event and is irrevocable on the occurrence of the event”; in line 11, strike “certain”; in line 12, after “recommend” insert “to stockholders”; in the same line, strike “to stockholders”; in line 13, strike “authorize a certain” and substitute “delegate”

power to a”; in the same line, strike “establish” and substitute “authorize or fix certain terms of stock and terms for the issuance of stock if the board of directors has established”; strike beginning with “adding” in line 15 down through “definition” in line 16 and substitute “altering the definition of “director” as it relates to certain indemnification provisions so as to include certain directors of corporations who serve in certain capacities in connection with a limited liability company, including serving as a manager of a limited liability company”; in line 16, strike “repealing” and substitute “limiting”; in line 17, after “making” insert “advance”; in the same line, after “director;” insert “authorizing a corporation to hold its annual meeting in the manner provided in its bylaws;”; in line 18, after “to” insert “require notice of certain stockholder actions to be given to”; in the same line, strike “class” and substitute “group”; in the same line, after “establishing” insert “for a certain type of corporation”; strike beginning with the fourth “of” in line 19 down through the first “corporation” in line 20; in line 20, after “quorum” insert “unless its charter or bylaw provides otherwise”; and strike beginning with “authorizing” in line 20 down through “bylaws;” in line 21 and substitute “establishing that articles of merger, consolidation, or share exchange may provide the number and names of directors and officers of the surviving corporation, or persons acting in similar positions, if the persons in those positions are changed in the transaction;”.

AMENDMENT NO. 2

On page 2, in line 1, after “2-411(a)” insert “and (b)”.

AMENDMENT NO. 3

On page 5, after line 5, insert:

“(b) If the board of directors has given general authorization for the issuance of stock providing for or establishing a method or procedure for determining the maximum number **OR THE MAXIMUM AGGREGATE OFFERING PRICE** of shares to be issued, a committee of the board, in accordance with that general authorization or any stock option or other plan or program adopted by the board, may authorize or fix the terms of stock subject to classification or reclassification and the terms on which any stock may be issued, including all terms and conditions required or permitted to be established or authorized by the board of directors under §§ 2-203 and 2-208 of this title.”;

in line 10, strike “**MANAGER,**”; and in line 12, after “plan” insert “**OR A MANAGER OF A LIMITED LIABILITY COMPANY**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1245 – Delegate Love

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Board of License Commissioners –
Inspectors**

(Amendment ID: HB1245/903297/1)

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1245
(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Love” and substitute “Anne Arundel County Delegation”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1266 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Class BDR (Deluxe Restaurant) License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 713 – The Speaker (By Request – Administration, Attorney General, and Maryland State’s Attorneys’ Association) and Delegates James, Riley, Rosenberg, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bohanan, Boteler, Branch, Bromwell, Bronrott, Burns, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conway, Costa, Davis, DeBoy, Donoghue, Doory, Dumais, Eckardt, Elmore, Feldman, Frank, Frush, Gaines, George, Gilchrist, Glassman, Glenn, Griffith, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hucker, Jameson, Jennings, Jones, Kach, Kelly, J. King, N. King, Kipke, Kirk, Kramer, Krysiak, Kullen, Lafferty, Lawton, Lee, Levy, Love, Malone, Manno, Mathias, McComas, McHale, McIntosh, McKee, Miller, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Olszewski, Pena–Melnik, Pendergrass, Proctor, Rice, Ross, Rudolph, Schuh, Schuler, Sophocleus, Sossi, Stein, Stifler, Stukes, Tarrant, Taylor, F. Turner, Vaughn, Waldstreicher, Walker, Weir, and Wood

AN ACT concerning

Maryland Gang Prosecution Act of 2007

(Amendment ID: HB0713/822916/2)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 713

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Lee,” insert “Levi.”; in the same line, after “Rice,” insert “Rosenberg.”; in the same line, after “Schuler,” insert “Shank, Smigiel.”; in line 4, strike “or have engaged in”; in line 5, after “from” insert “knowingly and”; strike beginning with “promoting” in line 5 down through “a” in line 6 and substitute “directing or participating in a certain”; and in line 7, after “gang;” insert “prohibiting a person from committing a violation of this Act involving the commission of an offense that results in the death of the victim;”.

On page 2, in line 2, strike “with the consent” and substitute “at the request”; and in line 7, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 2, in line 26, strike “OTHER FORMAL OR INFORMAL” and substitute “ONGOING”; in line 28, strike “INDIVIDUALLY OR”; in line 31, strike “CRIMINAL ACTIVITIES” and substitute “UNDERLYING CRIMES”; and in line 32, after “be” insert “UNDERLYING”.

AMENDMENT NO. 3

On page 3, in line 7, strike “OF THE FOLLOWING” and substitute “UNDERLYING”; in line 8, strike “A” and substitute “AN UNDERLYING”; in line 9, strike the colon and substitute a period; strike in their entirety lines 10 through 16, inclusive; after line 17, insert:

“(F) “UNDERLYING CRIME” MEANS:

(1) A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THIS ARTICLE;

(2) A FELONY VIOLATION OF §§ 3-203, 3-701, 4-503, 5-602, 6-103, 6-109, 6-202, 6-203, 6-204, 7-104, 7-105, 9-302, 9-303, OR 9-305 OF THIS ARTICLE;
OR

(3) A FELONY VIOLATION OF § 5-133 OF THE PUBLIC SAFETY ARTICLE.”;

in line 21, strike “OR HAVE ENGAGED IN A” and substitute “AN ONGOING”; strike beginning with “WILLFULLY” in line 23 down through “OFFENSE” in line 24 and substitute “KNOWINGLY AND WILLFULLY DIRECT OR PARTICIPATE IN THE COMMISSION OF AN UNDERLYING CRIME, OR ACT BY A JUVENILE THAT WOULD BE AN UNDERLYING CRIME IF COMMITTED BY AN ADULT,”; after line 25, insert:

“(B) A PERSON MAY NOT COMMIT A VIOLATION OF SUBSECTION (A) OF THIS SECTION INVOLVING THE COMMISSION OF AN UNDERLYING CRIME THAT RESULTS IN THE DEATH OF A VICTIM.”;

in line 26, strike “(B)” and substitute “(C)”; in the same line, after “(1)” insert “(I)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in line 28, strike “30” and substitute “10”; and after line 28, insert:

“(II) A PERSON WHO VIOLATES SUBSECTION (B) OF 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 OR BOTH.”.

AMENDMENT NO. 4

On page 4, in lines 5, 8, and 25, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in line 5, strike “ONLY”; in line 6, after “SECTION” insert “ONLY”; and in line 8, strike “WITH THE CONSENT” and substitute “AT THE REQUEST”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1036 – Delegates Lee, Stein, Ali, Barkley, Bronrott, DeBoy, Dumais, Glenn, Goldwater, Healey, Heller, Hixson, Hubbard, Impallaria, James, Jones, Kramer, Krebs, Lawton, Manno, McComas, McDonough, Minnick, Montgomery, Nathan–Pulliam, Pendergrass, Ramirez, Robinson, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Stocksdales, F. Turner, Valderrama, and Walkup

AN ACT concerning

Identity Fraud – Inducing Another to Provide Identifying Information – Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1221 – Delegate Gutierrez

EMERGENCY BILL

AN ACT concerning

Delinquency Prevention and Diversion Services Task Force

(Amendment ID: HB1221/592113/1)

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1221
(First Reading File Bill)

On page 1, in line 2, after “Force” insert “– Extension of Sunset”; in line 3, strike “a” and substitute “the”; and strike beginning with “providing” in line 4 down through “of” in line 5 and substitute “extending the termination date of”.

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 WAYS AND MEANS REPORT #8

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

House Bill 125 – Delegates Cardin and Kaiser

AN ACT concerning

Task Force to Study Charitable and Commercial Gaming Activities in Maryland

(Amendment ID: HB0125/115960/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 125

(First Reading File Bill)

On page 1, in line 19, strike “illegal” and substitute “unregulated”.

On page 2, in line 26, strike “and”.

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

(11) the President of the Maryland State Firemen’s Association, or the President’s designee”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 327 – Delegates Feldman, Ali, Barkley, Bronrott, Dumais, Gilchrist, Haddaway, Hecht, Jameson, N. King, Kramer, Lawton, Lee, Levi, Manno, Mathias, Miller, Morhaim, Myers, Rice, Taylor, Vaughn, and Walkup

AN ACT concerning

Property Tax – Exemption for Property Used as a Publicly Sponsored Business Incubator

(Amendment ID: HB0327/585568/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 327
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walkup” and substitute “Walkup, Bartlett, Cardin, George, Hixson, Howard, Ivey, Krebs, McKee, Olszewski, Ross, Stukes, and F. Turner”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Exemption” and substitute “Credit”; in line 4, strike “exempting from the State and local property tax” and substitute “authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a property tax credit for”; in line 5, after “incubator;” insert “authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and for certain provisions necessary to carry out this Act;”; in line 6, strike “State and”; in line 7, strike “exemption” and substitute “credit”; in line 10, strike “7-242” and substitute “9-246”; and in line 16, strike “7-242.” and substitute “9-246.”.

AMENDMENT NO. 3

On page 2, strike beginning with “**PROPERTY**” in line 3 down through “**TAX**” in line 4 and substitute “**THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL PROPERTY TAX IMPOSED ON PROPERTY THAT IS USED AS A BUSINESS INCUBATOR**”.

AMENDMENT NO. 4

On page 2, in line 5, after “CORPORATION,” insert “AN ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.”.

AMENDMENT NO. 5

On page 2, after line 14, insert:

“(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.”.

AMENDMENT NO. 6

On page 2, in line 16, after “to” insert “all”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 348 – Delegates N. King, Hixson, Cardin, Doory, Elmore, Howard, Kaiser, and F. Turner

AN ACT concerning

Horse Racing – Purse and Bred Fund Supplements

(Amendment ID: HB0348/325361/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, George, Jennings, Olszewski, Rice, Ross, and Stukes”.

AMENDMENT NO. 2

On page 1, in line 15, strike “\$477,400,000” and substitute “\$477,372,000”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 362 – Delegate Cardin

AN ACT concerning

Elections – Campaign Finance – Candidate and Slate Relations

(Amendment ID: HB0362/795166/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Candidate and Slate Relations” and substitute “Candidates”; and strike beginning with “requiring” in line 7 down through “received;” in line 12.

AMENDMENT NO. 2

On page 2, in line 6, strike “or a slate”; and in line 9, strike “13–209,”.

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 18 on page 4, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 554 – Delegates Ross, Ali, Anderson, Braveboy, Burns, Cane, Carter, Davis, Gilchrist, Glenn, Gutierrez, Harrison, Haynes, Hucker, Ivey, Kaiser, Lawton, Montgomery, Nathan–Pulliam, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, F. Turner, and Walker

AN ACT concerning

Voter Registration Protection Act

(Amendment ID: HB0554/945467/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 554

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Ross,” insert “Braveboy,”; in the same line, strike “Braveboy,”; and in the same line, strike “and Walker” and substitute “Walker, Barnes, Benson, Doory, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Kirk, Manno, Mizeur, Pena–Melnyk, Proctor, Valderrama, and Vaughn”.

AMENDMENT NO. 2

On page 2, in line 22, strike “OR”; and in lines 23 and 24, in each instance, strike the bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Dwyer moved to make the Bill a Special Order for Friday.

The motion was adopted.

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

House Bill 598 – Delegates Hixson, Barkley, Barve, Dumais, Elmore, Gilchrist, Hucker, Kaiser, Lawton, Manno, McIntosh, Montgomery, Rice, Ross, Simmons, and Stukes

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit Program

(Amendment ID: HB0598/485067/2)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 598 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stukes” and substitute “Stukes, Bartlett, Cardin, Doory, George, Howard, Ivey, Jennings, N. King, Krebs, McKee, Murphy, Olszewski, F. Turner, and Walker”; and in line 8, after “rehabilitations” insert “; altering a certain limit on the amount of initial credit certificates that may be issued within a fiscal year”.

AMENDMENT NO. 2

On page 5, in line 24, strike “Between January 1 and March 31 each” and substitute “EACH”.

AMENDMENT NO. 3

On page 6, in line 4, strike “Not” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (D)(3)(III) OF THIS SECTION, NOT”.

On page 8, after line 23, insert:

“2. 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 AS A RESULT OF THE LIMITATION UNDER SUBSECTION (B)(5) OF THIS SECTION, ANY EXCESS

AMOUNT MAY BE ISSUED UNDER INITIAL CREDIT CERTIFICATES FOR PROJECTS IN A COUNTY OR BALTIMORE CITY IN THE SAME FISCAL YEAR, WITHOUT REGARD TO THE LIMITATION UNDER SUBSECTION (B)(5) OF THIS SECTION.”;

in line 24, strike “2.” and substitute “3.”; in the same line, strike “If” and substitute “SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF”; and in line 28, strike “3.” and substitute “4.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 755 – Delegates Ali, Barkley, Elmore, George, Kaiser, N. King, Manno, McConkey, Riley, Rosenberg, and Sossi

AN ACT concerning

**Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling
for Public Use**

(Amendment ID: HB0755/775368/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 755
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Sossi” and substitute “Sossi, and Stocksdale”; strike beginning with “providing” in line 4 down through “corporation” in line 5 and substitute “authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a tax credit against a county or municipal corporation”; strike beginning with “providing” in line 6 down through “regulations;” in line 8 and substitute “authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit, subject to certain limitations; authorizing the county or municipal corporation to provide, by law, for certain provisions necessary to carry out this Act;”; in line 14, strike “9–110” and substitute “9–246”; and in line 20, strike “**9–110.**” and substitute “9–246.”.

AMENDMENT NO. 2

On page 3, strike beginning with “STATE” in line 3, down through “GRANT” in line 4 and substitute “MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW,”; in line 8, strike “SHALL” and substitute “MAY NOT”; in the same line, after “FOR” insert “MORE THAN”; in the same line, after “YEARS” insert a comma; and in line 11, strike “SHALL EQUAL” and substitute “MAY NOT EXCEED”.

AMENDMENT NO. 3

On page 3, in line 4, strike “STATE,”; in line 5, strike the comma; in line 12, strike “STATE,”; in the same line, strike the second comma; in line 20, strike “STATE,”; and in the same line, strike the second comma; in line 23, strike “STATE,”; and in the same line, strike the second comma.

On page 4, in line 9, after “YEAR;” insert “AND”; and strike beginning with “; AND” in line 13 down through “100%” in line 14, inclusive.

AMENDMENT NO. 4

On page 3, in line 26, after “SUBSECTION,” insert “AND”.

On page 4, in line 11, after “PROPERTY” insert “TAX”.

AMENDMENT NO. 5

On page 4, strike beginning with “DEPARTMENT” in line 21 down through “REGULATIONS” in line 22 and substitute “MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:”

(1) THE AMOUNT AND DURATION OF THE PROPERTY TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 776 – Delegate O’Donnell

AN ACT concerning

**Income Tax Withholding – Distributions from Deferred Compensation Plans,
Retirement Plans, and Annuities**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1017 – Delegates Walker, Tarrant, Anderson, Barnes, Benson, Braveboy, Carter, Conaway, Davis, Doory, Gaines, Glenn, Hammen, Harrison, Haynes, Healey, Holmes, Howard, Hucker, Ivey, Kirk, Krysiak, Levi, Manno, McHale, McIntosh, Oaks, Pena–Melnyk, Proctor, Ramirez, Rice, Robinson, Rosenberg, Ross, Schuler, Stukes, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

**Baltimore City and Prince George’s County – Parent–Teacher Association
Matching Fund Pilot Program**

(Amendment ID: HB1017/795963/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1017
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “County;” in line 8 and substitute “providing that each public high school in Baltimore City and Prince George’s County is eligible for a dollar–for–dollar match for private funds raised by the

school's parent-teacher association up to a certain amount; limiting the total amount that may be expended under the Program annually;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 through 15, inclusive, and substitute:

“(D) (1) EACH PUBLIC HIGH SCHOOL IN BALTIMORE CITY AND PRINCE GEORGE’S COUNTY IS ELIGIBLE FOR A DOLLAR-FOR-DOLLAR MATCH FOR PRIVATE FUNDS RAISED BY THE SCHOOL’S PARENT-TEACHER ASSOCIATION UP TO:

(I) IN BALTIMORE CITY, THE AMOUNT RAISED BY THE PARENT-TEACHER ASSOCIATION, NOT TO EXCEED THE SCHOOL’S EQUAL SHARE AS DETERMINED BY DIVIDING \$125,000 BY THE NUMBER OF PUBLIC HIGH SCHOOLS IN BALTIMORE CITY; AND

(II) IN PRINCE GEORGE’S COUNTY, THE AMOUNT RAISED BY THE PARENT-TEACHER ASSOCIATION, NOT TO EXCEED THE SCHOOL’S EQUAL SHARE AS DETERMINED BY DIVIDING \$125,000 BY THE NUMBER OF PUBLIC HIGH SCHOOLS IN PRINCE GEORGE’S COUNTY.

(2) THE TOTAL AMOUNT EXPENDED UNDER THE PROGRAM MAY NOT EXCEED \$250,000 ANNUALLY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #13**

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1377 – Delegates Beitzel, Bates, Donoghue, Kelly, McKee, Miller, Myers, O’Donnell, Riley, Shank, Stull, and Weldon

AN ACT concerning

Natural Resources – Black Bears – Establishment of Population in Each County

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1429 – Delegate Frush

EMERGENCY BILL

AN ACT concerning

Reforestation – Replacing Trees Destroyed by Pest Treatments

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1436 – Delegate Donoghue

EMERGENCY BILL

AN ACT concerning

Washington County – Zoning and Land Use – Actions Concerning Hospitals and Medical Campuses – Bonds and Other Security

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1437 – Delegates Pendergrass, Guzzone, and F. Turner

AN ACT concerning

Veterinarians – Licenses – Waiver of Requirements

The Bill was re-referred to the Committee on Environmental Matters.

SPECIAL ORDERS

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

House Bill 619 – Delegates Kelly, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carter, G. Clagett, V. Clagett, Conaway, Conway, Costa, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Gaines, George, Gilchrist, Glassman, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Impallaria, Ivey, James, Jameson, Jennings, Jones, Kach, Kaiser, J. King, N. King, Kipke, Kirk, Kramer, Krebs, Krysiak, Kullen, Lafferty, Lawton, Lee, Levy, Love, Malone, Manno, McComas, McConkey, McDonough, McHale, McIntosh, McKee, Miller, Minnick, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, O’Donnell, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Rice, Riley, Robinson, Rosenberg, Ross, Rudolph, Schuh, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, Taylor, F. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Public Schools – County Superintendent of Schools – Notification of Criminal Charges

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

Read the second time and ordered prepared for Third Reading.

House Bill 992 – Delegates Anderson, Carter, Conaway, Lee, Love, and Rosenberg

AN ACT concerning

Criminal Procedure – Drug–Related Offenses – Repeal of Mandatory Minimum Sentences

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

FLOOR AMENDMENT

(Amendment ID: HB0992/543124/2)

BY: Delegate Aumann

AMENDMENTS TO HOUSE BILL 992, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2 of the House Judiciary Committee Amendments (HB0992/652914/1), strike in their entirety Amendments No. 1 and No. 4 on page 1 and Amendment No. 8 on page 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with “Repeal” in line 2 down through “Sentences” in line 3 and substitute “Parole Eligibility for Second Offenders”; strike beginning with “repealing” in line 4 down through “offenses” in line 13 and substitute “altering a certain provision concerning eligibility for parole by providing that a person convicted of a certain drug-related offense is not eligible for parole during a certain mandatory minimum sentence if the person has been convicted of a violation of a certain crime of violence arising out of the incident that resulted in the imposition of the mandatory minimum sentence”; and in line 22, strike “5-607, 5-608,” and substitute “5-608”.

AMENDMENT NO. 3

On page 5 of the bill, in lines 5, 6, 8, 11, 13, 15, 18, 24, 26, and 28, in each instance, strike the bracket; strike beginning with “IS” in line 8 down through “BOTH” in line 9; in line 11, strike “(1)”; in line 13, strike “(2)”; in line 15, strike “(3)”; in line 21, after “sentence” insert “IF THE PERSON HAS BEEN CONVICTED OF A VIOLATION OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS ARTICLE, ARISING OUT OF THE INCIDENT THAT RESULTED IN THE IMPOSITION OF THE MANDATORY MINIMUM SENTENCE”; and strike beginning with “IS” in line 28 down through “BOTH” in line 29.

AMENDMENT NO. 4

On page 9 of the bill, in lines 1, 2, 8, 10, 12, and 27, in each instance, strike the bracket; in line 1, strike “(4)”; in line 5, after “sentence” insert “IF THE PERSON HAS BEEN CONVICTED OF A VIOLATION OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THIS ARTICLE, ARISING OUT OF THE INCIDENT THAT RESULTED IN THE IMPOSITION OF THE MANDATORY MINIMUM SENTENCE”; and strike beginning with “IS” in line 12 down through “BOTH” in line 13.

The preceding 4 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1195 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Local Correctional Facilities – Diminution Credits – Good Conduct

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

FLOOR AMENDMENT

(Amendment ID: HB1195/193324/2)

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 1195
(First Reading File Bill)

On page 2, in line 26, strike “**PARAGRAPH (2)**” and substitute “**PARAGRAPHS (2) AND (3)**”.

On page 3, after line 9, insert:

“(3) IF AN INMATE HAS A PRIOR CONVICTION FOR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, THE DEDUCTION DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE CALCULATED AT THE RATE OF 5 DAYS FOR EACH CALENDAR MONTH.”

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

Affirmative – 43 Negative – 94 (See Roll Call No. 421)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 422)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #35

House Bill 525 – Delegates McConkey, V. Clagett, Hucker, Shewell, and Weir

AN ACT concerning

**Real Property – Condominiums and Homeowners Associations – Court
Appointment of Receiver**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 423)

The Bill was then sent to the Senate.

House Bill 579 – Delegates Tarrant, Bromwell, Harrison, Hucker, Jones, Kirk, Lawton, Mathias, Rice, Riley, ~~and Walker~~ Walker, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Morhaim, Nathan-Pulliam, Oaks, Pendergrass, V. Turner, and Weldon

AN ACT concerning

**Health Insurance – Authorization of Additional Products and Small Group
Administrative Discounts and Study**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 424)

The Bill was then sent to the Senate.

House Bill 627 – Prince George’s County Delegation

AN ACT concerning

**Task Force to Study Rent Stabilization for the Elderly in Prince George’s County
PG 405–07**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the Senate.

House Bill 692 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Local Small Business Enterprise Program – Eligibility Criteria
MC/PG 105–07**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 426)

The Bill was then sent to the Senate.

House Bill 698 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Public School Facilities Surcharge
PG 420–07**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the Senate.

House Bill 711 – Montgomery County Delegation and Prince George’s County Delegation (By Request)

AN ACT concerning

**Maryland–National Capital Park and Planning Commission – Open Space
Dedication – Fee in Lieu
MC/PG 120–07**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the Senate.

House Bill 762 – Delegates Anderson, Glenn, Hammen, Haynes, Kirk, Krysiak, and McHale

AN ACT concerning

**Baltimore City – Housing Authority – Continued Occupancy by Family Member on
Death of Tenant**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the Senate.

House Bill 784 – Delegates Lawton, McIntosh, Barkley, Bobo, Bronrott, Cane, V. Clagett, Frush, Glassman, Healey, Holmes, Hucker, Lafferty, Malone, Manno, Mizeur, Shewell, and Waldstreicher

AN ACT concerning

Affordable Housing – Enabling Authority for Counties and Municipalities

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

Affirmative – 139 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the Senate.

House Bill 800 – Chair, Health and Government Operations Committee

AN ACT concerning

Maryland Health Care Commission – Program Evaluation

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

Affirmative – 139 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #36

House Bill 38 – Delegates Hixson, Cardin, Doory, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, Olszewski, Stukes, ~~and F. Turner~~ F. Turner, Manno, Bartlett, Barve, Elmore, George, Jennings, McKee, Murphy, Rice, Ross, and Walker

AN ACT concerning

Income Tax – Credit for Providing Adult Literacy Programs

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

Affirmative – 139 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the Senate.

House Bill 275 – Delegates Kaiser, Barkley, Bohanan, Cane, Donoghue, Feldman, George, Gutierrez, Heller, Howard, Hubbard, N. King, Kipke, Krebs, Kullen, Lawton, Manno, Mizeur, Montgomery, Olszewski, Pena–Melnyk, Proctor, Riley, Ross, Shewell, and Waldstreicher

AN ACT concerning

Education – Teachers – State and Local Aid Program for Certification by the National Board for Professional Teaching Standards

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

Affirmative – 139 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the Senate.

House Bill 325 – Delegates Hubbard, Costa, Gaines, Kullen, ~~and Taylor~~ Taylor, Hammen, Benson, Donoghue, Elliott, Kipke, Mizeur, Montgomery, Morhain, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

~~State Residential Centers – Money Follows the Individual Act~~
Department of Health and Mental Hygiene – Money Follows the Person
Grant – Report

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

Affirmative – 138 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the Senate.

House Bill 475 – Delegates Healey, Cardin, G. Clagett, V. Clagett, Davis, Gaines, Gilchrist, Haynes, Heller, Hixson, Howard, Hubbard, Ivey, James, Kaiser, N. King, Love, Montgomery, Niemann, Pendergrass, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Public School Construction Assistance Act of 2007

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

Affirmative – 101 Negative – 35 (See Roll Call No. 435)

The Bill was then sent to the Senate.

House Bill 500 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – State’s Attorney’s Office – Composition and Salaries
PG 302–07

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

Affirmative – 134 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the Senate.

House Bill 523 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Municipal Corporations – Building Excise Tax

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

Affirmative – 102 Negative – 35 (See Roll Call No. 437)

The Bill was then sent to the Senate.

House Bill 524 – Delegates Nathan–Pulliam, Benson, Bronrott, Burns, Costa, Donoghue, Hammen, Hubbard, Kach, Kullen, Lawton, Lee, Mizeur, Montgomery, Morhaim, Oaks, Pendergrass, Proctor, Stein, F. Turner, ~~and Waldstreicher~~ Waldstreicher, Kipke, Tarrant, V. Turner, and Pena–Melnyk

AN ACT concerning

Workgroup on Cultural Competency and Workforce Development for Mental Health Professionals

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

Affirmative – 138 Negative – 0 (See Roll Call No. 438)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 838 – Delegates Ross, Barkley, Barnes, Bronrott, George, Heller, Hubbard, Hucker, Ivey, Kach, Kaiser, Levi, McDonough, Minnick, Niemann, Ramirez, Rice, Simmons, Stukes, Taylor, Vaughn, Waldstreicher, ~~and Walker~~ Walker, Cardin, Doory, Howard, N. King, Olszewski, and F. Turner

AN ACT concerning

Education – Character Education Fund

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

Affirmative – 138 Negative – 0 (See Roll Call No. 439)

The Bill was then sent to the Senate.

House Bill 880 – Delegates Aumann, Bates, Boteler, Burns, Dwyer, Frank, Haddaway, Haynes, Jennings, Kach, Lafferty, O’Donnell, Olszewski, Smigiel, Stocksdale, ~~and Weir~~ Weir, Hammen, Benson, Costa, Donoghue, Elliott, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

**Senior Citizen Activities Centers – Capital Improvement Grants Program
– Maximum Grant Amount**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 440)

The Bill was then sent to the Senate.

House Bill 907 – Cecil County Delegation

AN ACT concerning

Cecil County – Bridge or Road Construction or Repair Contracts

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

Affirmative – 139 Negative – 0 (See Roll Call No. 441)

The Bill was then sent to the Senate.

House Bill 947 – Delegates Kach, Kipke, Kullen, Morhaim, Nathan–Pulliam, ~~and Riley~~
Riley, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, McDonough, Mizeur,
Montgomery, Oaks, Pena–Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

**Health Insurance – Health Care Providers – Reimbursement ~~by Carriers~~ and
Charges**

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

Affirmative – 139 Negative – 0 (See Roll Call No. 442)

The Bill was then sent to the Senate.

House Bill 964 – Delegates Conway and Mathias

AN ACT concerning

Atlantic Coastal Bays – Dredging for Oysters and Clams – Prohibition

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

Affirmative – 109 Negative – 29 (See Roll Call No. 443)

The Bill was then sent to the Senate.

House Bill 1078 – ~~Delegate Conway~~ Delegates Conway, Elmore, Hammen, Beitzel,
Benson, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur,
Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley,
Tarrant, V. Turner, and Weldon

AN ACT concerning

**Public Safety – Maryland State Firemen’s Association – Uses
of Appropriation**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 444)

The Bill was then sent to the Senate.

House Bill 1111 – Delegates Sossi, Smigiel, and Walkup

AN ACT concerning

Town of Sudlersville (Queen Anne’s County) – Urban Renewal Authority for Slum Clearance – Repeal

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

Affirmative – 139 Negative – 0 (See Roll Call No. 445)

The Bill was then sent to the Senate.

House Bill 1131 – Delegates Hubbard and Frush

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

Affirmative – 138 Negative – 0 (See Roll Call No. 446)

The Bill was then sent to the Senate.

House Bill 1215 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Community Right-to-Know Fund – Reports

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

Affirmative – 138 Negative – 0 (See Roll Call No. 447)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 62 – Senator Stoltzfus

AN ACT concerning

Somerset County – County Commissioners and Members of the County Roads Board – Salaries

FOR the purpose of increasing the salaries of the County Commissioners for Somerset County and the members of the County Roads Board of Somerset County; establishing a salary for the President of the County Commissioners for Somerset County and the President of the County Roads Board; providing that this Act does not apply to the salary or compensation of the incumbent County Commissioners, President of the County Commissioners, members of the County Roads Board, or President of the County Roads Board; and generally relating to the salaries of the County Commissioners for Somerset County, the President of the County Commissioners for Somerset County, members of the County Roads Board of Somerset County, and the President of the County Roads Board of Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 2–101 and 9–104(a)
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2006 Supplement, as amended)

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

Senate Bill 96 – Senators Mooney and Brinkley

AN ACT concerning

Frederick County – Alcoholic Beverages – Special Licenses

FOR the purpose of authorizing a certain organization in Frederick County to obtain certain special licenses for the sale of certain alcoholic beverages; specifying the use of the net proceeds from the sale of certain alcoholic beverages; and generally relating to special alcoholic beverages licenses in Frederick County.

BY renumbering

Article 2B – Alcoholic Beverages
Section 8–211(i)
to be Section 8–211(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article 2B – Alcoholic Beverages
Section 8–211(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 108 – The President (By Request – Administration) and Senators Currie, Frosh, Hogan, Middleton, Miller, ~~and Rosapepe~~ Rosapepe, DeGrange, Jones, Kasemeyer, Kramer, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

FOR the purpose of prohibiting, for a certain academic year, an increase in the tuition that may be charged to a resident undergraduate student at certain public senior higher education institutions in Maryland; and generally relating to tuition reductions at certain public senior higher education institutions in the State.

BY repealing and reenacting, with amendments,

Article – Education
Section 15–106.5
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 152 – Senator Gladden

AN ACT concerning

Family Law – Criminal History Records Check Costs – Exemption for Volunteers

FOR the purpose of waiving certain costs and fees for certain volunteers at certain facilities and local departments of social services who are required to obtain a criminal history records check; and generally relating to volunteers and criminal history records checks.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–561(d), (e), (f), (g), and (i)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–561(h)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 162 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Certificate of Title – Rebuilt Salvage

FOR the purpose of requiring that a certificate of title to a vehicle contain a conspicuous notation that the vehicle is “rebuilt salvage” ~~whenever~~ when an insurance company’s application for a salvage certificate for ~~the vehicle~~ a vehicle that is less than a certain number of model years old contains a statement that the cost to repair the vehicle for highway operation was equal to or less than the fair market value of the vehicle prior to the vehicle sustaining damage; and generally relating to salvaged vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–506(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–507

Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 170 – Senators Stone, Brochin, Colburn, Haines, Jacobs, and Mooney

AN ACT concerning

Child Sexual Abuse and Crimes of Violence

FOR the purpose of adding the crime of sexual abuse of a minor under a certain age by an adult under certain circumstances and the crime of a continuing course of conduct with a child to the list of crimes of violence for which certain enhanced penalties are applied to certain offenders; and generally relating to crimes of violence.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 14–101
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Senate Bill 173 – Senator Edwards

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Garrett County Municipalities, Inc.

FOR the purpose of including Garrett County Municipalities, Inc., in Garrett County in the definition of ~~local government~~ “local government” for the purposes of the Local Government Tort Claims Act; ~~providing that Garrett County Municipalities, Inc., and its employees may not raise as a defense a certain limitation on liability;~~ providing for the application of this Act; and generally relating to the Local Government Tort Claims Act and Garrett County Municipalities, Inc., in Garrett County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d) ~~and 5–303(f)~~
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 180 – Senator Stoltzfus

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

FOR the purpose of authorizing the County Commissioners of Somerset County to sell certain property known as Whittington Elementary School to Shore Up Inc., under terms the County Commissioners consider appropriate; exempting the sale of certain property from certain general requirements for the sale of surplus property; and generally relating to the sale of county property in Somerset County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 11A(a) and (b)(1) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 11A(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 201 – Senator Stoltzfus

AN ACT concerning

Somerset County – Alcoholic Beverages – License Fees

FOR the purpose of increasing by a certain amount the annual fees for all retail alcoholic beverages licenses in Somerset County; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages

Section 3–101(u), 3–201(u), 3–301(u), 3–401(u), 4–201(b)(6), 5–101(u), 5–201(u), 5–301(u), 5–401(u), 6–201(u)(2), 6–301(u)(2), 6–401(u), 7–101(s)(5), and 8–312(f)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 3–201(a)(1), 3–301(a)(1), 3–401(a)(1), 4–201(a)(15), 5–201(a)(1), 5–301(a)(1), 5–401(a)(1), 6–201(a)(1) and (u)(1), 6–301(a)(1) and (u)(1), 6–401(a)(1), 7–101(s)(1), and 8–312(a) and (b)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 202 – Senator Stoltzfus

AN ACT concerning

Somerset County – Treasurer – Salary

FOR the purpose of altering the salary of the Treasurer of Somerset County; providing that this Act does not apply to the salary or compensation of the incumbent Treasurer of Somerset County; and generally relating to the salary of the Treasurer of Somerset County.

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners

Section 51(r)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 229 – Senator Edwards

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity

FOR the purpose of altering the definition of a “local government” under the Local

Government Tort Claims Act to include a certain nonprofit corporation in Garrett County; providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Garrett County or its employees; and generally relating to the inclusion of a certain nonprofit entity in Garrett County under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301 and 5–304
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 242 – Senators Britt, Conway, Dyson, Kramer, Lenett, Muse, Pugh, and Rosapepe

AN ACT concerning

Education – Multiple ~~Student~~ Suspensions – ~~Services and Actions Required~~ Services Pilot Program

FOR the purpose of establishing the Multiple Suspensions Services Pilot Program; requiring the State Superintendent of Schools to select certain school systems to participate in the Pilot Program; requiring certain county boards of education to select a certain school to participate in the Pilot Program based on certain criteria; requiring certain principals to report certain suspensions of certain students in writing to certain county superintendents within certain periods of time; requiring certain principals to refer certain students to certain pupil services teams and give certain notice to certain students and certain parents or guardians that certain pupil services teams shall meet within a certain period of time; requiring certain notice to be provided in certain languages or certain modes of communication; requiring certain pupil services teams to meet with certain students and certain parents or guardians to develop certain plans, determine certain dates and times for certain subsequent meetings, identify certain resources to be used for certain purposes, and review certain student records within a certain period of time; requiring certain pupil services teams to refer to certain community resources lists in developing certain plans; requiring the State Department of Education to reimburse certain county boards for certain expenses; requiring the Department to submit a certain report on or before a certain date; defining a certain term; providing for the termination of this Act; and generally relating to ~~student suspensions~~ the Multiple Suspensions Services Pilot Program.

BY adding to

Article – Education
Section ~~7-305(e-1)~~ 7-305.1
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 252 – Chair, Anne Arundel County Senators

AN ACT concerning

~~Roadside~~ Anne Arundel County – Roadside Advertising or Solicitation of Money or Donations from Occupants of Vehicles in Anne Arundel County – Prohibition

FOR the purpose of prohibiting a person from standing in a ~~roadway, median divider, or intersection~~ highway right-of-way in Anne Arundel County to solicit money or donations from an occupant of a vehicle; ~~prohibiting a person from standing in a highway right-of-way in Anne Arundel County to advertise a commercial, political, or other message;~~ repealing the authority of the Anne Arundel County Council to enact, by ordinance, a certain licensing program for individuals who are of a certain age or older and certain organizations that wish to solicit money or donations from the occupants of vehicles by standing in a roadway, median divider, or intersection in Anne Arundel County; repealing the authority for the Anne Arundel County Council to prohibit, by ordinance, a person under a certain age from standing in a roadway, median divider, or intersection in Anne Arundel County to solicit money or donations from an occupant of a vehicle; making the provisions of this Act severable; defining a certain term; and generally relating to restrictions on the use of highways in Anne Arundel County for advertising or solicitation.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21-507
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 255 – Senator Conway

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

FOR the purpose of authorizing certain regulatory boards to investigate certain claims; continuing the State Board of Physicians in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; repealing a provision of law requiring the Board to elect a secretary–treasurer; authorizing the Board’s executive director or other duly authorized agent or investigator of the Board to enter certain premises under certain circumstances; altering the percentages of certain fees required to be distributed in certain fiscal years from the Board to the Office of Student Financial Assistance within the Maryland Higher Education Commission for certain uses under certain circumstances; requiring applicants for licensure by the Board to submit to a certain criminal history records check; prohibiting a certain applicant who has a certain disciplinary order in another state from qualifying for a license under certain circumstances; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward certain information to the Board and to certain applicants; providing that certain information is confidential and may be used only for certain purposes; authorizing certain subjects to contest certain contents of certain printed statements; requiring certain applicants for licensure to submit certain evidence to the Board; prohibiting the Board from issuing certain licenses if certain criminal history record information has not been received; requiring the Board to begin a process of requiring certain criminal history records checks as a condition of certain licensure renewal as determined by certain regulations; authorizing the Board to impose a certain civil penalty in lieu of certain sanctions for a licensee’s failure to obtain the required continuing medical education credits under certain circumstances; requiring the Board to develop a pilot program for continuing competency for licensed physicians that addresses a physician’s ability to practice medicine; authorizing a certain pilot program to be implemented in a certain teaching hospital; authorizing the Board to provide technical assistance and financial support to a certain teaching hospital for a continuing competency pilot program; requiring the Board to issue a certain report on or before a certain date including certain information; altering the persons with which the Board must contract for peer review services; requiring the Board to obtain a certain number of peer review reports for certain allegations; altering certain qualifications a peer reviewer must meet; authorizing the Board to consult with certain societies to establish a list of physicians qualified to provide peer review services; authorizing the Board to use sole source procurement under certain circumstances; prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings; repealing a provision requiring the Physician Rehabilitation Committee to report certain

noncompliance by a physician to the Board; ~~requiring the Board to provide services for physician rehabilitation or contract with an entity or entities for physician rehabilitation;~~ requiring the Board to issue a request for proposals and enter into a certain contract with a nonprofit entity to provide certain rehabilitation services on or before a certain date; requiring the Board to directly provide certain rehabilitation services under certain circumstances; altering certain requirements that the Board contract with an entity or entities for further investigation and physician peer review investigatory, mediation, and related services; repealing provisions of law requiring the Board to assess certain applicants a fee for physician rehabilitation and peer review activities; establishing separate grounds for disciplinary action for immoral conduct and unprofessional conduct; authorizing the Board to disclose certain licensee information to the National Practitioner Data Bank under certain circumstances; modifying the criteria for the reporting of medical malpractice claims and settlement information on the individual licensee profiles repealing the requirement that certain medical malpractice settlement information be available as part of a licensee's public individual profile; requiring the Board to provide certain notification regarding certain malpractice settlement information on the Board's Internet site; requiring the Board to provide certain information within a certain period of time; requiring proceedings of the Board or the hearing officer to be open to the public under certain circumstances; authorizing the Board or hearing officer to close proceedings under certain circumstances; requiring the Board to adopt certain regulations; requiring the Administrative Office of the Courts and the Chief Judge of the District Court, in collaboration with the Board, to develop a certain procedure for required reporting; altering certain confidentiality requirements so as to require that certain records and other information relating to the records of a proceeding or transaction before an entity or ~~entities~~ individual that ~~contract~~ contracts with the Board are confidential; authorizing the Board to impose a certain civil penalty for failure to file certain reports with the Board; prohibiting certain entities from employing certain individuals without a certificate; authorizing the Board to impose a certain civil penalty for employing certain uncertified individuals; ~~requiring the Comptroller to distribute certain funds for certain programs administered by the Maryland Higher Education Committee under certain circumstances;~~ repealing provisions of law requiring the Comptroller to distribute certain fees received from the Board to the General Fund; ~~providing that the Insurance Commissioner, instead of certain regulatory boards, determines if certain payments were provided as a result of a prohibited referral;~~ extending to a certain date the termination provision relating to the statutory and regulatory authority of the Polysomnography Professional Standards Committee; altering certain definitions; defining a certain term; making technical changes; repealing certain provisions requiring the Board to establish or designate a training program for certain physicians on or before a certain date; repealing certain provisions requiring the Board to inform physicians about the availability of certain training and experience; authorizing the Board to adopt certain regulations to qualify certain physicians to practice certain opioid addiction therapy; repealing certain

provisions of law relating to the use of peer reviewers by a certain entity or entities and the Board; requiring the Board to utilize a certain peer reviewer to affirm a certain decision; requiring the Board to make certain regulatory changes on or before a certain date; requiring the Secretary of Health and Mental Hygiene to standardize investigator job classifications within the Board on or before a certain date; requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings; requiring the Department of Health and Mental Hygiene and the Office of the Attorney General to review a certain process for investigating self-referral cases and make certain recommendations on or before a certain date; requiring the Board to submit a certain report regarding certain disagreement among certain peer reviewers on or before a certain date; requiring the Governor to include funding for certain new regular positions for the Board in the annual budget bill for a certain fiscal year; requiring the Chief Administrative Law Judge to designate certain administrative law judges to hear certain cases referred by the Board; exempting the Board from certain provisions of law requiring a certain preliminary evaluation; and generally relating to the State Board of Physicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1-306, 14-101, 14-203(a), 14-206(d)(1), 14-207, 14-307(a) and (f), 14-309(a), 14-313, 14-316(d) and (e), 14-401, 14-402, 14-404(a)(3), 14-411(b) and (c), 14-411(c), 14-411.1(b)(4), 14-411.1(b), (c), (d), 14-413(b), 14-414(b), 14-506, 14-5B-08, 14-5C-25, 14-702, and 15-206

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations

Section 14-307.1, 14-316(g), 14-322, 14-411.2, 14-5A-18(g), 14-5B-15(g), and 14-5C-18(g)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14-316(e), 14-411(a) and (b), 14-411.1(b)(3), 14-5A-18(a), 14-5B-15(a), and 14-5C-18(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Insurance~~

~~Section 15-110~~

~~Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(49) and (53)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 220 of the Acts of the General Assembly of 2003
Section 1

~~BY repealing and reenacting, with amendments,~~
Chapter 252 of the Acts of the General Assembly of 2003
Section 8

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

Senate Bill 275 – Senators Middleton and Munson

EMERGENCY BILL

AN ACT concerning

Maryland Tort Claims Act – Employee or Official of the Maryland Agricultural and Resource–Based Industry Development Corporation

FOR the purpose of expanding the definition of State personnel under the Maryland Tort Claims Act to include an employee or official of the Maryland Agricultural and Resource–Based Industry Development Corporation; making this Act an emergency measure; providing for the application of this Act; and generally relating to the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 279 – Senator Middleton

AN ACT concerning

Motor Homes and Travel Trailers – Vehicle Excise Tax – Definitions – Repeal of Sunset

FOR the purpose of repealing the termination of certain provisions that alter the definitions of “fair market value” and “total purchase price” for purposes of the vehicle excise tax imposed on a motor home or a travel trailer to exclude from the computation of the tax, subject to a certain limitation, the value of a motor home or travel trailer traded as part of the consideration for the sale; repealing the termination of certain provisions that provide that certain definitions do not apply to the calculation of the vehicle excise tax imposed on a motor home or a travel trailer until certain bonds are no longer outstanding and unpaid; and generally relating to travel trailers and motor homes.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–809(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Chapter 361 of the Acts of the General Assembly of 2001, as amended by Chapter
545 of the Acts of the General Assembly of 2004
Section 3

BY repealing and reenacting, with amendments,
Chapter 361 of the Acts of the General Assembly of 2001, as amended by Chapter
545 of the Acts of the General Assembly of 2004
Section 5

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

Senate Bill 287 – Senator Kelley

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Receivership

FOR the purpose of authorizing certain unit owners to petition a certain circuit court to appoint ~~a~~ an independent receiver under the Maryland Condominium Act under certain circumstances; requiring certain petitioners to mail a copy of a certain petition and a certain notice to all unit owners; requiring certain petitioners to post

a certain notice in a certain manner; providing that a certain circuit court may appoint a certain receiver after a hearing; providing that a certain receiver shall have certain powers and duties; providing for the term of service of a receiver; providing that the salary of a certain receiver, certain court costs, and certain attorney's fees are common expenses; authorizing certain lot owners to petition a certain circuit court to appoint ~~a~~ an independent receiver under the Maryland Homeowners Association Act under ~~certain~~ certain circumstances; requiring certain petitioners to mail a copy of a certain petition and a certain notice to all lot owners; requiring certain petitioners to post a certain notice in a certain manner; providing that a certain circuit court may appoint a certain receiver after a hearing; providing that a certain receiver shall have certain powers and duties; providing for the term of service of a receiver; providing that the salary of a certain receiver, certain court costs, and certain attorney's fees are expenses of a homeowners association; and generally relating to the appointment of ~~a~~ an independent receiver for a condominium or a homeowners association.

BY adding to

Article – Real Property

Section 11–109.3 and 11B–111.5

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 296 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Property Tax Credit – Leadership Through Athletics, Inc.

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a property tax credit against the county tax imposed on personal property that is owned by Leadership Through Athletics, Inc.; providing for the application of this Act; and generally relating to a property tax credit in Baltimore County for Leadership Through Athletics, Inc.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–305(b)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 302 – Senators Kelley, Astle, Conway, Currie, Della, Forehand, Garagiola, Hogan, Klausmeier, Middleton, Pinsky, and Pugh

AN ACT concerning

~~**State Residential Centers – Money Follows the Individual Act**~~
Department of Health and Mental Hygiene – Money Follows the Person Grant – Report

FOR the purpose of ~~prohibiting the Department of Health and Mental Hygiene from denying an individual home and community based waiver services when the individual resides in a State residential center and certain criteria are met; providing that nothing in this Act is intended to result in a certain reduction of federal funds; requiring the Department to notify certain residents of State residential centers about certain opportunities to participate in a certain waiver; requiring the Department to submit a certain annual report; defining a certain term; and generally relating to individuals living in State residential centers and access to home and community based waivers~~ requiring the Department of Health and Mental Hygiene to make a certain report to certain committees of the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to the Department of Health and Mental Hygiene and the Money Follows the Person grant.

BY adding to

Article – Health – General

Section ~~15-135.1~~ 15-144

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 303 – ~~Senator Forehand~~ Senators Forehand and Middleton

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

FOR the purpose of providing that certain indemnity agreements, collateral to, or affecting certain motor carrier transportation contracts that purport to indemnify the promisee against certain liability resulting from certain conduct by the promisee are against public policy and are void and unenforceable; defining certain terms; and generally relating to certain indemnity agreements in certain motor carrier transportation contracts.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–134.2
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 305 – Senators Kramer, Forehand, Garagiola, Hogan, Lenett, and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Trustees of the Grand United Order of Odd Fellows Sandy Spring Lodge # 6430, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (AQ)

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

Senate Bill 306 – Senator Stone

AN ACT concerning

Identity Fraud – Seizure and Forfeiture

FOR the purpose of authorizing a State or local law enforcement agency, on process issued by a court of competent jurisdiction, to seize certain property used or intended for use in connection with violation of certain identity fraud laws; ~~establishing that certain property is contraband and presumed to be forfeitable;~~

~~placing the burden of rebutting a certain presumption on a certain property claimant;~~ authorizing the seizure of certain property with or without a warrant under certain circumstances; authorizing a court to direct a certain defendant to forfeit certain property; establishing a certain forfeiture proceeding; authorizing forfeited property to be sold by order of the court; requiring the proceeds of the sale of forfeited property to be distributed in a certain manner; defining certain terms; providing for the application of this Act; and generally relating to seizure and forfeiture of property used in connection with a violation of the identity fraud law.

BY adding to

Article – Criminal Procedure

Section 13–401 through 13–407 to be under the new subtitle “Subtitle 4.
Violations of Identity Fraud Laws”

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

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

Senate Bill 309 – Senator Stone

AN ACT concerning

Civil Actions – ~~Dismissal or Termination~~ – Limitations

FOR the purpose of authorizing the commencement of a new civil action if a prior action for the same cause was commenced within the applicable period of limitations, ~~and was dismissed or terminated in a manner other than by a final judgment on the merits~~ without prejudice; providing the time period within which a new civil action may be commenced in accordance with this Act; providing for the application of this Act; and generally relating to altering the periods of limitations on commencement of civil actions under certain circumstances.

BY adding to

Article – Courts and Judicial Proceedings

Section 5–118

Annotated Code of Maryland

(2006 Replacement Volume)

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

Senate Bill 324 – Chair, Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel County Board of Education from a list of nominees submitted by the School Board Nominating Commission of Anne Arundel County; requiring the Commission to hold certain public hearings before recommending to the Governor nominees for appointment to the County Board; providing for the establishment, purpose, membership, terms of office, and chair of the Commission; requiring the Commission to submit to the Governor a certain list of nominees for each nomination to the County Board beginning on a certain date; authorizing members of the County Board to serve the remainder of a member's first term or a second consecutive term subject to the results of a certain retention election at a certain time; specifying the process of reappointment of members serving on the County Board as of a certain date; specifying the terms of the initial members of the Commission; requiring the County Board to provide written notice to the State Board of Elections of the name of the member to be placed on a certain ballot at a certain time; providing that an incumbent member of the County Board is not required to file a certain certificate of candidacy for an election for continuance in office; making a stylistic change; and generally relating to the appointment process for members of the Anne Arundel County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108(a) and (c) and 3–110
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Election Law
Section 5–301(h)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 326 – Cecil County Senators

AN ACT concerning

Cecil County – Bridge or Road Construction or Repair Contracts

FOR the purpose of altering the threshold amount of certain expenditures that are

required to be made by competitively bid contracts in Cecil County; repealing a limitation on the amount of certain contracts that a contractor may be awarded during a certain period; and generally relating to bridge or road construction or repair contracts in Cecil County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 37A
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 349 – Senator McFadden

AN ACT concerning

**Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy
Pilot Program**

FOR the purpose of establishing the Expedited Partner Therapy Pilot Program in the Baltimore City Health Department; providing for the purpose of the Program; authorizing certain health care providers to ~~prescribe, dispense,~~ dispense or otherwise provide certain antibiotic therapy to certain partners of patients diagnosed with certain sexually transmitted diseases without making a certain physical assessment; requiring the Secretary of Health and Mental Hygiene ~~and the Commissioner of the Baltimore City Health Department~~ to adopt jointly certain regulations; ~~establishing civil immunity for certain health care providers in certain circumstances;~~ requiring the Baltimore City Health Department to report to the Governor and General Assembly regarding the operation and performance of the Program on or before a certain date each year; providing for the termination of this Act; and generally relating to the prevention of sexually transmitted diseases and the Expedited Partner Therapy Pilot Program.

BY adding to
Article – Health – General
Section 18–214.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 360 – Senator Zirkin

AN ACT concerning

Juvenile Justice Monitoring Unit – Expansion of Jurisdiction

FOR the purpose of expanding the jurisdiction of the Juvenile Justice Monitoring Unit of the Office of the Attorney General to include the monitoring of any facility licensed by the Department of Juvenile Services; altering a certain definition; making certain stylistic changes; authorizing the Governor to transfer certain positions and funds in a certain manner; authorizing the Attorney General to transfer a certain position in a certain manner; making certain provisions of this Act subject to a certain contingency; and generally relating to the Juvenile Justice Monitoring Unit of the Office of the Attorney General.

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–401 and 6–406
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–402
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

FOR the purpose of altering the period during which a release of a claim for certain damages signed by an injured individual is voidable; altering the circumstances under which a release of a claim for certain damages is voidable; altering the period during which a certain power of attorney or employment contract signed by an injured individual is voidable; clarifying when a certain time period begins; requiring a certain notice that a certain release is voided to be in writing and accompanied by the return of certain money; providing that a certain release is void from the date that a certain notice is mailed; providing for the application of this Act; and generally relating to certain documents signed by injured individuals.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401.1
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 377 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Parks and Recreation – Appointment of Members

FOR the purpose of altering the manner of appointment of the members of the Board of Parks and Recreation for Cecil County; and generally relating to the appointment of the members of the Board of Parks and Recreation for Cecil County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Cecil County
Section 57–1
Article 8 – Public Local Laws of Maryland
(1989 Edition and January 2006 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Cecil County
Section 57–2 A.
Article 8 – Public Local Laws of Maryland
(1989 Edition and January 2006 Supplement, as amended)

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

Senate Bill 384 – Senator Frosh

AN ACT concerning

General Assembly – Legislative Inquiries and Examinations

FOR the purpose of clarifying that the Legislative Policy Committee may delegate its authority to issue subpoenas, administer oaths, and take other related actions to any committee created by the Legislative Policy Committee; providing certain venue and procedures for certain legislative committees that have the power to issue subpoenas whenever those committees seek to take legal action to obtain

compliance with a subpoena or to compel testimony; providing that the provisions of law that establish a code of fair procedures for the operation of a legislative investigating committee do not limit the authority of a committee or subcommittee of the General Assembly to exercise the power to administer oaths or subpoena witnesses and records as otherwise authorized by law; repealing a prohibition on the filming, televising, or broadcasting, in whole or in part, of certain hearings; providing for procedures and venue with respect to the filing of a petition for an order directing compliance with a subpoena or compelling testimony; requiring that papers, books, accounts, documents, testimony, and records sought in accordance with a subpoena issued in accordance with certain provisions of law in connection with a lawfully authorized legislative inquiry or examination be pertinent to the inquiry or examination; providing that the papers, books, accounts, documents, testimony, or records are considered pertinent if they meet certain criteria; providing that the party whose conduct necessitated the filing of the petition has a certain number of days to respond to the petition; providing that a response by the party whose conduct necessitated the petition is the ~~party's sole remedy for objecting~~ only pleading that an objecting party may file to object to a subpoena and prohibiting that party from filing a motion to quash or a petition for an injunction with respect to the subpoena; requiring proceedings to enforce compliance with a subpoena issued by a legislative committee to be handled by the court in a certain manner; prohibiting the introduction of additional evidence in any hearing in a proceeding on a petition to comply with a subpoena or to compel testimony; ~~requiring the court, under certain circumstances, to order the party whose conduct necessitated the petition to pay the petitioner reasonable expenses, including attorney's fees; providing for a certain exception;~~ providing that a party to a proceeding to enforce compliance with a subpoena may appeal the decision of the court only in a certain manner; providing for the application of this Act; and generally relating to legislative inquiries and examinations.

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–407, 2–408, 2–507, 2–807, 2–1104, 2–1602, and 2–1609(c)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – State Government

Section 2–1802 and 2–1803

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 388 – Senator Stone

AN ACT concerning

Baltimore County – Todd’s Inheritance Loan of 2000

FOR the purpose of extending the deadline by which the County Council and County Executive of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, without amendments,
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(5)

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

Senate Bill 389 – Senator Stone

AN ACT concerning

Civil Actions – Liability of Insurer – ~~Failure to Act in Good~~ Bad Faith

FOR the purpose of authorizing an insured, in a certain civil action between an insured and an insurer, to recover certain damages, expenses and litigation costs, and interest computed at a certain rate and from a certain date, ~~and actual compensatory damages~~, if the court finds that the insurer ~~failed to act in good faith~~ acted in bad faith; requiring an insured to send a certain notice to the insurer before filing a certain civil action; providing for the application and construction of this Act; and generally relating to the liability of an insurer for ~~failure to act in good~~ acting in bad faith.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1701 to be under the new subtitle “Subtitle 17. Liability of Insurer”
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 396 – Senators Gladden, Della, Conway, Jones, McFadden, ~~and Pugh~~ Pugh, Frosh, and Stone

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

FOR the purpose of repealing provisions of law authorizing a landlord under a ground lease to bring an action for ejectment for nonpayment of ground rent; repealing provisions of law entitling the holder of a ground rent to reimbursement for certain expenses incurred in collecting past due ground rent and filing an action for ejectment; providing that the establishment of a lien is the ~~sole~~ remedy for nonpayment of a ground rent; requiring a certain person seeking to impose a lien to give a certain notice to certain persons in a certain manner; authorizing a person to whom notice is given to file a certain complaint and request a hearing in a certain circuit court; establishing procedures for imposing and releasing a lien; authorizing the court to award costs and reasonable attorney's fees to the prevailing party in a certain action; specifying the form for a statement of lien; providing for the enforcement and foreclosure of a lien; providing for the application and construction of certain provisions of this Act; making certain conforming changes; defining certain terms; and generally relating to remedies for nonpayment of ground rent.

BY repealing

Article – Real Property

Section 8–402.2 and 8–402.3

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Real Property

Section 8–402.2

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 8–111.1 and 14–108.1

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 397 – Senators Gladden, Della, McFadden, and Pugh

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

FOR the purpose of providing for the conversion of an irredeemable ground rent to a redeemable ground rent unless a notice of intention to preserve irredeemability is recorded within a certain period of time; providing that a disability or lack of knowledge does not prevent the conversion of an irredeemable ground rent if a notice of intention to preserve irredeemability is not recorded within a certain period of time; authorizing certain persons to file a notice in the land records of the county where the land is located; requiring a notice to be executed in a certain manner and to contain certain information; requiring a notice that meets certain requirements to be accepted for recording on payment of certain fees; exempting a notice from certain taxes; providing for the indexing of notices; requiring notices to be filed on or before a certain date; providing that a ground rent becomes redeemable if a notice is not recorded on or before a certain date; establishing the period of effectiveness of a filed notice; providing for the filing of renewal notices and the extension of the period of effectiveness of a filed notice; establishing the sum for which a converted ground rent may be redeemed; defining certain terms; and generally relating to the conversion of irredeemable ground rents.

BY adding to

Article – Real Property

Section 8–110.1

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 398 – Senators Gladden, Della, Conway, McFadden, ~~and Pugh~~ Pugh, Stone, and Raskin

AN ACT concerning

Ground Rents – Notices Regarding Ground Leases on Residential Property

FOR the purpose of requiring a leasehold tenant under a certain ground lease to notify the ~~landlord~~ ground lease holder of any change of address of the leasehold tenant within a certain time period; altering the method by which a leasehold tenant is required to give certain notices to a ground lease holder; requiring a ~~landlord~~ ground lease holder under a certain ground lease to mail to the leasehold tenant a bill for the payment of ground rent due no later than a certain amount of time

before the payment is due; requiring the bill sent by the ~~landlord~~ ground lease holder to include a certain notice regarding the ground lease and the rights and responsibilities of the leasehold tenant under the ground lease; altering the notice requirements contained in a contract for the sale of real property that is subject to a certain ground rent to include a certain notice regarding the ground lease and the rights and responsibilities of the leasehold tenant under the ground lease; defining certain terms; providing for the application of the provisions of this Act; making stylistic changes; and generally relating to notices regarding ground leases on residential property.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–116 and 14–117(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 14–116.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 400 – Senators Pipkin, Astle, Della, Exum, Garagiola, Kelley, Klausmeier, ~~and Middleton~~ Middleton, and Pugh

EMERGENCY BILL

AN ACT concerning

Electric Industry Restructuring – Proceedings – Review and Evaluation

FOR the purpose of requiring the Public Service Commission to initiate new proceedings to review and evaluate certain requirements under a certain Act ~~beginning on a certain date~~; requiring the Commission to conduct certain hearings which include the use of certain experts and consultants; repealing certain provisions relating to a certain merger and certain reporting requirements; altering certain considerations that the Commission is required to review in a certain study; prohibiting the Commission from approving an opt-out aggregation program under certain circumstances; requiring the Commission to identify the implications of certain aspects of an opt-out aggregation program; providing that certain requirements may not be construed to interfere with the development and implementation of certain programs and services; requiring the Commission to make certain

determinations in its study of establishing a certain long-term goal; requiring the Commission to provide a certain interim report by a certain date; requiring the Commission to provide a certain final report by a certain date; providing that certain hearings are not required to be evidentiary proceedings; providing that certain unexpended funds shall be considered encumbered and may not be deducted from certain appropriations; allowing the Commission to impose on certain persons up to a certain amount as a special assessment; allowing certain funds to be expended for certain purposes in accordance with an approved budget amendment; specifying the calculation of certain bills sent to certain electric companies and electricity suppliers; allowing the Commission to use a certain procurement process under certain circumstances; making stylistic changes; making this Act an emergency measure; and generally relating to the Public Service Commission.

BY repealing and reenacting, with amendments,

Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006
Section 5 and 7

BY repealing and reenacting, without amendments,

Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006
Section 18(a)(2) and (3), (b), and (c)

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

INTRODUCTION OF BILLS

Delegate Levy moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 448)

In compliance with the rules, the Bill was introduced.

Delegate Levy moved to suspend Rule 32 and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 449)

House Bill 1441 – Charles County Delegation

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02 (AJ)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 407 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

FOR the purpose of extending to a certain date provisions requiring that for certain fiscal years certain amounts measured by proceeds from a hotel room tax imposed by Baltimore City be appropriated for certain purposes; requiring that the required appropriation be made to a certain association; repealing certain obsolete language; and generally relating to hotel room taxes and convention center marketing and tourism promotion in Baltimore City.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (40)(e)
(2006 Edition)

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

Senate Bill 408 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local Law

FOR the purpose of requiring that a prosecution seeking a criminal penalty or civil fine for an offense that occurs in the Chesapeake Bay Critical Area and is a violation of a certain local law in Anne Arundel County that relates to environmental protection or natural resource conservation be instituted within a certain time after the commission of the offense; providing a certain exception to the imposition of a criminal penalty or civil fine under certain circumstances; and generally relating to the prosecution of offenses that occur in the Chesapeake Bay Critical Area.

BY adding to

Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–1815
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

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

Senate Bill 418 – The President (By Request – Department of Legislative Services)

AN ACT concerning

**State Government – Submission of Publications to the General Assembly
– Procedures**

FOR the purpose of altering certain procedures to be followed by an official or unit of the State government intending to submit or distribute certain publications to the General Assembly or to a committee, staff agency, or employee of the General Assembly; requiring an official or unit to submit one copy of certain publications to the President of the Senate and the Speaker of the House of Delegates in a certain format under certain circumstances; requiring an official or unit intending to distribute a publication to a standing committee of the General Assembly to obtain the approval of the chair of the committee, except under certain circumstances, and to comply with certain procedures; requiring an official or unit to provide certain copies of a publication to the library of the Department of Legislative Services as requested by the library on behalf of a member of the

General Assembly; requiring certain publications submitted in fulfillment of a duty imposed by law to contain certain information; requiring the library of the Department to collect, catalogue, and preserve certain publications; defining a certain term; making certain technical and clarifying changes; and generally relating to the procedures for the submission and distribution of publications to the General Assembly.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1246
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 432 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

FOR the purpose of extending the deadline by which the County Executive and County Council of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the Acts of the General Assembly of 2004
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the Acts of the General Assembly of 2004
Section 1(5)

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

Senate Bill 452 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

FOR the purpose of authorizing the Board of License Commissioners of Dorchester County to issue a Class D (on-sale) beer, wine and liquor license; specifying a license fee; specifying that the license is for a certain period; requiring that alcoholic beverages sold under the license be consumed only on the licensed premises; prohibiting an individual under a certain age from being on the licensed premises; providing that only the Board may decide the number of Class D licenses to be issued; requiring the Board to determine whether the premises for which a Class D license is issued meets certain requirements; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–210
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 453 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

FOR the purpose of adding in Dorchester County a certain type of alcoholic beverages license to the types of licenses that entitle premises to be issued additional Class A beer licenses; authorizing the Board of License Commissioners of Dorchester County to limit the number of additional Class A beer licenses that it issues; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–6)
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 455 – Senator Colburn

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick
Douglass Memorial**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Frederick Douglass Memorial Action Coalition may present evidence to the Board of Public Works that a matching fund will be provided; and altering the matching fund requirement.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (BN)

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

Senate Bill 456 – Senator Colburn

AN ACT concerning

Interest Rate for Overdue Property Tax – Mardela Springs

FOR the purpose of providing that the rate of interest for overdue property tax for a certain municipal corporation is the rate set by law by the governing body of the municipal corporation, subject to a certain limitation; and generally relating to the interest rate for overdue property tax for a certain municipal corporation.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–603(b)(5)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 457 – Senator Colburn

AN ACT concerning

Wicomico County – Board of License Commissioners – Attorney’s Salary

FOR the purpose of increasing the annual salary of the attorney for the Board of License Commissioners of Wicomico County; and generally relating to the Board of License Commissioners of Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(x)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 458 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants

FOR the purpose of lowering the minimum seating capacity requirement for restaurants in Wicomico County for which a Class B beer, wine and liquor license is issued; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(x)(2)(iv)1.C.
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 459 – Senators Colburn, Pipkin, and Stoltzfus

AN ACT concerning

Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments

FOR the purpose of prohibiting a person in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County from serving or dispensing certain items or serving, dispensing, keeping, or allowing to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in certain places of public entertainment; prohibiting a person who operates a certain business establishment for profit in certain counties from knowingly allowing customers to bring alcoholic beverages for consumption into the establishment; defining certain terms; establishing certain penalties; and generally relating to alcoholic beverages in places of public entertainment and unlicensed establishments in Caroline County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County.

BY adding to

Article 2B – Alcoholic Beverages

Section 20–103.1, 20–107.1, 20–108.2, 20–110, 20–111, 20–112, and 20–113

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 20–105.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 463 – Senator Pugh (By Request) and Senators Della, Dyson, Jones, Kasemeyer, McFadden, Raskin, and Stone

AN ACT concerning

Maryland Transit Administration – Public Hearings

FOR the purpose of requiring, except under certain circumstances, the Maryland Transit Administration to hold a public hearing before changing a certain bus or rail route alignment ~~or bus stop location~~; requiring the Administration to hold a public hearing before establishing or abandoning a rail transit station; limiting the time period during which the Administration may implement a ~~policy~~ certain change ~~on certain matters~~; establishing notice requirements that must be met for a public hearing on ~~certain matters~~ a certain change before the Administration may implement ~~policy changes on those matters~~ the change; requiring a public hearing to be at a certain location and time; requiring the Administration to accept written comments during a certain time period after a public hearing; authorizing the Administration to alter a bus route alignment in a certain manner without holding a public hearing; requiring the People's Counsel ~~to the Public Service Commission~~ to appear at certain hearings called by the Administration; making a stylistic change; and generally relating to public hearings held by the Maryland Transit Administration.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 7-506
 Annotated Code of Maryland
 (2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 476 – Senator Zirkin

AN ACT concerning

~~Juveniles – Group Home Education Program~~ Task Force to Study Group Home Education and Placement Practices

FOR the purpose of ~~requiring the Department of Juvenile Services, in cooperation with the State Department of Education, to establish a Group Home Education Program in certain group homes in the State on or before a certain date; providing for the purpose of the Program; making certain provisions relating to education applicable to the Program; authorizing the Program to be conducted at certain locations; requiring teachers in the Program to take certain actions; requiring the curriculum of the Program to be developed under the jurisdiction of the State Department of Education; providing for certain funding; authorizing the Department of Juvenile Services and the State Department of Education to adopt certain regulations; and generally relating to the Group Home Education Program~~ establishing a Task Force to Study Group Home Education and Placement Practices; providing for the

membership and staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study Group Home Education and Placement Practices.

~~BY repealing and reenacting, without amendments,~~

~~Article – Human Services~~

~~Section 9–231~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter — (S.B.6) of the Acts of the General Assembly of 2007)~~

~~BY adding to~~

~~Article – Human Services~~

~~Section 9–231.1~~

~~Annotated Code of Maryland~~

~~(As enacted by Chapter — (S.B.6) of the Acts of the General Assembly of 2007)~~

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

Senate Bill 477 – Senator Zirkin

AN ACT concerning

Juvenile Law – Purposes and Hearings

FOR the purpose of altering the express purposes of certain laws pertaining to children who commit delinquent acts and children in need of supervision; repealing certain provisions requiring the juvenile court to conduct certain proceedings in open court and announce certain adjudications and dispositions in open court except under certain circumstances; authorizing the court, on a certain motion and if the court makes a certain determination, to exclude the general public from a hearing in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult and to admit only the victim and certain other persons; making certain stylistic changes; and generally relating to juvenile causes.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–02 and 3–8A–13(f)

Annotated Code of Maryland

(2006 Replacement Volume)

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

Senate Bill 497 – Senators Haines, Brinkley, Hooper, Jacobs, and Mooney

AN ACT concerning

Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency

FOR the purpose of authorizing a law enforcement agency to dispose of a handgun owned by the agency by selling, exchanging, or transferring the handgun to a manufacturer; defining a certain term; and generally relating to the disposal of handguns owned by a law enforcement agency.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–501
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 507 – Senator Zirkin

AN ACT concerning

Baltimore County – Alcoholic Beverages – Wine Tasting

FOR the purpose of ~~repealing in Baltimore County the maximum number of Class BWT beer and wine (on-premises) tasting licenses that are available each year to a holder of a Class A beer and light wine license or a Class A beer, wine and liquor license~~ establishing a beer, wine, and liquor tasting Class BWLT license in Baltimore County; increasing the fee for a Class BWT license in Baltimore County; establishing fees for Class BWLT licenses; authorizing a Class BWLT license holder to allow the consumption of certain alcoholic beverages for tasting and sampling; requiring a Class A license holder to apply for a Class BWT or Class BWLT license in a certain manner; requiring Class BWT and Class BWLT license holders to dispose of any unconsumed alcoholic beverages remaining in a container that was opened for tasting or sampling; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–404.1

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 525 – Senators Madaleno, Lenett, and Raskin

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

FOR the purpose of requiring certain money carried forward from a previous fiscal year to be used for dual enrollment grants, in addition to certain other financial aid programs; repealing certain provisions of law relating to the inclusion of dually enrolled students in a certain part-time grant program; requiring the Maryland Higher Education Commission, in cooperation with certain institutions of higher education, to establish and administer a grant program for dually enrolled students; requiring a recipient of a dual enrollment grant to be a resident of the State ~~and~~, be a dually enrolled student, and demonstrate financial need; providing that, for courses completed under the program, a recipient of a dual enrollment grant is not required to receive credit from a secondary school and an institution of higher education at the same time; requiring the Commission to ~~administer funds for the Dual Enrollment Grant Program and to distribute funds to an institution of higher education on behalf of a dual enrollment grant recipient~~ allocate funds to an institution of higher education based on the number of dually enrolled students receiving credit for certain courses; requiring funds for the Dual Enrollment Grant Program to be as provided in the annual budget of the Commission by the Governor; requiring the Commission to establish guidelines for the awarding of dual enrollment grants to dually enrolled students; requiring the Commission to adopt certain regulations; ~~requiring the Governor to include certain funds in the State budget for certain fiscal years for the Dual Enrollment Grant Program~~ requiring an institution of higher education that receives certain funds for dual enrollment grants to provide the Commission with a certain annual audit; requiring a certain council to provide certain recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; defining a certain term; and generally relating to the Dual Enrollment Grant Program.

BY repealing and reenacting, with amendments,

Article – Education

Section 18-107(b) and 18-1401

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Education

Section 18–14A–01 through ~~18–14A–03~~ 18–14A–04 to be under the new subtitle
“Subtitle 14A. Dual Enrollment Grant Program”

Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 551 – Senator Garagiola

AN ACT concerning

**Public Service Commission – For–Hire Driver’s License – Review of Driving Record
of Applicant**

FOR the purpose of requiring that the Public Service Commission ~~require a review of~~ the complete Maryland driving record of an applicant for a for–hire driver’s license and ~~require a review of certain portions of the~~ the applicant’s driving record of an applicant from each state in which the applicant held a driver’s license during a certain time period under certain circumstances; requiring the Commission to meet with certain representatives to consider certain options for licensing and regulating certain drivers; requiring the Commission to report by a certain date on certain options, findings, and recommendations; and generally relating to for–hire driver’s licenses.

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 10–104(a)

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

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

Senate Bill 553 – Senators Pipkin, Miller, Britt, and Brochin

AN ACT concerning

Environment – Landfills – Termination Date

FOR the purpose of expanding a certain prohibition against issuing a certain permit to construct or operate a landfill within a certain distance of certain areas; repealing a prohibition against issuing a certain permit to construct or operate a landfill within

a certain distance of certain tributaries in Prince George's County; repealing the termination date of certain provisions of law relating to landfills in the State; and generally relating to landfills.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–204(m)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 228 of the Acts of the General Assembly of 2006
Section 2

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

Senate Bill 571 – Senator Della

AN ACT concerning

Baltimore City – 46th Alcoholic Beverages District – Licenses

FOR the purpose of altering certain district designations to reflect that a Class B beer, wine and liquor license may be issued for a restaurant in a certain alcoholic beverages district in Baltimore City; authorizing the issuance of a certain license for use by a restaurant in a certain location; altering the minimum amount of capital investment for restaurant facilities required for the issuance of a certain license for use by a restaurant; authorizing the Baltimore City Board of Liquor License Commissioners to issue a Class C beer, wine and liquor license for use on the premises of a nonprofit organization in a certain location in Baltimore City; clarifying the description of an area in which a certain restaurant license may be issued only under certain circumstances; altering a certain definition; providing for the termination of a certain provision of this Act; and generally relating to the issuance of alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(1)(iii),(iv),(v), (vii),(viii)1., and (ix) and 9–102(b–3A)

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 579 – Senators Jacobs, Dyson, Harris, Hooper, and Middleton

AN ACT concerning

Children with Disabilities – Voluntary Placement Agreements

FOR the purpose of requiring the juvenile court to make a certain finding in certain hearings involving a child with a developmental disability or mental illness; authorizing the juvenile court, in making a disposition on a child in need of assistance petition involving a child with a developmental disability or mental illness, to ~~make a certain finding and~~ hold a certain finding in abeyance, require a local department of social services to take certain actions, and hold a certain hearing; requiring each local department of social services to designate a certain staff person to administer requests for voluntary placement agreements for children with developmental disabilities or mental illnesses; requiring each local department of social services to make a certain annual report to the Social Services Administration; requiring a local department of social services to take certain actions on receipt of a request for a voluntary placement agreement for a child with a developmental disability or mental illness; requiring the Social Services Administration to provide certain training for certain staff who administer requests for voluntary placement agreements; and generally relating to children with disabilities or mental illnesses and voluntary placement agreements.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(b) and 3–819(b)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–525(a) and (b)
Annotated Code of Maryland

(2006 Replacement Volume)

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

Senate Bill 622 – ~~Senator Gladden~~ Senators Gladden and Stone

AN ACT concerning

Ground Rents – ~~Limitation of Actions~~ – Registry of Properties Subject to Ground Leases

FOR the purpose of authorizing the recordation of a certain ground lease extinguishment certificate under certain circumstances; ~~providing that a ground rent is extinguished if there is no demand or payment for more than a certain number of years of any specific ground rent under certain circumstances;~~ requiring the State Department of Assessments and Taxation to maintain ~~and update regularly on-line registries of landlords and~~ an on-line registry of properties that are subject to ground leases; requiring a ~~landlord~~ landlord ground lease holder ~~to apply~~ to register a ground lease with the Department by submitting a certain registration ~~application form~~ and a certain fee; requiring the Department to register a ground lease under certain circumstances; requiring a ~~landlord~~ landlord ground lease holder to notify the Department of certain information after a ground lease is registered; requiring a ~~landlord~~ landlord ground lease holder ~~to apply~~ to register a ground lease by a certain date; providing for the extinguishment of a ground lease if the ground lease is not registered under certain circumstances; providing for certain considerations and rights if a ground lease is extinguished under certain circumstances; requiring the Department to work with the State Archives for certain purposes regarding ground leases registered under this Act; requiring the Department to credit all fees collected under this Act to a certain fund; requiring the Department to adopt regulations to carry out the provisions of this Act; requiring the Department to publish a certain notice regarding the registration of ground leases; requiring the Department to report to the General Assembly on or before certain dates; requiring the Comptroller of the State to report to the General Assembly on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to a registry of properties subject to ground ~~rents~~ leases.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3-102(a) ~~and 8-107~~

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Real Property

Section 8-701 through ~~8-709~~ 8-711 to be under the new subtitle “Subtitle 7.
Registry of Ground Leases”

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 623 – ~~Senator Gladden~~ Senators Gladden and Stone

AN ACT concerning

Ground Rents – Redemption

FOR the purpose of repealing a certain waiting period for redeeming certain ground rents; ~~requiring, before a voluntary transfer of a redeemable ground rent to a third party, that the landlord give the tenant notice of the tenant’s right to redeem the ground rent and offer the tenant the opportunity to exercise the right; requiring the notice to contain certain information and to be given in a certain manner; establishing procedures for the tenant to exercise the right to redeem; requiring the transferee of a ground lease to notify the leasehold tenant of the transfer within a certain period of time after the transfer; requiring the notification to include certain information and to be sent to a certain address; requiring a settlement agent, before settlement of a certain loan, to notify the borrower of the right to redeem a redeemable ground rent and the redemption amount; requiring the Department of Housing and Community Development to study the feasibility of establishing or expanding a certain program to redeem certain ground rents and to report its findings to certain committees; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to encouraging~~ the redemption of existing ground rents.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 8-110

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Real Property

Section ~~8-110.1~~ 14-116.1 and 14-129

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 650 – Senator Edwards

AN ACT concerning

**Community Based Regional Initiatives Loan of 2004 – Garrett
County – Fairgrounds Exhibit Hall**

FOR the purpose of extending the deadline by which the County Commissioners of Garrett County must present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 12(3)(X)

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

Senate Bill 662 – Senators McFadden and Gladden (By Request – Baltimore City Administration)

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

FOR the purpose of requiring local law enforcement agencies to hold certain personal property that comes into their possession until certain determinations are made subject to a certain exception; establishing a procedure for local law enforcement agencies to notify the owner of the property and for the owner of the property to secure the release of the property in a certain manner within a certain period of time; authorizing a local law enforcement agency to sell certain personal property in a certain manner after a certain period of time; establishing that the amount received from the sale of personal property shall be distributed in a certain order of priority to certain entities; requiring that a certain remaining amount from the sale of personal property that was in the possession of the Baltimore Police Department be divided equally among certain entities; providing that a person who submits certain proof of the right to possession of the property shall be paid a certain amount under certain circumstances; providing that a certain claim is barred after a certain period of time; providing for the interpretation of this Act; defining a certain term; and generally relating to the disposal of personal property in the possession of local law enforcement agencies.

BY adding to

Article – Public Safety
Section 3–505
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 681 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Caterer’s License

FOR the purpose of establishing a caterer’s license in Cecil County; providing for a license fee, qualifications of license holders, license privileges, and requirements for a caterer’s license; specifying that certain license holders need not have a caterer’s license for a certain purpose; and generally relating to alcoholic beverages licenses in Cecil County.

BY adding to

Article 2B – Alcoholic Beverages
Section 6–711
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 683 – Cecil County Senators

AN ACT concerning

**Cecil County – Alcoholic Beverages – Board of License Commissioners –
Summonses and Subpoenas**

FOR the purpose of authorizing inspectors employed by the Board of License Commissioners of Cecil County to serve summonses for witnesses; authorizing the Board to subpoena records or papers pertaining to a licensed business or establishment; and generally relating to the powers of the Board of License Commissioners of Cecil County and inspectors employed by the Board.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 16–410(b)(2)(i) and (c)

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 78 of the Acts of the General Assembly of 2003)

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

Senate Bill 684 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – New Year’s Sales

FOR the purpose of altering the hours of sale of alcoholic beverages in Cecil County when December 31 falls on a Sunday; altering the hours of sale when January 1 falls on a Sunday; and generally relating to sales of alcoholic beverages in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–402(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 713 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands

FOR the purpose of requiring in Dorchester County a holder of a certain special Class C license to distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; prohibiting a holder of a certain special Class C license from serving an alcoholic beverage to any individual who does not wear the wristband; making a certain stylistic change; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(b)(6) and (d)(7)
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses

FOR the purpose of altering the hours of Sunday sales of alcoholic beverages for certain Class B and Class BLX licenses in Cecil County; and generally relating to alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–508(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 738 – Senators Frosh and Garagiola

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

FOR the purpose of establishing that a certain part of a police or court record pertaining to a child may be accessed and used by the Department of Public Safety and Correctional Services and certain supervising authorities for certain purposes relating to a certain offender registry; altering the definitions of “child sexual offender” and “sexually violent offender” for purposes of a certain offender registry to include certain persons who have been adjudicated delinquent for acts that would constitute certain offenses if committed by an adult; altering the definition of “supervising authority” for purposes of a certain offender registry to include the court in which certain persons are adjudicated delinquent; requiring a certain person to register with a supervising authority for inclusion on a certain offender registry if the person was at least a certain age at the time a certain act was committed, is determined by the court at the time a certain court jurisdiction is terminated to be at risk of committing certain offenses, and is at least a certain age; requiring the State’s Attorney to serve a certain written notice within a certain

period; requiring the Department of Juvenile Services to provide the court with certain information and conduct certain follow-up; establishing that a certain person is required to register with a supervising authority within a certain time after a certain jurisdiction of the juvenile court terminates; altering the definition of “resident” for purposes of a certain offender registry; requiring that a certain person is required to register with a certain local law enforcement unit after a certain jurisdiction of the juvenile court is terminated; establishing that, for a certain person, a term of registration on a certain offender registry is computed from the time a certain jurisdiction of the juvenile court is terminated; defining a certain term; and generally relating to the inclusion of minors on the offender registry.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)(1) and (b)(1)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–27(h)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(b), (f), and (i), 11–704, 11–705, and 11–707
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–701(g)
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

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

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

FOR the purpose of prohibiting a member of the General Assembly from awarding a Senatorial Scholarship or a House of Delegates Scholarship to certain persons; ~~permitting the Maryland Higher Education Commission to award certain scholarships to certain persons in certain circumstances;~~ providing that certain provisions of law do not apply to the Maryland Higher Education Commission or the Office of Student Financial Assistance when awarding certain scholarships under certain circumstances; providing for the disposition of a certain award and requiring the Office of Student Financial Assistance to send a certain written notice to certain individuals if a member of the General Assembly awards a certain scholarship under certain circumstances; defining a term; making a stylistic change; and generally relating to legislative scholarships.

BY repealing and reenacting, without amendments,
Article – Education
Section ~~18-401 and 18-501~~, 18-407, 18-501, and 18-507
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18-402 and 18-502
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 752 – Senator Exum

AN ACT concerning

Workers' Compensation – Benefits for Dependents

FOR the purpose of clarifying that surviving dependents of certain individuals are eligible to receive the same workers' compensation benefits as the individual received at the time of death; and generally relating to workers' compensation benefits for dependents.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9-503
Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 754 – Senator Muse

AN ACT concerning

Vehicle Laws – Eluding a Police Officer – Offenses, Penalties, and Forfeiture

FOR the purpose of establishing the offense of eluding a police officer in a motor vehicle and causing damage to the property of another person; establishing the offense of eluding a police officer in a motor vehicle if the officer is attempting to apprehend the driver for the commission of a felony or a crime of violence; making it a felony to commit certain offenses of eluding a police officer; establishing and altering certain penalties; authorizing a law enforcement officer to seize a motor vehicle that is used by an individual in the commission of certain violations of eluding a police officer; prohibiting a motor vehicle from being forfeited if it was used to commit the violation without the knowledge of the registered owner of the vehicle; authorizing a certain chief law enforcement officer to recommend forfeiture to a certain forfeiting authority only after the officer takes certain actions and after the individual accused of committing the violation is convicted; providing that a sworn affidavit from a certain law enforcement officer is admissible into evidence in a certain proceeding for a certain purpose; prohibiting the chief law enforcement officer from being subpoenaed under certain circumstances; requiring a certain forfeiting authority to surrender a certain motor vehicle under certain circumstances; requiring a certain forfeiting authority to file a certain complaint with the court under certain circumstances; requiring the court to schedule a certain hearing; requiring that the registered owner of a certain motor vehicle be sent a certain notice; requiring the court to take certain actions after making certain determinations; requiring a lienholder to sell a motor vehicle in a certain manner under certain circumstances; providing for the distribution of the proceeds of a certain sale; authorizing a political subdivision to sell a certain vehicle if no claim is lodged by a lienholder and directing the distribution of the proceeds of the sale; defining certain terms; clarifying language; and generally relating to the offense of eluding a police officer.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–904 and 27–101(p)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Transportation
Section 27–114
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 755 – Senator Gladden

AN ACT concerning

**Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses
– Notices**

FOR the purpose of providing that in any suit, action, or proceeding to recover back rent, a ground rent landlord may only recover not more than a certain amount of back rent if the property is owned by Baltimore City and is abandoned or distressed under certain circumstances; authorizing a ground rent landlord of property that is owned by Baltimore City and is abandoned or distressed to request the Mayor and City Council of Baltimore to acquire the reversionary interest under the ground rent for a certain value under certain circumstances; prohibiting the application of a certain provision regarding reimbursement of a ground rent holder's expenses to collect a ground rent on property that is owned by Baltimore City and is abandoned or distressed under certain circumstances; establishing a certain Baltimore City office as the recipient of certain bills, notices, or other documents sent with regard to any property owned by Baltimore City that is subject to a ground rent; and generally relating to property owned by Baltimore City that is subject to a ground rent.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–111.1 and 8–402.3
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 14–115.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 450)

ADJOURNMENT

At 1:03 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 20, 2007, Calendar Day Friday, March 23, 2007.

Annapolis, Maryland
Legislative Day: March 20, 2007
Calendar Day: Friday, March 23, 2007

The House met at 10:23 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jon S. Cardin of Baltimore County.

QUORUM CALL

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

(See Roll Call No. 451)

The Journal of March 19, 2007 was read and approved.

EXCUSES:

Del. Branch – funeral

Del. Davis – late – doctor’s appointment

Del. Goldwater – illness

Del. N. King – at White House

Del. F. Turner – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 770 – Senator Colburn

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

FOR the purpose of establishing a milk processor – farmstead cheese producer permit; authorizing the holder of a milk processor – farmstead cheese producer permit to perform certain functions and to produce farmstead cheese; requiring the Department of Health and Mental Hygiene to issue only a certain number of milk processor – farmstead cheese producer permits; establishing certain qualifications for a certain milk processor – farmstead cheese producer permit; providing for the

expiration date of a milk processor – farmstead cheese producer permit; exempting the sale of farmstead cheese from a certain prohibition on the sale of raw milk; defining a certain term; providing for the termination of this Act; and generally relating to a pilot study for the production of farmstead cheese.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–401, 21–410, 21–413, 21–416, 21–417, and 21–434

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General

Section 21–416.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 780 – Senators Currie, DeGrange, Hogan, Kasemeyer, ~~and Kramer~~ Kramer, Munson, Jones, and McFadden

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

FOR the purpose of specifying that certain funds shall be deposited into the Postretirement Health Benefits Trust Fund; limiting the amount to be paid for administrative expenses for operating the Postretirement Health Benefits Trust Fund; altering the time period when payments may be made from the Postretirement Health Benefits Trust Fund; altering the amount and the manner in which certain payments may be made from the Postretirement Health Benefits Trust Fund; repealing certain provisions that require assets of the Postretirement Health Benefits Trust Fund to be transferred to the General Fund under certain circumstances; altering the membership of the Blue Ribbon Commission to Study Retiree Health Care Funding Options; requiring the State Retirement Agency to request certain documentation from the Internal Revenue Service; making this Act subject to a certain contingency; and generally relating to the Postretirement Health Benefits Trust Fund.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 34–101 and 34–201

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 790 – Senator Astle

AN ACT concerning

**Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss
– Statement of Additional Optional Coverage**

FOR the purpose of repealing a requirement for an insurance producer at a certain time and in a certain manner to provide an applicant for homeowner's insurance with a certain notice about homeowner's insurance coverage for losses from flood; repealing certain provisions that deem an insurance producer to be in compliance with the notice requirement under certain circumstances; repealing a requirement for an insurance producer at a certain time and in a certain manner to provide an applicant for homeowner's insurance with a certain statement about additional optional coverage; repealing certain provisions that deem an insurance producer to be in compliance with the statement requirement under certain circumstances; providing that a certain statement does not create a private right of action; providing for the application of this Act; and generally relating to notices of coverage under homeowner's insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–206 and 19–207
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 797 – Senators Stone and Gladden

AN ACT concerning

Business Regulation – Pet Cemeteries

FOR the purpose of prohibiting an owner of a pet cemetery from requiring a pet owner to purchase burial goods from the pet cemetery as a condition of authorizing the interment or inurnment of a pet; prohibiting an owner of a pet cemetery from charging a pet owner a fee for obtaining burial goods from a person other than the owner of the pet cemetery; requiring an owner of a pet cemetery that sells or offers to sell burial goods to the public to provide a certain price list under certain circumstances; requiring an owner of a pet cemetery to maintain certain records in a certain manner; requiring an owner of a pet cemetery to ensure the maintenance

of the pet cemetery grounds and certain holding facilities; prohibiting an owner of a pet cemetery from entering into a contract for the sale or lease of pet cemetery grounds, or using the grounds for certain purposes, unless certain conditions are met; requiring the owner of a pet cemetery to give certain notice to certain persons within a certain time period of the pet cemetery owner's intent to sell, lease, or use pet cemetery grounds for certain purposes; specifying the rights of certain persons that receive notice of the pet cemetery owner's intent to sell, lease, or use pet cemetery grounds for certain purposes; requiring the owner of a pet cemetery to relocate certain pet remains to a comparable site in a pet cemetery in the State under certain circumstances; providing that certain provisions of this Act do not apply to a pet cemetery that is sold or leased for a certain purpose; establishing a certain penalty; defining certain terms; and generally relating to the regulation of pet cemeteries.

BY adding to

Article – Business Regulation

Section 5A–101 through 5A–106 to be under the new title “Title 5A. Pet Cemeteries”

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 801 – Senator Pugh

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to change the authorized uses of a certain grant to the Board of Trustees of the Baltimore Museum of Art, Inc.

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005

Section 1(3) Item ZA01 (A)

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

Senate Bill 814 – Senator Colburn

AN ACT concerning

Wicomico County – Liquor Control Board – Salaries

FOR the purpose of altering the annual salaries of the chairman and members of the Wicomico County Liquor Control Board; providing that this Act does not apply to the salary or compensation of the incumbent chairman or members of the Board; and generally relating to the Wicomico County Liquor Control Board.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–201(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(h)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 816 – Senator Middleton

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

FOR the purpose of amending the Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date; and generally relating to the Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001.

BY repealing and reenacting, with amendments,
Chapter 257 of the Acts of the General Assembly of 2001
Section 1

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

Senate Bill 834 – Senator Rosapepe

AN ACT concerning

Education – ~~Educational Excellence Awards~~ Guaranteed Access Grants – Eligibility Determination

FOR the purpose of prohibiting the Office of Student Financial Assistance from taking into consideration an applicant's receipt of certain tax credits for purposes of determining eligibility for ~~an Educational Excellence Award~~ a Guaranteed Access Grant; and generally relating to determining an applicant's eligibility for ~~an Educational Excellence Award~~ a Guaranteed Access Grant.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–301
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~18–307~~ 18–303
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 841 – Carroll County Senators

AN ACT concerning

Carroll County – Education – Organization of Teachers and Other Personnel

FOR the purpose of altering the definition of a “public school employee” in Carroll County, as it relates to the organization or certificated employees, to include a supervisory noncertificated employee; providing that in Carroll County, beginning on a certain date, there may be no more than a certain number of units and all units shall be nonsupervisory units; and generally relating to the organization of teachers and other personnel in Carroll County.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–401(d) and 6–505
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 842 – Carroll County Senators

AN ACT concerning

Property Tax Credit – Carroll County – Gateway Renovation

FOR the purpose of authorizing the governing body of Carroll County to grant, by law, a tax credit against the county property tax imposed on certain real property that is renovated, upgraded, or rehabilitated in designated areas of the county; authorizing the governing body of Carroll County, by law, to specify the geographic areas of the county, classes of owners, and types of improvements eligible for the credit, to establish the amount and duration of and eligibility criteria for the credit, and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to authorization for a property tax credit in Carroll County for certain real property that is renovated, upgraded, or rehabilitated in designated areas of the county.

BY adding to

Article – Tax – Property
Section 9–308(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 844 – Carroll County Senators

AN ACT concerning

**Carroll County – Regulation of Pawnbrokers and Secondhand ~~Precious Metal~~
~~Object~~ Dealers**

FOR the purpose of authorizing the County Commissioners of Carroll County by ordinance to license and regulate pawnbrokers and secondhand ~~precious-metal~~
~~object~~ dealers for certain purposes; authorizing the County Commissioners to adopt certain ordinances; and generally relating to the regulation of pawnbrokers and secondhand ~~precious-metal-object~~ dealers in Carroll County.

BY adding to

The Public Local Laws of Carroll County
Section 6–105
Article 7 – Public Local Laws of Maryland
(2004 Edition and September 2006 Supplement, as amended)

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

Senate Bill 845 – Carroll County Senators

EMERGENCY BILL

AN ACT concerning

Carroll County – Alcoholic Beverages – Quota for Class A Licenses

FOR the purpose of establishing a certain quota of Class A beer, beer and light wine, and beer, wine and liquor licenses for each election district in Carroll County; requiring the Board of License Commissioners to determine the population of each election district by using a certain report of the Carroll County Planning Commission; prohibiting a new Class A license to be issued ~~on or after a certain date~~ under certain circumstances; specifying a certain exception; providing that, for purposes of this Act, the renewal or transfer of a license is not a new license; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–207
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 890 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

FOR the purpose of authorizing the governing body in Anne Arundel County to designate Anne Arundel County Mental Health Agency, Inc. as the mental health advisory committee for Anne Arundel County; providing for an exception to the membership requirements for a mental health advisory committee in Anne Arundel County; and generally relating to mental health advisory committees.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–308 and 10–309(a)
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 952 – ~~Senator Middleton~~ Senators Middleton and Madaleno

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

FOR the purpose of providing that certain individuals enrolled on a certain date in certain health benefit plans may remain covered under any policy offered by certain ~~health benefit plans~~ health insurance carriers to small employers under certain circumstances; ~~requiring certain health insurance carriers to establish annual open enrollment periods for certain individuals; defining a certain term;~~ and generally relating to health insurance policies for sole proprietors.

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2005
Section 2

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

Senate Bill 958 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

FOR the purpose of allowing in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(f)
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 959 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County Board of Elections – Salary Increase

FOR the purpose of increasing the salaries of the president, other members, and substitute member of the Frederick County Board of Elections; providing that this Act does not apply to the salary or compensation of the incumbent president, other members, or substitute member of the Frederick County Board of Elections; and generally relating to the salary of the members of the Frederick County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204(a)(11) and (b)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 960 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to award certain procurement contracts for architectural and engineering services based on an evaluation of the technical proposals and qualifications of at least a certain number of persons; requiring that the contracts be fair, competitive, and reasonable; making stylistic changes; and generally relating to contracts for architectural and engineering services awarded by the Board of County Commissioners of Frederick County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 3(1)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(1)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 973 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Permissible Methods of Service

FOR the purpose of altering the permissible methods of service of complaints, corrective orders, notices, or other instruments issued by the Department of the Environment to allow service in the same manner allowed by the Maryland Rules for service of a summons; and generally relating to permissible methods of service.

BY adding to
Article – Environment
Section 1–204
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–111, 4–210, 4–412(c), 6–421, 7–260, 8–504, 9–336, 9–414, 11–313,
13–311, and 16–503
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 4–412(d)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 979 – Senator Brinkley

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

FOR the purpose of establishing certain ethics requirements that relate to planning and zoning proceedings and apply to members of the Frederick County Board of County Commissioners and certain other persons; prohibiting certain campaign contributions by certain persons under certain circumstances; prohibiting a Board member from participating in certain planning and zoning proceedings; requiring a Board member who communicates ex parte with an individual concerning a certain application to file a disclosure within a certain time; allowing a party of record in certain planning and zoning proceedings to submit certain affidavits; requiring the Frederick County Ethics Commission to direct and control the enforcement of this Act; requiring the County Manager to perform certain administrative functions and prepare certain reports; establishing certain requirements and procedures for judicial review of certain planning and zoning proceedings; establishing certain penalties for a violation of this Act; requiring certain persons to retain and make available certain documents for inspection; defining certain terms; and generally relating to public ethics requirements in planning and zoning proceedings in Frederick County.

BY adding to

Article – Election Law
Section 13–504
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 1–101(a) and (d)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – State Government
Section 15–853 through 15–858 to be under the new part “Part VIII. Frederick County – Special Provisions”
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 998 – Senator Stone (By Request – Baltimore County Administration) and Senators Brochin, Kasemeyer, Kelley, and Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

FOR the purpose of increasing the number of certain Class B licenses for hotels and restaurants in Baltimore County that a single person may obtain under certain circumstances; providing that a person may have a direct or indirect interest in a license; specifying certain circumstances that evidence an indirect interest; authorizing the issuance of an additional license to a license holder under certain circumstances; increasing the number of licenses that a single person may obtain for hotels and restaurants in the Liberty Road Commercial Revitalization District in the county; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–3B) and (b–3C)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

AMENDED IN THE SENATE

House Bill 50 – The Speaker (By Request – Administration)

**Budget Bill
(Fiscal Year 2008)**

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

**REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE
MARYLAND SENATE – 2007 SESSION – RECOMMENDATIONS, REDUCTIONS,
AND SUMMARY OF ACTION PERTAINING TO HOUSE BILL 50 – THE BUDGET
BILL**

(Exhibit J of Appendix II)

**SENATE BUDGET AND TAXATION COMMITTEE REPORT ON HOUSE BILL 50 –
THE BUDGET BILL**

(Exhibit K of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO
HOUSE BILL 50 – THE BUDGET BILL

(Exhibit L of Appendix II)

The preceding amendments were read and not concurred in.

(Amendment ID: HB0050/439135/1)

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 50, AS AMENDED
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 135

On page 182, under:

Heading: STATE RESERVE FUND

Program: Y01A01.01

Entitled: Revenue Stabilization Account

In line 14, after “Appropriation” insert “, provided that \$5,000,000 of this appropriation may not be expended for any purpose except that the funds may be expended for capital appropriations as identified in House Bill 51. Any funds not expended for capital appropriations shall revert to the general fund”.

On page 251, after line 5, insert:

“SECTION 47. AND BE IT FURTHER ENACTED, That the amount transferred from the Revenue Stabilization Account to the general fund in fiscal 2008 may not exceed \$962,000,000.”;

and in lines 6 and 13, strike “47.” and “48.”, respectively, and substitute “48.” and “49.”, respectively.

Explanation: The amendment restricts \$5.0 million in general funds for PAYGO capital purposes and also limits the amount that may be transferred in fiscal 2008 from the Rainy Day Fund to the general fund in order to maintain the required 5% balance in the Rainy Day Fund.

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0050

SPONSOR: The Spkr (Admin)

SUBJECT: Budget Bill (Fiscal Year 2008)

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 Delegates Conway, Chairman, Bohanan, Gaines, Barkley, and Bates.

In addition, the House has appointed in advisory capacity: Delegates James and Proctor.

Said Bill is returned herewith.

By Order,
Mary Monahan
Chief Clerk

Read and adopted.

SPECIAL ORDERS

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

House Bill 51 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2007, and the Maryland Consolidated Capital Bond Loans of 2000, 2001, 2003, 2004, 2005, and 2006

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

REPORT OF THE HOUSE COMMITTEE ON APPROPRIATIONS
TO THE MARYLAND HOUSE OF DELEGATES – 2007 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 51 – THE CAPITAL BUDGET

(Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 51 – THE CAPITAL BUDGET

(Exhibit I of Appendix II)

The preceding 41 committee amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1116 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

(Amendment ID: HB1116/184864/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1116
(First Reading File Bill)

On page 1, in line 17, strike “each of the following projects” and substitute “the Coppin State University New Physical Education Complex (Baltimore City)”; and in line 20, strike “these projects:” and substitute “this project.”.

On pages 1 and 2, strike in their entirety the lines beginning line 21 on page 1 through in line 3 on page 2, inclusive.

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 APPROPRIATIONS REPORT #9

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

House Bill 467 – Delegate James

AN ACT concerning

Correctional Officers' Retirement System – Disability Retirement

(Amendment ID: HB0467/464769/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 467

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after “(i)” insert “1.”.

On page 2, in lines 1, 2, 3, and 4, strike “1.”, “2.”, “3.” and “4.”, respectively, and substitute “A.”, “B.”, “C.”, and “D.”, respectively; in line 3, strike the brackets; strike beginning with “OR” in line 6 down through “SYSTEM;” in line 8; in line 9, strike “(ii)” and substitute “2.”; and in line 11, after “Article” insert “; OR”

(II) A RETIREE OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM REEMPLOYED BY A PARTICIPATING EMPLOYER IN ANY POSITION OTHER THAN A CORRECTIONAL OFFICER, A SECURITY ATTENDANT AT CLIFTON T. PERKINS HOSPITAL CENTER, OR A CORRECTIONAL DIETARY, MAINTENANCE, OR SUPPLY OFFICER”.

AMENDMENT NO. 2

On page 3, in line 8, after “(1)” insert “(I)”; in lines 9, 10, 11, and 12, strike “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; in line 11, strike the brackets; strike beginning with “OR” in line 14 down through “SYSTEM;” in line 15; in line 17, strike “(2)” and substitute “(II)”; and in line 19, after “Article” insert “; OR”

(2) A RETIREE OF THE CORRECTIONAL OFFICERS' RETIREMENT SYSTEM REEMPLOYED BY A PARTICIPATING EMPLOYER IN ANY POSITION OTHER THAN A CORRECTIONAL OFFICER, A SECURITY ATTENDANT AT CLIFTON T. PERKINS HOSPITAL CENTER, OR A CORRECTIONAL DIETARY, MAINTENANCE, OR SUPPLY OFFICER".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 990 – Frederick County Delegation

AN ACT concerning

Frederick County – Employees' Pension System – Alternate Contributory Pension Selection

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1139 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Director of the Department of Social Services – Pension and Retirement Health Benefits

MC 711-07

(Amendment ID: HB1139/474860/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1139
(First Reading File Bill)

On page 7, in line 7, strike “LOCAL BOARD” and substitute “DEPARTMENT”.

On page 12, in line 7, strike “LOCAL BOARD” and substitute “DEPARTMENT”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1247 – Delegates Conway, Aumann, Barkley, Barve, Bates, Bohanan, Busch, G. Clagett, DeBoy, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Murphy, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

(Amendment ID: HB1247/104966/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1247

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after the semicolon insert “requiring the State Retirement Agency to request certain documentation from the Internal Revenue Service;”.

AMENDMENT NO. 2

On page 2, in line 16, after the semicolon insert “AND”; after line 16, insert:

“(2) ANY FUNDS APPROPRIATED TO THE POST RETIREMENT HEALTH BENEFITS TRUST FUND, WHETHER DIRECTLY OR THROUGH THE BUDGETS OF ANY STATE AGENCY.”;

in line 17, strike “(2)” and substitute “(E) AFTER JUNE 1, 2008,”; in line 20, strike “EMPLOYEES; AND” and substitute “EMPLOYEES, MAY BE DEPOSITED INTO THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND.”; strike in their entirety, lines 21 through 24, inclusive; and in line 25, strike “(e)” and substitute “(F)”.

On page 4, in lines 1, 3, 6, and 17, strike “(f)”, “(g)”, “(h)”, and “(i)”, respectively, and substitute “(G)”, “(H)”, “(I)”, and “(J)”, respectively.

AMENDMENT NO. 3

On page 6, in line 7, strike “that is estimated to be as high as \$20,400,000,000”.

On page 7, strike beginning with “that” in line 10 down through “\$20,400,000,000” in line 11.

AMENDMENT NO. 4

On page 8, after line 12, insert:

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

(a) On or before August 1, 2007, the State Retirement Agency shall request a determination letter from the Internal Revenue Service that confirms the qualification of the Postretirement Health Benefits Trust Fund under Section 1 of this Act as a tax-exempt trust established in accordance with § 115 of the Internal Revenue Code.

(b) The State Retirement Agency, within 5 days after receiving the determination letter from the Internal Revenue Service, shall forward a copy of the ruling to the Executive Director of the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.”;

in line 13, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1249 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Officers’ Retirement System – Division of Pretrial Detention and Services and Patuxent Institution – Reemployment of Retirees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1336 – Delegates Branch, Anderson, Benson, Burns, Cane, Davis, Gaines, Glenn, Griffith, Harrison, Holmes, Howard, Jones, Kirk, Levi, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Rice, Stukes, Tarrant, Taylor, F. Turner, Vaughn, and Walker

AN ACT concerning

2007 Darfur Protection Act – Divestiture from the Republic of Sudan

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1406 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Barve, Bates, Branch, Bronrott, Conway, Davis, Donoghue, Doory, Dumais, Harrison, Healey, Heller, Hixson, Howard, James, Jones, Krysiak, Levy, Malone, McIntosh, Morhaim, Pendergrass, Proctor, Rudolph, and Vallario

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

(Amendment ID: HB1406/494360/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1406

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Vallario” and substitute “Vallario, Bohanan, Eckardt, Gutierrez, Haynes, Schuh, and Robinson”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

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

House Bill 624 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Annual Independent Audit – County–Issued Credit Cards

PG 422–07

(Amendment ID: HB0624/970011/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 624

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute “Prince George’s County – Legislative Auditor – Annual Audit of County–Issued Credit Cards”; strike beginning with the second “the” in line 5 down through “to” in line 6 and substitute “the Legislative Auditor to”; in line 6, strike “independent”; strike beginning with “requiring” in line 10 down through “time;” in line 11; in line 12, strike “independent audit” and substitute “audit conducted by the Legislative Auditor”; strike in their entirety lines 14 through 18, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article 19 – Comptroller

Section 40(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)”;

and strike line 21 in its entirety and substitute “Article 19 – Comptroller”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 12, inclusive, and substitute:

“40.

(a) (1) Except as provided in paragraph (2) of this subsection AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, each county, incorporated city or town and taxing district created by and situated within the State shall have its books, accounts, records and reports examined at least once during each fiscal year by the persons and for the purposes specified in this section. The examination shall be made by a certified public accountant in the capacity of either an independent auditor or official auditor of any county or incorporated city. The auditor shall be in compliance with the provisions of the Maryland Public Accountancy Act. The official auditor shall be approved by the Legislative Auditor for the purposes specified in this section. On such examination, inquiry shall be made into the methods, accuracy and legality of the accounts, records, files and reports of each county, incorporated city or town and taxing district. The Legislative Auditor upon his own initiative may review or audit the books, records and reports of any county, incorporated city or town or taxing district. Any county, incorporated city or town or taxing district may request the Legislative Auditor to audit its books, records and reports. If the request is approved, the costs of the examination shall be borne by the auditee. The results of the audit shall be reported, subject to § 2–1246 of the State Government Article, to the Legislative Auditor on such form or forms and in such manner as the Legislative Auditor may prescribe. This report shall be made to the Legislative Auditor by November 1 after the close of the fiscal year, except that the report may be made to the Legislative Auditor by January 1 after the close of the fiscal year for a county, incorporated city or town or taxing district having a population of more than 400,000. An audit report filed with the Legislative Auditor is a public record under the provisions of § 10–611 of the State Government Article. Each year the Legislative Auditor shall review the audit reports submitted and shall make a full and detailed report in writing to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services of the result of the examination of the books, accounts, records and reports of each county, incorporated city or town and taxing district, together with such suggestions as he may think advisable to be made with respect to methods of bookkeeping, changes in the uniform system of financial reporting and changes in the reports of the counties, incorporated cities or towns and taxing districts. In conducting the reviews specified in this section, the Legislative Auditor may review the working papers and other documentation of the auditor. As a result of the Legislative Auditor’s reviews, audit reports, working papers, or other documentation may be referred to the State Board of Public Accountancy for action as prescribed in the Maryland Public Accountancy Act. It shall also be the duty of the Legislative Auditor to report all violations by any county, incorporated city or town and taxing district of the requirement and provisions specified in the sections of this subtitle to the State Comptroller and, subject to § 2–1246 of the State Government Article, to the Executive Director of the State Department of Legislative Services. Should any county or incorporated city or town or taxing district fail

or refuse to file the audit reports as provided in this section with the Legislative Auditor within the time prescribed or fail or refuse to submit an audit report including financial statements that have been prepared in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards, the State Comptroller, acting upon the advice of the Executive Director of the State Department of Legislative Services, shall be authorized to order the discontinuance of payment of all funds, grants, or State aid which the county, incorporated city or town or taxing district is entitled to receive under State law. This provision shall have specific reference to all funds, grants, or State aid which the county, incorporated city or town or taxing district is entitled to receive under applicable provisions of State law distributed by the State Comptroller, the clerks of the court, or other units of State government.

(2) Unless the Legislative Auditor determines, on a case-by-case basis, that more frequent audits are required, the Legislative Auditor may authorize an incorporated city or town or taxing district created by the State with annual revenues of less than \$50,000 in the prior 4 fiscal years to have an audit conducted once every 4 years.

(3) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LEGISLATIVE AUDITOR SHALL CONDUCT AN ANNUAL AUDIT OF ALL TRANSACTIONS ON CREDIT CARDS ISSUED BY PRINCE GEORGE'S COUNTY TO THE COUNTY EXECUTIVE AND THE MEMBERS OF THE COUNTY COUNCIL.

(II) THE LEGISLATIVE AUDITOR SHALL:

1. COMPLETE THE AUDIT NOT LATER THAN 1 MONTH AFTER THE CLOSE OF EACH FISCAL YEAR; AND

2. ON COMPLETION OF THE AUDIT, SUBMIT THE COMPLETE AUDIT REPORT TO THE COUNTY AUDITOR, COUNTY COUNCIL, AND COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY AND THE MEMBERS OF THE PRINCE GEORGE'S COUNTY HOUSE AND SENATE DELEGATIONS TO THE GENERAL ASSEMBLY."

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 667 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

**Washington Suburban Sanitary District – System Development Charge –
Exemptions**

MC/PG 116–07

(Amendment ID: HB0667/900313/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 667
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “whose primary mission and purpose” and substitute “the exclusive mission and purpose of which”; and strike beginning with “and” in line 10 down through the semicolon in line 12 and substitute “; limiting the amount of the exemption; requiring the county councils of Montgomery County and Prince George’s County to jointly report to the delegations of Montgomery County and Prince George’s County of the General Assembly on or before a certain date; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, in line 21, after the semicolon insert “OR”; and strike in their entirety lines 22 through 29, inclusive, and substitute:

“B. IF THE PROPERTY IS USED EXCLUSIVELY FOR PROGRAMS AND SERVICES TO YOUTH, PROPERTY OWNED BY A COMMUNITY–BASED ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND THAT HAS THE EXCLUSIVE MISSION AND PURPOSE OF PROVIDING PROGRAMS AND SERVICES TO YOUTH, PROVIDED THE EXEMPTION AMOUNT IS LIMITED TO \$80,000; AND”.

AMENDMENT NO. 3

On page 5, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the county councils of Montgomery County and Prince George’s County shall jointly report to the delegations of Montgomery County and Prince George’s County of the General Assembly on or before June 30, 2009, on the entities receiving a full or partial exemption under § 6–113 of Article 29 of the Annotated Code since authority was granted to the Washington Suburban Sanitary Commission to authorize such exemptions, including the date each exemption was granted, a general overview of how funding for the exemptions from the

system development charge authorized under § 6–113 of Article 29 has been appropriated by the Washington Suburban Sanitary Commission for each fiscal year since authority was granted to authorize such exemptions, and a 5–year action plan for improving on the process of granting such exemptions.”;

in line 4, strike “2.” and substitute “3.”; and in line 5, after the period insert “It shall remain effective for a period of 2 years and, at the end of July 1, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.”

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0667/200012/1)

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 667, AS AMENDED

On page 2 of the Environmental Matters Committee Amendments (HB0667/900313/1), in line 9 of Amendment No. 3, strike “July 1” and substitute “June 30”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 669 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – System Development Charge –
Assessment and Definitions**

MC/PG 110–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 708 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Montgomery County – Maryland–National Capital Park and Planning Commission
– Town of Kensington**

MC/PG 112–07

(Amendment ID: HB0708/100616/1)

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 708
(First Reading File Bill)

On page 1, in line 9, strike “or land use planning”; and in line 11, after “Kensington;” insert “requiring a two-thirds majority vote of the planning board of Montgomery County to take certain actions relating to land use planning within the Town of Kensington that is contrary to a resolution of the Mayor and Town Council of the Town of Kensington;”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 709 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Fuel Gas – Jurisdiction and Regulations

MC/PG 124–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 723 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Montgomery County – Maryland–Washington Metropolitan District – Boundaries

MC/PG 121–07

(Amendment ID: HB0723/580415/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 723

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “circumstances;” insert “requiring the county councils of Prince George’s County and Montgomery County and the Maryland–National Capital Park and Planning Commission to submit a certain report to the delegations of Prince George’s County and Montgomery County of the General Assembly on or before a certain date;”; and strike beginning with “boundaries” in line 12 down through “District” in line 13 and substitute “Maryland–National Capital Park and Planning Commission”.

AMENDMENT NO. 2

On page 5, in lines 10 and 11, strike “city of Rockville or Gaithersburg” and substitute “City of Rockville, the City of Gaithersburg, or the Town of Washington Grove”; and in line 12, strike “city of Rockville or Gaithersburg” and substitute “City of Rockville, the City of Gaithersburg, or the Town of Washington Grove”.

AMENDMENT NO. 3

On page 5, in line 17, after “Act” insert “: provided, however, that nothing in this Act shall prevent Montgomery County from collecting the tax levied under Article 28, §

6–106 of the Code for a tax year beginning before the date the property was annexed by the City of Rockville, the City of Gaithersburg, or the Town of Washington Grove”.

AMENDMENT NO. 4

On page 5, after line 17, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That the county councils of Prince George’s County and Montgomery County and the Maryland–National Capital Park and Planning Commission shall report to the delegations of Prince George’s County and Montgomery County of the General Assembly on or before November 1, 2007, on the fee schedule for the use of each county’s parks and recreational facilities and services, including parks and recreational facilities and services located within municipalities, as it applies to individuals who reside within Prince George’s County and individuals who reside within Montgomery County. The report shall include a historical analysis of the origin and rationale for any nonresident fees.”;

and in line 18, strike “5.” and substitute “6.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 750 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements

MC/PG 102–07

(Amendment ID: HB0750/880417/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 750
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “County” insert “and Prince George’s County”.

AMENDMENT NO. 2

On page 4, strike beginning with “initial” in line 15 down through “council” in line 16 and substitute “CONFIRMATION HEARING CONDUCTED UNDER ARTICLE 28, § 2-101 OF THE CODE”; strike beginning with “(1)” in line 18 down through “(2)” in line 24; in line 24, strike the brackets; in the same line, strike “IN PRINCE GEORGE’S COUNTY, AN”; and in line 28, strike “initial date set for the interview” and substitute “DAY THE STATEMENT IS FILED”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 756 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Local Laws – Obsolete Provisions – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1217 – Chair, Environmental Matters Committee (By Request – Departmental – Planning)

AN ACT concerning

Maryland Heritage Areas Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1225 – Carroll County Delegation

AN ACT concerning

Carroll County – Abatement of Ongoing Nuisance Without Additional Notice

(Amendment ID: HB1225/500512/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1225
(First Reading File Bill)AMENDMENT NO. 1

On page 1, in line 2, strike “Ongoing Nuisance Without Additional Notice” and substitute “Nuisances – Ongoing Violations”; in line 4, after “sent” insert “within a certain period”; in the same line, strike “the property” and substitute “both the”; in the same line, strike “or” and substitute “and”; in line 5, strike “within a certain period” and substitute “of the property on which the nuisance is found”; and in line 7, after “notice” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 11, strike “A PROPERTY” and substitute “BOTH THE”; in the same line, strike “OR” and substitute “AND”; in the same line, strike “HAS” and substitute “OF PROPERTY ON WHICH A NUISANCE OR MENACE IS FOUND HAVE”; in line 13, strike “, THE” and substitute “:”

(I) **THE**”;in line 15, strike “, AND ADDITIONAL” and substitute “; **AND****(II)** **ADDITIONAL**”;

strike beginning with “TO” in line 15 down through “PROPERTY” in line 16; and in line 17, strike “TAKES” and substitute “MAY TAKE”.

The preceding 2 amendments were read and adopted.Favorable report, as amended, adopted.Read the second time and ordered prepared for Third Reading.

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

House Bill 1362 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1364 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1365 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1366 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #8**

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

House Bill 314 – Delegates Rosenberg, Benson, Doory, Montgomery, Nathan–Pulliam, and Oaks

AN ACT concerning

Maryland Human Relations Commission – Hearings and Civil Actions – Relief

(Amendment ID: HB0314/826281/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Oaks” and substitute “Oaks, Kullen, Pena–Melnyk, Pendergrass, and V. Turner”; strike beginning with “providing” in line 4 down through “providing” in line 5 and substitute “requiring certain cases to be heard by an administrative law judge, rather than a hearing examiner; requiring”; in line 6, strike “shall”; in line 7, after “chairman;” insert “altering the circumstances under which a certification is required to be made;”; strike beginning with “providing” in line 9 down through “discrimination;” in line 11 and substitute “authorizing a complainant to bring a civil action alleging a discriminatory act or elect to have a civil action brought by the Commission;”; in line 12, after “Commission” insert “or a complainant”; in the same line, after “for” insert “certain”; in line 13, strike “attorney” and substitute “attorney’s”; strike beginning with “establishing” in line 14 down through “year;” in line 16 and substitute “authorizing a complainant to demand a trial by jury under certain circumstances;”; in line 17, strike “a civil action brought by the Commission” and

substitute “certain civil actions”; in line 18, strike “person” and substitute “party”; and in line 19, after “stylistic” insert “and conforming”.

AMENDMENT NO. 2

On page 6, strike in their entirety lines 4 through 9, inclusive; and in lines 10, 18, and 23, strike “(7)”, “(8)”, and “(9)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively.

On page 9, in line 22, strike “PUNATIVE” and substitute “PUNITIVE”.

On page 10, strike in their entirety lines 7 through 13, inclusive; and in lines 14 and 19, strike “(G)” and “(H)”, respectively, and substitute “(F)” and “(G)”, respectively.

AMENDMENT NO. 3

On page 11, in line 16, strike “OR THE” and substitute “, OR THE ADMINISTRATIVE PROCEDURES OR”; in the same line, after “UNDER” insert a comma; and after line 17, insert:

“(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT §§ 40 THROUGH 43 OF THIS ARTICLE.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 599 – Delegate Hubbard

AN ACT concerning

The Baby Boomer Initiative Act

(Amendment ID: HB0599/366384/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 599

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard” and substitute “Delegates Hubbard, Hammen, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; and in line 6, after “recommendations;” insert “providing for the staffing of the Council;”.

AMENDMENT NO. 2

On page 2, in line 17, strike “**ONE REPRESENTATIVE**” and substitute “**THE DEAN**”; in the same line, strike “**MARYLAND;**” and substitute “**MARYLAND’S COLLEGE OF HEALTH AND HUMAN PERFORMANCE, OR THE DEAN’S DESIGNEE;**”

(6) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY, APPOINTED BY THE GOVERNOR;

(7) ONE REPRESENTATIVE OF UNITED SENIORS OF MARYLAND;

(8) ONE REPRESENTATIVE OF AARP MARYLAND; AND

(9) ONE REPRESENTATIVE OF JOHNS HOPKINS INSTITUTIONS.”;

and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 3

On page 4, after line 4, insert:

“(D) THE UNIVERSITY OF MARYLAND’S COLLEGE OF HEALTH AND HUMAN PERFORMANCE SHALL PROVIDE STAFF FOR THE COUNCIL.”

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 691 – Montgomery County Delegation and Prince George’s County Delegation

EMERGENCY BILL

AN ACT concerning

**Washington Suburban Sanitary Commission – Minority and Local Small Business
Enterprise Programs**

MC/PG 104–07

(Amendment ID: HB0691/996481/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 691

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”.

On page 2, in line 7, strike “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 7, in line 5, strike “STATE CERTIFICATION” and substitute “CERTIFYING”; and in lines 25 and 26, strike “STATE CERTIFICATION” and substitute “CERTIFYING”.

On page 8, in line 29, after “NOT” insert “BE”.

On page 18, in line 6, strike “30%” and substitute “25%”.

AMENDMENT NO. 3

On page 18, strike in their entirety lines 27 through 31, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2007.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 865 – Delegates Haddaway, Eckardt, Aumann, Cane, Conway, Elliott, Elmore, Frank, Jennings, Krebs, Mathias, Rudolph, Shewell, Smigiel, Sossi, Stocksdale, and Walkup

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

(Amendment ID: HB0865/596582/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 865

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walkup” and substitute “Walkup, Hammen, Beitzel, Bromwell, Donoghue, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and Weldon”.

AMENDMENT NO. 2

On page 10, in line 10, strike “**50**” and substitute “**120**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 891 – Delegates Myers, Bates, Beitzel, Kelly, McKee, Shank, and Stull

AN ACT concerning

Postmortem Examiners Commission – Rate for the Transportation of a Body

(Amendment ID: HB0891/806785/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 891

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stull” and substitute “Stull, and Donoghue”.

AMENDMENT NO. 2

On page 2, in line 3, strike “\$2.75” and substitute “5 TIMES THE STATE MILEAGE REIMBURSEMENT RATE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 979 – Delegates Pendergrass, Barve, Bates, Benson, Bobo, Bromwell, Bronrott, Costa, Donoghue, Eckardt, Elliott, Frank, Goldwater, Guzzone, Hammen, Harrison, Hecht, Hubbard, Hucker, Kach, Kelly, Kipke, Kirk, Krysiak, Kullen, Love, Manno, Miller, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Riley, Rosenberg, Stukes, F. Turner, and Weldon

AN ACT concerning

Regional Health Data Exchange

(Amendment ID: HB0979/936485/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 979

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Beitzel, McDonough, Tarrant, and V. Turner”; strike line 2 in its entirety and substitute:

“Health Information Exchange Pilot Project”;

strike in their entirety lines 3 through 15, inclusive, and substitute:

“FOR the purpose of establishing a health information exchange pilot project; requiring the pilot project to be operated by the Maryland–DC Collaborative; requiring the pilot project to transmit certain information to participating health care providers in a certain manner and for certain purposes; requiring the Maryland Health Care Commission and the State Health Services Cost Review Commission to ensure that the Maryland–DC Collaborative addresses certain issues and establishes

certain policies and protections; authorizing hospitals to apply to the State Health Services Cost Review Commission for a certain award to provide certain compensation; requiring the Maryland–DC Collaborative to report on its progress to the Maryland Health Care Commission, the State Health Services Cost Review Commission, and certain legislative committees on or before certain dates; providing for the termination of this Act; and generally relating to a health information exchange pilot project.”;

in line 16, strike “repealing and reenacting, without amendments,” and substitute “adding to”; and in line 18, strike “19–2201(a)” and substitute “19–209”.

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

On pages 2 and 3, strike beginning with “and” in line 18 on page 2 down through “Records;” in line 13 on page 3, inclusive.

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 17 on page 3 through line 15 on page 5, inclusive, and substitute:

“19–209.

(A) THERE IS A HEALTH INFORMATION EXCHANGE PILOT PROJECT.

(B) THE PILOT PROJECT SHALL BE OPERATED BY THE MARYLAND–DC COLLABORATIVE, A NOT–FOR–PROFIT § 501(C)(3) ORGANIZATION.

(C) TO INCREASE PATIENT SAFETY, IMPROVE QUALITY OF CARE, AND PROMOTE EFFICIENT HEALTHCARE DELIVERY, THE PILOT PROJECT SHALL TRANSMIT TO PARTICIPATING HEALTH CARE PROVIDERS IN A PRIVATE AND SECURE MANNER:

(1) MEDICATION HISTORY;

(2) LABORATORY AND RADIOLOGY RESULTS; AND

(3) INPATIENT AND EMERGENCY DEPARTMENT DISCHARGE SUMMARIES.

(D) THE MARYLAND HEALTH CARE COMMISSION AND THE STATE HEALTH SERVICES COST REVIEW COMMISSION SHALL ENSURE THAT THE MARYLAND–DC COLLABORATIVE ADDRESSES PRIVACY, SECURITY, ECONOMIC, AND INTEROPERABILITY ISSUES AND ESTABLISHES APPROPRIATE POLICIES AND PROTECTIONS IN THESE AREAS.

(E) HOSPITALS MAY APPLY TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION FOR A ONE-TIME AWARD THROUGH RATE ADJUSTMENT TO PROVIDE PARTIAL COMPENSATION FOR THE COST OF DEVELOPING A DATA INTERFACE NECESSARY FOR PARTICIPATION IN THE COLLABORATIVE.

(F) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE MARYLAND-DC COLLABORATIVE SHALL REPORT ON ITS PROGRESS TO THE STATE HEALTH SERVICES COST REVIEW COMMISSION, THE MARYLAND HEALTH CARE COMMISSION, AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE AND THE SENATE FINANCE COMMITTEE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1034 – Delegates Oaks, Glenn, and Rosenberg

AN ACT concerning

Maryland Healthy Places Act

(Amendment ID: HB1034/906980/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1034 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “disparities;” in line 8; in line 8, after “Secretary” insert “of Health and Mental Hygiene”; in the same line, after “program” insert “subject to the availability and appropriation of certain funding”; strike beginning with “requiring” in line 9 down through “appropriation;” in line 10; in line 10, strike “the group” and substitute “certain State agencies”; strike beginning with “and” in line 16 down through “assessments” in line 17; strike beginning with “requiring” in line 19 down through “database;” in line 20; in line 21, strike “levels of;” in line 22, strike “improvement” and substitute “assessment”; and strike beginning with “requiring” in line 24 down through “health” in line 26.

On page 2, strike beginning with “assessment” in line 1 down through “assessments;” in line 5; strike beginning with “requiring” in line 6 down through “budget;” in line 7; and in line 12, strike “13–2508” and substitute “13–2506”.

AMENDMENT NO. 2

On pages 3 through 6, strike in their entirety the lines beginning with line 14 on page 3 through line 19 on page 6, inclusive.

AMENDMENT NO. 3

On page 6, in line 20, strike “**13–2503.**” and substitute “**13–2502.**”; in line 21, strike “(A) **THE**” and substitute “**SUBJECT TO THE AVAILABILITY AND APPROPRIATION OF FUNDING, THE**”; in line 22, strike “**13–2504 AND 13–2505**” and substitute “**13–2503 AND 13–2504**”; strike in their entirety lines 23 and 24; in line 25, strike “**13–2504.**” and substitute “**13–2503.**”; and in line 26, strike “**STATE OR**”.

AMENDMENT NO. 4

On page 7, in lines 14 and 15, strike “**INTERAGENCY WORKING GROUP**” and substitute “**DEPARTMENT OF BUDGET AND MANAGEMENT, DEPARTMENT OF THE ENVIRONMENT, DEPARTMENT OF GENERAL SERVICES, DEPARTMENT OF PLANNING, DEPARTMENT OF TRANSPORTATION, AND ANY OTHER STATE AGENCY THE SECRETARY DETERMINES TO BE APPROPRIATE**”.

AMENDMENT NO. 5

On page 8, in line 5, after “**MAKING;**” insert “**AND**”; and strike beginning with the semicolon in line 7 down through “**SUBTITLE**” in line 9.

AMENDMENT NO. 6

On page 12, strike beginning with the colon in line 12 down through “**SHALL**” in line 13 and substitute “**SHALL**”; in line 14, strike “**, IN COLLABORATION WITH THE INTERAGENCY WORKING GROUP,**”; in lines 16 and 18, strike “**1.**” and “**2.**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 17, after “**SECTION;**” insert “**AND**”; and strike beginning with the semicolon in line 19 down through “**MEASURES**” in line 26.

AMENDMENT NO. 7

On pages 14 and 15, strike in their entirety the lines beginning with line 25 on page 14 through line 5 on page 15, inclusive.

AMENDMENT NO. 8

On page 15, in line 6, strike “**13–2505.**” and substitute “**13–2504.**”; and in line 24, strike “**IMPROVEMENT**” and substitute “**ASSESSMENT**”.

AMENDMENT NO. 9

On pages 16 through 18, strike in their entirety the lines beginning with line 10 on page 16 through line 8 on page 18, inclusive.

AMENDMENT NO. 10

On page 18, in line 9, strike “(v)” and substitute “(E)”; in line 10, strike “PARAGRAPH” and substitute “SECTION”; and in line 12, strike “(VI)” and substitute “(F)”.

AMENDMENT NO. 11

On pages 18 through 20, strike in their entirety the lines beginning with line 15 on page 18 through line 11 on page 20, inclusive.

AMENDMENT NO. 12

On page 20, in line 12, strike “13–2506.” and substitute “13–2505.”; in line 16, strike “ACT” and substitute “SUBTITLE”; and strike in their entirety lines 17 through 21, inclusive, and substitute “13–2506.”.

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1049 – Delegates Pena–Melnyk, Aumann, Barnes, Beidle, Branch, Braveboy, DeBoy, Frush, Gaines, Haynes, Howard, Hucker, Impallaria, Ivey, N. King, Love, Manno, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Proctor, Ramirez, Ross, Shewell, Sossi, Stein, and Taylor

AN ACT concerning

Task Force on the HPV Vaccine

(Amendment ID: HB1049/846188/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1049

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, Lee, Hammen, Beitzel, Benson, Bromwell, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Oaks, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; in line 2, strike “Task Force on the HPV Vaccine” and substitute “Cervical Cancer Committee – HPV”.

Vaccine Subcommittee"; strike beginning with "establishing" in line 3 down through "Vaccine" in line 9 and substitute "establishing the human papillomavirus (HPV) vaccine subcommittee in the Cervical Cancer Committee of the Maryland Comprehensive Cancer Control Plan; providing for the membership of the HPV vaccine subcommittee; providing for the duties of the HPV vaccine subcommittee; requiring the HPV vaccine subcommittee to submit a certain report to the Committee on or before a certain date each year; requiring a certain report of the Committee to include the findings and recommendations of the HPV vaccine subcommittee; and generally relating to the HPV vaccine subcommittee of the Cervical Cancer Committee"; and after line 9, insert:

"BY repealing and reenacting, with amendments,
Chapter 283 of the Acts of the General Assembly of 2004
Section 1".

AMENDMENT NO. 2

On page 1, in line 11, after "That" insert "the Laws of Maryland read as follows".

AMENDMENT NO. 3

On pages 1 through 3, strike in their entirety the lines beginning with line 12 on page 1 through line 9 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, after line 9, insert:

"Chapter 283 of the Acts of 2004

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Cervical Cancer Committee of the Maryland Comprehensive Cancer Control Plan.

(b) The Department of Health and Mental Hygiene shall provide staff for the Committee.

(c) The Committee shall:

(1) be briefed by the Department of Health and Mental Hygiene on the prevalence and burden of cervical cancer in the State;

(2) in collaboration with the Department of Health and Mental Hygiene and the State Council on Cancer Control:

(i) promote public awareness on the causes and nature of cervical cancer, personal risk factors, the value of prevention, early detection, options for

testing, treatment costs, new technology, medical care reimbursement, and physician education; and

(ii) examine new and emerging medicines, including vaccines, that are being developed in an effort to cure cervical cancer;

(3) identify and examine the limitations of existing programs, services, laws, and regulations with respect to:

(i) cervical cancer awareness; and

(ii) the availability of health insurance coverage and public services for the diagnosis and treatment of cervical cancer;

(4) develop a statewide comprehensive Cervical Cancer Prevention Plan and strategies for plan implementation and public promotion of the plan;

(5) facilitate coordination and communication among State and local agencies and organizations regarding achieving the goals of the Cervical Cancer Prevention Plan developed by the Committee; AND

(6) receive public testimony from individuals, local health departments, community-based organizations, and other public and private organizations to gather input on these individuals' and organizations':

(i) contributions to cervical cancer prevention, diagnosis, and treatment; and

(ii) ideas for improving cervical cancer prevention, diagnosis, and treatment in the State.

(D) (1) THERE IS A SUBCOMMITTEE ON THE HUMAN PAPILLOMAVIRUS (HPV) VACCINE IN THE COMMITTEE.

(2) THE HPV VACCINE SUBCOMMITTEE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(I) ONE REPRESENTATIVE OF THE MARYLAND STATE DEPARTMENT OF EDUCATION, APPOINTED BY THE DEPARTMENT;

(II) ONE REPRESENTATIVE OF THE MARYLAND PTA, APPOINTED BY THE PTA;

(III) ONE REPRESENTATIVE OF THE MARYLAND STATE TEACHERS ASSOCIATION, APPOINTED BY THE ASSOCIATION;

(IV) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION, APPOINTED BY THE ASSOCIATION;

(V) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, APPOINTED BY THE ASSOCIATION;

(VI) ONE REPRESENTATIVE OF THE SOCIETY FOR ADOLESCENT MEDICINE, APPOINTED BY THE SOCIETY;

(VII) ONE PHYSICIAN MEMBER OF THE MEDICAL CHIRURGICAL FACULTY OF MARYLAND, APPOINTED BY THE ORGANIZATION;

(VIII) ONE PHYSICIAN MEMBER OF THE MARYLAND CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS, APPOINTED BY THE ORGANIZATION;

(IX) ONE REPRESENTATIVE OF CHILDREN'S NATIONAL MEDICAL CENTER, APPOINTED BY THE CENTER;

(X) ONE REPRESENTATIVE OF JOHNS HOPKINS INSTITUTIONS, APPOINTED BY THE ORGANIZATION; AND

(XI) THE FOLLOWING MEMBERS, APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE:

1. ONE REPRESENTATIVE OF THE HEALTH INSURANCE INDUSTRY; AND

2. TWO CONSUMER MEMBERS.

(3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL APPOINT THE CHAIR OF THE SUBCOMMITTEE.

(4) THE HPV VACCINE SUBCOMMITTEE SHALL:

(I) EXAMINE FEDERAL AND STATE PROGRAMS RELATING TO THE HPV VACCINE;

(II) DEVELOP A PUBLIC AWARENESS AND EDUCATION CAMPAIGN ABOUT THE HPV VACCINE WITH AN EMPHASIS ON PARENTAL EDUCATION;

(III) EVALUATE THE AVAILABILITY AND AFFORDABILITY OF THE HPV VACCINE, INCLUDING COVERAGE BY HEALTH INSURERS AND PUBLIC HEALTH PROGRAMS;

(IV) IDENTIFY BARRIERS TO THE ADMINISTRATION OF THE HPV VACCINE TO ALL RECOMMENDED INDIVIDUALS; AND

(V) IDENTIFY AND EVALUATE APPROPRIATE MECHANISMS THE STATE MAY USE TO INCREASE ACCESS TO THE HPV VACCINE, INCLUDING MANDATING THE HPV VACCINE FOR ENROLLMENT IN SCHOOL.

(5) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE HPV VACCINE SUBCOMMITTEE SHALL SUBMIT A REPORT ON ITS FINDINGS AND RECOMMENDATIONS TO THE COMMITTEE.

[(d)] (E) The Committee shall present in the annual report of the State Council on Cancer Control its findings and recommendations, INCLUDING THE FINDINGS AND RECOMMENDATIONS OF THE HPV VACCINE SUBCOMMITTEE, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before October 1 of each year beginning October 1, 2004.”.

AMENDMENT NO. 5

On page 3, strike beginning with “It” in line 11 down through “effect.” in line 13.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1270 – Delegates Hubbard, Bohanan, Frush, Hammen, Hecht, James, McHale, Pena–Melnik, and Rosenberg

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

(Amendment ID: HB1270/436085/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1270
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosenberg” and substitute “Rosenberg, Beitzel, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”.

AMENDMENT NO. 2

On page 4, in line 7, strike “IMMEDIATELY”; in the same line, after “REPORT” insert “WITHIN 48 HOURS”; after line 10, insert:

“(1) BE ON THE FORM THAT THE SECRETARY PROVIDES;”;

and in lines 11, 12, 14, and 16, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(2)”, “(3)”, “(4)”, and “(5)”, respectively.

AMENDMENT NO. 3

On page 13, strike beginning with “EXCEPT” in line 3 down through “A” in line 4 and substitute “A”; and in line 8, after “SUBTITLE” insert “TO ANY PERSON WHO IS NOT AUTHORIZED TO RECEIVE PERSONAL IDENTIFYING HEALTH INFORMATION UNDER THIS SUBTITLE OR OTHERWISE IN VIOLATION OF THIS SUBTITLE”.

On page 14, in line 2, after “18–202.1” insert “OF THIS SUBTITLE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #10

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

House Bill 508 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Fire and Explosive Investigators – Authority

PG 319–07

(Amendment ID: HB0508/362116/1)

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 508
(First Reading File Bill)

On page 7, in line 13, strike “AND”; after line 13, insert:

“(2) HAS ATTAINED THE POSITION OF DEPUTY FIRE MARSHAL; AND”;

and in line 14, 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.

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

House Bill 1001 – Delegate Vallario

AN ACT concerning

Unclaimed Restitution – Disbursements and Use

(Amendment ID: HB1001/532818/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1001
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “purpose;” insert “requiring the Comptroller to reduce a certain distribution by a certain amount if a victim entitled to certain restitution is located;”; and strike beginning with “providing” in line 6 down through “bill;” in line 9.

AMENDMENT NO. 2

On page 2, in line 18, after “(3)” insert “(I)”; in the same line, strike “**THE**” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; and after line 23, insert:

“(II) IF A VICTIM ENTITLED TO RESTITUTION THAT HAS BEEN TREATED AS ABANDONED PROPERTY UNDER § 11-614 OF THE CRIMINAL PROCEDURE

ARTICLE IS LOCATED AFTER THE MONEY HAS BEEN DISTRIBUTED UNDER THIS PARAGRAPH, THE ADMINISTRATOR SHALL REDUCE THE NEXT DISTRIBUTION TO THE STATE VICTIMS OF CRIME FUND BY THE AMOUNT RECOVERED BY THE VICTIM.”.

On page 3, strike in their entirety lines 17 through 24, inclusive; and in line 25, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1003 – Delegate Vallario

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1067 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Conaway, Krysiak, Oaks, Rosenberg, and Stukes

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

(Amendment ID: HB1067/392714/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1067
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “made” insert “, subject to a certain exception”; and strike beginning with “requiring” in line 11 down through “entities;” in line 13.

AMENDMENT NO. 2

On page 2, in line 8, after “(B)” insert “(1)”; after line 10, insert:

“(2) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY RETAINED BY A LOCAL LAW ENFORCEMENT AGENCY FOR USE AS EVIDENCE IN A CRIMINAL PROSECUTION.

“(3) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS FOR SEIZURE AND FORFEITURE CONTAINED IN TITLES 12 AND 13 OF THE CRIMINAL PROCEDURE ARTICLE.”;

in line 11, after “(C)” insert “(1)”; in the same line, strike “THE” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in lines 15 and 17, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and after line 19, insert:

“(2) PERSONAL PROPERTY THAT IS USED AS EVIDENCE IN A CRIMINAL PROSECUTION SHALL BE RETAINED BY A LOCAL LAW ENFORCEMENT AGENCY IN THE SAME MANNER AS OTHER EVIDENCE RETAINED BY THE AGENCY.”.

AMENDMENT NO. 3

On page 4, in line 4, strike “(2), (3), AND (4)” and substitute “(2) AND (3)”; strike in their entirety lines 6 through 13, inclusive; in lines 14 and 22, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; strike beginning with the colon in line 17 down through “(I)” in line 18; strike beginning with “; OR” in line 19 down through “SUBSECTION” in line 21; and in line 22, 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.

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

House Bill 1134 – Delegate Conaway

AN ACT concerning

Marriage – Performance of Ceremony – Retired Clerk of Court

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1203 – Delegates Anderson, Barnes, Dumais, Kelly, Lee, Rosenberg, and Schuler

AN ACT concerning

Correctional Officers – Reinstatement of Certification After Wrongful Termination

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1226 – Delegates Barnes, Dumais, Hubbard, Montgomery, O’Donnell, and Rosenberg

AN ACT concerning

Children with Disabilities – Voluntary Placement Agreements

(Amendment ID: HB1226/732819/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1226
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “make a certain finding and” and substitute “hold a certain finding in abeyance,”; and in line 8, after “actions” insert “, and hold a certain hearing”.

AMENDMENT NO. 2

On page 3, strike beginning with “**FIND**” in line 16 down through “**ARTICLE**” in line 19 and substitute “**HOLD IN ABEYANCE A FINDING ON WHETHER A CHILD WITH A DEVELOPMENTAL DISABILITY OR A MENTAL ILLNESS IS A CHILD IN NEED OF ASSISTANCE AND:**”

1. ORDER THE LOCAL DEPARTMENT TO ASSESS OR REASSESS THE FAMILY AND CHILD'S ELIGIBILITY FOR PLACEMENT OF THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT UNDER § 5-525(A)(1)(I) OF THE FAMILY LAW ARTICLE;

2. ORDER THE LOCAL DEPARTMENT TO REPORT BACK TO THE COURT IN WRITING WITHIN 30 DAYS UNLESS THE COURT EXTENDS THE TIME PERIOD FOR GOOD CAUSE SHOWN;

3. IF THE LOCAL DEPARTMENT DOES NOT FIND THE CHILD ELIGIBLE FOR PLACEMENT IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT, HOLD A HEARING TO DETERMINE WHETHER THE FAMILY AND CHILD ARE ELIGIBLE FOR PLACEMENT OF THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT; AND

4. AFTER THE HEARING:

A. FIND THAT THE CHILD IS NOT IN NEED OF ASSISTANCE AND ORDER THE LOCAL DEPARTMENT TO OFFER TO PLACE THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT UNDER § 5-525(A)(1)(I) OF THE FAMILY LAW ARTICLE;

B. FIND THAT THE CHILD IS IN NEED OF ASSISTANCE;

OR

C. DISMISS THE CASE”.

AMENDMENT NO. 3

On page 5, strike beginning with “WHO” in line 2 down through “ALLEGATIONS” in line 3.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1227 – Carroll County Delegation

AN ACT concerning

Carroll County – Pretrial and Work Release Programs

(Amendment ID: HB1227/692817/1)

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1227
(First Reading File Bill)

On page 3, in line 20, after “work” insert a comma; in the same line, strike “TO,”; in line 21, after “SERVICES,” insert “OR”; and strike beginning with the second comma in line 22 down through “APPROPRIATE” in line 23.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1253 – Delegate Schuler

AN ACT concerning

HIV Testing – Prohibited Exposure – Forensic Scientists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1317 – Delegates Anderson, Cane, Glenn, Gutierrez, Harrison, Hucker, McIntosh, Ramirez, Simmons, and Vallario

AN ACT concerning

**Mandatory Minimum Sentences – Burglary and Daytime Housebreaking –
Retroactive Effect**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1325 – Delegates Conway, Barnes, Benson, DeBoy, Eckardt, Elmore, Frush, Glassman, Haddaway, Holmes, Hubbard, Impallaria, James, Jennings, Levi, McComas, McDonough, Niemann, Pena–Melnik, Proctor, Riley, Ross, Rudolph, Shewell, Smigiel, Sossi, Stifler, Valderrama, Vallario, Vaughn, and Walkup

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Programs

(Amendment ID: HB1325/802716/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1325 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Program;” insert “authorizing the juvenile court to make certain additional dispositions on a certain petition under certain circumstances;”; in line 12, after “petition” insert “or a child in need of supervision petition”; and in line 14, after “complaint;” insert “prohibiting a certain child from being placed in detention or certain other facilities; making a clarifying change;”.

On page 2, in line 1, after “Section” insert “3–8A–01(a), (h), and (n) and”; in the same line, strike “and 3–8C–06(d)”; in line 11, after “Section” insert “3–8A–15(e) and (g), 3–8A–19(d),”; and in the same line, strike “and 3–8C–04” and substitute “3–8C–04, 3–8C–06(d), and 3–8C–07”.

AMENDMENT NO. 2

On page 2, after line 24, insert:

“3–8A–01.

(a) In this subtitle the following words have the meanings indicated, unless the context of their use indicates otherwise.

(h) (1) “Community detention” means a program monitored by the Department of Juvenile Services in which a delinquent child or a child alleged to be delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

(2) “Community detention” includes electronic monitoring.

(n) “Detention” means the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities.”.

On page 3, after line 18, insert:

“3-8A-15.

(e) (1) Detention or community detention may not be continued beyond emergency detention or community detention unless, upon an order of court after a hearing, the court has found that one or more of the circumstances stated in subsection (b) of this section exist.

(2) A court order under this paragraph shall:

(i) Contain a written determination of whether or not the criteria contained in subsection (c)(1) and (2) of this section have been met; and

(ii) Specify which of the circumstances stated in subsection (b) of this section exist.

(3) (i) If the court has not specifically prohibited community detention, the Department of Juvenile Services may release the child from detention into community detention and place the child in:

1. Shelter care; or

2. The custody of the child’s parent, guardian, custodian, or other person able to provide supervision and care for the child and to return the child to court when required.

(ii) 1. [If] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF a child who has been released by the Department of Juvenile Services or the court into community detention violates the conditions of community detention, and it is necessary to protect the child or others, an intake officer may authorize the detention of the child.

2. A CHILD ALLEGED TO BE DELINQUENT AS A RESULT OF THE FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER § 3-8C-06.1 OF THIS TITLE AND WHO VIOLATES THE CONDITIONS OF COMMUNITY DETENTION MAY NOT BE PLACED IN DETENTION.

(iii) The Department of Juvenile Services shall promptly notify the court of:

1. The release of a child from detention under subparagraph (i) of this paragraph; or

2. The return to detention of a child under subparagraph (ii) of this paragraph.

(g) (1) A child alleged to be delinquent may not be detained in a jail or other facility for the detention of adults.

(2) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CHILD ALLEGED TO BE DELINQUENT AS A RESULT OF THE FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER § 3-8C-06.1 OF THIS TITLE MAY NOT BE PLACED IN:

1. DETENTION;

2. A STATE MENTAL HEALTH FACILITY; OR

3. A SHELTER CARE FACILITY THAT IS NOT OPERATING IN COMPLIANCE WITH APPLICABLE STATE LICENSING LAWS.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT A CHILD DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FROM BEING PLACED IN COMMUNITY DETENTION IN ACCORDANCE WITH THIS SECTION.

3-8A-19.

(d) (1) In making a disposition on a petition under this subtitle, the court may:

(i) Place the child on probation or under supervision in his own home or in the custody or under the guardianship of a relative or other fit person, upon terms the court deems appropriate, including community detention;

(ii) Subject to the provisions of [paragraph (2)] PARAGRAPHS (2) AND (6) of this subsection, commit the child to the custody or under the guardianship of the Department of Juvenile Services, the Department of Health and Mental Hygiene, or a public or licensed private agency on terms that the court considers appropriate to meet the priorities set forth in § 3-8A-02 of this subtitle, including designation of the type of facility where the child is to be accommodated, until custody or guardianship is terminated with approval of the court or as required under § 3-8A-24 of this subtitle; or

(iii) Order the child, parents, guardian, or custodian of the child to participate in rehabilitative services that are in the best interest of the child and the family.

(2) In addition to the provisions of paragraph (1) of this subsection, in making a disposition on a petition, the court may adopt a treatment service plan, as defined in § 3-8A-20.1 of this subtitle.

(3) A child committed under paragraph (1)(ii) of this subsection may not be accommodated in a facility that has reached budgeted capacity if a bed is available in another comparable facility in the State, unless the placement to the facility that has reached budgeted capacity has been recommended by the Department of Juvenile Services.

(4) The court shall consider any oral address made in accordance with § 11-403 of the Criminal Procedure Article or any victim impact statement, as described in § 11-402 of the Criminal Procedure Article, in determining an appropriate disposition on a petition.

(5) (i) If the court finds that a child is in need of supervision and commits the child to the custody or under the guardianship of the Department of Juvenile Services, the court may notify the county superintendent, the supervisor of pupil personnel, or any other official designated by the county superintendent of the fact that the child has been found to be in need of supervision and has been committed to the custody or under the guardianship of the Department of Juvenile Services.

(ii) The notice may not include any order or pleading related to the child in need of supervision case.

(6) A CHILD FOUND DELINQUENT AS A RESULT OF THE FAILURE TO COMPLY WITH AN ORDER ISSUED UNDER § 3-8C-01.6 OF THIS TITLE MAY NOT BE PLACED IN A SECURE FACILITY.

AMENDMENT NO. 3

On page 4, in line 23, strike “order” and substitute “:

(1) ORDER”;

and in lines 24, 25, 26, 27, and 28, strike “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, and “**(V)**”, respectively.

On page 5, in line 1, strike “(6)” and substitute “**(VI)**”; and in the same line, after “court” insert “**OR**”;

(2) WITH THE AGREEMENT OF THE PERSON WITH LEGAL CUSTODY OR CARE AND CONTROL OF THE CHILD:

(I) PLACE THE CHILD IN A RESPITE HOME;

(II) PLACE THE CHILD TEMPORARILY IN THE CUSTODY OR CARE AND CONTROL OF ANOTHER RESPONSIBLE ADULT SELECTED BY THE PERSON WITH LEGAL CUSTODY OR CARE AND CONTROL OF THE CHILD; OR

(III) PROVIDE FOR ANY OTHER SERVICES DESIGNED TO REDUCE THE CHILD'S TRUANT BEHAVIOR".

AMENDMENT NO. 4

On page 5, in line 3, before "THE" insert "(A)"; and after line 9, insert:

"(B) THE COURT MAY FORWARD A COMPLAINT TO AN INTAKE OFFICER FOR THE FILING OF A CHILD IN NEED OF SUPERVISION PETITION IF THE COURT FINDS THAT THE CHILD IS REQUIRED BY LAW TO ATTEND SCHOOL AND IS HABITUALLY TRUANT.

3-8C-07.

A criminal defendant under [this subtitle] § 7-301(E-1) OF THE EDUCATION ARTICLE is subject to:

(1) Any conditions of probation authorized under § 6-220 of the Criminal Procedure Article; and

(2) Any additional condition of probation that would promote the child's attendance in school."

AMENDMENT NO. 5

On page 6, in line 3, strike "2010" and substitute "2008"; strike beginning with "DURING" in line 7 down through "2012" in line 8 and substitute "DURING EACH OF FISCAL YEARS 2008 AND 2009"; in line 19, strike "7" and substitute "5"; and in the same line, strike "2011" and substitute "2009".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1332 – Delegates Dumais and Rosenberg

AN ACT concerning

**Education – Suspected Child Abuse by Employee or Independent Contractor
Involving Students in Nonpublic Schools – Disclosure**

(Amendment ID: HB1332/612310/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1332
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Education” in line 2 down through “Disclosure” in line 3 and substitute “Child Abuse and Neglect – Disclosure of Records to Nonpublic School Principals and Superintendents”; and strike beginning with “providing” in line 4 down through “records” in line 7 and substitute “authorizing the disclosure of certain reports and records concerning child abuse or neglect to certain nonpublic school officials under certain circumstances”.

AMENDMENT NO. 2

On page 4, in line 5, strike “TO”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1395 – Delegate Shewell

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1427 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support – Collection Fee

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 359 – Delegates Frush, Ali, Anderson, Aumann, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Braveboy, Bronrott, Cane, Cardin, Carter, V. Clagett, Doory, Dumais, Elmore, Gaines, Gilchrist, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, N. King, Krebs, Kullen, Lafferty, Lawton, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Rosenberg, Ross, Schuh, Simmons, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Clean Indoor Air Act of 2007

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

Delegate Rudolph moved to make the Bill a Special Order for the next session.

The motion was adopted.

House Bill 554 – Delegates Ross, Ali, Anderson, Braveboy, Burns, Cane, Carter, Davis, Gilchrist, Glenn, Gutierrez, Harrison, Haynes, Hucker, Ivey, Kaiser, Lawton, Montgomery, Nathan–Pulliam, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, F. Turner, and Walker

AN ACT concerning

Voter Registration Protection Act

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

Delegate Hixson moved to make the Bill a Special Order for Monday.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 452)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 105 – Delegates Haddaway and Eckardt

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick Douglass Memorial

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

Affirmative – 134 Negative – 1 (See Roll Call No. 453)

The Bill was then sent to the Senate.

House Bill 713 – The Speaker (By Request – Administration, Attorney General, and Maryland State’s Attorneys’ Association) and Delegates James, Riley, Rosenberg, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bohanan, Boteler, Branch, Bromwell, Bronrott, Burns, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conway, Costa, Davis, DeBoy, Donoghue, Doory, Dumais, Eckardt, Elmore, Feldman, Frank, Frush, Gaines, George, Gilchrist, Glassman, Glenn, Griffith, Guzzone, Haddaway, Hammen, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hucker, Jameson, Jennings, Jones, Kach, Kelly, J. King, N. King, Kipke, Kirk, Kramer, Krysiak, Kullen, Lafferty, Lawton, Lee, Levi, Levy, Love, Malone, Manno, Mathias, McComas,

McHale, McIntosh, McKee, Miller, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Olszewski, Pena–Melnik, Pendergrass, Proctor, Rice, Ross, Rudolph, Schuh, Schuler, Shank, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stukes, Tarrant, Taylor, F. Turner, Vaughn, Waldstreicher, Walker, Weir, and Wood

AN ACT concerning

Maryland Gang Prosecution Act of 2007

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

Affirmative – 134 Negative – 1 (See Roll Call No. 454)

The Bill was then sent to the Senate.

House Bill 992 – Delegates Anderson, Carter, Conaway, Lee, Love, and Rosenberg

AN ACT concerning

Criminal Procedure – Drug–Related Offenses – ~~Repeal of Mandatory Minimum Sentences~~ Parole Eligibility for Second Offenders

Delegate Benson moved the previous question.

The motion was adopted.

Read the third time and failed for want of a constitutional majority:

Affirmative – 68 Negative – 69 (See Roll Call No. 455)

House Bill 1036 – Delegates Lee, Stein, Ali, Barkley, Bronrott, DeBoy, Dumais, Glenn, Goldwater, Healey, Heller, Hixson, Hubbard, Impallaria, James, Jones, Kramer, Krebs, Lawton, Manno, McComas, McDonough, Minnick, Montgomery, Nathan–Pulliam, Pendergrass, Ramirez, Robinson, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Stocksdale, F. Turner, Valderrama, and Walkup

AN ACT concerning

Identity Fraud – Inducing Another to Provide Identifying Information – Prohibited

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

Affirmative – 135 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the Senate.

House Bill 1093 – Charles County Delegation

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

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

Affirmative – 137 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the Senate.

House Bill 1170 – Delegate Bohanan

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – St. Mary’s County – Sotterley
Plantation**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the Senate.

House Bill 1184 – Delegates Mizeur, Hixson, Hucker, and N. King

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair
Baseball Field Improvements**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 459)

The Bill was then sent to the Senate.

House Bill 1191 – Delegates Jones, Burns, and Nathan–Pulliam

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2004 – Baltimore County – The Children’s Home

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

Affirmative – 137 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the Senate.

House Bill 1195 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Local Correctional Facilities – Diminution Credits – Good Conduct

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

Affirmative – 82 Negative – 54 (See Roll Call No. 461)

The Bill was then sent to the Senate.

House Bill 1221 – Delegate Gutierrez

EMERGENCY BILL

AN ACT concerning

Delinquency Prevention and Diversion Services Task Force – Extension of Sunset

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

Affirmative – 136 Negative – 0 (See Roll Call No. 462)

The Bill was then sent to the Senate.

House Bill 1232 – Delegates Oaks and Rosenberg

AN ACT concerning

Baltimore City – Park Heights Golf Range and Family Sports Park Loan of 2000

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

Affirmative – 134 Negative – 2 (See Roll Call No. 463)

The Bill was then sent to the Senate.

House Bill 1235 – Delegates McIntosh, Anderson, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art

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

Affirmative – 135 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the Senate.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0050

SPONSOR: The Spkr (Admin)

SUBJECT: Budget Bill (Fiscal Year 2008)

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: Delegates Conway, Chair, Bohanan, Gaines, Barkley and Bates.

In addition, the House has appointed in advisory capacity: Delegates James and Proctor. The Senate appoints: Senator Currie, Chairman, Hogan, Kasemeyer, DeGrange, and Brinkley.

In addition, the Senate has appointed in advisory capacity: Senators McFadden and Kramer.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #10

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

House Bill 1228 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Sunday Sales for Hotels and Restaurants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #16

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

House Bill 420 – Delegates Stull, Bartlett, Bates, Beitzel, Cane, G. Clagett, Elliott, Elmore, Glassman, Glenn, Hecht, James, Kach, Kelly, McComas, McKee, Miller, O'Donnell, Riley, Weir, and Weldon

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

(Amendment ID: HB0420/300916/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 420
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “permit” insert “valid in certain counties”; in lines 4 and 7, in each instance, strike “or a straight truck”; and in lines 9, 11 and 12, and 15 and 16, in each instance, strike “or straight truck”.

On page 2, in line 7, after “Assembly;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“(A) AN EXCEPTIONAL MILK HAULING PERMIT ISSUED UNDER THIS SECTION IS VALID ONLY IN ALLEGANY COUNTY, ANNE ARUNDEL COUNTY, BALTIMORE COUNTY, CARROLL COUNTY, FREDERICK COUNTY, GARRETT COUNTY, HOWARD COUNTY, MONTGOMERY COUNTY, PRINCE GEORGE’S COUNTY, AND WASHINGTON COUNTY.”;

in line 22, after “IS” insert “THE ONLY LOAD ON THE VEHICLE AND IS”; in line 25, strike “(I) FOR A COMBINATION OF VEHICLES, HAS” and substitute “HAS”; and strike beginning with the semicolon in line 27 down through “AXLE” in line 29.

AMENDMENT NO. 3

On page 2, in lines 19, 30, and 32, strike “(A)”, “(B)”, and “(A)”, respectively, and substitute “(B)”, “(C)”, and “(B)”, respectively.

On page 3, in lines 16 and 18, strike “(C)” and “(A)”, respectively, and substitute “(D)” and “(B)”, respectively.

On page 4, in lines 3, 5, 13, and 15, strike “(D)”, “(A)”, “(E)”, and “(A)”, respectively, and substitute “(E)”, “(B)”, “(F)”, and “(B)”, respectively.

On page 5, in lines 10 and 28, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H)”, respectively.

On page 6, in lines 4, 7, 10, and 13, strike “(E)(3)”, “(E)(3)”, “(H)”, and “(I)”, respectively, and substitute “(F)(3)”, “(F)(3)”, “(I)”, and “(J)”, respectively.

AMENDMENT NO. 4

On page 2 in lines 21 and 30, on page 3 in lines 16 and 17, on page 4 in lines 3 and 4, and on page 5 in line 7, in each instance, strike “OR A STRAIGHT TRUCK”.

On page 3, in lines 5 and 6, strike “OR ON A STRAIGHT TRUCK”; in line 6, strike “MAXIMUM GROSS”; in line 8, strike “1. FOR A COMBINATION OF VEHICLES, A” and substitute “A”; strike beginning with the semicolon in line 9 down through “WEIGHT” in line 11; and in lines 23 and 24, in each instance, strike “OR STRAIGHT TRUCK”.

AMENDMENT NO. 5

On page 5, in line 15, strike “OR”; in line 18, after “PERMIT” insert “; OR”

(III) A PRODUCER OF RAW LIQUID MILK HAVING THE PRODUCT TRANSPORTED UNDER THE AUTHORITY OF AN EXCEPTIONAL MILK HAULING PERMIT”;

in line 19, after “PERMIT” insert a comma; in line 20, strike “OR”; in the same line, after “MILK” insert “, OR A PRODUCER OF RAW LIQUID MILK”; in line 25, after “FROM” insert “PICKING UP FROM THE PRODUCER OR”; in the same line, after “DELIVERING” insert “TO THE NONCOMPLIANT FACILITY”; and strike beginning with “TO” in line 26 down through “FACILITY” in line 27.

AMENDMENT NO. 6

On page 6, after line 29, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to exempt a holder of an exceptional milk hauling permit from any applicable State or federal motor carrier requirements not specifically addressed in this Act.”;

and in line 30, strike “4.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 501 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Commercial Vehicles Parked in Residential Areas –
Citation**

PG 301–07

(Amendment ID: HB0501/530917/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 501

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “making” in line 5 down through “County;” in line 8; after line 13, insert:

“BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1010
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)”;

and in line 16, strike “21–1010 and”.

AMENDMENT NO. 2

On page 2, in lines 15, 17, and 24, in each instance, strike the bracket; and in line 24, strike “(D)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 786 – Delegates Lawton, Beidle, Bobo, Bronrott, V. Clagett, Frush, Guzzone, Healey, Hubbard, Hucker, Lafferty, Lee, McIntosh, Montgomery, Niemann, Stein, F. Turner, and Waldstreicher

AN ACT concerning

Stormwater Management Act of 2007

(Amendment ID: HB0786/370513/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 786
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Glenn, Glassman, and Weir”; strike beginning with “requiring” in line 3 down through “practices;” in line 5; in line 6, after “establish” insert “certain regulations and”; in line 7, strike “or model regulation”; strike beginning with “and” in line 9 down through “circumstances” in line 12; and strike beginning with “, on” in line 15 down through “law” in line 17 and substitute “to evaluate certain options and report certain findings on or before a certain date; requiring the Department to seek certain input and work with certain parties in the creation of certain regulations and a certain model ordinance”.

On page 2, in line 3, strike “4-202 and”.

AMENDMENT NO. 2

On page 2, in line 12, strike the first “TECHNIQUE”; strike beginning with “A” in line 12 down through “SITE” in line 15 and substitute “USING SMALL-SCALE STORMWATER MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND BETTER SITE PLANNING TO MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES”; in line 16, strike “TECHNIQUE”; in line 20, after “CHANNELS,” insert “ROOFS,”; in line 22, after “EVAPOTRANSPIRATION;” insert “AND”; and strike beginning with “AT-THE-SOURCE” in line 23 down through “ENVIRONMENT” in line 27 and substitute “OTHER NONSTRUCTURAL PRACTICES OR INNOVATIVE STORMWATER MANAGEMENT TECHNOLOGIES APPROVED BY THE DEPARTMENT”.

AMENDMENT NO. 3

On page 3, strike beginning with “4-202.” in line 1 down through “SUBTITLE.” in line 15; and in line 18, after the second “time” insert “, INCLUDING DURING THE ADOPTION OF REGULATIONS,”.

AMENDMENT NO. 4

On page 4, in line 4, after “ESTABLISH” insert “REGULATIONS AND”; strike beginning with “OR” in line 4 down through the second “FOR” in line 5 and substitute “THAT REQUIRE:”

1.”;

strike beginning with “TECHNIQUES” in line 6 down through “PRACTICES” in line 7 and substitute “TO THE MAXIMUM EXTENT PRACTICABLE”; after line 7, insert:

“2. THE REVIEW AND MODIFICATION, IF NECESSARY, OF PLANNING AND ZONING OR PUBLIC WORKS ORDINANCES TO REMOVE IMPEDIMENTS TO ENVIRONMENTAL SITE DESIGN IMPLEMENTATION; AND

3. A DEVELOPER TO DEMONSTRATE THAT:

A. ENVIRONMENTAL SITE DESIGN HAS BEEN IMPLEMENTED TO THE MAXIMUM EXTENT PRACTICABLE; AND

B. STANDARD BEST MANAGEMENT PRACTICES HAVE BEEN USED ONLY WHERE ABSOLUTELY NECESSARY;”;

strike beginning with “AND” in line 13 down through “ORDINANCES” in line 14; strike beginning with “OR” in line 15 down through “CONSTRUCTION” in line 16; in line 22, strike “AND EXISTING”; and in the same line, after “DEVELOPMENT” insert “**AND REDEVELOPMENT**”.

AMENDMENT NO. 5

On page 5, in line 2, after “WATER” insert “**AS SPECIFIED BY THE DEPARTMENT**”; in line 5, strike “1.”; strike beginning with “OR” in line 6 down through “SITE;” in line 21 and substitute:

“(VII) CAPTURE AND TREAT STORMWATER RUNOFF TO REMOVE POLLUTANTS AND ENHANCE WATER QUALITY;

(VIII) IMPLEMENT A CHANNEL PROTECTION STRATEGY TO REDUCE DOWNSTREAM EROSION IN RECEIVING STREAMS; AND

(IX) IMPLEMENT QUANTITY CONTROL STRATEGIES TO PREVENT INCREASES IN THE FREQUENCY AND MAGNITUDE OF OUT-OF-BANK FLOODING FROM LARGE, LESS FREQUENT STORM EVENTS.”;

and strike beginning with “(I)” in line 22 down through “AND” in line 27.

AMENDMENT NO. 6

On page 6, strike beginning with “3.” in line 1 down through “(10)” in line 4; strike beginning with “(E)” in line 17 down through “SUBTITLE.” in line 20; after line 20, insert:

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

(a) The Department of the Environment shall evaluate options for a stormwater management fee system and an appropriate schedule of fees necessary to improve the enforcement of the provisions of Title 4, Subtitle 2 of the Environment Article.

(b) On or before December 1, 2007, the Department shall report its findings to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) During the creation of the regulations and model ordinance required under § 4-203(b)(5)(ii) of the Environment Article, as enacted by this Act, the Department of the Environment shall seek the input of interested parties, including each county and municipality that operates a stormwater management program.

(b) The Department shall work with the counties, municipalities, and other interested parties to address any reasonable concern raised by the parties.”;

and in line 21, strike “2.” and substitute “4.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #9

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

House Bill 76 – Delegates Cardin, Barve, Bobo, Bronrott, V. Clagett, Costa, Elmore, Gilchrist, Hecht, Hixson, Ivey, Kaiser, N. King, Kipke, Krebs, Morhaim, Rice, Sophocleus, Stein, and F. Turner

AN ACT concerning

Solar Energy Tax Credit

(Amendment ID: HB0076/935260/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 76 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Bartlett, Doory, George, Howard, Jennings, Manno, McKee, Olszewski, Ross, Stukes, and Walker”.

AMENDMENT NO. 2

On page 2, in line 23, strike the brackets; in the same line, strike “20%”; and in line 26, strike “\$3,000” and substitute “\$1,700”.

On page 3, in line 1, strike “\$2,000” and substitute “\$800”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 383 – Delegates N. King, Hixson, Kaiser, Rice, and Simmons

AN ACT concerning

Education – Safe Schools – Reporting Incidents of Harassment or Intimidation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 957 – Delegates Montgomery, Bronrott, Healey, Heller, Kaiser, Lawton, Lee, Mizeur, and Taylor

AN ACT concerning

State Board of Education – Insect and Food Allergies – Guidelines

(Amendment ID: HB0957/175165/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 957
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, Howard, Ivey, Jennings, Rice, Stukes, F. Turner, and Walker”; in line 2, strike “State Board of Education – Insect and Food Allergies” and substitute “Public Schools – Student Emergency Medical Care”; in line 3, strike “Board” and substitute “Department”;

in the same line, after “Education” insert “and the Department of Health and Mental Hygiene”; in lines 3 and 4, strike “adopt certain regulations that” and substitute “jointly”; strike beginning with “who” in line 5 down through “items” in line 6 and substitute “with special health needs”; in line 7, after “guidelines;” insert “requiring the Department of Education and the Department of Health and Mental Hygiene to provide certain technical assistance to certain schools for certain purposes and to develop a certain monitoring process;”; in the same line, strike “Board” and substitute “Department”; in the same line, after “Education” insert “and the Department of Health and Mental Hygiene”; and in line 8, strike “insect and food allergies” and substitute “special health needs”.

AMENDMENT NO. 2

On page 1, strike beginning with “STATE” in line 18 down through “TO:” in line 20 and substitute “DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL JOINTLY ESTABLISH GUIDELINES FOR PUBLIC SCHOOLS REGARDING PROVIDING EMERGENCY MEDICAL CARE TO STUDENTS WITH SPECIAL HEALTH NEEDS.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 10, inclusive; strike beginning with “THE” in line 12 down through “THE” in line 14 and substitute “PROCEDURES FOR THE”; in line 14, strike “EPINEPHRINE” and substitute “MEDICATION”; in line 16, strike “(3)” and substitute “(2)”; in the same line, after “PARENTAL” insert “OR CAREGIVER”; in line 17, after “NOTIFICATION” insert “OF A CHILD’S SPECIAL HEALTH CARE NEEDS OR DIAGNOSIS”; and in line 19, strike “ALLERGY” and substitute “MEDICAL CONDITION”.

AMENDMENT NO. 4

On page 3, in line 1, strike “A CONTACT SHEET FOR” and substitute “AN EMERGENCY CARD FOR”; in lines 3, 10, and 14, strike “(4)”, “(5)”, and “(7)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 4, after “FOR” insert “SCHOOL HEALTH SERVICES PERSONNEL”; in the same line, after “COACHES,” insert “TRANSPORTATION PERSONNEL”; in line 5, strike “AND”; in line 6, after “PROVIDING” insert “AND DISTRIBUTING”; in line 7, strike “ALLERGY”; in line 9, strike “REQUIREMENT;” and substitute “MATERIAL; AND”.

(III) PROVIDING OUTREACH AND EDUCATION FOR PARENTS AND OTHER CAREGIVERS REGARDING PROVIDING EMERGENCY MEDICAL CARE TO STUDENTS WITH SPECIAL HEALTH NEEDS;”;

in line 11, after “APPROPRIATE;” insert “AND”; strike in their entirety lines 12 and 13; in lines 14 and 15, strike “PREVENTION OR TREATMENT OF ANAPHYLAXIS” and substitute “EMERGENCY MEDICAL CARE OF STUDENTS WITH SPECIAL HEALTH NEEDS”; and after line 15, insert:

“(C) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL:

(1) PROVIDE TECHNICAL ASSISTANCE TO SCHOOLS TO:

(I) IMPLEMENT THE GUIDELINES ESTABLISHED UNDER THIS SECTION; AND

(II) TRAIN SCHOOL PERSONNEL AT THE LOCAL LEVEL; AND

(2) DEVELOP A PROCESS TO MONITOR THE IMPLEMENTATION OF THE GUIDELINES ESTABLISHED UNDER THIS SECTION.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 983 – Delegates Jones, Barkley, Bobo, Cane, Cardin, G. Clagett, DeBoy, Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Kaiser, N. King, Kirk, Kullen, Lafferty, Lawton, Lee, Malone, Manno, Niemann, Olszewski, Pendergrass, Ramirez, Rice, Riley, Ross, Schuler, Stukes, Taylor, F. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Economic Development and Tax Incentive Act

(Amendment ID: HB0983/525063/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 983
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “reports;” insert “authorizing the State Department of Assessments and Taxation and the Department of Business and Economic Development to adopt certain regulations;”.

AMENDMENT NO. 2

On page 2, in line 19, strike “\$50,000” and substitute “\$100,000”.

On page 4, in line 21, strike “\$50,000” and substitute “\$100,000”.

On page 6, in line 21, strike “\$50,000” and substitute “\$100,000”.

AMENDMENT NO. 3

On page 2, strike beginning with “A” in line 22 down through “(II)” in line 23; in line 23, after “EXEMPTION;” insert “AND”; in line 24, strike “(III)” and substitute “(II)”; and strike beginning with “; AND” in line 24 down through “FINANCING” in line 25.

On page 4, strike beginning with “A” in line 24 down through “(II)” in line 25.

On page 5, strike line 2 in its entirety; and in lines 1, 3, 4, 5, and 6, strike “(III)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively.

AMENDMENT NO. 4

On page 3, in line 7, strike the colon; in line 8, strike “(1)”; in lines 11, 12, and 13, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “(1)”, “(2)”, and “(3)”, respectively; in line 13, after “THE” insert “TOTAL”; in line 14, after “AUTHORITY” insert “OR NOT PAID TO THE STATE IN THE PREVIOUS FISCAL YEAR”; in line 15, strike “; AND” and substitute a period; and strike in their entirety lines 16 through 18, inclusive, and substitute:

“(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.”

AMENDMENT NO. 5

On page 4, in line 12, strike “2007” and substitute “2008”.

On page 8, in line 19, strike “2007” and substitute “2008”.

AMENDMENT NO. 6

On page 4, in line 21, after “FUNDS” insert “UNDER AN ECONOMIC DEVELOPMENT OR TAX INCENTIVE PROGRAM THAT IS ADMINISTERED BY THE DEPARTMENT”.

On page 6, in line 3, after “EXPENDITURES” insert “UNDER AN ECONOMIC DEVELOPMENT OR TAX INCENTIVE PROGRAM THAT IS ADMINISTERED BY THE DEPARTMENT AND”.

AMENDMENT NO. 7

On page 6, in line 3, strike “THE” and substitute “UNLESS OTHERWISE PROHIBITED UNDER FEDERAL LAW, THE”; strike beginning with “CORPORATE” in line

15 down through “TAXPAYER” in line 16 and substitute “SUBSIDY RECIPIENT”; in line 17, after “THE” insert “AGGREGATE”; strike beginning with “CORPORATE” in line 19 down through “TAXPAYERS” in line 20 and substitute “SUBSIDY RECIPIENTS”; in line 21, strike “A” and substitute “THE AGGREGATE”; and in line 22, strike “ALL”.

AMENDMENT NO. 8

On page 6, in line 7, strike the comma; in line 8, strike “ABATEMENTS,” and substitute “OR”; in the same line, strike “, AND REDUCTIONS”; in lines 16 and 20, in each instance, strike “, ABATEMENT,” and substitute “OR”; in lines 16 and 20, in each instance, strike “, OR”; in line 17, strike “REDUCTION”; and in line 21, strike “REDUCTION” and substitute “UNDER AN ECONOMIC DEVELOPMENT OR TAX INCENTIVE PROGRAM ADMINISTERED BY THE DEPARTMENT”.

AMENDMENT NO. 9

On page 7, in line 10, after “CONTAIN” insert “THE FOLLOWING INFORMATION CURRENT AS OF THE LAST DAY OF THE PREVIOUS FISCAL YEAR”; and strike beginning with “AVERAGE” in line 15 down through the third “POSITIONS” in line 18 and substitute “NUMBER OF POSITIONS AT A PROJECT SITE, BROKEN DOWN BY FULL-TIME, PART-TIME, AND TEMPORARY POSITIONS, PAYING AN HOURLY WAGE BETWEEN:”

- (I) THE MINIMUM WAGE AND \$8.15;
- (II) \$8.16 AND \$10.15;
- (III) \$10.16 AND \$12.15;
- (IV) \$12.16 AND \$14.15; AND
- (V) \$14.16 AND OVER”.

AMENDMENT NO. 10

On page 8, after line 2, insert:

“(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE.”.

AMENDMENT NO. 11

On page 8, in line 21, strike “July” and substitute “October”.

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Shank moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 1257 – Delegates Hixson, Barve, Doory, Howard, N. King, and McKee

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

(Amendment ID: HB1257/645664/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1257

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and McKee” and substitute “McKee, Bartlett, Cardin, Gilchrist, Ivey, Kaiser, Rice, Ross, Stukes, F. Turner, and Walker”.

AMENDMENT NO. 2

On page 1, in line 18, strike the first comma and substitute “:”

(1)”.

On page 2, in lines 1, 3, and 4, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 3, strike “PUBLICLY TRADED” and substitute “**REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET**”; in line 5, strike “ARE” and substitute “**, AT ANY TIME DURING THE LAST HALF OF THE TAXABLE YEAR, IS**”; in line 6, strike “PERSON OTHER THAN:” and substitute “**ENTITY THAT IS SUBJECT TO THE PROVISIONS OF SUBCHAPTER C OF CHAPTER 1 OF THE INTERNAL REVENUE CODE; AND**”; and after line 6, insert:

“(2) “CAPTIVE REIT” DOES NOT INCLUDE:

(I) A CORPORATION, TRUST, OR ASSOCIATION MORE THAN 50% OF THE VOTING POWER OR VALUE OF THE BENEFICIAL INTERESTS OR SHARES OF WHICH, AT ANY TIME DURING WHICH THE CORPORATION, TRUST, OR ASSOCIATION SATISFIES ITEM (1)(III) OF THIS SUBSECTION, IS OWNED OR CONTROLLED, DIRECTLY OR INDIRECTLY, BY:”;

in line 7, strike “(I)” and substitute “**1**”; in the same line, after “TRUST” insert “**OTHER THAN A REAL ESTATE INVESTMENT TRUST DESCRIBED IN ITEM (1) OF THIS**”

SUBSECTION”; in the same line, strike “OR”; strike in their entirety lines 8 and 9 and substitute:

“2. A PERSON EXEMPT FROM TAXATION UNDER § 501 OF THE INTERNAL REVENUE CODE; OR

3. A LISTED AUSTRALIAN PROPERTY TRUST; OR

(II) SUBJECT TO REGULATIONS THAT THE COMPTROLLER ADOPTS, A REAL ESTATE INVESTMENT TRUST THAT IS INTENDED TO BECOME REGULARLY TRADED ON AN ESTABLISHED SECURITIES MARKET AND THAT SATISFIES THE REQUIREMENTS OF § 856(A)(5) AND (6) OF THE INTERNAL REVENUE CODE BY REASON OF § 856(H)(2) OF THE INTERNAL REVENUE CODE.”;

and after line 14, insert:

“(C) FOR PURPOSES OF THIS SECTION, THE CONSTRUCTIVE OWNERSHIP RULES PRESCRIBED UNDER § 318(A) OF THE INTERNAL REVENUE CODE, AS MODIFIED BY § 856(D)(5) OF THE INTERNAL REVENUE CODE, SHALL APPLY IN DETERMINING THE OWNERSHIP OF STOCK, ASSETS, OR NET PROFITS OF ANY PERSON.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 153 – Senators Mooney and Brinkley

AN ACT concerning

Frederick County – Board of Education – Nonvoting Student Member

FOR the purpose of adding a nonvoting student member to the Frederick County Board of Education; requiring the student member to meet certain qualifications; specifying the term of the student member; requiring that the student member advise the County Board on certain matters; prohibiting the student member from attending an executive session of the Board; providing that only voting members of the Board may receive certain compensation; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–5B–01 and 3–5B–04(a)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 247 – Senators Currie, Britt, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

**Prince George’s County – Board of License Commissioners – Attorney
Compensation**

FOR the purpose of requiring the County Council of Prince George’s County to pay the attorney for the Board of License Commissioners of Prince George’s County certain legal fees for representing the Board in court; requiring the Board to establish the rate for those fees; specifying that the salary of and certain additional compensation for the attorney for the Board be included in the annual budget; making certain stylistic changes; and generally relating to the Board of License Commissioners of Prince George’s County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(5) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 486 – Senator Hogan

AN ACT concerning

**Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling
for Public Use**

FOR the purpose of providing for a tax credit against the State, county, and municipal corporation property taxes for certain property purchased by certain owners of certain property that is acquired for public use; providing for the computation and duration of the credit; requiring the State Department of Assessments and Taxation to adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain property purchased by certain owners of certain property acquired for public use.

BY adding to

Article – Tax – Property

Section 9–110

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 488 – Senators Britt, Conway, Currie, Gladden, Kelley, Pugh, and Rosapepe

AN ACT concerning

Voter Registration Protection Act

FOR the purpose of altering certain qualifications for voter registration; providing that an individual is not qualified to register to vote if the individual has been convicted of a felony and is actually serving a court-ordered sentence ~~imposed of imprisonment, including any term of parole or probation,~~ for the conviction; repealing certain conditions relating to the eligibility of certain felons convicted of certain crimes to register to vote; repealing a certain definition; altering the type of crimes for which the clerks of certain courts must report the names of individuals convicted of those crimes to the State Administrator of Elections; modifying the criteria under which a certain criminal penalty may be imposed; and generally relating to voter registration eligibility requirements for individuals convicted of certain crimes.

BY repealing

Article – Election Law

Section 1–101(aa)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY renumbering

Article – Election Law

Section 1–101(bb) through 1–101(zz), respectively

to be Section 1–101(aa) through 1–101(yy), respectively

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102, 3–504, and 16–202
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 492 – Senator Britt

AN ACT concerning

Commission on Civic Literacy

FOR the purpose of establishing a Commission on Civic Literacy; establishing the membership of the Commission; requiring the Commission to elect certain officers from among its members; requiring the State Department of Education to provide staff and certain other support to the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing a member of the Commission to receive certain reimbursements; requiring the Commission to hold certain meetings; authorizing the Commission to hold additional meetings under certain circumstances; requiring certain officials to jointly call the first meeting of the Commission; requiring the Commission to develop, support, and coordinate certain programs; requiring the Commission to develop a clearinghouse on the Internet including certain information; requiring the Commission to submit a certain report to the Governor and General Assembly annually by a certain date; authorizing the Commission to seek and use certain funds and services from certain sources; providing for the termination of this Act; and generally relating to the Commission on Civic Literacy.

BY adding to
Article – Education
Section 24–601
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 509 – Senator Della

AN ACT concerning

Baltimore City – Binding Arbitration – Police Officers

FOR the purpose of requiring binding arbitration between certain employee organizations representing certain Baltimore City police officers and the City of Baltimore under certain circumstances; applying certain procedures governing binding arbitration for firefighters and fire officers to certain police officers; providing for the selection of a certain board of arbitration; requiring a certain board of arbitration to consider certain matters; requiring the adoption of certain salary and wage scales for certain police officers under certain circumstances; making a technical change; providing for a delayed effective date; and generally relating to binding arbitration between certain police officers and the City of Baltimore.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (55)
(2006 Edition)

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

Senate Bill 568 – Senator Stoltzfus

AN ACT concerning

Health Occupations – Supervised Practice – Dental Hygienist

FOR the purpose of altering the requirements for certain dental facilities that employ certain dental hygienists who are authorized to practice dental hygiene under certain supervision; and generally relating to dental hygienists and general supervision practice requirements.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 573 – Senator Peters

AN ACT concerning

Natural Resources – Forest Conservation – Net Tract Area

FOR the purpose of altering the definition of “net tract area” for forest conservation requirements and forest mitigation bank credits to include certain forested areas of certain tracts of land partially within 100-year floodplains or wetlands under certain circumstances; including in the definition of “net tract area” a nontidal wetland, stream buffer, and the forested area of a 100-year floodplain or wetland under certain circumstances; providing for the application of this Act; providing for the termination of this Act; and generally relating to the forest conservation program.

~~BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5-1601(z) and (aa)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

~~BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5-1601(bb), (ff), and (jj) and 5-1607(c)(1) through (3) and (d)(1) through (4)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

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

Senate Bill 601 – Senator Kittleman

AN ACT concerning

Health Insurance – Health Care Providers – Reimbursement by Carriers and Charges

FOR the purpose of prohibiting certain carriers from requiring ~~certain~~ health care providers that ~~deliver~~ provide health care services through a certain group practice or other health care entity facility to be considered participating providers or to accept the a certain reimbursement fee schedule applicable under the contract between the group practice or other health care entity and the carrier for certain health care services delivered by the health care provider under certain circumstances; requiring a certain provider to give certain notice to an enrollee; and generally relating to ~~reimbursement of health care providers by carriers~~ health care provider reimbursement and charges.

BY repealing and reenacting, without amendments,
Article – Insurance

Section 15–112(a)(1), (3), (4), and (6)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 15–112(o)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 657 – Senators Muse, Britt, and Peters

AN ACT concerning

Prince George’s County – Board of Education – Election of Members

FOR the purpose of repealing certain provisions of law relating to the composition of certain school districts in Prince George’s County; requiring the members of the Prince George’s County Board of Education to be elected from certain school board districts; providing for the boundaries of certain school board districts; requiring candidates to live in certain school board districts and be registered voters; requiring candidates for election to the County Board to include a certain petition containing a certain number of signatures with the candidate’s certificate of candidacy; providing for the initial terms of the elected members of the County Board; requiring that a vacancy on the County Board be filled by a certain election if the vacancy occurs within a certain time period; requiring that certain vacancies on the County Board remain vacant under certain circumstances; providing that a member whose term expires may not hold over; requiring certain special elections to take place within a certain number of days under certain provisions of law; requiring the term of the chair and vice chair to be a certain number of years; specifying that the State Open Meetings Act applies to any committee or other entity created by the County Board; requiring the County Board or certain entities of the County Board to take certain actions before and after an executive session; altering the requirements for a quorum of the County Board; requiring the presence of a certain quorum of the County Board in order for the County Board to take any action; repealing provisions relating to the Shared Space Council in Prince George’s County; repealing a certain provision relating to the composition of a committee of the County Board; requiring certain documents and records relating to employment terms and financial compensation of certain officers in a certain school system be public records; repealing certain provisions and altering the title of a certain officer in the Prince George’s County school system; and generally relating to the election of members of the Prince George’s County Board of Education.

BY repealing

Article – Education
Section 3–1001, 3–1005, and 3–1008
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education
Section 3–1002, 3–1003, 3–1004, 3–1006, and 3–1007
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to

Article – Education
Section 4–401 and 4–402 to be under the new subtitle “Subtitle 4. Prince George’s
County”
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 701 – Senator Dyson

AN ACT concerning

**Public Safety – Maryland State Firemen’s Association – Uses
of Appropriation**

FOR the purpose of altering the purposes for which the Maryland State Firemen’s Association may use money appropriated in the State budget; altering the purposes for which the Volunteer Company Assistance Fund may be used for a certain fiscal year; and generally relating to the Maryland State Firemen’s Association.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 8–205
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 723 – Senators Conway, Dyson, and Kelley

AN ACT concerning

Certified Social Workers–Clinical – Practice – Definition

FOR the purpose of altering the definition of “practice social work” so as to authorize a licensed certified social worker–clinical to practice social work by evaluating, diagnosing, and treating certain mental and emotional conditions and impairments in addition to certain other conditions and disorders; and generally relating to defining the practice of social work for certified social workers–clinical.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 756 – Senator Gladden

AN ACT concerning

Health Occupations – ~~Morticians – Exemption and Permit~~ Funeral Director Licenses

FOR the purpose of ~~providing that certain licensing requirements for practicing mortuary science do not limit the Maryland State Board of Morticians from issuing a permit to certain designees to handle, transport, and work with a dead human body in performing certain religious services without a mortician’s license; subjecting certain designees to conditions and limitations the Board may specify; requiring the Board to adopt certain regulations; requiring the Board to submit a certain report on or before a certain date; exempting certain apprentices from assisting with embalming if a certain affidavit is submitted to the Board; providing for the termination of certain provisions of this Act; and generally relating to exceptions to the Maryland Morticians Act~~ renaming the State Board of Morticians to be the State Board of Morticians and Funeral Directors; requiring that an individual be licensed by the Board before the individual may practice funeral direction in this State; requiring the Board to establish certain qualifications, examinations, and experience requirements for licensing funeral directors; requiring that certain practical examinations, competency demonstrations, and practical experience do not include embalming; requiring that applicants for certain apprentice licenses have certain sponsors; repealing certain renewal provisions for funeral directors licensed before a certain date; altering certain definitions; establishing certain legislative intent; and generally relating to funeral directors.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~7-301 and 7-306~~ 7-101, 7-201, 7-206(a) and (c)(2), 7-301 through 7-306, 7-308(e), 7-308.1, 7-401, 7-402, 7-408, and 7-409

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health Occupations

Section 7-307

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 781 – Senator Conway

AN ACT concerning

State Board of Morticians – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Morticians in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; and requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 7-602

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8-403(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8-403(b)(40)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 893 – Senator Astle

AN ACT concerning

Maryland Health Insurance Plan – Plan Independence, Board Composition, and Regulation

FOR the purpose of removing the Maryland Health Insurance Plan from the Maryland Insurance Administration; providing that the Plan is an independent unit of the State government; altering the composition of the Board of Directors of the Plan; authorizing the Executive Director of the Plan to employ certain staff; repealing a certain exemption of the Board from certain State personnel laws; requiring the Board to develop a certain master plan document; requiring the Board to file the master plan document with the Maryland Insurance Commissioner and provide the document to a member, at no charge, on request of the member; requiring the Board to develop a certain certificate of coverage; requiring the Board to update the certificate of coverage under certain circumstances; requiring the Board to provide the most recent version of the certificate of coverage to certain persons under certain circumstances; requiring the Board to make the most recent version of the certificate of coverage available on the Plan's website; requiring the Board to provide notice of a change to the certificate of coverage to certain persons; specifying the circumstances under which the Board may make changes to a certain benefit package; providing for the effective date of a change to a certain benefit package; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date each year; providing that if there is a conflict between a provision of the master plan document and a provision of the certificate of coverage a certain provision will control; requiring the Plan to comply with the terms of certain written representations or authorizations under certain circumstances; requiring the contract between the Board and the Plan Administrator to require the Administrator to comply with certain provisions of law; providing that the Plan is not subject to certain laws; requiring the Commissioner to regulate the Plan; requiring the Plan and the Board of Directors of the Plan to comply with certain provisions of law; providing that certain provisions of this Act do not limit the authority of the Commissioner to impose certain penalties or take certain action under certain circumstances; authorizing the Commissioner to require the Plan to make certain restitution to certain individuals under certain circumstances; prohibiting the Commissioner from imposing a fine or administrative penalty on the Plan; ~~requiring an entity contracted with the Plan and certain health care providers to comply with certain provisions of law under certain circumstances;~~ requiring the Commissioner to provide a copy of an adopted examination report or the results of certain reviews to the Board and to make recommendations for any

corrective action to be taken by the Board; requiring the Board to determine the steps necessary to implement corrective action; requiring certain moneys to be deposited into the Maryland Health Insurance Plan Fund; requiring the Maryland Insurance Administration to provide fiscal and personnel services to the Plan at no charge during a certain fiscal year; making a certain stylistic change; providing for the application of this Act; and generally relating to the Maryland Health Insurance Plan.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–502, 14–503, 14–505, and 14–506(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance

Section 14–509

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 905 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$80,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, to finance the payment of contributions to the Carroll County Pension Plan, to finance the payment of contributions to other postemployment benefits provided by the County, to finance the payment of contributions to the length of service program for members of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed

and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

Senate Bill 953 – Senator Middleton (By Request)

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

FOR the purpose of requiring certain health insurance carriers to provide certain information in a certain manner to the Department of Health and Mental Hygiene, at the request of the Department, about individuals who are eligible for benefits under the Maryland Medical Assistance Program or are Program recipients; requiring certain health insurance carriers to accept the Program's right of recovery and the assignment of certain rights under certain circumstances; requiring certain health insurance carriers ~~to respond to certain inquiries by the Department under certain circumstances; prohibiting certain health insurance carriers from denying certain claims under certain circumstances~~ as a condition of doing business in the State, to comply with the requirements set forth in certain provisions of law; prohibiting certain health insurance carriers from denying or otherwise affecting a health insurance policy or contract due to the eligibility of an individual for Program benefits or receipt by an individual of benefits under the Program; defining a certain term; and generally relating to health insurance and the Maryland Medical Assistance Program.

BY adding to

Article – Health – General

Section 15–144 and 19–706(jjj)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 954 – Senator Edwards

AN ACT concerning

**Garrett County – Property Tax Credit – Society for the Preservation of
St. Ann Mission**

FOR the purpose of authorizing the governing body of Garrett County to grant, by law, a property tax credit against the county property tax imposed on certain real property owned by the Society for the Preservation of St. Ann Mission; providing for the application of this Act; and generally relating to authorization for a property tax credit in Garrett County for certain real property owned by the Society for the Preservation of St. Ann Mission.

BY adding to

Article – Tax – Property

Section 9–313(b)(7)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 987 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

FOR the purpose of requiring certain physicians to report certain information to the Secretary of Health and Mental Hygiene and to certain health officers; requiring certain laboratories to report certain information to the Secretary; requiring certain institutions to report certain information to certain health officers; providing that certain reports, proceedings, records, or files are not discoverable and are not admissible in evidence in any civil action; making certain reports confidential; repealing certain authority for compiling or distributing certain lists of names of patients in certain reports; requiring certain custodians of public records to deny access to certain reports; establishing certain penalties for certain violations relating to the disclosure or acquisition of certain information; providing that a person is liable for actual damages arising out of certain offenses under certain circumstances; providing certain immunity from liability; defining certain terms; making this Act an emergency measure; and generally relating to reporting of diseases.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 18–201.1, 18–205, 18–207, and 18–215
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health – General
Section 18–202.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–617(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 1001 – Senator Gladden

AN ACT concerning

Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999

FOR the purpose of amending the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date; and generally relating to the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999.

BY repealing and reenacting, with amendments,
Chapter 292 of the Acts of the General Assembly of 1999, as amended by Chapter 333 of the Acts of the General Assembly of 2001
Section 1

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

QUORUM CALL

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

(See Roll Call No. 465)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 74 – Delegates Krebs, Ali, Anderson, Aumann, Eckardt, Elliott, Elmore, George, Haddaway, Holmes, Kach, Kaiser, Minnick, Montgomery, Morhaim, Olszewski, Shewell, Sophocleus, Stocksdales, ~~and Weldon~~ Weldon, Bartlett, Burns, Doory, Feldman, Hecht, Impallaria, Jameson, J. King, Krysiak, Love, Manno, Mathias, McHale, Miller, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Solar and Geothermal Energy Grant Program – Grant Awards

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

Affirmative – 136 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the Senate.

House Bill 342 – Delegates Minnick, Elmore, Feldman, Haddaway, Harrison, Impallaria, Jameson, Kirk, Krebs, Krysiak, Rudolph, Smigiel, Vaughn, and Weir

AN ACT concerning

Real Property – Construction Contracts – Retention Proceeds

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

Affirmative – 134 Negative – 2 (See Roll Call No. 467)

The Bill was then sent to the Senate.

House Bill 482 – Prince George’s County Delegation

AN ACT concerning

Prince George's County – Class B–DD Alcoholic Beverages Licenses – Woodmore Towne Centre at Glenarden ~~and the Greenbelt Station Town Centre~~

PG 314–07

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

Affirmative – 135 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the Senate.

House Bill 889 – Delegates Burns, Anderson, Aumann, Cane, Elmore, Frank, Jennings, Nathan–Pulliam, Smigiel, Stukes, and Vaughn

AN ACT concerning

Commercial ~~Truck~~ Vehicle Warranty Enforcement – Study

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

Affirmative – 135 Negative – 0 (See Roll Call No. 469)

The Bill was then sent to the Senate.

House Bill 1006 – ~~Delegate Kach~~ Delegates Kach, Harrison, Braveboy, Impallaria, Hecht, Manno, McHale, Walkup, Krysiak, Minnick, Burns, Love, J. King, Stifler, and Vaughn

AN ACT concerning

Workers' Compensation – Benefits – Cost of Living Adjustment

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

Affirmative – 135 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the Senate.

House Bill 1089 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Beer Tasting**Ho. Co. 19-07**

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

Affirmative – 134 Negative – 0 (See Roll Call No. 471)

The Bill was then sent to the Senate.

House Bill 1106 – Delegate Feldman

AN ACT concerning

**Homeowner’s Insurance – Insurance Producers – Notice of Coverage for Flood Loss
– Statement of Additional Optional Coverage**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 472)

The Bill was then sent to the Senate.

House Bill 1107 – Delegates Feldman, Miller, and Vaughn

AN ACT concerning

Credit Regulation – Mortgage Brokers – Finder’s Fee

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

Affirmative – 137 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the Senate.

House Bill 1234 – Delegate Feldman

AN ACT concerning

**Maryland General Corporation Law – Altering and Updating Corporate
Procedures and Miscellaneous Provisions**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 474)

The Bill was then sent to the Senate.

House Bill 1245 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Board of License Commissioners –
Inspectors**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 475)

The Bill was then sent to the Senate.

House Bill 1266 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Class BDR (Deluxe Restaurant) License

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

Affirmative – 135 Negative – 0 (See Roll Call No. 476)

The Bill was then sent to the Senate.

House Bill 1288 – Delegates Vaughn, Davis, Feldman, Hucker, Manno, Proctor, Ramirez, Ross, and Valderrama

AN ACT concerning

**State Real Estate Commission – ~~Home Builders and~~ Sales Agents for Home
Builders – Licensure**

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

Affirmative – 135 Negative – 1 (See Roll Call No. 477)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 125 – Delegates Cardin and Kaiser

AN ACT concerning

Task Force to Study Charitable and Commercial Gaming Activities in Maryland

Delegate Hixson moved to make the Bill a Special Order for next session.

The motion was adopted.

House Bill 327 – Delegates Feldman, Ali, Barkley, Bronrott, Dumais, Gilchrist, Haddaway, Hecht, Jameson, N. King, Kramer, Lawton, Lee, Levi, Manno, Mathias, Miller, Morhaim, Myers, Rice, Taylor, Vaughn, ~~and Walkup~~ Walkup, Bartlett, Cardin, George, Hixson, Howard, Ivey, Krebs, McKee, Olszewski, Ross, Stukes, and F. Turner

AN ACT concerning

Property Tax – ~~Exemption~~ Credit for Property Used as a Publicly Sponsored Business Incubator

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

Affirmative – 134 Negative – 0 (See Roll Call No. 478)

The Bill was then sent to the Senate.

House Bill 348 – Delegates N. King, Hixson, Cardin, Doory, Elmore, Howard, Kaiser, ~~and F. Turner~~ F. Turner, George, Jennings, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Horse Racing – Purse and Bred Fund Supplements

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 121 Negative – 15 (See Roll Call No. 479)

The Bill was then sent to the Senate.

House Bill 362 – Delegate Cardin

AN ACT concerning

Elections – Campaign Finance – ~~Candidate and State Relations~~ Candidates

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

Affirmative – 133 Negative – 4 (See Roll Call No. 480)

The Bill was then sent to the Senate.

House Bill 598 – Delegates Hixson, Barkley, Barve, Dumais, Elmore, Gilchrist, Hucker, Kaiser, Lawton, Manno, McIntosh, Montgomery, Rice, Ross, Simmons, ~~and Stukes~~ Stukes, Bartlett, Cardin, Doory, George, Howard, Ivey, Jennings, N. King, Krebs, McKee, Murphy, Olszewski, F. Turner, and Walker

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit Program

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

Affirmative – 135 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the Senate.

House Bill 619 – Delegates Kelly, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carter, G. Clagett, V. Clagett, Conaway, Conway, Costa, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Gaines, George, Gilchrist, Glassman, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Impallaria, Ivey, James, Jameson, Jennings, Jones, Kach, Kaiser, J. King, N. King, Kipke, Kirk, Kramer, Krebs, Krysiak, Kullen, Lafferty, Lawton, Lee, Levy, Love, Malone, Manno, McComas, McConkey, McDonough, McHale, McIntosh, McKee, Miller, Minnick, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, O’Donnell, Olszewski, Pena–Melnik, Pendergrass, Proctor, Rice, Riley, Robinson, Rosenberg, Ross, Rudolph, Schuh, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, Taylor, F. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Public Schools – County Superintendent of Schools – Notification of Criminal Charges

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

Affirmative – 133 Negative – 3 (See Roll Call No. 482)

The Bill was then sent to the Senate.

House Bill 755 – Delegates Ali, Barkley, Elmore, George, Kaiser, N. King, Manno, McConkey, Riley, Rosenberg, ~~and Sossi~~ Sossi, and Stocksdale

AN ACT concerning

Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling for Public Use

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

Affirmative – 137 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the Senate.

House Bill 776 – Delegate O'Donnell

AN ACT concerning

Income Tax Withholding – Distributions from Deferred Compensation Plans, Retirement Plans, and Annuities

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

Affirmative – 137 Negative – 0 (See Roll Call No. 484)

The Bill was then sent to the Senate.

House Bill 1017 – Delegates Walker, Tarrant, Anderson, Barnes, Benson, Braveboy, Carter, Conaway, Davis, Doory, Gaines, Glenn, Hammen, Harrison, Haynes, Healey, Holmes, Howard, Hucker, Ivey, Kirk, Krysiak, Levi, Manno, McHale, McIntosh, Oaks, Pena–Melnyk, Proctor, Ramirez, Rice, Robinson, Rosenberg, Ross, Schuler, Stukes, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

**Baltimore City and Prince George’s County – Parent–Teacher Association
Matching Fund Pilot Program**

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

Affirmative – 111 Negative – 22 (See Roll Call No. 485)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Rudolph moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 486)

In compliance with the rules, the Bill was introduced.

Delegate Rudolph moved to suspend Rule 32 and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 487)

House Bill 1442 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

Homeowner’s Insurance – Issuance and Renewal of Policies in Certain Geographic Areas

FOR the purpose of prohibiting certain insurers from refusing to issue or renew a policy of homeowner’s insurance solely because the subject of the risk or the applicant’s or insured’s address is located in a certain geographic area; providing for the application of this Act; making this Act an emergency measure; and generally relating to homeowner’s insurance and the issuance and renewal of contracts in certain geographic areas in the State.

BY adding to

Article – Insurance

Section 19–208

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 488)

RECESS

At 12:39 P.M. on motion of Delegate Barve the House recessed until 4:00 P.M. on Legislative Day March 20, 2007, Calendar Day Friday, March 23, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 20, 2007
Calendar Day: Friday, March 23, 2007

At 4:16 P.M. the House resumed its session.

QUORUM CALL

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

(See Roll Call No. 489)

EXCUSES:

Del. Branch – funeral

Del. Goldwater – illness

Del. F. Turner – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 678 – Senators Raskin, Britt, Della, Frosh, Gladden, ~~and Pinsky~~ Pinsky, and Conway

AN ACT concerning

Maryland Human Relations Commission – Hearings and Civil Actions – Relief

FOR the purpose of altering various provisions of the Maryland Human Relations Commission law; ~~providing that an administrative law judge oversees certain proceedings before the Commission; providing~~ requiring certain cases to be heard by an administrative law judge, rather than a hearing examiner; requiring that a complaint of discrimination and certain documents shall be certified to the general counsel of the Commission rather than the Commission chairman; altering the circumstances under which a certification is required to be made; requiring that the Executive Director of the Commission, rather than the Commission chairman, cause a certain notice to be issued and served; providing a process for electing to file a civil action rather than an administrative hearing concerning certain acts of

~~discrimination; authorizing a complainant to bring a civil action alleging a discriminatory act or elect to have a civil action brought by the Commission; providing a process for the filing of a civil action by the Commission or a complainant; expanding the relief available for certain acts of discrimination to include an award of certain compensatory damages, punitive damages, and attorney attorney's fees and expert witness fees under certain circumstances; establishing that certain limitations on compensatory and punitive damages shall increase by a certain amount each year; authorizing a complainant to demand a trial by jury under certain circumstances; providing a process for a certain person or the Commission to intervene in a civil action brought by the Commission certain civil actions; authorizing the court to award certain relief to an intervening person party; making stylistic and conforming changes; repealing certain obsolete provisions; providing for the construction of this Act; providing for the application of this Act; and generally relating to hearings and relief under the Maryland Human Relations Commission law.~~

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 11
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 11A through 11D
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #17

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

House Bill 967 – Delegate O'Donnell

AN ACT concerning

**Program Open Space – Capital Improvements – Maryland Historical Trust and
Historic St. Mary's City Commission**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1220 – Delegates McIntosh, Beidle, Bobo, Bromwell, Bronrott, Cane, V. Clagett, Frush, Haynes, Healey, Holmes, Hubbard, Lafferty, Lawton, Love, Malone, Montgomery, Morhaim, Niemann, Rosenberg, and Waldstreicher

AN ACT concerning

Chesapeake Bay Green Fund

(Amendment ID: HB1220/580717/2)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1220 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Ali, Glenn, Hucker, Manno, and Stein”; in lines 2, 3, and 23, in each instance, strike “Bay” and substitute “and Atlantic Coastal Bays”; in line 8, strike “development inside or outside priority funding areas” and substitute “types of developments”; in line 9, after “circumstances;” insert “authorizing the waiver of the Fee under certain circumstances; authorizing a local government to retain a certain percentage of certain revenue to be used for certain purposes;”; in line 10, strike “government-sponsored”; strike beginning with “requiring” in line 10 down through “requirements;” in line 11; strike beginning with “prohibiting” in line 17 down through “Fund;” in line 18; and in line 19, strike “remain in the” and substitute “revert to the General”.

On page 2, in line 10, after “report” insert “at least once”; in line 12, strike “and” and substitute a comma; in line 13, after “Planning” insert “, and certain interested parties”; in line 13, after “terms;” insert “declaring certain intent of the General Assembly; providing for the application of this Act; requiring the Department of the Environment and Department of Planning to jointly report to the Governor and General Assembly on or before a certain date; making the provisions of this Act severable;”; and in lines 14 and 19, in each instance, strike “Bay” and substitute “and Atlantic Coastal Bays”.

AMENDMENT NO. 2

On page 2, in line 25, strike “**BAY**” and substitute “AND ATLANTIC COASTAL BAYS”; and in line 33, after the first “**THE**” insert “CHESAPEAKE”.

AMENDMENT NO. 3

On page 3 in line 7, on page 5 in line 1, on page 7 in line 13, on page 10 in line 12, on page 11 in line 14, and on page 14 in line 8, in each instance, strike “BAY” and substitute “AND ATLANTIC COASTAL BAYS.”.

On page 3, strike in their entirety lines 22 through 28, inclusive, and substitute:

“(G) “JOB CREATION PROJECT” MEANS A DEVELOPMENT PROJECT THAT:

(1) IS DESIGNED TO SECURE THE LOCATION OF A NEW BUSINESS OR THE EXPANSION OF AN EXISTING BUSINESS; AND

(2) HAS RECEIVED MEANINGFUL STATE OR LOCAL GOVERNMENT ASSISTANCE, INCLUDING TWO OR MORE OF THE FOLLOWING:

(I) FUNDING OR FINANCIAL ASSISTANCE;

(II) A TAX CREDIT, EXEMPTION, OR OTHER TAX BENEFIT;

(III) DONATION OR BELOW MARKET PURCHASE OF LAND; AND

(IV) FUNDING OF ROAD, WATER OR SEWER IMPROVEMENTS.”.

AMENDMENT NO. 4

On page 4, in line 5, after “EXISTING” insert “SINGLE-FAMILY”; in line 6, strike “PREEXISTING” and substitute “FOOTPRINT OF THE DWELLING UNIT OR”; in the same line, after “STRUCTURE” insert “AS IT EXISTED ON OR BEFORE JULY 1, 2007”; strike beginning with “NEW” in line 7 down through “PLAN” in line 9 and substitute “BUILDING, TOWER, OR OTHER STRUCTURE, OR A VALUE-ADDED IMPROVEMENT THAT IS INSTALLED AS PART OF AN AGRICULTURAL BUSINESS, LOCATED ON A FARM, OR A DRIVEWAY OR LANE LEADING TO THE BUILDING, TOWER, STRUCTURE, OR IMPROVEMENT;

(III) A DWELLING UNIT, OR A DRIVEWAY OR LANE LEADING TO A DWELLING UNIT, THAT IS BUILT ON A FARM FOR A FARMER, A FARMER’S CHILD, OR A TENANT WHO ACTIVELY WORKS IN THE FARM BUSINESS, IF THE DWELLING UNIT IS:

1. SITED SO AS TO PRESERVE AS MUCH QUALITY FARMLAND AS POSSIBLE; AND

2. BUILT IN COMPLIANCE WITH THE NUMERICAL PROVISIONS OF § 2-513(B) OF THE AGRICULTURE ARTICLE REGARDING RESIDENTIAL USE, WHETHER OR NOT THE FARM IS SUBJECT TO AN EASEMENT UNDER THE

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OR A LOCAL CONSERVATION EASEMENT PROGRAM;

(IV) A STORAGE, PRODUCTION, OR PROCESSING FACILITY ASSOCIATED WITH FORESTRY OR BIOENERGY OPERATIONS; OR

(V) GRAVEL SURFACES”;

strike in their entirety lines 16 through 18, inclusive; in lines 19 and 21, strike “(K)” and “(L)”, respectively, and substitute “(J)” and “(K)”, respectively; and strike in their entirety lines 26 and 27.

AMENDMENT NO. 5

On page 5, in lines 1 and 23, in each instance, strike “JANUARY” and substitute “JULY”; in line 4, after “BE” insert “GENERATED AND”; in the same line, after “USED” insert “ON A STATEWIDE BASIS”; in line 5, strike “THE” and substitute “:

1. THE RESTORATION AND PRESERVATION OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND ALL WATERS OF THE STATE; AND

2. THE”;

in line 17, after “FUTURE” insert “COSTS FOR RESTORING THE”; in the same line, strike “BAY” and substitute “AND ATLANTIC COASTAL BAYS”; in the same line, after “AND” insert “IMPLEMENTING THE”; in line 18, strike “RESTORATION COSTS”; in line 20, after “FORESTS” insert “, AND RETAIN AND PROMOTE THE ECONOMIC VIABILITY OF THE STATE’S RESOURCE-BASED INDUSTRIES IN WAYS THAT ARE CONSISTENT WITH AND RESPONSIVE TO THE GOALS OF THE CHESAPEAKE 2000 AGREEMENT”; after line 22, insert:

“(3) MONEY EXPENDED FROM THE FUND IN ACCORDANCE WITH § 8-2203 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING LEVELS AUTHORIZED FOR PROGRAMS LISTED UNDER THAT SECTION.”;

in line 25, strike “BUILDING OR”; and in the same line, after “GRADING” insert “OR BUILDING”.

AMENDMENT NO. 6

On page 6, in line 2, after “THE” insert “GRADING,”; in line 7, strike “BUILDING OR”; in the same line, after “GRADING” insert “OR BUILDING”; strike beginning with “THE” in line 11 down through “AREAS.” in line 15 and substitute:

“(I) THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A GRADING PERMIT, IS:

1. FOR RESIDENTIAL DEVELOPMENT, 50 CENTS PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE; AND

2. FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT, \$1 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE.

(II) FOR RESIDENTIAL DEVELOPMENT OR REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A BUILDING PERMIT, SHALL BE:

1. FOR LOTS WITH LESS THAN 1,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$100;

2. FOR LOTS WITH GREATER THAN OR EQUAL TO 1,000 SQUARE FEET BUT LESS THAN 2,500 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$250;

3. FOR LOTS WITH GREATER THAN OR EQUAL TO 2,500 SQUARE FEET BUT LESS THAN 5,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$500;

4. FOR LOTS WITH GREATER THAN OR EQUAL TO 5,000 SQUARE FEET BUT LESS THAN 10,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$1,000; AND

5. FOR LOTS WITH GREATER THAN OR EQUAL TO 10,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$1,500.

(III) FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT AND REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A BUILDING PERMIT, IS \$1 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE.”;

in line 19, strike “25%” and substitute “75%”; in line 22, strike “AS A RESULT OF A” and substitute “FOR:”

(I) A;
in line 23, after “ACTIVITY” insert “;”

(II) AS CALCULATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PORTION OF A RESIDENTIAL HOUSING DEVELOPMENT THAT CONTAINS LOW INCOME OR WORKFORCE HOUSING; OR

(III) AN ECONOMIC DEVELOPMENT PROJECT IN A COUNTY FOR WHICH, OVER THE COURSE OF THE MOST RECENT 18 MONTHS PRECEDING THE MONTH IN WHICH AN APPLICATION FOR A GRADING OR BUILDING PERMIT IS FIRST FILED FOR THE PROJECT, DATA FROM THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT DEMONSTRATES THAT:

1. THE UNEMPLOYMENT AVERAGE IN THAT COUNTY IS MORE THAN 150% OF THE STATE AVERAGE; OR

2. THE AVERAGE PER CAPITA PERSONAL INCOME IN THAT COUNTY IS LESS THAN OR EQUAL TO 67% OF THE STATE AVERAGE.

(2) A LOCAL GOVERNMENT SHALL:

(I) DETERMINE WHAT PERCENTAGE OF THE TOTAL NUMBER OF UNITS IN A RESIDENTIAL DEVELOPMENT FALL BELOW THE MAXIMUM AGGREGATE ANNUAL INCOME LIMITS SET FOR WORKFORCE HOUSING, AS DEFINED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND

(II) REDUCE THE AMOUNT OF THE IMPERVIOUS SURFACE FEE FOR THE DEVELOPMENT BY THE PERCENTAGE DETERMINED UNDER ITEM (I) OF THIS PARAGRAPH”;

strike in their entirety lines 24 through 27, inclusive, and substitute:

“(D) (1) THIS SUBSECTION APPLIES TO THE REDEVELOPMENT OF AN EXISTING STRUCTURE, SIDEWALK, DRIVEWAY, OR LANE.

(2) A LOCAL GOVERNMENT MAY COLLECT AN IMPERVIOUS SURFACE FEE ONLY FOR THE AMOUNT OF IMPERVIOUS SURFACE RESULTING FROM DEVELOPMENT THAT EXCEEDS THE EXISTING AMOUNT OF IMPERVIOUS SURFACE.

(E) (1) A LOCAL GOVERNMENT, WITH THE APPROVAL OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, MAY WAIVE THE IMPERVIOUS SURFACE FEE FOR A JOB CREATION PROJECT.

(2) BEFORE WAIVING THE COLLECTION OF THE IMPERVIOUS SURFACE FEE FOR A JOB CREATION PROJECT, A LOCAL GOVERNMENT SHALL SUBMIT THE PROPOSED WAIVER AND INFORMATION REGARDING THE PROJECT TO THE DEPARTMENT.

(3) (I) THE DEPARTMENT SHALL HAVE 30 DAYS TO APPROVE OR DISAPPROVE THE PROPOSED WAIVER.

(II) IF THE DEPARTMENT FAILS TO NOTIFY A LOCAL GOVERNMENT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE WAIVER SHALL BE TREATED AS BEING APPROVED BY THE DEPARTMENT.

(4) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT CONTAINING ALL APPROVALS OF WAIVERS ISSUED TO A LOCAL GOVERNMENT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(F) TO THE MAXIMUM EXTENT PRACTICABLE IN ITS DEVELOPMENT PROJECTS AND ACTIVITIES, A LOCAL GOVERNMENT SHALL IMPLEMENT OFFSETS IN ACCORDANCE WITH § 8-2205 OF THIS SUBTITLE AND REGULATIONS ADOPTED UNDER THAT SECTION.

(G) (1) FROM THE TOTAL IMPERVIOUS SURFACE FEE REVENUE COLLECTED BY A LOCAL GOVERNMENT UNDER SUBSECTION (B) OF THIS SECTION, THE LOCAL GOVERNMENT MAY:

(I) DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER THE FEE, WHICH MAY NOT EXCEED 8% OF THE TOTAL IN FISCAL YEAR 2009 AND 5% OF THE TOTAL IN EACH FISCAL YEAR THEREAFTER; AND

(II) RETAIN 30% OF THE TOTAL FOR THE USES SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(2) IF A COUNTY COLLECTS A FEE FOR A NEW IMPERVIOUS SURFACE LOCATED WITHIN A MUNICIPALITY, WITHIN 45 DAYS AFTER COLLECTION OF THE FEE, THE COUNTY SHALL:

(I) DEDUCT ITS ADMINISTRATIVE FEE; AND

(II) REMIT THE REMAINDER TO THE MUNICIPALITY WITH JURISDICTION OVER THE AREA WHERE THE NEW IMPERVIOUS SURFACE IS LOCATED.

(3) A LOCAL GOVERNMENT RETAINING FUNDS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL USE THOSE FUNDS FOR:

(I) THE IMPLEMENTATION OF NONSTRUCTURAL OR STRUCTURAL STORMWATER MANAGEMENT OR STREAM RESTORATION PRACTICES APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT AS REDUCING NUTRIENT AND SEDIMENT LOADINGS TO WATERS OF THE STATE IN ACCORDANCE WITH THE STATE'S TRIBUTARY STRATEGIES;

(II) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL PROGRAMS, PROJECTS, PLANS, POLICIES, OR LAWS RELATED TO SEWER INFRASTRUCTURE OR LAND USE REQUIREMENTS THAT REDUCE NUTRIENT AND SEDIMENT LOADINGS IN ACCORDANCE WITH THE STATE’S TRIBUTARY STRATEGIES;

(III) THE IMPLEMENTATION OF ANY OTHER PRACTICE IDENTIFIED AS A MARYLAND TRIBUTARY STRATEGY BEST MANAGEMENT PRACTICE;

(IV) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL PROGRAMS, PROJECTS, PLANS, POLICIES, OR LAWS RELATED TO MONITORING, ASSESSMENT, PROTECTION, AND DEVELOPMENT OF WATER SUPPLIES RELATED TO WATER QUALITY, INCLUDING LAND USE REQUIREMENTS, ZONING, OR OTHER ORDINANCES THAT PROTECT DRINKING WATER SOURCE AREAS; OR

(V) CITIZEN EDUCATION REGARDING THE REDUCTION OF LAWN FERTILIZER USE, ENERGY AND WATER CONSERVATION PRACTICES, ECO-FRIENDLY LANDSCAPING, MAINTENANCE AND UPGRADES OF SEPTIC SYSTEMS, AND OTHER NUTRIENT REDUCTION STRATEGIES THAT CITIZENS MAY UNDERTAKE.”;

and in line 28, strike “(D)” and substitute “(H)”.

AMENDMENT NO. 7

On page 7, in line 2, after “COLLECTED” insert “, EXCEPT THOSE RETAINED BY THE LOCAL GOVERNMENT UNDER SUBSECTION (G)(1) OF THIS SECTION,”; in line 5, after “COLLECTED” insert “AND RETAINED”; strike beginning with the comma in line 6 down through “AREAS” in line 7; strike beginning with “BOTH” in line 11 down through “AREAS” in line 12; in line 23, strike “(E)” and substitute “(I)”; in the same line, strike “THE” and substitute “EXCEPT FOR THE PORTION OF THE FUND RETAINED BY LOCAL GOVERNMENTS UNDER SUBSECTION (G) OF THIS SECTION, THE”; and in line 28, strike “DECEMBER 31, 2007” and substitute “JUNE 30, 2008”.

AMENDMENT NO. 8

On page 8, strike in their entirety lines 1 through 10, inclusive, and substitute:

“(J) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND OF THE STATE IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 18, after “AGREEMENT” insert “, THE STATE’S SMART GROWTH POLICIES, AND CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006”; in line 19, strike “THE” and substitute “EXCEPT FOR THE PORTION OF THE FUND RETAINED BY LOCAL GOVERNMENTS UNDER § 8-2202(F) OF THIS SUBTITLE, THE”; strike beginning with “4.5%” in line 21 down through “35%” in line 27 and substitute “45%”; and in line 28, after “AGRICULTURE” insert “IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:”

(I) UP TO 2.5% EACH, BUT NOT TO EXCEED \$2,000,000 EACH,
TO:

1. THE SOIL CONSERVATION DISTRICTS FOR STAFF AND OPERATING COSTS; AND

2. THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION FOR THE PROVISION OF TECHNICAL ASSISTANCE RELATED TO THE IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGIES;

(II) FOR FISCAL YEARS 2009 THROUGH 2012, UP TO A TOTAL OF \$5,000,000 PER YEAR FOR THE NEXT GENERATION FARMLAND ACQUISITION PROGRAM WITHIN THE MARYLAND AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION;

(III) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR THEREAFTER, UP TO A TOTAL OF \$5,000,000 PER YEAR FOR THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION, ESTABLISHED UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE; AND

(IV) THE REMAINDER”.

AMENDMENT NO. 9

On page 9, in line 2, strike “FARMERS” and substitute “AGRICULTURAL NUTRIENT REDUCTION”; strike beginning with “AND” in line 2 down through the “CORPORATION;” in line 7; in line 8, strike “(3) 10%” and substitute “(2) 8%”; in line 20, after “EXCEED” insert “A TOTAL OF”; in the same line, strike “THE” and substitute “:

1. THE”;

in line 23, after “PRACTICES;” insert “AND

2. THE NATIONAL CENTER FOR SMART GROWTH RESEARCH AND EDUCATION AT THE UNIVERSITY OF MARYLAND TO ESTABLISH A SMART GROWTH MONITORING SYSTEM AND TO RESEARCH THE IMPLEMENTATION OF GREEN URBANISM, SUSTAINABLE URBAN DEVELOPMENT, AND AFFORDABLE HOUSING;”;

in line 24, strike “(4) 15%” and substitute “(3) 12%”; in lines 24 and 25, strike “ASSIST WITH LOCAL GOVERNMENT” and substitute “PROVIDE TO LOCAL GOVERNMENTS TECHNICAL ASSISTANCE AND GRANTS RELATED TO THE”; and strike in their entirety lines 27 through 30, inclusive.

On page 10, in lines 1 and 4, strike “(II)” and “(III)”, respectively, and substitute “(I)” and “(II)”, respectively.

AMENDMENT NO. 10

On page 10, strike in their entirety lines 7 through 9, inclusive; in line 10, strike “(6) 10.5%” and substitute “(4) 15%”; in line 11, strike “AND RESTORE” and substitute “, RESTORE, AND MANAGE PUBLIC AND PRIVATE FORESTLAND AND ALL”; in the same line, after “IN” insert “THE STATE, PARTICULARLY”; in line 12, strike “ITS” and substitute “THEIR”; in line 17, after “BUFFER” insert “, FOREST,”; in the same line, strike the second “AND”; in line 19, strike “AND”; after line 19, insert:

3. IMPLEMENTATION OF PRACTICES AND POLICIES CONSISTENT WITH THE TRIBUTARY STRATEGIES;

4. PROMOTION OF FOREST STEWARDSHIP, INCLUDING THE WOODLAND INCENTIVE FUND AND GRANTS TO LOCAL GOVERNMENTS FOR TREE PLANTING IN OZONE NON-ATTAINMENT AREAS; AND

5. COSTS ASSOCIATED WITH STAFFING OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS GREEN FUND OVERSIGHT AND ACCOUNTABILITY COMMITTEE ESTABLISHED UNDER § 8-2204 OF THIS SUBTITLE; AND;

in line 20, strike “(7) 15%” and substitute “(5) 20%”; in line 21, strike “MATCHING” and substitute “TECHNICAL ASSISTANCE AND”; in the same line, strike “FOR” and substitute “, AS FOLLOWS”; in line 22, after “OF” insert “THE STATE’S TRIBUTARY STRATEGIES AND OTHER”; in the same line, after “POLICIES” insert “THAT ARE”; in line 23, strike “AND”; and in line 24, strike “IMPLEMENTATION” and substitute “STORMWATER MANAGEMENT;”

(III) PLANNING RELATING TO WATER AND SEWER FACILITIES;

(IV) FOR FISCAL YEARS 2009 THROUGH 2013, UP TO A TOTAL OF \$1,000,000 EACH YEAR TO CONDUCT A GEOGRAPHIC INFORMATION SYSTEMS STUDY OF THE STATE’S WATER RESOURCES LOCATED WITHIN THE PIEDMONT REGION; AND

(V) IMPLEMENTATION”.

AMENDMENT NO. 11

On page 11, strike beginning with “LOCAL” in line 3 down through “(E)” in line 6.

On page 11, in line 16, strike “13” and substitute “17”.

On page 12, in line 8, strike “AND”; after line 8, insert:

“(X) A REPRESENTATIVE OF THE HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;

(XI) A REPRESENTATIVE OF THE NATIONAL CENTER FOR SMART GROWTH RESEARCH AND EDUCATION, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND”;

in line 9, strike “(X)” and substitute “(XII)”; in the same line, strike “FOUR” and substitute “SIX”; in line 16, strike “AND”; and in line 18, after “COMMUNITY” insert “;

5. A REPRESENTATIVE OF THE FORESTRY COMMUNITY;
AND

6. A REPRESENTATIVE OF THE HOME BUILDING COMMUNITY”.

AMENDMENT NO. 12

On page 13, in line 16, after “STATE” insert “OR LOCAL”; in line 26, strike “AND”; and in line 27, after “(IV)” insert “THE IMPACT OF FUND SUPPORT ON THE VIABILITY AND SUSTAINABILITY OF AGRICULTURE, FORESTRY, AND OTHER RESOURCE-BASED INDUSTRIES IN THE STATE, INCLUDING FINDINGS AND RECOMMENDATIONS REGARDING THE FUND’S IMPACT ON THE URBAN TREE CANOPY INITIATIVE AND THE AMOUNT OF ADDITIONAL FORESTED ACREAGE PRESERVED THROUGH CONSERVATION EASEMENT AGREEMENTS UNDER THE STATE’S LAND CONSERVATION PROGRAMS; AND

(V)”.

On page 14, in line 15, strike “ZONING,”; and in the same line, strike “, AND” and substitute “AND”.

AMENDMENT NO. 13

On page 15, in line 9, strike “EVERY” and substitute “AT LEAST ONCE EVERY”; in line 14, after “(D)” insert “(1)”; and after line 15, insert:

“(2) THE HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH AND THE NATIONAL CENTER FOR SMART GROWTH SHALL PROVIDE ASSISTANCE TO THE COMMITTEE AS NEEDED IN THE ESTABLISHMENT, REVIEW, MONITORING, AND MODIFICATION OF PERFORMANCE BENCHMARKS UNDER SUBSECTION (C) OF THIS SECTION.

(E) A MEMBER OF THE COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.”.

On page 15, in line 17, strike “AND” and substitute a comma; in line 18, after “RESOURCES,” insert “AND INTERESTED PARTIES, INCLUDING MEMBERS OF THE MARYLAND STATE BUILDERS ASSOCIATION, AND COMMERCIAL AND INDUSTRIAL TRADE ORGANIZATIONS.”; in line 19, strike “DECEMBER 31, 2007” and substitute “JUNE 30, 2008”; and strike beginning with “AND” in line 25 down through “ACTIVITIES” in line 27 and substitute:

“(3) PROCEDURES FOR APPROVAL AND DENIAL OF OFFSET PROPOSALS;

(4) MINIMUM STANDARDS FOR IMPLEMENTATION AND MONITORING OF OFFSET PROJECTS OR ACTIVITIES; AND

(5) PROVISIONS ALLOWING FOR THE REVIEW AND APPROVAL OF NEW OFFSET PROPOSALS AT ANY TIME”.

AMENDMENT NO. 14

On page 16, in line 1, strike the second “(1)”; in line 9, after “1.” insert “BE BASED ON:

A. AN ENVIRONMENTAL SITE DESIGN TECHNIQUE APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING: CONSERVATION OF A NATURAL AREA, THE DISCONNECTION OF ROOFTOP RUNOFF OR NON-ROOFTOP RUNOFF, SHEET FLOW TO BUFFER AREAS, OR USE OF AN OPEN CHANNEL; OR

B. ANY OTHER ENVIRONMENTALLY SENSITIVE SITE PLANNING OR DESIGN TECHNIQUE OR AT-THE-SOURCE INTEGRATED CONTROL TECHNIQUE THAT IS APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING BIORETENTION, A VEGETATED SWALE, A GREEN ROOF, A TREE-BOX FILTER, OR AN INFILTRATION DEVICE;

2.”;

in lines 11 and 14, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively; strike beginning with “THE” in line 11 down through “ENVIRONMENT” in line 12 and substitute “STORMWATER MANAGEMENT PLAN REVIEW AND APPROVAL AUTHORITIES, AS DEFINED BY REGULATIONS ADOPTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION,”; and in line 14, after “ADEQUATE” insert “LONG-TERM”.

On pages 16 and 17, strike beginning with line 18 on page 16 through line 4 on page 17, inclusive, and substitute:

“(3) TO THE EXTENT DETERMINED APPROPRIATE BY THE DEPARTMENT OF THE ENVIRONMENT, THE AMOUNT OF AN OFFSET SHALL CORRELATE TO THE CUMULATIVE BENEFICIAL IMPACT ASSOCIATED WITH THE NATURE AND EXTENT OF THE OFFSET PROJECT OR ACTIVITY.”.

AMENDMENT NO. 15

On page 17, in line 6, strike “Bay” and substitute “and Atlantic Coastal Bays”; in line 11, strike “three” and substitute “four”; in lines 8, 9, and 10, in each instance, strike “two” and substitute “three”; in lines 8, 9, 10, and 11, strike “2008”, “2009”, “2010”, and “2011”, respectively, and substitute “2009”, “2010”, “2011”, and “2012”, respectively; after line 11, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly:

(1) Recognizes:

(i) The vital importance of conserving and sustaining Maryland’s privately owned forested lands through existing land conservation programs, particularly Program Open Space, the Maryland Agricultural Land Preservation Foundation, and the Rural Legacy Program; and

(ii) That significant funds will be provided to further the conservation and resource protection goals under this Act and that, in addition to the Chesapeake and Atlantic Coastal Bays Green Fund itself, there will be an increased revenue attainment realized by the State real estate transfer tax as a result of this Act.

(2) Intends that Maryland’s land conservation programs make every reasonable effort to prioritize forest land retention through conservation easement agreements in the distribution of these funds.

SECTION 4. AND BE IT FURTHER ENACTED, That this Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to an impervious surface for which a grading or building permit was issued before to the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2007 the Department of Environment and Department of Planning shall jointly:

(1) Consider and evaluate methods by which to assess a statewide fee on impervious surfaces that are in existence as of the effective date of this Act and for which a grading or building permit was issued before the effective date of this Act; and

(2) Subject to § 2–1246 of the State Government Article, report to the Governor and the General Assembly on the most equitable and practicable means by

which to assess a statewide fee on impervious surfaces, including recommendations for the respective amount or amounts of the fee, its frequency, methods of collection, and most effective distribution in order to maximize water quality benefits.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 12, strike “3.” and substitute “7.”.

The preceding 15 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB1220/603724/1)

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 1220 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, before the semicolon insert “in certain areas”.

AMENDMENT NO. 2

On page 5, after line 24, insert:

“(2) THE IMPERVIOUS SURFACE FEE MAY BE IMPOSED ONLY ON A GRADING OR BUILDING PERMIT FOR DEVELOPMENT WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA OR THE CHESAPEAKE BAY CRITICAL AREA AS DEFINED IN § 8-1802 OF THIS TITLE.”;

and in line 25, strike “(2)” and substitute “(3)”.

On page 6, in lines 6, 11, and 16, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively.

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

Affirmative – 36 Negative – 99 (See Roll Call No. 490)

FLOOR AMENDMENT

(Amendment ID: HB1220/243924/1)

BY: Delegate Schuh

AMENDMENT TO HOUSE BILL 1220, AS AMENDED

On pages 5 and 6 of the Environmental Matters Committee Amendments (HB1220/580717/2), in Amendment No. 6, on page 5 in line 9 and on page 6 in line 8, in each instance, strike “\$1” and substitute “50 CENTS”.

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

Affirmative – 46 Negative – 89 (See Roll Call No. 491)

FLOOR AMENDMENT

(Amendment ID: HB1220/133620/1)

BY: Delegate Eckardt

AMENDMENT TO HOUSE BILL 1220, AS AMENDED

On page 13 of the Environmental Matters Committee Amendments (HB1220/580717/2), in line 15 of Amendment No. 10, strike “AND” and substitute:

“6. PROMOTION OF SHORELINE EROSION PREVENTION, CONTROL, AND RESTORATION PROJECTS BY DESIGNATING MONEYS TO THE SHORE EROSION CONTROL CONSTRUCTION LOAN FUND ESTABLISHED UNDER § 8-1005 OF THIS ARTICLE; AND”.

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

Affirmative – 42 Negative – 95 (See Roll Call No. 492)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1224 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Program Open Space – Use of Acquisition Funds

(Amendment ID: HB1224/310615/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1224
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “land;” insert “increasing the percentage of funds that a local government can spend on development projects after it has attained its acquisition goals under Program Open Space;”; and in line 9, after “5–903(f)” insert “and 5–905(c)(1)”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“5–905.

(c) (1) (i) One half of any local governing body’s annual apportionment shall be used for acquisition or development projects provided that up to 20 percent of the funds authorized for acquisition or development projects under this subparagraph may be used for capital renewal as defined in § 5–901 of this subtitle.

(ii) If the Department and the Department of Planning certify that acquisition goals set forth in the current, approved local land preservation and recreation plan have been met and that such acreage attainment equals or exceeds the minimum recommended acreage goals developed for that jurisdiction under the Maryland Land Preservation and Recreation Plan, a local governing body may use up to [75] 100 percent of its future annual apportionment for development projects for a period of 5 years after attainment, provided that up to 20 percent of the funds authorized for use for development projects under this subparagraph may be used for capital renewal.

(iii) If a county determines that it qualifies for the additional funds for development and capital renewal projects under subparagraph (ii) of this paragraph,

before the due date for all local governing bodies to submit revised local land preservation and recreation plans, that county may submit an interim local land preservation and recreation plan:

1. Prior to the submission under subsection (b)(2) of this section; and

2. In addition to the submission required under subsection (b)(2).”;

and in line 11, strike “October” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1292 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Honey Bees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1352 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Horse Industry Board – Rescue Stables

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1354 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Certification of County Priority Preservation Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #18

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

House Bill 465 – Delegate James

AN ACT concerning

Real Property – Conservation Easements – Notification of Buyers

(Amendment ID: HB0465/640615/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 465
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Conservation” insert “Sale of Property Encumbered by a”; in the same line, strike “Easements – Notification of Buyers” and substitute “Easement”; strike beginning with “requiring” in line 3 down through “easement” in line 6 and substitute “establishing that a purchaser has the right to rescind a contract for the sale of property encumbered by a conservation easement if the seller fails to give the purchaser a copy of certain conservation easements within a certain time and the contract of sale fails”; in line 6, after “notice” insert “under certain circumstances”; in lines 6 and 8, in each instance, strike “buyer” and substitute “purchaser”; and in line 10, strike “providing for certain exceptions;”.

AMENDMENT NO. 2

On page 2, in line 20, after “(B)” insert “(1)”; in the same line, strike “A CONTRACT FOR” and substitute “THIS SECTION APPLIES TO”; in line 21, strike “IS NOT ENFORCEABLE BY THE SELLER UNLESS:” and substitute a period; after line 21, insert:

“(2) THIS SECTION DOES NOT APPLY TO THE SALE OF PROPERTY IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST.

(C) A PURCHASER HAS THE RIGHT TO RESCIND A CONTRACT FOR THE SALE OF PROPERTY IF:”;

in line 22, strike “THE PURCHASER IS GIVEN” and substitute “THE SELLER FAILS TO GIVE THE PURCHASER”; and in line 26, strike “CONTAINS” and substitute “FAILS TO CONTAIN”.

On page 3, strike beginning with “IF” in line 10 down through “CANCELLATION.” in line 15; in line 21, strike “(C)” and substitute “(D)”; in line 30, strike “(D)” and substitute “(E)”; and in the same line, strike “(B) AND (C)” and substitute “(C) AND (D)”.

On page 4, strike in their entirety lines 3 through 5, inclusive.

AMENDMENT NO. 3

On page 3, in lines 7, 15, and 18, in each instance, strike “BUYER” and substitute “PURCHASER”; in line 16, strike “BUYER’S” and substitute “PURCHASER’S”; and in lines 18, 19, 21, 23, and 29, in each instance, strike “TRANSFER” and substitute “SALE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 770 – Delegates Haynes, Ali, Anderson, Aumann, Barkley, Bronrott, Carter, Conaway, DeBoy, Doory, Dumais, Feldman, Frank, Glenn, Hucker, James, Kaiser, Kirk, Krysiak, Lafferty, Lee, Manno, McHale, Montgomery, Rice, Rosenberg, Shewell, Stukes, and Tarrant

AN ACT concerning

Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines

(Amendment ID: HB0770/610710/1)

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 770
(First Reading File Bill)

On page 5, in line 26, strike “GENERAL DAILY” and substitute “WIDE”; and in line 27, strike “EACH COUNTY THROUGH WHICH A ROUTE TRAVELS” and substitute “THE ADMINISTRATION’S COMMUTER RAIL SERVICE AREA”.

On page 6, in line 2, strike “VEHICLES AND” and substitute “COMMUTER RAIL”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 856 – Delegates Boteler, Beitzel, Impallaria, Kach, McKee, Miller, Niemann, Riley, Shewell, Stifler, Stocksdale, Stull, and Weir

AN ACT concerning

Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle Transfer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 868 – Delegates Haynes, Anderson, Aumann, Bronrott, Carter, Conaway, DeBoy, Doory, Frank, Glenn, Hucker, James, Kirk, Krysiak, McHale, Montgomery, Oaks, Rice, Rosenberg, Shewell, Stukes, and Tarrant

AN ACT concerning

Maryland Transit Administration – Public Hearings

(Amendment ID: HB0868/180915/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the second “a” insert “certain”; in line 5, strike “or bus stop location”; in line 7, strike “policy” and substitute “certain”; in line 8, strike “on certain matters”; in line 9, strike “certain matters” and substitute “a certain change”; in line 10, strike “policy changes on those matters” and substitute “the change”; in line 11, after “time;” insert “requiring the Administration to accept written comments during a certain time period after a public hearing; authorizing the Administration to alter a bus route alignment in a certain manner without holding a public hearing;”; and in lines 11 and 12, strike “to the Public Service Commission”.

AMENDMENT NO. 2

On page 2, in line 3, strike “Until” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNTIL”; in line 6, after “route” insert “LISTED ON A PUBLISHED TIMETABLE”; in lines 7 and 8, strike “OR BUS STOP LOCATION” and substitute “LISTED ON A PUBLISHED TIMETABLE”; in lines 11 and 12, strike “OF POLICY ON A MATTER”; in line 16, strike “MATTER” and substitute “CHANGE”; in lines 17 and 18, strike “A CHANGE OF POLICY ON THE MATTER” and substitute “THE CHANGE”; in line 23, strike “(C)” and substitute “(D)”; and in line 26, strike “(C)” and substitute “(D)”.

On page 3, after line 4, insert:

“(5) THE ADMINISTRATION SHALL ACCEPT WRITTEN COMMENTS FOR 30 DAYS AFTER A HEARING HELD ON A CHANGE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.”

“(B) THE ADMINISTRATION MAY ADD SERVICE ON A NEW ALIGNMENT BRANCHING OFF OF AN EXISTING ROUTE WITHOUT HOLDING A PUBLIC HEARING, IF THE ADDITION OF THE NEW ALIGNMENT DOES NOT ALTER THE EXISTING ROUTE.”;

in line 5, strike “(b)” and substitute “(C)”; in line 20, strike “(c)” and substitute “(D)”; in line 26, strike “its” and substitute “THE”; in the same line, after “stock” insert “USED”; and in the same line, after “service” insert “BY THE MODE OF TRANSPORTATION THAT WILL BE AFFECTED BY THE PROPOSED ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION”.

On page 4, in line 1, strike “(d)” and substitute “(E)”; in line 6, strike “(b)” and substitute “(C)”; in line 8, strike “(e)” and substitute “(F)”; and in the same line, strike “to the Public Service Commission”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1027 – Delegates Gilchrist, Beidle, Ivey, and Ross

AN ACT concerning

Real Property – Release of Mortgage, Security Instrument, or Deed of Trust

(Amendment ID: HB1027/720611/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1027

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Security Instrument, or”; in the same line, after “Deed of Trust” insert “, or Lien Instrument”; strike beginning with the first “a” in line 3 down through “affidavit” in line 10 and substitute “certain persons to prepare and record a statutory release affidavit when the debt secured by a mortgage, deed of trust, or lien instrument is paid fully or satisfied and the party satisfied fails to provide a release suitable for recording; providing for the effect of a statutory release affidavit; requiring a person to send a certain notice in a certain manner to the party satisfied and allow a certain waiting period before recording a statutory release affidavit; requiring a statutory release affidavit to be in a certain form and be accompanied by certain evidence of payment; making a certain technical correction; defining a certain term”; in line 11, strike “security instruments, and”; in the same line, after “deeds of trust” insert “, and lien instruments”; in line 14, strike “(d)(3)” and substitute “(i)”; and after line 16, insert:

“BY adding to

Article – Real Property

Section 3–105.2

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 1, strike “, SECURITY INSTRUMENT,”; and in line 2, after “section” insert “OR § 3-105.2 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“(i) Unless otherwise expressly provided in the release, a full or partial release that is recorded for a mortgage or deed of trust, or for any re-recording, amendment, modification, or supplemental instrument to the mortgage or deed of trust shall terminate or partially release any related [financial] FINANCING statements, but only to the extent that the financing statements describe fixtures that are part of the collateral described in the full or partial release.”.

AMENDMENT NO. 4

On page 2, before line 3, insert:

“3-105.2.

(A) IN THIS SECTION, “LIEN INSTRUMENT” MEANS:

(1) A LIEN CREATED UNDER THE MARYLAND CONTRACT LIEN ACT;

(2) AN INSTRUMENT CREATING OR AUTHORIZING THE CREATION OF A LIEN IN FAVOR OF A HOMEOWNERS’ ASSOCIATION, A CONDOMINIUM COUNCIL OF UNIT OWNERS, A PROPERTY OWNERS ASSOCIATION, OR A COMMUNITY ASSOCIATION;

(3) A SECURITY AGREEMENT; OR

(4) A VENDOR’S LIEN.

(B) A MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT MAY BE RELEASED VALIDLY IN ACCORDANCE WITH THIS SECTION.

(C) WHEN THE DEBT SECURED BY A MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS PAID FULLY OR SATISFIED BY A SETTLEMENT AGENT LICENSED BY THE MARYLAND INSURANCE ADMINISTRATION AS A TITLE INSURANCE PRODUCER UNDER TITLE 10, SUBTITLE 1 OF THE INSURANCE ARTICLE, A TITLE INSURER, OR A LAWYER ADMITTED TO THE MARYLAND BAR, AND THE PARTY SATISFIED FAILS TO PROVIDE A RELEASE SUITABLE FOR RECORDING, THE SETTLEMENT AGENT, TITLE INSURER, OR LAWYER MAY PREPARE AND RECORD A STATUTORY RELEASE AFFIDAVIT THAT:

(1) MAY BE RECEIVED BY THE CLERK AND INDEXED AND RECORDED AS ANY OTHER INSTRUMENT IN THE NATURE OF A RELEASE OR CERTIFICATE OF SATISFACTION; AND

(2) HAS THE SAME EFFECT AS A RELEASE OF THE PROPERTY FOR WHICH THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS THE SECURITY, AS IF A RELEASE WERE EXECUTED BY THE MORTGAGEE, NAMED TRUSTEES, OR SECURED PARTY.

(D) BEFORE THE SETTLEMENT AGENT, TITLE INSURER, OR LAWYER MAY RECORD A STATUTORY RELEASE AFFIDAVIT UNDER THIS SECTION, THAT PERSON SHALL:

(1) ALLOW AT LEAST A 60-DAY WAITING PERIOD FROM THE DATE THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS PAID FULLY OR SATISFIED FOR THE PARTY SATISFIED TO PROVIDE A RELEASE SUITABLE FOR RECORDING;

(2) SEND BY CERTIFIED MAIL, WITH OR WITHOUT A RETURN RECEIPT, TO THE PARTY SATISFIED:

(i) A COPY OF THIS SECTION;

(ii) A COPY OF THE PROPOSED STATUTORY RELEASE AFFIDAVIT THAT THE PERSON INTENDS TO RECORD; AND

(iii) A NOTICE THAT UNLESS A RELEASE SUITABLE FOR RECORDING IS PROVIDED WITHIN 30 DAYS, THE PERSON WILL OBTAIN A RELEASE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(3) AFTER THE MAILING OF THE NOTICE UNDER ITEM (2) OF THIS SUBSECTION, ALLOW AN ADDITIONAL WAITING PERIOD OF AT LEAST 30 DAYS FOR THE PARTY SATISFIED TO PROVIDE A RELEASE SUITABLE FOR RECORDING.

(E) A STATUTORY RELEASE AFFIDAVIT RECORDED UNDER THIS SECTION SHALL:

(1) BE IN SUBSTANTIALLY THE FOLLOWING FORM:

“STATUTORY RELEASE AFFIDAVIT

I HEREBY DECLARE OR AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT:

(1) ON (INSERT DATE), I CAUSED TO BE PAID OFF THE DEBT SECURED BY THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT, FOUND IN LIBER/BOOK _____, AT FOLIO/PAGE _____, IN THE LAND RECORDS OF _____ COUNTY/BALTIMORE CITY, MARYLAND.

(2) I OBTAINED A WRITTEN PAYOFF STATEMENT FROM THE PERSON TO WHOM THE DEBT WAS OWED OR THE PERSON’S AGENT, THE FUNDS PAID TO THE

PERSON OR THE PERSON’S AGENT WERE SUFFICIENT TO PAY OFF THE DEBT IN FULL, AND, AS AUTHORIZED BY THE OBLIGOR ON THE ACCOUNT, I INSTRUCTED THE PERSON OR THE PERSON’S AGENT TO CLOSE THE ACCOUNT.

(3) ON (INSERT DATE), I SENT THE NOTICE REQUIRED UNDER § 3-105.2(D)(2) OF THE REAL PROPERTY ARTICLE TO THE PERSON SATISFIED BY CERTIFIED MAIL.

(4) THE PERSON SATISFIED HAS FAILED TO PROVIDE A RELEASE SUITABLE FOR RECORDING.

(5) I AM:

A SETTLEMENT AGENT WHO HOLDS A TITLE INSURANCE PRODUCER LICENSE IN GOOD STANDING FROM THE MARYLAND INSURANCE ADMINISTRATION;

AN OFFICER OF A TITLE INSURER; OR

A MEMBER OF THE MARYLAND BAR.

(6) THE PAYOFF OF THE DEBT WAS ACCOMPLISHED BY:

THE ORIGINAL CHECK, WRITTEN ON AN ESCROW ACCOUNT CONTROLLED BY THE UNDERSIGNED INDIVIDUAL, WHICH IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE;

A CHECK, WRITTEN ON AN ESCROW ACCOUNT CONTROLLED BY THE UNDERSIGNED INDIVIDUAL, A CHECK FACSIMILE OF WHICH IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE, AND WHICH HAS BEEN CERTIFIED AS A TRUE COPY OF THE ORIGINAL CHECK BY THE ISSUING BANK; OR

A WIRE TRANSFER, THE WIRE TRANSFER REMITTANCE ADVICE FOR WHICH CONTAINS THE INFORMATION REQUIRED UNDER § 3-105.2(E)(2)(III)2 OF THE REAL PROPERTY ARTICLE AND IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE.

(SIGNATURE)

(PRINTED OR TYPED NAME)

(DATE)”
; AND

(2) BE ACCOMPANIED BY:

(I) THE CANCELED CHECK EVIDENCING FINAL PAYMENT, WHICH SHALL CONTAIN THE NAME OF THE PARTY WHOSE DEBT IS BEING SATISFIED, THE DEBT ACCOUNT NUMBER, IF ANY, AND WORDS INDICATING THAT THE CHECK IS INTENDED AS PAYMENT IN FULL OF THE DEBT BEING SATISFIED;

(II) IF THE CANCELED CHECK IS UNAVAILABLE, A CHECK FACSIMILE, AS DEFINED IN § 5-513 OF THE FINANCIAL INSTITUTIONS ARTICLE, THAT CONTAINS THE INFORMATION REQUIRED UNDER ITEM (I) OF THIS ITEM, ACCOMPANIED BY A CERTIFICATION FROM AN AUTHORIZED AGENT OF THE INSTITUTION ON WHICH THE CHECK WAS DRAWN STATING THE CHECK FACSIMILE IS A TRUE AND GENUINE IMAGE OF THE ORIGINAL CHECK; OR

(III) IF THE DEBT SECURING THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT WAS PAID OFF BY A WIRE TRANSFER, THE WIRE TRANSFER REMITTANCE ADVICE, WHICH SHALL:

1. BE ACCOMPANIED BY A CERTIFICATION FROM AN AUTHORIZED AGENT OF THE INSTITUTION FROM WHICH THE WIRE TRANSFER WAS INITIATED STATING THAT THE DOCUMENT IS A TRUE AND GENUINE IMAGE OF THE ORIGINAL WIRE TRANSFER CONFIRMATION ORDER ISSUED BY THE INSTITUTION; AND

2. CONTAIN THE NAME OF THE PERSON FOR WHOM THE PAYOFF WAS MADE, THE NAME OF THE INSTITUTION THAT WAS PAID THE MONEY, A TRUNCATED VERSION OF THE NUMBER OF THE ACCOUNT FROM WHICH THE FUNDS WERE TRANSFERRED, A TRUNCATED VERSION OF THE NUMBER OF THE ACCOUNT TO WHICH THE FUNDS WERE TRANSFERRED, THE FEDERAL RESERVE BANK'S REFERENCE NUMBERS FOR THE WIRE TRANSFER, THE LOAN NUMBER FOR THE NOTE THAT WAS PAID OFF, THE AMOUNT OF THE PAYOFF MADE BY THE WIRE TRANSFER, AND THE DATE AND TIME OF THE WIRE TRANSFER."

On pages 2 through 5, strike in their entirety the lines beginning with line 3 on page 2 through line 4 on page 5, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1150 – Delegates Ali, Barkley, McComas, and Shewell

AN ACT concerning

**Maryland Department of Transportation – Evaluation of the Telework Partnership
with Employers Initiative**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1216 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Abandoned Land – Certificates of Reservation for Public Use

(Amendment ID: HB1216/910813/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1216
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “use;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, in line 24, after “2007.” insert “It shall remain effective for a period of 5 years and, at the end of September 30, 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Snapping Turtles – Regulations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1344 – Frederick County Delegation

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #9**

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

House Bill 326 – Delegate Hubbard

AN ACT concerning

**Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists
Act – Revision**

(Amendment ID: HB0326/436586/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 326
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “specifying” in line 6 down through “agents;” in line 8.

AMENDMENT NO. 2

On page 5, in line 7, strike “OR “HEARING INSTRUMENT””; strike beginning with the colon in line 7 down through the bracket in line 8; in line 8, after “Any” insert “**FDA APPROVED**”; and strike beginning with the bracket in line 9 down through “HEARING” in line 14.

On page 6, in lines 3 and 4, strike “(III)” and “(IV)”, respectively, and substitute “(IV)” and “(V)” respectively.

AMENDMENT NO. 3

On page 7, strike beginning with the second “OR” in line 5 down through “PATHOLOGY,” in line 6; in line 17, strike the third bracket; in lines 22 and 25, in each instance, strike the bracket; and strike beginning with “THE” in line 22 down through “SYSTEM.” in line 24.

On pages 7 and 8, strike beginning with the colon in line 25 on page 7 down through “MONITORING” in line 22 on page 8.

On page 8, in line 23, strike “(1)”; in lines 24, 25, 26, and 28, in each instance, strike the bracket; and in line 26, strike “, AND EFFECTIVENESS”.

On pages 8 and 9, strike beginning with “HUMAN” in line 28 on page 8 down through “PERFORMANCE.” in line 19 on page 9.

On page 10, in line 21, in each instance, strike the bracket; in line 21, strike “THE”; and strike beginning with the semicolon in line 23 down through “AGENTS” in line 25.

AMENDMENT NO. 4

On page 20, in line 15, strike “pass” and substitute “:

(1) PASS;

and in line 17, after “BOARD” insert “: **AND**

(2) COMPLETE TRAINING CONSISTENT WITH THE STANDARDS ESTABLISHED BY:

(1) THE ACCREDITATION COMMISSION FOR AUDIOLOGY EDUCATION; OR

(II) THE COUNSEL OF ACADEMIC ACCREDITATION

AMENDMENT NO. 5

On page 33, in line 6, strike “SHALL WAIT A MINIMUM OF 1 YEAR BEFORE THE INDIVIDUAL”; in the same line, after “MAY” insert “**NOT**”; and in line 7, after “ANOTHER” insert “**LIMITED**”.

AMENDMENT NO. 6

On page 51, in line 19, strike “OR”; in line 20, strike the brackets; in the same line, strike “(6)” and substitute “**(7)**”; in the same line, strike “or aural”; and in line 21, strike “(7)” and substitute “**(8)**”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0326/643522/1)

BY: Delegate Donoghue

AMENDMENT TO HOUSE BILL 326
(First Reading File Bill)

On page 5, in line 8, strike “Any” and substitute “**ANY**”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 769 – Delegates Anderson, Carter, Conaway, Glenn, Haynes, Kirk, Krysiak, McHale, Oaks, Robinson, Stukes, and Tarrant

AN ACT concerning

**Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy
Pilot Program**

(Amendment ID: HB0769/646683/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 769
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “prescribe, dispense,” and substitute “dispense”; strike beginning with the second “and” in line 9 down through “Department” in line 10; in line 10, strike “jointly”; and strike beginning with “establishing” in line 11 down through “circumstances;” in line 12.

AMENDMENT NO. 2

On page 2, in line 17, strike “**PRESCRIBE, DISPENSE,**” and substitute “**DISPENSE**”; and in line 27, strike “**AND THE COMMISSIONER JOINTLY**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 13, inclusive; in line 14, strike “(G)” and substitute “(F)”; in line 20, strike “5” and substitute “3”; and in line 21, strike “2012” and substitute “2010”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 793 – Delegates Nathan–Pulliam, Benson, Braveboy, Cane, Conaway, Costa, Gaines, Glenn, Griffith, Gutierrez, Kipke, Lee, Montgomery, Oaks, Pena–Melnik, and Tarrant

AN ACT concerning

Sickle Cell Disease – Adults – Best Practices Treatment and Awareness Act

(Amendment ID: HB0793/186785/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 793
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Tarrant” and substitute “Tarrant, Hammen, Morhaim, Bromwell, V. Turner, Donoghue, Elliott, Hubbard, Weldon, Riley, Kach, Kullen, McDonough, Mizeur, and Pendergrass”; in line 2, strike “Adults – Best Practices Treatment and Awareness Act” and substitute “Statewide Steering Committee on Services for Adults with Sickle Cell Disease”; in line 3, strike “Service” and substitute “Services”; strike beginning with “requiring” in line 6 down through “years;” in line 15; strike beginning with “State” in line 16 down through “adults” in line 17 and substitute “the establishment of a Statewide Steering Committee on Services for Adults with Sickle Cell Disease”; and strike in their entirety lines 18 through 22, inclusive.

On page 2, in line 3, strike “through 18–508”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 through 15, inclusive; and in line 17, strike “SUBTITLE” and substitute “SECTION”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 18 and 19; in lines 20 and 25, strike “(5)” and “(6)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 24, strike the second “AND”; and in line 27, after “DISEASE” insert “; AND”

(6) SEEK GRANT FUNDING TO:

(I) DEVELOP AND ESTABLISH A CASE MANAGEMENT SYSTEM FOR ADULTS WITH SICKLE CELL DISEASE; AND

(II) ESTABLISH AN ADULT SICKLE CELL DISEASE DAY INFUSION CENTER”.

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety the lines beginning with line 1 on page 4 through line 14 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.

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

House Bill 988 – Delegate Nathan–Pulliam

AN ACT concerning

State Board of Dental Examiners – Restructuring and Licensee Protection

(Amendment ID: HB0988/146986/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 988
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Delegate Nathan–Pulliam” and substitute “Delegates Nathan–Pulliam, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, Turner, and Weldon”; in line 2, strike “Restructuring” and substitute “Program Evaluation”; strike beginning with “requiring” in line 9 down through “Governor;” in line 12; strike beginning with “the” in line 12 down through “with” in line 13; strike beginning with “requiring” in line 18 down through “date” in line 19, and substitute “increasing the number of weeks before a certain meeting that certain notice must be mailed; altering the number of years for certain terms”; strike beginning with “requiring” in line 20 down through “Board” in line 21 and substitute “altering the number of times the board is required to meet; requiring the executive director to report to the Secretary”; and strike beginning with “establishing” in line 22 down through “generals” in line 26 and substitute “altering a certain termination date for provisions relating to the statutory and regulatory authority of the Board; altering a certain date for evaluation of certain Board activities; providing for the continued service of certain board members until certain appointments are made”.

On page 2, in line 1, strike “requiring the Board to submit a certain report” and substitute “exempting the Board from certain provisions of law requiring a certain preliminary evaluation; requiring that a certain evaluation conducted by the Department of Legislative Services incorporate a comprehensive review of certain complaints during a certain period of time and assess and identify certain patterns; requiring the Department of Legislative Services to collaborate with the Inspector General in the Department of Health and Mental Hygiene in the review of certain complaint outcomes”; in line 2, after “terms;” insert “making this Act an emergency measure;”; in line 6, strike “and 4–316” and substitute “4–316, and 4–702”; and after line 8, insert:

“BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(17)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 5, in line 23, strike the brackets; and strike beginning with “DEPARTMENT” in line 24 down through “DEPARTMENT” in line 26.

On page 6, in lines 3 and 6, strike “(III)” and “(IV)”, respectively, and substitute “(II)” and “(III)”, respectively; in line 21, strike the brackets; and in line 22, strike “DEPARTMENT”.

On page 7, in line 1, strike “2” and substitute “4”; and in line 6, strike the first “2” and substitute “4”.

AMENDMENT NO. 3

On page 8, in line 25, strike “4” and substitute “2”; in line 27, strike the brackets; and in the same line, strike “JANUARY 1, 2008”.

On page 9, in line 24, strike “twice a year” and substitute “ONCE A MONTH”.

AMENDMENT NO. 4

On page 10, strike beginning with “THE” in line 12, down through “BOARD.” in line 13 and substitute “THE EXECUTIVE DIRECTOR SHALL REPORT TO THE SECRETARY.”.

AMENDMENT NO. 5

On page 11, after line 11, insert:

“4-702.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2011] 2009.

Article – State Government

8-403.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(17) Dental Examiners, State Board of (§ 4-201 of the Health Occupations Article: July 1, [2010] 2008);”.

AMENDMENT NO. 6

On page 11, in line 12, after “That” insert “members of the Board who have served for 4 or more years as of the effective date of this Act shall continue to serve until a successor is appointed and qualifies. The Governor shall appoint successors as soon as is practicable after the effective date of this Act.”.

On pages 11 and 12, strike beginning with the colon in line 12 on page 11 through “member.” in line 18 on page 12.

On page 12, in lines 19 and 27, strike “5.” and “7.”, respectively, and substitute “3.” and “4.”, respectively; in line 20, strike “shall” and substitute “shall:”

(a) collaborate with the Department of Legislative Services under Section 4 of this Act; and

(b) (1)”;

in line 21, strike “once” and substitute “on or before July 1 of”; strike beginning with “between” in line 21 down through “2010” in line 22 and substitute “from July 1, 2008 to July 1, 2012, both inclusive”; in line 22, after “that” insert “during the previous year ending December 31”; in line 22, strike “has” and substitute “consistently applied sanctions against licensees and”; in line 23, strike “authority” and substitute “authority; and

(2) report to the General Assembly in accordance with § 2-1246 of the State Government Article on the finding of the audits on or before July 1 of each year between July 1, 2008 and July 1, 2012, both inclusive”;

and strike lines 24 through 26, inclusive.

AMENDMENT NO. 7

On pages 12 and 13, strike beginning with “That,” in line 27 on page 12 down through “Act.” in line 2 on page 13 and substitute “That:”

(a) The provisions of § 8-404 of the State Government Article requiring a preliminary evaluation do not apply to the State Board of Dental Examiners prior to the evaluation required on or before July 1, 2008.

(b) The evaluation of the board conducted by the Department of Legislative Services shall incorporate a comprehensive review of complaint outcomes between January 1, 2002 and December 31, 2006, including assessing and identifying patterns related to:

(1) the source of each complaint;

(2) the length of time from receipt of a complaint to it being dismissed or formal action being taken;

(3) the focus of any investigations conducted and the process for closing out a case;

(4) the types of violations for which sanctions are imposed, the range of sanctions imposed, and the consistency of their application;

(5) the board's use of its authority to impose a fine instead of suspending a license or in addition to suspending or revoking a license or reprimanding a licensee;

(6) the reinstatement process associated with suspended or revoked licenses;

(7) the use of consent decrees and how they are monitored;

(8) the use of committees by the board in the complaint and disciplinary process and the extent to which the recommendations of the committees are followed; and

(9) the board's use of probation and remedial measures, including educational and advisory letters to enhance compliance rather than or in addition to suspending or revoking a license or otherwise reprimanding a licensee.

(c) The Department of Legislative Services shall collaborate with the Office of the Inspector General in the Department of Health and Mental Hygiene in the review of complaint outcomes, as appropriate."

On page 13, in line 3, strike "8." and substitute "5."; and strike beginning with "shall" in line 3 down through "2007" in line 4 and substitute "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 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1057 – Delegate Mizeur

AN ACT concerning

Health Insurance – Equity in Family Coverage

(Amendment ID: HB1057/946087/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1057

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Mizeur” and substitute “Delegates Mizeur, Hammen, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; in line 2, strike “Equity in”; in the same line, after “Coverage” insert “Expansion Act”; in line 3, strike “health”; in lines 5 and 6, strike “on request to certain adult members and certain child members of the household” and substitute “, at the request of certain persons, to certain domestic partners and child dependents of domestic partners”; in lines 6 and 7, strike “, subscriber, employee, or member”; in line 7, strike “and” and substitute a comma; in the same line, after “plans” insert “, and health maintenance organizations”; and in line 8, after “proof;” insert “altering a certain requirement that a certain health insurance carrier notify certain parents of certain information; requiring the Maryland Insurance Commissioner to establish and publish a certain notice; requiring certain health insurance policies and contracts to provide for certain coverage for certain dependents under certain circumstances; requiring the Maryland Health Care Commission, in consultation with certain other State agencies, to study the rate at which certain young adults are uninsured and recommend ways to increase their health care coverage; requiring the Commission to report on its study and recommendations to certain legislative committees on or before a certain date; defining certain terms;”; in line 10, after “to” insert “health insurance”; in the same line, strike “for household members under health insurance”; in line 18, after “15–403.2” insert “and 15–418”; after line 20, insert:

“BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–416

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 3, strike “§ 15–403.2” and substitute “§§ 15–403.2 AND 15–418”; strike in their entirety lines 7 through 22, inclusive, and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILD DEPENDENT OF THE DOMESTIC PARTNER” MEANS AN INDIVIDUAL WHO:

(I) IS:

1. THE NATURAL CHILD, STEPCHILD, ADOPTED CHILD, OR GRANDCHILD OF THE DOMESTIC PARTNER OF AN INSURED;

2. A CHILD PLACED WITH THE DOMESTIC PARTNER OF AN INSURED FOR LEGAL ADOPTION; OR

3. A CHILD WHO IS UNDER TESTAMENTARY OR COURT APPOINTED GUARDIANSHIP, OTHER THAN TEMPORARY GUARDIANSHIP OF LESS THAN 12 MONTHS’ DURATION, OF THE DOMESTIC PARTNER OF AN INSURED;

(II) IS A DEPENDENT, AS THAT TERM IS USED IN 26 U.S.C. §§ 104, 105, AND 106, AND ANY REGULATIONS ADOPTED UNDER THOSE SECTIONS, OF THE DOMESTIC PARTNER OF AN INSURED;

(III) RESIDES WITH THE INSURED;

(IV) IS UNMARRIED; AND

(V) IS UNDER THE AGE OF 25 YEARS.

(3) “DOMESTIC PARTNER” MEANS AN INDIVIDUAL IN A RELATIONSHIP BETWEEN TWO INDIVIDUALS WHO:

(I) ARE AT LEAST 18 YEARS OLD;

(II) ARE NOT RELATED TO EACH OTHER BY BLOOD OR MARRIAGE WITHIN FOUR DEGREES OF CONSANGUINITY UNDER CIVIL LAW RULE;

(III) ARE NOT MARRIED OR IN A CIVIL UNION OR DOMESTIC PARTNERSHIP WITH ANOTHER INDIVIDUAL;

(IV) AGREE TO BE IN A RELATIONSHIP OF MUTUAL INTERDEPENDENCE IN WHICH EACH INDIVIDUAL CONTRIBUTES TO SOME EXTENT TO THE OTHER INDIVIDUAL’S MAINTENANCE AND SUPPORT; AND

(V) SHARE A COMMON RESIDENCE.

(B) THIS SECTION APPLIES TO EACH INDIVIDUAL OR GROUP POLICY OR CONTRACT THAT:

(1) ALLOWS FAMILY COVERAGE; AND

(2) IS ISSUED BY:

(I) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT PROVIDES INPATIENT HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; OR

(II) A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES INPATIENT HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.”;

and in line 23, strike “(B)” and substitute “(C)”.

On page 3, strike beginning with “, ON” in line 1 down through the colon in line 2 and substitute “TO A DOMESTIC PARTNER OF AN INSURED OR A CHILD DEPENDENT OF THE DOMESTIC PARTNER OF AN INSURED AT THE REQUEST OF:”

(1) AN INSURED UNDER AN INDIVIDUAL POLICY OR CONTRACT THAT IS SUBJECT TO THIS SECTION; OR

(2) THE GROUP POLICY HOLDER OF A GROUP POLICY OR CONTRACT THAT IS SUBJECT TO THIS SECTION.

(D) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION MAY REQUIRE A GROUP POLICY HOLDER THAT REQUESTS COVERAGE FOR A DOMESTIC PARTNER OR CHILD DEPENDENT OF THE DOMESTIC PARTNER OF AN INSURED UNDER SUBSECTION (C)(2) OF THIS SECTION TO PROVIDE PROOF OF THE ELIGIBILITY OF THE DOMESTIC PARTNER OR CHILD DEPENDENT OF THE DOMESTIC PARTNER FOR COVERAGE UNDER THIS SECTION.

15-416.

(a) This section applies to insurers, nonprofit health service plans, and health maintenance organizations that deliver or issue for delivery in the State individual, group, or blanket health insurance policies and contracts.

(b) At least 60 days before a child [age 19 and older] who is covered under a parent’s individual, group, or blanket health insurance policy or contract [as a full-time

student attains the limiting age specified in the policy or contract for a full-time student] URNS 18 YEARS OF AGE, an entity subject to this section shall:

(1) notify the parent of [the impending loss of the child’s coverage]
CRITERIA UNDER WHICH A CHILD MAY REMAIN ELIGIBLE FOR COVERAGE AS A
DEPENDENT UNDER THE POLICY OR CONTRACT; and

(2) provide information regarding:

(i) any other policies that may be available to the child from the
entity; and

(ii) the availability of additional information from the
Administration regarding individual policies in the State.

(C) THE COMMISSIONER SHALL ESTABLISH AND PUBLISH BY BULLETIN THE
NOTICE TO BE GIVEN UNDER THIS SECTION.

15-418.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “CARRIER” MEANS:

(I) AN INSURER;

(II) A NONPROFIT HEALTH SERVICE PLAN; OR

(III) A HEALTH MAINTENANCE ORGANIZATION.

(3) “CHILD DEPENDENT” MEANS AN INDIVIDUAL WHO:

(I) IS:

1. THE NATURAL CHILD, STEPCHILD, ADOPTED CHILD,
OR GRANDCHILD OF THE INSURED;

2. A CHILD PLACED WITH THE INSURED FOR LEGAL
ADOPTION; OR

3. A CHILD WHO IS ENTITLED TO DEPENDENT
COVERAGE UNDER § 15-403.1 OF THIS ARTICLE;

(II) IS A DEPENDENT OF THE INSURED AS THAT TERM IS USED IN 26 U.S.C. §§ 104, 105, AND 106, AND ANY REGULATIONS ADOPTED UNDER THOSE SECTIONS;

(III) IS UNMARRIED; AND

(IV) IS UNDER THE AGE OF 25 YEARS.

(B) (1) THIS SECTION APPLIES TO:

(I) EACH POLICY OF INDIVIDUAL OR GROUP HEALTH INSURANCE THAT IS ISSUED IN THE STATE;

(II) EACH CONTRACT THAT IS ISSUED IN THE STATE BY A NONPROFIT HEALTH SERVICE PLAN; AND

(III) EACH CONTRACT THAT IS ISSUED IN THE STATE BY A HEALTH MAINTENANCE ORGANIZATION.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THIS SECTION DOES NOT APPLY TO:

(I) A CONTRACT COVERING ONE OR MORE, OR ANY COMBINATION OF THE FOLLOWING:

1. COVERAGE ONLY FOR LOSS CAUSED BY AN ACCIDENT;

2. DISABILITY COVERAGE;

3. CREDIT-ONLY INSURANCE; OR

4. LONG-TERM CARE COVERAGE; OR

(II) THE FOLLOWING BENEFITS IF THEY ARE PROVIDED UNDER A SEPARATE CONTRACT:

1. DENTAL COVERAGE;

2. VISION COVERAGE;

3. MEDICARE SUPPLEMENT INSURANCE;

4. COVERAGE LIMITED TO BENEFITS FOR A SPECIFIED DISEASE OR DISEASES; AND

5. TRAVEL ACCIDENT OR SICKNESS COVERAGE.

(C) EACH POLICY OR CONTRACT SUBJECT TO THIS SECTION THAT PROVIDES COVERAGE FOR DEPENDENTS SHALL:

(1) INCLUDE COVERAGE FOR A CHILD DEPENDENT;

(2) PROVIDE THE SAME HEALTH INSURANCE BENEFITS TO A CHILD DEPENDENT THAT ARE AVAILABLE TO ANY OTHER COVERED DEPENDENT; AND

(3) PROVIDE HEALTH INSURANCE BENEFITS TO A CHILD DEPENDENT AT THE SAME RATE OR PREMIUM APPLICABLE TO ANY OTHER COVERED DEPENDENT.

(D) THIS SECTION DOES NOT LIMIT OR ALTER ANY RIGHT TO DEPENDENT COVERAGE OR TO THE CONTINUATION OF COVERAGE THAT IS OTHERWISE PROVIDED FOR IN THIS ARTICLE.”

AMENDMENT NO. 3

On page 3, strike in their entirety lines 3 through 22, inclusive, and substitute:

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

(a) The Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene and the Maryland Insurance Administration, shall study the high rate of uninsurance among young adults ages 19 to 29 in the State and recommend ways to increase health care coverage.

(b) The study shall:

(1) include a review of current health care coverage options available in the State and options available in other states; and

(2) examine in particular:

(i) ways to provide health care coverage to young adults transitioning from foster care; and

(ii) the feasibility and desirability of a Medicaid or Maryland Children’s Health Program buy-in.

(c) On or before November 1, 2007, the Commission shall report on its study and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee.”;

in lines 23 and 26, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for Saturday.

The motion was adopted.

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

House Bill 1071 – Delegates Anderson, Glenn, Kirk, and Krysiak

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

(Amendment ID: HB1071/486389/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1071

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing a certain local team to investigate certain information and records;”; in line 5, after “crime” insert “or adjudicated as having committed a delinquent act”; in the same line, after “fatality;” insert “requiring that a certain local team be immediately provided access to all information and records maintained by any State or local government agency that provided services to a certain child or family;”; in line 6, after “crime” insert “or adjudicated as having committed a delinquent act”; in line 7, after “meetings;” insert “prohibiting the disclosure of information regarding the involvement of any agency with certain individuals during certain public meetings;”; and in line 11, strike “5-707” and substitute “5-706, 5-707.”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“5-706.”

(a) The purpose of the local team is to prevent child deaths by:

(1) Promoting cooperation and coordination among agencies involved in investigations of child deaths or in providing services to surviving family members;

(2) Developing an understanding of the causes and incidence of child deaths in the county;

(3) Developing plans for and recommending changes within the agencies the members represent to prevent child deaths; and

(4) Advising the State Team on changes to law, policy, or practice to prevent child deaths.

(b) To achieve its purpose, the local team shall:

(1) In consultation with the State Team, establish and implement a protocol for the local team;

(2) Set as its goal the investigation of child deaths in accordance with national standards;

(3) Meet at least quarterly to review the status of child fatality cases, recommend actions to improve coordination of services and investigations among member agencies, and recommend actions within the member agencies to prevent child deaths;

(4) Collect and maintain data as required by the State Team;

(5) Provide requested reports to the State Team, including discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths; and

(6) In consultation with the State Team:

(i) Define “near fatality”; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(C) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (B) OF THIS SECTION, A LOCAL TEAM MAY INVESTIGATE THE INFORMATION AND RECORDS OF A

CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY DESCRIBED IN § 5-707 OF THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 2, in line 9, after “CRIME” insert “**OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT**”; in the same line, strike “THE” and substitute “**A**”; in line 10, strike “**BEING REVIEWED BY THE LOCAL TEAM**”; and in line 15, strike “the child or family” and substitute “**;**”

_____ (I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM;

_____ (II) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY; OR

_____ (III) THE FAMILY OF A CHILD DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH”.

AMENDMENT NO. 4

On page 3, in line 5, after “CRIME” insert “**OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT**”; in the same line, strike “THE” and substitute “**A**”; in line 6, strike “**OF ANOTHER CHILD**”; and strike in their entirety lines 7 and 8 and substitute:

“(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

_____ (I) A DECEASED CHILD;

_____ (II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED CHILD;

_____ (III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD; OR

_____ (IV) A CHILD CONVICTED OF A CRIME OR ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1082 – Delegate Hubbard

AN ACT concerning

Managed Care Organizations – Retroactive Denial of Claims

(Amendment ID: HB1082/736889/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1082

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Claims” insert “and Applicability of State Laws”; in lines 3 and 4, strike “retroactive denial of claims by health insurance carriers” and substitute “health insurance”; in line 5, after “Program;” insert “providing that a managed care organization is not subject to certain State laws, with a certain exception; providing that certain provisions of law relating to the retroactive denial of claims do not apply under certain circumstances; providing for the application of this Act;”; in line 6, after “by” insert “and applicability of State laws to”; and after line 7, insert:

“BY adding to

Article – Health – General

Section 15–101.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“**15–101.1.**

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A MANAGED CARE ORGANIZATION IS NOT SUBJECT TO THE INSURANCE LAWS OF THE STATE OR TO THE PROVISIONS OF TITLE 19 OF THIS ARTICLE.”.

AMENDMENT NO. 3

On page 2, in line 6, strike “§ 15–1008” and substitute “**§§ 4–311, 15–604, 15–605, AND 15–1008**”.

AMENDMENT NO. 4

On page 4, in line 17, strike “or”; in line 18, after the second “claim” insert “;**OR**”

(IV) FOR A CLAIM SUBMITTED TO A MANAGED CARE ORGANIZATION, THE CLAIM WAS FOR SERVICES PROVIDED TO A MARYLAND MEDICAL ASSISTANCE PROGRAM RECIPIENT DURING A TIME PERIOD FOR WHICH THE PROGRAM HAS PERMANENTLY RETRACTED THE CAPITATION PAYMENT FOR THE PROGRAM RECIPIENT FROM THE MANAGED CARE ORGANIZATION”.

AMENDMENT NO. 5

On page 4, after line 32, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to claims paid by Maryland Medical Assistance Program managed care organizations on or after July 1, 2007.”.

On page 5, in line 1, strike “2.” and substitute “3.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1137 – Delegates Pena–Melnik, Braveboy, Griffith, Ivey, and Valderrama

AN ACT concerning

Hospitals – Safe Patient Lifting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1160 – Delegate Hubbard

AN ACT concerning

Qualified State Long-Term Care Insurance Partnership – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1177 – Delegates Jones, Bates, DeBoy, Eckardt, Griffith, Haynes, Heller, Nathan-Pulliam, Robinson, Stocksdale, and Taylor

AN ACT concerning

**State Board for Certification of Residential Child Care Program Administrators
– Fees**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1181 – Delegates Minnick, Aumann, Bohanan, Boteler, Costa, Dwyer, Elliott, Frank, George, Harrison, Howard, Impallaria, Jameson, Krebs, Kullen, Levy, Love, McConkey, McDonough, O'Donnell, Proctor, Shank, Sophocleus, Stocksdale, Stukes, and Wood

AN ACT concerning

Task Force to Study State Assistance to Veterans

(Amendment ID: HB1181/116385/1)

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 1181
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, Hammen, Beitzel, Benson, Bromwell, Donoghue, Hubbard, Kach, Kipke, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1242 – Delegate Weldon

AN ACT concerning

Open Meetings Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1243 – Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1283 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Authority

(Amendment ID: HB1283/356283/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1283
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; and in line 10, after “Commissioner;” insert “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 3, in lines 14 and 15, strike “shall take effect October 1, 2007” and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.

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 359 – Delegates Frush, Ali, Anderson, Aumann, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Braveboy, Bronrott, Cane, Cardin, Carter, V. Clagett, Doory, Dumais, Elmore, Gaines, Gilchrist, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, N. King, Krebs, Kullen, Lafferty, Lawton, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Rosenberg, Ross, Schuh, Simmons, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Clean Indoor Air Act of 2007

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

FLOOR AMENDMENT

(Amendment ID: HB0359/293820/2)

BY: Delegate Minnick

AMENDMENTS TO HOUSE BILL 359
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “prohibiting certain persons from manufacturing, producing, selling, offering for sale, or distributing certain tobacco products in the State;”.

On page 2, in line 29, after “Section” insert “24-304 and”.

AMENDMENT NO. 2

On page 6, after line 15, insert:

“24-304.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “MANUFACTURE” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

(3) “PRODUCE” HAS THE MEANING STATED IN § 5-101 OF THE CRIMINAL LAW ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON OR AFTER JULY 1, 2007, A PERSON MAY NOT MANUFACTURE, PRODUCE, SELL, OFFER FOR SALE, OR DISTRIBUTE A TOBACCO PRODUCT IN THE STATE.”.

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

Affirmative – 38 Negative – 94 (See Roll Call No. 493)

Read the second time and ordered prepared for Third Reading.

House Bill 125 – Delegates Cardin and Kaiser

AN ACT concerning

Task Force to Study Charitable and Commercial Gaming Activities in Maryland

STATUS OF BILL: BILL ON 3RD READING.

Delegate Hixson moved to reconsider the vote by which **House Bill 125** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: HB0125/343224/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 125
(Bill as Printed for Third Reading)

On page 3, in line 4, strike “and”; and in line 6, after “designee” insert “;

(12) the Director of the Washington County Gaming Office; and

(13) one member of the public, appointed by the Governor”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #11

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

House Bill 425 – Delegate Simmons

AN ACT concerning

Civil Actions – Liability of Insurer – Failure to Act in Good Faith

(Amendment ID: HB0425/922512/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 425
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Simmons” and substitute “Delegates Simmons, Olszewski, Vallario, Rosenberg, Anderson, Barnes, Carter,

Conaway, Dumais, Dwyer, Frank, Kelly, Kramer, Lee, Levi, McComas, Ramirez, Schuler, Smigiel, Valderrama, and Waldstreicher”.

AMENDMENT NO. 2

On page 1, strike beginning with “by” in line 3 down through “insurer,” in line 4; in line 5, after “interest” insert “in first-party claims against property and casualty insurers under certain circumstances”; strike beginning with “requiring” in line 5 down through “insurer;” in line 7; in line 8, after “date;” insert “requiring a clerk of a court to file a copy of certain verdicts and other dispositions with the Maryland Insurance Administration; providing that a failure to act in good faith under certain circumstances constitutes an unfair claim settlement practice for certain purposes; providing for certain penalties; providing for certain restitution in certain proceedings under certain circumstances; providing for certain procedures; providing for a certain appeal to a circuit court from a final decision under certain circumstances; providing for the tolling of certain limitations under certain circumstances; requiring the Administration to report annually on certain matters to the General Assembly on or before a certain date; defining certain terms;”; strike in its entirety line 9 and substitute “certain proceedings concerning property and casualty insurers who fail to act in good faith in settling a first-party claim under certain circumstances.”; after line 9, insert:

“BY repealing and reenacting, with amendments,
Article 1 – Rules of Interpretation
Section 32
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)”;

and in line 12, after “Insurer” insert “; and 5-118”.

AMENDMENT NO. 3

On page 1, after line 14, insert:

“BY repealing and reenacting, with amendments,
Article – Insurance
Section 27-303(7) and (8), 27-304(16) and (17), and 27-305(a) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)”

BY adding to

Article – Insurance
Section 27-303(9), 27-304(18), and 27-1001 and the subtitle “Subtitle 10.
Property and Casualty Insurance – First-Party Claims”
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 4

On page 1, after line 16, insert:

“Article 1 – Rules of Interpretation

32.

(a) Except as provided in subsection (b) of this section, in a statute providing for de novo judicial review or appeal of a quasi-judicial administrative agency action, the term “de novo” means judicial review based upon an administrative record and such additional evidence as would be authorized by § 10-222(f) and (g) of the State Government Article.

(b) This section does not apply to review of cases from:

(1) The Workers’ Compensation Commission; [or]

(2) The Health Care Alternative Dispute Resolution Office; OR

(3) THE MARYLAND INSURANCE ADMINISTRATION UNDER § 27-1001 OF THE INSURANCE ARTICLE.”;

and after line 19, insert:

“(A) (1) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CASUALTY INSURANCE” HAS THE MEANING STATED IN § 1-101 OF THE INSURANCE ARTICLE.

(3) “COMMERCIAL INSURANCE” HAS THE MEANING STATED IN § 27-601 OF THE INSURANCE ARTICLE.

(4) “GOOD FAITH” MEANS AN INFORMED JUDGMENT BASED ON HONESTY AND DILIGENCE SUPPORTED BY EVIDENCE THE INSURER KNEW OR SHOULD HAVE KNOWN AT THE TIME THE INSURER MADE A DECISION ON A CLAIM.

(5) “INSURER” HAS THE MEANING STATED IN § 1-101 OF THE INSURANCE ARTICLE.

(6) “PROPERTY INSURANCE” HAS THE MEANING STATED IN § 1-101 OF THE INSURANCE ARTICLE.

(B) THIS SUBTITLE APPLIES ONLY TO FIRST-PARTY CLAIMS UNDER PROPERTY AND CASUALTY INSURANCE POLICIES ISSUED, SOLD, OR DELIVERED IN THE STATE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PARTY MAY NOT FILE AN ACTION UNDER THIS SUBTITLE BEFORE THE DATE OF A FINAL DECISION UNDER § 27-1001 OF THE INSURANCE ARTICLE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN ACTION:

(i) WITHIN THE SMALL CLAIM JURISDICTION OF THE DISTRICT COURT UNDER § 4-405 OF THIS ARTICLE;

(ii) IF THE INSURED AND THE INSURER AGREE TO WAIVE THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(iii) UNDER A COMMERCIAL INSURANCE POLICY ON A CLAIM WITH RESPECT TO WHICH THE APPLICABLE LIMIT OF LIABILITY EXCEEDS \$1,000,000.”.

AMENDMENT NO. 5

On page 1, in line 20, strike “(A)” and substitute “(D)”.

On pages 1 and 2, strike beginning with “IN” in line 20 on page 1 down through “LOSS” in line 4 on page 2 and substitute “ONLY IN A CIVIL ACTION:”

(1) (i) TO DETERMINE THE COVERAGE THAT EXISTS UNDER THE INSURER’S INSURANCE POLICY; OR

(ii) TO DETERMINE THE EXTENT TO WHICH THE INSURED IS ENTITLED TO RECEIVE PAYMENT FROM THE INSURER FOR A COVERED LOSS;

(2) THAT ALLEGES THAT THE INSURER FAILED TO ACT IN GOOD FAITH; AND

(3) THAT SEEKS, IN ADDITION TO THE ACTUAL DAMAGES UNDER THE POLICY, TO RECOVER EXPENSES AND LITIGATION COSTS, AND INTEREST ON THOSE EXPENSES OR COSTS, UNDER SUBSECTION (E) OF THIS SECTION”.

AMENDMENT NO. 6

On page 2, in line 5, strike “(B)” and substitute “(E)”; in the same line, strike “COURT” and substitute “TRIER OF FACT”; in line 9, after “DAMAGES” insert “, WHICH ACTUAL DAMAGES MAY NOT EXCEED THE LIMITS OF THE APPLICABLE POLICY”; in line 11, after “INSURED” insert “IN AN ACTION UNDER THIS SECTION OR UNDER § 27-1001 OF THE INSURANCE ARTICLE OR BOTH”; in line 12, strike “EXPENSES” and substitute “ACTUAL DAMAGES, EXPENSES,”; strike beginning with the second “THE” in line 16 down through “INSURED” in line 18 and substitute “ON WHICH THE INSURED’S CLAIM”

WOULD HAVE BEEN PAID IF THE INSURER ACTED IN GOOD FAITH"; and after line 18, insert:

“(F) AN INSURER MAY NOT BE FOUND TO HAVE FAILED TO ACT IN GOOD FAITH UNDER THIS SECTION SOLELY ON THE BASIS OF DELAY IN DETERMINING COVERAGE OR THE EXTENT OF PAYMENT TO WHICH THE INSURED IS ENTITLED IF THE INSURER ACTED WITHIN THE TIME PERIOD SPECIFIED BY STATUTE OR REGULATION FOR INVESTIGATION OF A CLAIM BY AN INSURER.

(G) THE AMOUNT OF ATTORNEY’S FEES RECOVERED FROM AN INSURER UNDER SUBSECTION (E) OF THIS SECTION MAY NOT EXCEED ONE–THIRD OF THE ACTUAL DAMAGES RECOVERED.

(H) THE CLERK OF THE COURT SHALL FILE A COPY OF THE VERDICT OR ANY OTHER FINAL DISPOSITION OF AN ACTION UNDER THIS SECTION WITH THE MARYLAND INSURANCE ADMINISTRATION.”.

AMENDMENT NO. 7

On page 2, in line 19, strike “(C)” and substitute “(I)”; in line 20, after “DAMAGES” insert “OR OTHER REMEDIES”; and after line 21, insert:

“(J) IF A PARTY TO THE PROCEEDING ELECTS TO HAVE THE CASE TRIED BY A JURY IN ACCORDANCE WITH THE MARYLAND RULES, THE CASE SHALL BE TRIED BY A JURY.

5–118.

FOR THE PURPOSES OF THIS SUBTITLE, THE FILING OF A COMPLAINT WITH THE MARYLAND INSURANCE ADMINISTRATION IN ACCORDANCE WITH § 27–1001 OF THE INSURANCE ARTICLE SHALL BE DEEMED THE FILING OF AN ACTION UNDER § 3–1701 OF THIS ARTICLE.

Article – Insurance

27–303.

It is an unfair claim settlement practice and a violation of this subtitle for an insurer or nonprofit health service plan to:

(7) fail to meet the requirements of Title 15, Subtitle 10B of this article for preauthorization for a health care service; [or]

(8) fail to comply with the provisions of Title 15, Subtitle 10A of this article; OR

(9) FAIL TO ACT IN GOOD FAITH, AS DEFINED UNDER § 27-1001 OF THIS TITLE, IN SETTLING A FIRST-PARTY CLAIM UNDER A POLICY OF PROPERTY AND CASUALTY INSURANCE.

27-304.

It is an unfair claim settlement practice and a violation of this subtitle for an insurer or nonprofit health service plan, when committed with the frequency to indicate a general business practice, to:

(16) fail to meet the requirements of Title 15, Subtitle 10B of this article for preauthorization for a health care service; [or]

(17) fail to comply with the provisions of Title 15, Subtitle 10A of this article; OR

(18) FAIL TO ACT IN GOOD FAITH, AS DEFINED UNDER § 27-1001 OF THIS TITLE, IN SETTLING A FIRST-PARTY CLAIM UNDER A POLICY OF PROPERTY AND CASUALTY INSURANCE.

27-305.

(a) The Commissioner may impose a penalty:

(1) not exceeding \$2,500 for each violation of § 27-303 of this subtitle or a regulation adopted under § 27-303 of this subtitle; AND

(2) NOT EXCEEDING \$125,000 FOR EACH VIOLATION OF § 27-303(9) OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER § 27-303(9) OF THIS SUBTITLE.

(c) (1) On finding a violation of this subtitle, the Commissioner may require an insurer or nonprofit health service plan to make restitution to each claimant who has suffered actual economic damage because of the violation.

(2) [Restitution] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, RESTITUTION may not exceed the amount of actual economic damage sustained, subject to the limits of any applicable policy.

(3) FOR A VIOLATION OF § 27-303(9) OF THIS SUBTITLE, THE COMMISSIONER MAY REQUIRE RESTITUTION TO AN INSURED FOR THE FOLLOWING:

(I) ACTUAL DAMAGES, WHICH ACTUAL DAMAGES MAY NOT EXCEED THE LIMITS OF ANY APPLICABLE POLICY;

(II) EXPENSES AND LITIGATION COSTS INCURRED BY THE INSURED IN PURSUING AN ADMINISTRATIVE COMPLAINT UNDER § 27-303(9) OF THIS SUBTITLE, INCLUDING REASONABLE ATTORNEY’S FEES; AND

(III) INTEREST ON ALL ACTUAL DAMAGES, EXPENSES, AND LITIGATION COSTS INCURRED BY THE INSURED COMPUTED:

1. AT THE RATE ALLOWED UNDER § 11-107(A) OF THE COURTS ARTICLE; AND

2. FROM THE DATE ON WHICH THE INSURED’S CLAIM WOULD HAVE BEEN PAID IF THE INSURER ACTED IN GOOD FAITH.

(4) THE AMOUNT OF ATTORNEY’S FEES RECOVERED FROM AN INSURED UNDER PARAGRAPH (3) OF THIS SUBSECTION MAY NOT EXCEED ONE-THIRD OF THE ACTUAL DAMAGES RECOVERED.

SUBTITLE 10. PROPERTY AND CASUALTY INSURANCE – FIRST-PARTY CLAIMS.

27-1001.

(A) IN THIS SECTION, “GOOD FAITH” MEANS AN INFORMED JUDGMENT BASED ON HONESTY AND DILIGENCE SUPPORTED BY EVIDENCE THE INSURER KNEW OR SHOULD HAVE KNOWN AT THE TIME THE INSURER MADE A DECISION ON A CLAIM.

(B) THIS SECTION APPLIES ONLY TO ACTIONS UNDER § 3-1701 OF THE COURTS ARTICLE.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT BRING OR PURSUE AN ACTION UNDER § 3-1701 OF THE COURTS ARTICLE IN A COURT UNLESS THE PERSON COMPLIES WITH THIS SECTION.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN ACTION:

(I) WITHIN THE SMALL CLAIM JURISDICTION OF THE DISTRICT COURT UNDER § 4-405 OF THE COURTS ARTICLE;

(II) IF THE INSURED AND THE INSURER AGREE TO WAIVE THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(III) UNDER A COMMERCIAL INSURANCE POLICY ON A CLAIM WITH RESPECT TO WHICH THE APPLICABLE LIMIT OF LIABILITY EXCEEDS \$1,000,000.

(D) (1) A COMPLAINT STATING A CAUSE OF ACTION UNDER § 3-1701 OF THE COURTS ARTICLE SHALL FIRST BE FILED WITH THE ADMINISTRATION.

(2) THE COMPLAINT SHALL:

(I) BE ACCOMPANIED BY EACH DOCUMENT THAT THE INSURED HAS SUBMITTED TO THE INSURER FOR PROOF OF LOSS;

(II) SPECIFY THE APPLICABLE INSURANCE COVERAGE AND THE AMOUNT OF THE CLAIM UNDER THE APPLICABLE COVERAGE; AND

(III) STATE THE AMOUNT OF ACTUAL DAMAGES, AND THE AMOUNT OF EXPENSES AND LITIGATION COSTS DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION.

(3) THE ADMINISTRATION SHALL FORWARD THE FILING TO THE INSURER.

(4) WITHIN 30 DAYS AFTER THE DATE THE FILING IS FORWARDED TO THE INSURER BY THE ADMINISTRATION, THE INSURER SHALL:

(I) FILE WITH THE ADMINISTRATION, EXCEPT FOR GOOD CAUSE SHOWN, A WRITTEN RESPONSE TOGETHER WITH A COPY OF EACH DOCUMENT FROM THE INSURER'S CLAIM FILE THAT ENABLES RECONSTRUCTION OF THE INSURER'S ACTIVITIES RELATIVE TO THE INSURED'S CLAIM, INCLUDING DOCUMENTATION OF EACH PERTINENT COMMUNICATION, TRANSACTION, NOTE, WORK PAPER, CLAIM FORM, BILL, AND EXPLANATION OF BENEFITS FORM RELATIVE TO THE CLAIM; AND

(II) MAIL TO THE INSURED A COPY OF THE RESPONSE AND, EXCEPT FOR GOOD CAUSE SHOWN, EACH DOCUMENT FROM THE INSURER'S CLAIM FILE THAT ENABLES RECONSTRUCTION OF THE INSURER'S ACTIVITIES RELATIVE TO THE INSURED'S CLAIM, INCLUDING DOCUMENTATION OF EACH PERTINENT COMMUNICATION, TRANSACTION, NOTE, WORK PAPER, CLAIM FORM, BILL, AND EXPLANATION OF BENEFITS FORM RELATIVE TO THE CLAIM.

(E) (1) (i) WITHIN 90 DAYS AFTER THE DATE THE FILING WAS RECEIVED BY THE ADMINISTRATION, THE ADMINISTRATION SHALL ISSUE A DECISION THAT DETERMINES:

1. WHETHER THE INSURER IS OBLIGATED UNDER THE APPLICABLE POLICY TO COVER THE UNDERLYING FIRST-PARTY CLAIM;

2. THE AMOUNT THE INSURED WAS ENTITLED TO RECEIVE FROM THE INSURER UNDER THE APPLICABLE POLICY ON THE UNDERLYING COVERED FIRST-PARTY CLAIM;

3. WHETHER THE INSURER BREACHED ITS OBLIGATION UNDER THE APPLICABLE POLICY TO COVER AND PAY THE UNDERLYING COVERED FIRST-PARTY CLAIM, AS DETERMINED BY THE ADMINISTRATION;

4. WHETHER AN INSURER THAT BREACHED ITS OBLIGATION FAILED TO ACT IN GOOD FAITH; AND

5. THE AMOUNT OF DAMAGES, EXPENSES, LITIGATION COSTS, AND INTEREST, AS APPLICABLE AND AS AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(II) THE FAILURE OF THE ADMINISTRATION TO ISSUE A DECISION WITHIN THE TIME SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED A DETERMINATION THAT THE INSURER DID NOT BREACH ANY OBLIGATION TO THE INSURED.

(2) WITH RESPECT TO THE DETERMINATION OF DAMAGES UNDER ITEM (1)(I)5 OF THIS SUBSECTION:

(I) IF THE ADMINISTRATION FINDS THAT THE INSURER BREACHED AN OBLIGATION TO THE INSURED, THE ADMINISTRATION SHALL DETERMINE THE OBLIGATION OF THE INSURER TO PAY:

1. ACTUAL DAMAGES, WHICH ACTUAL DAMAGES MAY NOT EXCEED THE LIMITS OF ANY APPLICABLE POLICY; AND

2. INTEREST ON ALL ACTUAL DAMAGES INCURRED BY THE INSURED COMPUTED:

A. AT THE RATE ALLOWED UNDER § 11-107(A) OF THE COURTS ARTICLE; AND

B. FROM THE DATE ON WHICH THE INSURED'S CLAIM SHOULD HAVE BEEN PAID; AND

(II) IF THE ADMINISTRATION ALSO FINDS THAT THE INSURER FAILED TO ACT IN GOOD FAITH, THE ADMINISTRATION SHALL ALSO DETERMINE THE OBLIGATION OF THE INSURER TO PAY:

1. EXPENSES AND LITIGATION COSTS INCURRED BY THE INSURED, INCLUDING REASONABLE ATTORNEY'S FEES, IN PURSUING RECOVERY UNDER THIS SUBTITLE; AND

2. INTEREST ON ALL EXPENSES AND LITIGATION COSTS INCURRED BY THE INSURED COMPUTED:

A. AT THE RATE ALLOWED UNDER § 11-107(A) OF THE COURTS ARTICLE; AND

B. FROM THE APPLICABLE DATE OR DATES ON WHICH THE INSURED'S EXPENSES AND COSTS WERE INCURRED.

(3) AN INSURER MAY NOT BE FOUND TO HAVE FAILED TO ACT IN GOOD FAITH UNDER THIS SECTION SOLELY ON THE BASIS OF DELAY IN DETERMINING COVERAGE OR THE EXTENT OF PAYMENT TO WHICH THE INSURED IS ENTITLED IF THE INSURER ACTED WITHIN THE TIME PERIOD SPECIFIED BY STATUTE OR REGULATION FOR INVESTIGATION OF A CLAIM BY AN INSURER.

(4) THE AMOUNT OF THE ATTORNEY'S FEES DETERMINED TO BE PAYABLE TO AN INSURED UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT EXCEED ONE-THIRD OF THE ACTUAL DAMAGES PAYABLE TO THE INSURED.

(5) THE ADMINISTRATION SHALL SERVE A COPY OF THE DECISION ON THE INSURED AND THE INSURER IN ACCORDANCE WITH § 2-204(C) OF THIS ARTICLE.

(F) (1) A PARTY SHALL HAVE 30 DAYS AFTER THE DATE OF SERVICE OF THE ADMINISTRATION'S DECISION TO REQUEST A HEARING.

(2) ALL HEARINGS REQUESTED UNDER THIS SECTION SHALL:

(I) BE REFERRED BY THE COMMISSIONER TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR A FINAL DECISION UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE;

(II) BE HEARD DE NOVO;

(III) RESULT IN A FINAL DECISION THAT MAKES THE DETERMINATIONS SET FORTH IN SUBSECTION (E) OF THIS SECTION.

(3) IF NO ADMINISTRATIVE HEARING IS REQUESTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE DECISION ISSUED BY THE ADMINISTRATION SHALL BECOME A FINAL DECISION.

(G) (1) A PARTY MAY APPEAL A FINAL DECISION BY THE ADMINISTRATION OR AN ADMINISTRATIVE LAW JUDGE UNDER THIS SECTION TO A CIRCUIT COURT IN ACCORDANCE WITH § 2-215 OF THIS ARTICLE AND TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPEAL TO A CIRCUIT COURT UNDER THIS SECTION SHALL BE HEARD DE NOVO.”.

AMENDMENT NO. 8

On page 2, in line 22, after “That” insert “Section 1 of”; in line 24, strike “cause of action arising” and substitute “complaint or action filed”; and after line 25, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Section 2 of this Act, the provisions of this Act providing for expenses and litigation costs apply only to a cause of action arising on or after the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding Section 2 of this Act, the provisions of this Act providing for administrative penalties and license sanctions that may be imposed by the Maryland Insurance Commissioner apply only to an act or omission occurring on or after the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before January 1, the Maryland Insurance Administration, in accordance with § 2-1246 of the State Government Article, shall report to the General Assembly on the following for the prior fiscal year:

(1) the number and types of complaints from insureds regarding first-party insurance claims under property and casualty insurance policies under this Act;

(2) the administrative and judicial dispositions of the complaints described in item (1) of this section;

(3) the number and types of regulatory enforcement actions instituted by the Administration for unfair claim settlement practices under this Act; and

(4) the administrative and judicial dispositions of the regulatory enforcement actions for unfair claim settlement practices described under item (3) of this section.”.

AMENDMENT NO. 9

On page 2, in line 26, strike “3.” and substitute “6.”.

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 687 – Delegates McComas, Bartlett, Dwyer, Eckardt, Elmore, Krebs, Kullen, and Stocksdale

AN ACT concerning

**Vehicle Laws – Driver and Vehicle Registration Records – Admissibility of Copies
in Judicial Proceedings**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 758 – Delegates Dumais, Bronrott, Anderson, Barkley, Barve, Feldman, Frank, Howard, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, McComas, Mizeur, O'Donnell, Schuler, Shank, Shewell, Smigiel, Sophocleus, and Valderrama

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

(Amendment ID: HB0758/462414/1)

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 758
(First Reading File Bill)

On page 2, in line 1, strike “three members” and substitute “one member”; in line 3, strike “three members” and substitute “one member”; strike in their entirety lines 7 through 12, inclusive; strike beginning with the first “the” in line 19 down through “Maryland” in line 24 and substitute “one member of the Judiciary,”; and in lines 13, 15, 17, 19, 25, and 27, strike “(9)”, “(10)”, “(11)”, “(12)”, “(15)”, and “(16)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, and “(10)”, respectively.

On page 3, in lines 1, 5, and 7, strike “(17)”, “(19)”, and “(20)”, respectively, and substitute “(11)”, “(13)”, and “(16)”, respectively; strike in their entirety lines 3 and 4, and substitute:

“(12) the Public Defender of Maryland or the Public Defender’s designee;”;

in line 6, strike “and”; after line 6, insert:

“(14) the President of the Maryland Criminal Defense Attorneys’ Association, or the President’s designee;

(15) one representative of the Maryland Beer Wholesalers Association, appointed by the Maryland Beer Wholesalers Association; and”;

in lines 8, 10, and 11, in each instance, strike “three representatives” and substitute “one representative”; in line 11, strike “and”; in line 12, strike “five” and substitute “two”; and in line 13, after “groups” insert “; and

(v) one member of the general public”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 968 – Delegates Ivey, Anderson, Barnes, Bartlett, Barve, Carter, Conaway, Doory, Dwyer, Elmore, Frank, George, Gilchrist, Howard, Jennings, Kaiser, N. King, Kramer, Krebs, Levi, McComas, McKee, Mizeur, Murphy, Oaks, Olszewski, Pena–Melnyk, Ramirez, Rice, Rosenberg, Ross, Simmons, Smigiel, Stukes, F. Turner, Valderrama, Vallario, and Walker

AN ACT concerning

Family Law – Flex Funds – Adopted Children

(Amendment ID: HB0968/882017/1)

BY: House Judiciary Committee

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Flex Funds – Adopted Children” and substitute “Post Adoption Support Services Pilot Program”.

AMENDMENT NO. 2

On page 1, strike beginning with “requiring” in line 3 down through “children” in line 5 and substitute “establishing the Post Adoption Support Services Pilot Program; providing for the purpose of the Program; identifying children eligible for post adoption support services; requiring the local Department of Social Services to conduct a certain assessment of the needs of the adopted child and adoptive family; requiring the local Department of Social Services to create a post adoption support service plan; requiring the submission of a post adoption support service plan by a local Department of Social Services to the Department of Human Resources; requiring a local Department of Social Services or a certain vendor to provide certain services; providing for funding for the Program; providing for Program funds; requiring the Secretary of the Department of Human Resources to submit a certain report to the General Assembly on or before a certain date; defining certain terms; providing for the termination of this Act; and generally relating to post adoption support services”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 6 on page 1 through line 4 on page 2, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) In this Act the following words have the meanings indicated.

(2) “Post adoption support services” means medical treatment, mental health services, parenting classes, or any other direct services provided by the Department of Human Resources after a child is adopted that:

(i) aid an adopted child or adoptive family in which an adopted child is in crisis; and

(ii) assist in preventing the child from being returned to the care and supervision of the Department of Human Resources.

(3) “Program” means the Post Adoption Support Services Pilot Program.

(b) There is a Post Adoption Support Services Pilot Program.

- (c) The purpose of the Program is to:
- (1) provide post adoption support services to adopted children and their adoptive families; and
 - (2) provide additional State funds for adopted children.
- (d) An adopted child or adoptive family shall be eligible for post adoption support services if the adoption was ordered under § 5-338 of the Family Law Article.
- (e) At the request of an adoptive parent for post adoption support services from the local Department of Social Services, the local Department of Social Services shall conduct a clinical assessment of the needs of the adopted child and adoptive family.
- (f) After a determination by the local Department of Social Services that the adopted child or adoptive family is in need of post adoption support services, the local Department of Social Services shall submit a proposed post adoption support service plan to the Department of Human Resources for approval and funding.
- (g) On approval and the release of funds by the Department of Human Resources, the local Department of Social Services or a vendor designated by the local Department of Social Services shall provide the post adoption support services to the adopted child or adoptive family.
- (h) (1) Funding for the Program shall be provided from existing resources of the Department of Human Resources.
- (2) It is the intent of the General Assembly that not more than \$250,000 from any fund source be expended per fiscal year.
- (i) On or before December 1, 2009, the Secretary of the Department of Human Resources shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:
- (1) the number of adopted children and adoptive families served by the Program;
 - (2) the number of adopted children and adoptive families that made applications for post adoption support services under the Program;
 - (3) the types of post adoption support services provided to adopted children and adoptive families by the Program; and
 - (4) the effectiveness of the post adoption support services provided under this Program.”.

AMENDMENT NO. 4

On page 2, in line 6, strike "October 1, 2007" and substitute "July 1, 2008. It shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 494)

ADJOURNMENT

At 5:46 P.M. on motion of Delegate Barve the House adjourned until 12:00 P.M. on Legislative Day March 21, 2007, Calendar Day Saturday, March 24, 2007.

Annapolis, Maryland
Legislative Day: March 21, 2007
Calendar Day: Saturday, March 24, 2007

The House met at 12:29 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Adelaide C. Eckardt of Caroline, Dorchester, Talbot and Wicomico Counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 495)

The Journal of March 20, 2007 was read and approved.

EXCUSES:

Del. Cane – funeral

Del. Goldwater – illness

Del. Minnick – left early – personal

Del. F. Turner – medical

THE COMMITTEE ON APPROPRIATIONS REPORT #10

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

House Bill 130 – The Speaker (By Request – Administration) and Delegates Barnes, Bromwell, Busch, Costa, Feldman, Haynes, Hubbard, Morhaim, Nathan–Pulliam, and F. Turner

AN ACT concerning

Nursing Facilities – Quality Assessment – Medicaid Reimbursement

(Amendment ID: HB0130/604361/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 130
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “facilities;” insert “providing that a certain continuing care operation is not subject to a certain quality assessment;”; in line 7, after “on” insert “a”; in the same line, strike “net receipts” and substitute “amount per non-Medicare day of service”; strike beginning with “requiring” in line 7 down through “use” in line 8 and substitute “providing for the distribution of”; in line 8, after “to” insert “a special fund, to be used only to”; in line 12, strike “defining a certain term;”; strike beginning with “continuing” in line 13 down through the second “facility” in line 14 and substitute “nursing home bed in a certain continuing care retirement community; authorizing the Department to modify certain elements that determine the quality assessment under certain circumstances”; in line 15, after “Act;” insert “requiring the Department to submit a certain report to the General Assembly under certain circumstances; expressing the intent of the General Assembly that the Department develop certain accountability measures to be used to distribute certain revenues;”; in line 21, strike “_ (S.B. 6)” and substitute “3”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Human Services

Section 10-402(b)(1)

Annotated Code of Maryland

(As enacted by Chapter 3 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“10-402.

(b) (1) A continuing care operation that is subject to the provisions of this subtitle is not subject to:

(i) the Maryland Health Maintenance Organization Act under Title 19, Subtitle 7 of the Health – General Article;

(ii) except for § 15-603 of the Insurance Article, the Insurance Article;

(iii) Title 8 of the Real Property Article; [or]

(iv) any county or municipal landlord-tenant law; OR

(v) § 19-310.1 OF THE HEALTH – GENERAL ARTICLE.”.**AMENDMENT NO. 3**

On page 3, strike beginning with “**IN**” in line 6 down through “**ARTICLE**” in line 11 and substitute “**THIS SECTION APPLIES TO A NURSING FACILITY, AS DEFINED IN § 19-301 OF THIS SUBTITLE, THAT:**

(I) HAS 45 OR MORE BEDS; AND

(II) OPERATES IN THE STATE.

(2) THIS SECTION DOES NOT APPLY TO A NURSING HOME BED IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION TO PROVIDE CONTINUING CARE UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE”;

strike beginning with “**OPERATING**” in line 13 down through “**BEDS**” in line 14 and substitute “**SUBJECT TO THIS SECTION**”; and in line 17, strike “**3-MONTH PERIOD**” and substitute “**FISCAL QUARTER**”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 4 on page 4, inclusive, and substitute:

“(C) (1) ON OR BEFORE THE 60TH DAY AFTER EACH QUARTER OF THE STATE FISCAL YEAR, EACH NURSING FACILITY SUBJECT TO THIS SECTION SHALL PAY TO THE COMPTROLLER AN AMOUNT DETERMINED BY THE DEPARTMENT BASED ON AN AMOUNT PER NON-MEDICARE DAY OF SERVICE FOR THE PREVIOUS FISCAL QUARTER.

(2) THE ASSESSMENT SHALL BE BASED ON AN AMOUNT PER PATIENT DAY, NOT INCLUDING MEDICARE DAYS, NECESSARY TO FULLY FUND THE NURSING FACILITY PAYMENT SYSTEM AS PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION.”.

On page 4, in line 6, after “**BE**” insert “**DISTRIBUTED TO A SPECIAL FUND, TO BE**”; and in the same line, after “**DEPARTMENT**” insert “**ONLY**”.

AMENDMENT NO. 5

On page 4, in line 15, after “**Hygiene**” insert “:

(1);

strike beginning with “**continuing**” in line 18 down through “**Act**” in line 20 and substitute “**nursing home bed in a continuing care retirement community under § 19-310.1(a)(2) of the Health – General Article, as enacted by Section 1 of this Act; and**

(2) may modify the minimum licensed bed capacity of a nursing facility subject to the imposition of a quality assessment under § 19-310.1 of the Health – General Article, as enacted by Section 1 of this Act, or other elements that determine the quality assessment, as required by the Centers for Medicare and Medicaid Services as a condition for the approval of the waiver applied for under item (1) of this section”;

and in line 22, strike “date that” and substitute “first day of the State fiscal quarter during which”.

AMENDMENT NO. 6

On page 4, after line 13, insert:

“(F) ON OR BEFORE MARCH 1, 2008, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SECTION, INCLUDING:

(1) THE PERCENTAGE AND AMOUNT OF THE ASSESSMENT CHARGED TO EACH NURSING FACILITY SUBJECT TO THIS SECTION;

(2) THE NUMBER OF NURSING FACILITIES SUBJECT TO THIS SECTION WITH A NET LOSS; AND

(3) A COMPARISON OF THE TOTAL AMOUNT PROVIDED IN THE MEDICAID BUDGET FOR NURSING HOME REIMBURSEMENT IN THE CURRENT FISCAL YEAR TO THE AMOUNT PROPOSED FOR THE UPCOMING FISCAL YEAR.”.

AMENDMENT NO. 7

On page 5, after line 12, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(a) Beginning July 1, 2008, a portion of the revenues from the quality assessment shall be distributed to nursing facilities subject to this Act based on accountability measures that indicate quality of care or a commitment to quality of care. The accountability measures should be objective, measurable, and when considered in combination with each other, deemed to have a correlation to residents’ quality of life and care. The Department of Health and Mental Hygiene shall develop accountability measures in consultation with representatives of the nursing facilities and other stakeholders.

(b) Up to 25% of the revenues generated by the quality assessment shall be distributed as provided in this section, to the extent federal law allows. Further, the

distribution of revenues as provided in this section shall be used as an incentive for nursing facilities to provide quality care, and may not be used to directly or indirectly hold harmless any nursing facility.”;

and in line 13, strike “5.” and substitute “6.”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 134 – The Speaker (By Request – Administration) and Delegates Busch, Conway, Barkley, Barnes, Bohanan, Branch, Cardin, Frush, Griffith, Haynes, Heller, Hixson, Howard, James, Jones, Kaiser, N. King, Proctor, Ramirez, Ross, and F. Turner

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 162 – The Speaker and Delegates Jones, G. Clagett, McIntosh, and Simmons

AN ACT concerning

State Employees’ Rights and Protections Act of 2007

(Amendment ID: HB0162/794367/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 162
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “exception;” insert “providing that certain special appointment positions may be filled with regard to certain criteria;”; strike beginning

with “clarifying” in line 11 down through “capricious;” in line 12; strike beginning with “providing” in line 17 down through “employees;” in line 20 and substitute “requiring the Secretary of Transportation to designate certain positions in the Human Resources Management System that must be filled without regard to certain criteria and that may be filled with regard to certain criteria; requiring the Secretary of Transportation to report certain information to the Governor and the General Assembly on an annual basis;”; and in line 22, after “Management” insert “, the Department of Transportation, and certain labor organizations”.

On page 2, in line 1, after “status;” insert “requiring the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College to identify certain nonmerit and at-will positions in certain personnel systems and report certain information to the Governor and the General Assembly on an annual basis;”; in line 5, after “1-101(c)” insert “and 11-113”; in line 10, after “5-208,” insert “6-405”; in the same line, strike “11-113,”; and after line 12, insert:

“BY repealing and reenacting, with amendments,
Article – Transportation
Section 2-103.4(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 19, strike the brackets; and strike beginning with “EXCEPT” in line 19 down through “THIS” in line 20.

On page 4, strike beginning with “OR” in line 12 down through “GOVERNMENT” in line 14; and strike beginning with “THE” in line 17 down through “COURT” in line 18 and substitute “§ 6-405(B) OF THIS ARTICLE”.

On page 6, in line 4, strike “, OR ANY OTHER NONMERIT FACTOR”; strike beginning with the colon in line 10 down through “(I)” in line 11; strike beginning with the semicolon in line 11 down through “FACTOR” in line 12; and in line 14, after “ARTICLE” insert “OR BY THE SECRETARY OF TRANSPORTATION UNDER § 2-103.4(B)(2) OF THE TRANSPORTATION ARTICLE”.

AMENDMENT NO. 3

On page 6, after line 21, insert:

“6-405.

(A) Except as otherwise provided by law, individuals in the following positions in the skilled service, professional service, management service, or executive service are considered special appointments:

(1) a position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

(2) a position to which an individual is directly appointed by the Board of Public Works;

(3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;

(4) a position that is assigned to the Government House;

(5) a position that is assigned to the Governor’s Office; and

(6) any other position that is specified by law to be a special appointment.

(B) A POSITION THAT IS A SPECIAL APPOINTMENT MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY DETERMINES THAT THE POSITION:

(1) RELATES TO POLITICAL INTERESTS OR CONCERNS SO AS TO WARRANT THAT POLITICAL AFFILIATION BE A REQUIREMENT FOR THE POSITION; AND

(2) (I) REQUIRES THE PROVISION OF MEANINGFUL DIRECT OR INDIRECT INPUT INTO THE POLICY-MAKING PROCESS; OR

(II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION AND:

1. REQUIRES SUBSTANTIAL INTERVENTION OR COLLABORATION IN THE FORMULATION OF PUBLIC POLICY; OR

2. REQUIRES THE PROVISION OF DIRECT ADVICE OR THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.”.

On page 6 in line 24, and on page 8 in line 2, in each instance, after “EACH” insert “CLASSIFICATION OF EACH”.

AMENDMENT NO. 4

On page 9, in line 7, strike “ARBITRARY, CAPRICIOUS,”; and in the same line, strike the third comma.

On page 10, in line 8, after “EMPLOYEE” insert “DESIGNATED BY THE SECRETARY UNDER § 4-201(C)(2)(I) OF THIS ARTICLE”; strike in their entirety lines 11 through 14, inclusive; in line 15, strike “(E)” and substitute “(D)”; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 5

On page 10, after line 23, insert:

“Article – Transportation

2-103.4.

(b) (1) In the exercise of the Secretary’s powers under this section, the Secretary may:

[(1)] (I) Create and abolish any position other than positions specifically provided for in this article; and

[(2)] (II) Determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

(2) THE SECRETARY SHALL DESIGNATE EXECUTIVE SERVICE EMPLOYEE AND COMMISSION PLAN EMPLOYEE POSITIONS IN THE HUMAN RESOURCES MANAGEMENT SYSTEM THAT:

(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; OR

(II) IN ACCORDANCE WITH THE CRITERIA ESTABLISHED UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION.

(3) ON AN ANNUAL BASIS, THE SECRETARY SHALL REPORT ON THE TOTAL NUMBER OF POSITIONS DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.”.

AMENDMENT NO. 6

On page 10, in line 26, after “Management” insert “, the Department of Transportation, and labor organizations that represent State employees”; and in line 28, after “regulations” insert “, including the Department of Transportation’s Human Resources Management System.”.

On page 11, in line 11, strike “December 31, 2007” and substitute “December 1, 2008”; in line 17, after “employees” insert “in the State Personnel Management System and in the Department of Transportation”; in line 18, strike “periodically”; in the same line, after “notified” insert “at 6-month intervals”; after line 20, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall identify all nonmerit and at-will positions in the personnel systems of the University System of Maryland and its constituent institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

(b) On an annual basis, the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall report the information on nonmerit and at-will positions required under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.”;

and in line 21, strike “4.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 196 – Frederick County Delegation

AN ACT concerning

Frederick County – Public Facilities Bonds

(Amendment ID: HB0196/754765/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 6 down through “Maryland,” in line 7.

On pages 1 and 2, strike beginning with “providing” in line 24 on page 1 down through “purposes;” in line 1 on page 2.

AMENDMENT NO. 2

On page 2, strike beginning with the first “to” in line 17 down through “Maryland,” in line 18; in line 19, strike “those purposes” and substitute “that purpose”; and strike beginning with the comma in line 26 down through “Maryland,” in line 27.

On pages 2 and 3, strike beginning with the second “the” in line 40 on page 2 down through “Maryland;” in line 2 on page 3.

On page 3, strike beginning with “or” in line 34 down through “Maryland” in line 36; and strike beginning with “or” in line 38 down through “Maryland” in line 39.

On page 4, strike in their entirety lines 6 through 18, inclusive.

On page 4, in lines 19 and 38, strike “6.” and “7.”, respectively, and substitute “5.” and “6.”, respectively.

On page 5, in lines 18, 27, and 35, strike “8.”, “9.”, and “10.”, respectively, and substitute “7.”, “8.”, and “9.”, respectively; and on page 6, in lines 9 and 39, strike “11.” and “13.”, respectively, and substitute “10.” and “11.”, respectively.

On page 6, strike in their entirety lines 26 through 38, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 575 – Delegates Murphy, Beitzel, Bohanan, Cane, Conway, Donoghue, Eckardt, Elmore, Haddaway, Jameson, Kelly, Kullen, Levy, Mathias, McKee, Myers, O’Donnell, Proctor, Shank, Vallario, Weldon, and Wood

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Eligibility for Enrollment and Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 611 – Delegates Ross, Gaines, Healey, Barkley, Barnes, Benson, Bronrott, Cane, Davis, DeBoy, Elmore, Frush, Glassman, Haynes, Hecht, Holmes, Hubbard, Hucker, James, Jones, Kaiser, N. King, Lawton, Levi, Levy, Mathias, Montgomery, Niemann, Pena–Melnyk, Shank, Simmons, Sossi, Stocksdale, Stull, Vaughn, and Weldon

AN ACT concerning

Public Safety – State Aid for Police Protection Fund – Municipal Sworn Officer Allocation

(Amendment ID: HB0611/144662/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “rate;” in line 9 and substitute “providing that certain payments begin in a certain fiscal year;”.

AMENDMENT NO. 2

On page 2, in line 7, strike “(I) The” and substitute “FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER, THE”; in line 9, strike “\$2,400” and substitute “\$1,950”; and strike in their entirety lines 12 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 971 – Delegates Jones, Barkley, G. Clagett, DeBoy, Gutierrez, Guzzone, Haynes, and Heller

AN ACT concerning

**State Personnel – Collective Bargaining – State Institutions of Higher Education –
Employee Information**

(Amendment ID: HB0971/984767/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 971
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “State Institutions of Higher Education – Employee Information” and substitute “Use of Employee Information”; in line 4, strike beginning with “certain” through “education” and substitute “the University System of Maryland system institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College”; in line 5, strike “employee”; in line 6, strike beginning with “the” through “education” and substitute “certain employers”; strike beginning with “prohibiting” in line 7 down through “education;” in line 13 and substitute “authorizing certain employees to give a certain notice to an employer that the employee does not want the employer to provide certain information to an exclusive representative; requiring that certain notices remain in effect until further notice; prohibiting certain exclusive representatives from requesting or receiving certain information under certain circumstances; prohibiting certain exclusive representatives from releasing certain information; providing a certain exception; prohibiting a certain exclusive representative from using certain information for a certain purpose; authorizing a certain exclusive representative to use certain information only for a certain purpose;”; in line 13, after “to” insert “the use of”; in line 14, strike beginning with “provided” through “by” and substitute “and collective bargaining for State employees and employees of”; in line 15, strike beginning with “in” through “bargaining”; and in line 18, after “3–208” insert “(d) and 3–2A–08”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 19, inclusive; after line 29, insert:

“(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

On page 3, strike in their entirety lines 1 through 18, inclusive; and after line 18, insert:

“3–2A–08.

(A) ON WRITTEN REQUEST OF AN EXCLUSIVE REPRESENTATIVE, FOR EACH EMPLOYEE IN THE BARGAINING UNIT REPRESENTED BY THE EXCLUSIVE REPRESENTATIVE, THE UNIVERSITY SYSTEM OF MARYLAND SYSTEM INSTITUTIONS, MORGAN STATE UNIVERSITY, ST. MARY'S COLLEGE OF MARYLAND, AND BALTIMORE CITY COMMUNITY COLLEGE SHALL PROVIDE THE EXCLUSIVE REPRESENTATIVE WITH THE EMPLOYEE'S:

(1) NAME;

(2) POSITION CLASSIFICATION;

(3) UNIT;

(4) HOME AND WORK SITE ADDRESSES WHERE THE EMPLOYEE RECEIVES INTEROFFICE OR UNITED STATES MAIL; AND

(5) HOME AND WORK SITE TELEPHONE NUMBERS.

(B) AN EXCLUSIVE REPRESENTATIVE MAY PRESENT A REQUEST FOR EMPLOYEE INFORMATION, AS PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, TWICE EVERY CALENDAR YEAR.

(C) Names or lists of employees provided to the Board in connection with an election under this title are not subject to disclosure in accordance with Title 10, Subtitle 6 of the State Government Article.

(D) (1) THIRTY DAYS BEFORE PROVIDING AN EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO AN EXCLUSIVE REPRESENTATIVE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE PROVISIONS OF THIS SECTION.

(2) THE EMPLOYEE MAY, WITHIN 15 DAYS OF THE EMPLOYER'S NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE EMPLOYER THAT THE EMPLOYEE DOES NOT WANT THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK INFORMATION TO BE PROVIDED TO AN EXCLUSIVE REPRESENTATIVE.

(3) IF AN EMPLOYEE PROVIDES TIMELY NOTIFICATION TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER MAY NOT PROVIDE THE EMPLOYEE'S NAME, ADDRESSES, TELEPHONE NUMBERS, OR WORK INFORMATION.

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.

(E) AN INCUMBENT EXCLUSIVE REPRESENTATIVE FOR A BARGAINING UNIT THAT IS THE SUBJECT OF AN ELECTION UNDER § 3-405 OF THIS TITLE MAY NOT REQUEST OR RECEIVE ANY EMPLOYEE INFORMATION AS PROVIDED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

(F) AN EMPLOYER MAY CHARGE AN EXCLUSIVE REPRESENTATIVE A FEE NOT TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES' NAMES, ADDRESSES, TELEPHONE NUMBERS, AND WORK INFORMATION TO THE EXCLUSIVE REPRESENTATIVE.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EXCLUSIVE REPRESENTATIVE SHALL CONSIDER THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION AS CONFIDENTIAL AND MAY NOT RELEASE THE INFORMATION TO ANY PERSON.

(2) AN EXCLUSIVE REPRESENTATIVE MAY AUTHORIZE THIRD PARTY CONTRACTORS TO USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION, AS DIRECTED BY THE EXCLUSIVE REPRESENTATIVE, TO CARRY OUT THE EXCLUSIVE REPRESENTATIVE'S STATUTORY DUTIES UNDER THIS TITLE.

(H) (1) AN EXCLUSIVE REPRESENTATIVE MAY NOT USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION FOR THE PURPOSE OF INCREASING EMPLOYEE MEMBERSHIP IN AN EMPLOYEE ORGANIZATION.

(2) AN EXCLUSIVE REPRESENTATIVE MAY USE THE INFORMATION THAT IT RECEIVES UNDER THIS SECTION ONLY TO CARRY OUT ITS STATUTORY DUTIES UNDER THIS TITLE."

AMENDMENT NO. 3

On page 3, in line 20, strike "October" and substitute "July".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1248 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

Maryland Prepaid College Trust – Refunds – Early Graduation from College

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1309 – Delegates Jones, Barkley, Bohanan, Branch, Burns, Conway, Gaines, James, Nathan–Pulliam, and Proctor

AN ACT concerning

Higher Education – Foster Care Recipients – Waiver of Tuition and Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1311 – Delegates Conway, Cane, and Mathias

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Wicomico County – Salisbury Area Chamber of Commerce

(Amendment ID: HB1311/444665/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1311
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “2005” insert “to authorize the Board of Directors of the Salisbury Area Chamber of Commerce, Inc. to include funds expended on or after a certain date in the matching fund and”.

AMENDMENT NO. 2

On page 2, in line 10, after “Act” insert “, INCLUDING FUNDS EXPENDED ON OR AFTER DECEMBER 1, 2002,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1387 – Delegates Ramirez, Ivey, and Niemann

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi-Service Center**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1396 – Delegate Bromwell

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1401 – Delegates Oaks and Rosenberg

AN ACT concerning

**Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of
1999**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1414 – Delegate Conway

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Caroline County – The
Benedictine School**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1415 – Delegates Conway and Mathias

AN ACT concerning

**Worcester County – Worcester County Development Center Loan of 2001 and
Maryland Consolidated Capital Bond Loan of 2006 – Worcester County
Development Center**

(Amendment ID: HB1415/384063/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1415
(First Reading File Bill)

On page 1, strike in their entirety lines 15 and 16; and strike in their entirety lines 20 and 21.

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 ECONOMIC MATTERS REPORT #11

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

House Bill 494 – Delegates Feldman, Stifler, and Krysiak

AN ACT concerning

Elevator Safety – Third-Party Qualified Elevator Inspectors

(Amendment ID: HB0494/763892/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 494
(First Reading File Bill)AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Feldman, Stifler” and substitute “Stifler, Feldman”; in line 3, strike “modifications or alterations” and substitute “periodic annual no-load tests”; in line 4, strike “in existing buildings”; in line 6, strike “modifications or alterations” and substitute “periodic annual no-load tests”; strike beginning with “in” in line 6 down through “buildings” in line 7; in line 7, after “qualifications” insert “, insurance requirements,”; strike beginning with “new” in line 9 down through “installations” in line 10 and substitute “inspections conducted by a State inspector”; strike beginning with “repealing” in line 10 down through “unit;” in line 13; in line 16, strike “authorizing” and substitute “requiring”; in the same line, after “to” insert “conduct an inspection to determine whether to”; in line 17, after “circumstances;” insert “altering a certain definition; making conforming changes;”; in line 21, after “Section” insert “12-801(p), (q), and (r),”; and after line 23, insert:

“BY adding to

Article – Public Safety

Section 12-801(r)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 3, insert:

“12-801.

(p) [“Qualified elevator inspector” means an inspector who is certified by an organization accredited by the American Society of Mechanical Engineers in accordance with the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1-1971, and all subsequent amendments, and any related consensus standards.

(q) “Safety Code” means the American National Standard/American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, known as ANSI A17.1–1971, and all subsequent amendments and revisions to it, as adopted by the Commissioner.

[(r)] (Q) “Secretary” means the Secretary of Labor, Licensing, and Regulation.

(R) “THIRD–PARTY QUALIFIED ELEVATOR INSPECTOR” MEANS AN INSPECTOR WHO:

(1) MEETS THE QUALIFICATIONS, INSURANCE REQUIREMENTS, AND PROCEDURES ESTABLISHED BY THE COMMISSIONER; AND

(2) IS CERTIFIED BY AN ORGANIZATION ACCREDITED BY THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARD/AMERICAN SOCIETY OF MECHANICAL ENGINEERS SAFETY CODE FOR ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS, KNOWN AS ANSI A17.1–1971, AND ALL SUBSEQUENT AMENDMENTS, AND ANY RELATED CONSENSUS STANDARDS.”;

in line 7, strike the brackets; in the same line, strike “FOR ALL NEW ELEVATOR UNIT INSTALLATIONS, A”; in line 11, after “inspection” insert “THAT WILL BE CONDUCTED BY A STATE INSPECTOR”; in line 14, strike “NEW ELEVATOR UNIT INSTALLATIONS” and substitute “ALL INSPECTIONS CONDUCTED BY A STATE INSPECTOR”; strike beginning with “INSPECTIONS” in line 25 down through “BUILDINGS” in line 26 and substitute “PERIODIC ANNUAL NO–LOAD TEST INSPECTIONS OF ELEVATOR UNITS”; and in line 28, strike “IN EXISTING BUILDINGS”.

On page 3, in line 2, strike “MODIFICATIONS OR ALTERATIONS” and substitute “PERIODIC ANNUAL NO–LOAD TESTS”; in the same line, strike “IN EXISTING BUILDINGS”; in line 4, after “QUALIFICATIONS” insert “, INSURANCE REQUIREMENTS,”; after line 7, insert:

“(4) WHEN THE COMMISSIONER AUTHORIZES A THIRD–PARTY QUALIFIED ELEVATOR INSPECTOR TO CONDUCT A PERIODIC ANNUAL NO–LOAD TEST INSPECTION, THE INSPECTION SHALL ENSURE THAT THE ELEVATOR UNIT COMPLIES WITH THE SAFETY CODE AND ANY OTHER REGULATION ADOPTED BY THE COMMISSIONER UNDER PART II OF THIS SUBTITLE.”;

in line 10, strike the brackets; in line 16, strike the brackets; in line 19, after “a” insert “THIRD–PARTY”; in line 20, after the first “the” insert “THIRD–PARTY”; in line 25, strike the first “an” and substitute “A STATE”; and in the same line, strike “INSTALLATION OF A NEW”.

On page 4, strike beginning with “AT” in line 1 down through “INSPECTOR” in line 3 and substitute “EXCEPT AS PROVIDED IN § 12-809(D) OF THIS SUBTITLE, THE COMMISSIONER”.

On page 5, in line 26, strike “MAY” and substitute “SHALL CONDUCT AN INSPECTION OF THE UNSAFE CONDITION TO DETERMINE WHETHER TO”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 679 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Real Property – Home Builders – Disclosures in
Contracts of Sale
PG 424-07**

(Amendment ID: HB0679/943891/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “penalty;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 2, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any contracts entered into before the effective date of this Act.”;

and in line 16, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 747 – Delegate Bronrott

AN ACT concerning

Consumer Protection – Motor Vehicle Manufacturers – Warranty Adjustment Programs

(Amendment ID: HB0747/923899/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 747
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “requiring a certain invoice and certain authorization of repairs form to include a certain notice about certain motor vehicle manufacturer warranty adjustment programs;”; strike beginning with “dealer” in line 9 down through “circumstances” in line 11 and substitute “manufacturer to provide to its dealers information about each adjustment program of the manufacturer in a certain format”; strike beginning with “requiring” in line 13 down through “period;” in line 17; in line 17, after “of” insert “certain provisions of”; in line 20, after “manufacturer” insert “warranty”; after line 20, insert:

“BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–1003
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)”;

and in line 23, after “Section” insert “14–1008(d); and”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“14–1003.”

(a) An automotive repair facility shall prepare an invoice which describes:

(1) All work done by it, including all warranty work; and

(2) All parts supplied by it.

(b) The invoice shall state clearly if any used, rebuilt, or reconditioned parts have been supplied or if a part of a component system supplied is composed of used, rebuilt, or reconditioned parts.

(c) THE INVOICE SHALL INCLUDE THE FOLLOWING NOTICE:

“MANUFACTURER SPECIAL POLICY ADJUSTMENT PROGRAMS

FEDERAL LAW REQUIRES MANUFACTURERS TO FURNISH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (N.H.T.S.A.) WITH BULLETINS DESCRIBING ANY DEFECTS IN THEIR VEHICLES. YOU MAY OBTAIN COPIES OF THESE BULLETINS FROM EITHER THE MANUFACTURER OR N.H.T.S.A. IN ADDITION, CERTAIN CONSUMER PUBLICATIONS OR ORGANIZATIONS PUBLISH THIS INFORMATION, WHICH MAY BE AVAILABLE FOR A FEE OR FOR FREE.”

[(c)] (d) After the customer signs the invoice, the automotive repair facility shall give him a copy of it and retain a copy.

14-1008.

(d) THE AUTHORIZATION FORM SHALL INCLUDE THE FOLLOWING NOTICE:

“MANUFACTURER SPECIAL POLICY ADJUSTMENT PROGRAMS

FEDERAL LAW REQUIRES MANUFACTURERS TO FURNISH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (N.H.T.S.A.) WITH BULLETINS DESCRIBING ANY DEFECTS IN THEIR VEHICLES. YOU MAY OBTAIN COPIES OF THESE BULLETINS FROM EITHER THE MANUFACTURER OR N.H.T.S.A. IN ADDITION, CERTAIN CONSUMER PUBLICATIONS OR ORGANIZATIONS PUBLISH THIS INFORMATION, WHICH MAY BE AVAILABLE FOR A FEE OR FOR FREE.”

On page 4, strike in their entirety lines 21 through 26, inclusive, and substitute:

“(C) A MANUFACTURER SHALL PROVIDE TO ITS DEALERS INFORMATION ABOUT EACH ADJUSTMENT PROGRAM OF THE MANUFACTURER IN A FORMAT THAT FACILITATES THE DISCLOSURE OF THE TERMS AND CONDITIONS OF THE ADJUSTMENT PROGRAM TO A CONSUMER SEEKING REPAIRS AT THE DEALER’S REPAIR FACILITY.”

On page 5, strike in their entirety lines 19 through 24, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1425 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Use of Trade Name

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1432 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Analyses and Examination Reports – Use and Sharing of Documents, Materials, and Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #19

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

House Bill 703 – Delegates V. Clagett, Ali, Barkley, Barnes, Bartlett, Barve, Beidle, Bobo, Bohanan, Bromwell, Bronrott, Cane, Cardin, G. Clagett, Davis, Frush, George, Glassman, Guzzone, Healey, Hecht, Holmes, Hubbard, Hucker, N. King, Kipke, Lafferty,

Lawton, Lee, Love, Mathias, McConkey, McIntosh, Mizeur, Niemann, O'Donnell, Olszewski, Pena–Melnik, Rosenberg, Rudolph, Sophocleus, Stein, and Vaughn

AN ACT concerning

Maryland Commission on Climate Change and Clean Energy Alternatives

(Amendment ID: HB0703/660518/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 703
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vaughn” and substitute “Vaughn, Braveboy, Burns, Haddaway, Jameson, J. King, Kirk, Krysiak, Manno, McHale, Stifler, Taylor, and Walkup”.

AMENDMENT NO. 2

On page 4, in line 12, after “**BUSINESS**” insert “, INCLUDING INSURANCE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 908 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Public Safety Surcharge – Increased Distribution of
Revenue to Municipal Corporations
PG 414–07**

(Amendment ID: HB0908/790818/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 908
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “department;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 2, in line 4, strike the first bracket; in the same line, strike the second bracket; in the same line, strike “50%” and substitute “25%”; in lines 8 and 14, in each instance, strike the bracket; and in line 23, strike “October 1, 2007” and substitute “July 1, 2008”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 922 – Delegates Hucker, Ali, Lafferty, Lawton, McConkey, Pena–Melnyk, Sossi, Stein, and Tarrant

AN ACT concerning

Landlord and Tenant – Expiration of Warrant – Striking Judgment for Possession

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1367 – Delegates Conway, Costa, Elmore, Frush, Glassman, Jennings, Lawton, Malone, Mathias, Morhaim, Rudolph, Stull, Weir, and Weldon

AN ACT concerning

Vehicle Laws – Emergency Vehicles – Green Flashing Lights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #20

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

House Bill 476 – Delegate Costa

AN ACT concerning

Environment – Stormwater, Flood Control, Watershed, and Sediment Management

(Amendment ID: HB0476/510415/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Task Force on a Statewide Stormwater Management and Sediment Control Initiative”; and strike beginning with “altering” in line 4 down through “management” in line 18 and substitute “establishing a Task Force on a Statewide Stormwater Management and Sediment Control Initiative; establishing the membership and staffing of the Task Force; requiring the Governor to designate the chair of the Task Force; authorizing the Task Force to establish certain subcommittees; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a final report to the Governor and General Assembly regarding the recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force on a Statewide Stormwater Management and Sediment Control Initiative”.

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 6, strike “the Laws of Maryland read as follows”.

On pages 2 through 8, strike in their entirety the lines beginning with line 7 on page 2 through line 19 on page 8, inclusive, and substitute:

“(a) There is a Task Force on a Statewide Stormwater Management and Sediment Control Initiative.

- (b) The Task Force consists of the following members:
- (1) One member of the Senate, appointed by the President of the Senate;
 - (2) One member of the House of Delegates, appointed by the Speaker of the House;
 - (3) The Secretary of the Environment, or the Secretary's designee;
 - (4) The Secretary of Natural Resources, or the Secretary's designee;
 - (5) The Secretary of Planning, or the Secretary's designee;
 - (6) The Secretary of Agriculture, or the Secretary's designee;
 - (7) The Administrator of the Maryland State Highway Administration, or the Administrator's designee; and
 - (8) The following members appointed by the Governor with the advice and consent of the Senate and the House of Delegates:
 - (i) One representative from the Maryland Municipal League;
 - (ii) One representative from the Maryland Association of Counties;
 - (iii) Three representatives from an environmental nonprofit organization based in Maryland;
 - (iv) One representative from the University of Maryland's Civil and Environmental Engineering Department;
 - (v) Two representatives of a local land developer or construction company;
 - (vi) Two representatives from the State Soil Conservation Committee or soil conservation districts;
 - (vii) One representative from the Chesapeake Bay Program's scientific and technical advisory committee;
 - (viii) Three representatives from different counties or municipalities who are from local agencies that oversee environmental resources,

watershed protection, erosion and sediment control, or stormwater management programs; and

(ix) One representative from the University of Maryland's Environmental Finance Center.

(c) The Governor shall designate the chair of the Task Force.

(d) The Task Force may establish subcommittees as it determines necessary to fulfill its duties.

(e) The Department of the Environment shall provide staff for the Task Force.

(f) A member of the Task Force may not receive compensation for serving on the Task Force, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Task Force shall:

(1) Evaluate and make recommendations to improve the State's erosion and sediment control and stormwater management regulations and programs, including:

(i) Considering standards based on historical weather trends, current best management practices, and methods for reducing nutrient pollution levels that harm the Chesapeake Bay;

(ii) Evaluating the effectiveness of current statutes and regulations as well as local ordinances that address stormwater management and sediment control and making recommendations for changes as necessary to adopt statewide standards;

(iii) Studying and recommending innovative approaches that help minimize the release of pollutants and would assist the local jurisdiction in meeting statewide stormwater management standards;

(iv) Determining best statewide practices for stormwater management and sediment control to increase the viability of restoration efforts of the native Maryland oyster and other Chesapeake Bay native species, as well as to ensure the health of the Bay for future generations of Maryland citizens;

(v) Developing methods to encourage, educate, and assist local governments in using environmentally sensitive design measures and low impact development techniques and developing more stringent standards than the statewide standards; and

(vi) Evaluate and make recommendations regarding improving local stormwater practices, including:

1. Determining ways to improve maintenance and oversight of stormwater ponds;

2. Evaluating the effectiveness of current practices that local entities, such as homeowners associations, do to maintain stormwater management ponds;

3. Studying and recommending innovative approaches that help minimize the release of pollutants and assist a local jurisdiction in meeting stormwater management requirements;

4. Evaluating statewide and local stormwater practices to determine if the roles and responsibilities of different agencies regarding stormwater management are an efficient use of the agency's resources and an effective method for overall stormwater management; and

5. Developing methods and strategies to encourage, educate, and assist local governments and developers in using environmentally sensitive design measures and low impact development techniques; and

(2) On or before July 1, 2008, submit a report of its findings and recommendations to the Governor, and in accordance with § 2-1246 of the State Government Article, to the General Assembly.”.

On page 8, in line 21, strike “October” and substitute “July”; and in the same line, after the period insert “It shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 509 – Prince George’s County Delegation

AN ACT concerning

**Prince George's County – Railroad Grade Crossings – Automated Enforcement
Systems
PG 320–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 773 – Delegates Lafferty, Barkley, Barve, Beidle, Cane, V. Clagett, DeBoy, Glenn, Guzzone, Holmes, Hucker, Kach, Kullen, Lawton, Malone, McIntosh, Murphy, Niemann, Rosenberg, Schuler, Stein, and Stull

SECOND PRINTING

AN ACT concerning

Task Force on the Future for Growth and Development – Membership and Charge

(Amendment ID: HB0773/460010/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 773
(First Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, in line 5, after “Development;” insert “requiring the Governor to designate the chair of the Task Force;”; in line 6, strike “include certain examinations, recommendations, and determinations concerning” and substitute “address”; and strike beginning with “requiring” in line 7 down through “date;” in line 8.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 16, inclusive; in lines 17 and 19, in each instance, strike the bracket; in the same lines, strike “(VIII)” and “(IX)”, respectively; in line 23, strike “and”; after line 23, insert:

“(VII) TWO LOCAL GOVERNMENT ADMINISTRATORS OR PUBLIC
WORKS DIRECTORS:

1. ONE DESIGNATED BY THE MARYLAND MUNICIPAL
LEAGUE; AND

2. ONE DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTIES; AND”;

in line 24, strike “(X)” and substitute “**(VIII)**”; and in line 27, in each instance, strike the bracket.

AMENDMENT NO. 3

On page 3, strike beginning with the semicolon in line 1 down through “**GROWTH**” in line 5; and in line 12, strike “From among its members, the Task Force shall elect a” and substitute “**THE GOVERNOR SHALL DESIGNATE THE**”.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 9 through 17, inclusive; in line 18, strike “(11)” and substitute “**(9)**”; and strike in their entirety lines 23 through 27, inclusive, and substitute:

“(10) IDENTIFY INFRASTRUCTURE NEEDED FOR SMART GROWTH DEVELOPMENT CONSISTENT WITH POPULATION GROWTH;

(11) ASSESS MECHANISMS TO FUND THE CONSTRUCTION AND MAINTENANCE OF SMART GROWTH INFRASTRUCTURE; AND”.

On page 5, strike in their entirety lines 1 and 2; in line 3, strike “(14)” and substitute “**(12)**”; strike beginning with “(1)” in line 6 down through “**ON**” in line 7 and substitute “**ON**”; in line 8, strike “**FINAL**”; and strike beginning with the period in line 9 down through “**RECOMMENDATIONS**” in line 11.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1182 – Delegate Holmes

AN ACT concerning

Real Property – Mechanics’ Lien – Land Surveying

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1189 – Delegates Bobo and McIntosh

AN ACT concerning

Transportation – Maryland Senior Rides Program – Repeal of Grant Limitations

(Amendment ID: HB1189/700510/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1189

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal of”; in line 6, after “receive;” insert “altering a certain cap on the total dollar amount of grants that the Maryland Transit Administration may award annually under the Program;”; in line 7, strike “certain caps on the total dollar amount and” and substitute “a certain cap on”; in line 8, strike “Maryland Transit”; and in line 11, strike “the repeal of” and substitute “certain”.

AMENDMENT NO. 2

On page 3, strike beginning with the bracket in line 9 down through “(2)” in line 11; in line 11, strike “\$400,000” and substitute “\$500,000”; in lines 13 and 15, in each instance, strike the bracket; and in line 15, strike “(H)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1291 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Solid Waste Regulation – Criminal Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1331 – Delegates Cane, Conway, Eckardt, Elmore, Glassman, Haddaway, Jennings, Mathias, Rudolph, Smigiel, Stull, and Weldon

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Removal of Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1389 – Delegates Conway, Beitzel, Bohanan, Cane, Eckardt, Elliott, Elmore, Haddaway, Jameson, Jennings, Kelly, Kullen, Mathias, McKee, Rudolph, Smigiel, Sossi, Stull, Walkup, and Wood

AN ACT concerning

Agriculture – Crop Insurance Premium Program – Cost Share

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1429 – Delegate Frush

EMERGENCY BILL

AN ACT concerning

Reforestation – Replacing Trees Destroyed by Pest Treatments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1433 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Health Enforcement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #10**

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

House Bill 505 – Delegates Kullen, Boteler, Bromwell, N. King, Levy, and Montgomery

AN ACT concerning

Maryland Service Animal Reform Act – “Gretchen’s Law”

(Amendment ID: HB0505/156281/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 505
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Montgomery” and substitute “Montgomery, Hammen, Donoghue, Elliott, Hubbard, Kach, Kipke, McDonough, Mizeur, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, V. Turner, and Weldon”; and strike beginning with “increasing” in line 6 down through “groups” in line 8 and substitute “requiring certain organizations or agencies that require certain individuals to take certain professional training courses to include a segment concerning the rights of individuals with disabilities who are accompanied by service animals”.

AMENDMENT NO. 2

On page 6, strike beginning with “(A)” in line 4 down through “AND” in line 5 and substitute “ANY ORGANIZATION OR AGENCY THAT REQUIRES A PROFESSIONAL”; in line 5, after “PROGRAM” insert “FOR THE FOLLOWING INDIVIDUALS SHALL INCLUDE A SEGMENT”; in line 7, strike the period and substitute a colon; and strike in their entirety lines 8 through 15, inclusive.

AMENDMENT NO. 3

On page 5, in lines 13, 19, and 27, in each instance, strike the bracket; in lines 14 and 27, in each instance, strike “\$2,500”; and in line 20, strike “\$500”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 594 – Delegates Hubbard, Benson, Costa, Elliott, Kullen, Mizeur, Montgomery, Pena–Melnyk, and Riley

AN ACT concerning

Maryland Medical Assistance Program – Long–Term Care Services for Cognitive and Functional Impairments

(Amendment ID: HB0594/316686/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 594
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Maryland Medical Assistance Program” and substitute “Department of Health and Mental Hygiene”; in line 3, after “Impairments” insert “– Study and Analysis”; strike beginning with “requiring” in line 4 down through the first “and” in line 8 and substitute “requiring the Department of Health and Mental Hygiene, in consultation with certain stakeholders, to conduct a certain study and analysis of options available to the State to increase access to certain long–term care services for certain individuals with cognitive and functional impairments; requiring the Department to submit certain reports to the Governor and certain committees of the General”

Assembly on or before certain dates; providing for the termination of this Act; and generally relating to a Department of Health and Mental Hygiene study and analysis of increasing options for accessing”; strike in their entirety lines 10 through 19, inclusive; and in line 21, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 25 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, after line 25, insert:

“(a) (1) The Department of Health and Mental Hygiene, in consultation with interested stakeholders, shall conduct a study and a comprehensive analysis of the options that may be available to the State to increase access to long-term services, including home- and community-based services such as adult medical day care, for individuals at high risk of institutionalization because of cognitive impairments, mental illness, traumatic brain injury, or other conditions, who meet financial eligibility criteria in effect as of June 1, 2007.

(2) The study and analysis shall include:

(i) a review of the practices of other states regarding the provision of long-term care services;

(ii) a determination of the feasibility of developing criteria for an alternative level of care;

(iii) a determination of the feasibility of increasing access to long-term care services through the Federal Deficit Reduction Act, the State Plan Amendments, the Older Adults Waiver, and other options available to the State; and

(iv) a cost-benefit analysis of the options examined, including the projected long-term savings to the State realized by the delay or reduction in need for the provision of care in hospitals or other institutional settings.

(b) The Department shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee:

(1) an interim report on or before October 1, 2007; and

(2) a final report on or before December 1, 2007.”;

and in line 27, after “2007.” insert “It shall remain effective for a period of 1 year and, at the end of May 31, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 640 – Delegates Kullen, Benson, Costa, Hubbard, Kipke, Nathan–Pulliam, Pena–Melnyk, and Rosenberg

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

(Amendment ID: HB0640/196584/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 640 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 5 down through “fees” in line 11 and substitute “providing that a certain requirement does not prohibit a certain action; requiring certain facilities to have a written policy specifying a certain method; requiring certain facilities to ensure that certain staff are trained in the method”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “IS” in line 28 on page 2 down through “AND” in line 1 on page 3.

On page 3, in line 14, after “COMMUNICATE” insert “DISTRESS”; and after line 16, insert:

“(D) NOTHING IN SUBSECTION (C)(4) OF THIS SECTION SHALL PROHIBIT STAFF FROM USING A TECHNIQUE FOR TRANSITIONING THE INDIVIDUAL TO A RESTRAINT POSITION THAT INVOLVES MOMENTARILY:

- (1) PLACING AN INDIVIDUAL FACE DOWN; OR
- (2) OBSTRUCTING THE VIEW OF AN INDIVIDUAL'S FACE.

(E) A FACILITY SHALL:

(1) HAVE A WRITTEN POLICY SPECIFYING THE METHOD USED TO ENSURE THAT AN INDIVIDUAL WHOSE PRIMARY LANGUAGE OR METHOD OF COMMUNICATION IS NONVERBAL IS ABLE TO EFFECTIVELY COMMUNICATE DISTRESS DURING A PHYSICAL RESTRAINT OR HOLD; AND

(2) ENSURE THAT ALL STAFF AT THE FACILITY WHO ARE AUTHORIZED TO PARTICIPATE IN A PHYSICAL RESTRAINT OR HOLD OF INDIVIDUALS ARE TRAINED IN THE METHOD SPECIFIED IN THE WRITTEN POLICY REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.”;

in line 17, strike “(d)” and substitute “(F)”; and in line 19, strike “(e)” and substitute “(G)”.

On page 4, in line 16, strike “(f)” and substitute “(H)”; and in line 22, strike “(g)” and substitute “(I)”.

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 24 on page 4 through line 5 on page 7, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 781 – Delegate Hubbard

AN ACT concerning

Human Immunodeficiency Virus – Test Counseling

(Amendment ID: HB0781/976782/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 781
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Counseling” insert “and Informed Consent – Review”; strike beginning with “altering” in line 3 down through “requirements;” in line 10 and substitute “requiring the AIDS Administration to convene a workgroup including certain stakeholders to review and make recommendations regarding certain Centers for Disease Control and Prevention guidelines regarding HIV/AIDS; requiring the workgroup to review and consider certain best practices and research and data;”; in line 10, strike “Department” and substitute “workgroup”; in lines 11 and 12, strike “defining certain terms;”; in line 13, strike “testing” and substitute “informed consent”; and in line 14, strike “with” and substitute “without”.

AMENDMENT NO. 2

On page 2, in lines 10 and 12, in each instance, strike the bracket.

AMENDMENT NO. 3

On page 3, in line 9, strike the brackets; in the same line, strike “**FOR HIV DIAGNOSTIC TESTING**”; in line 10, in each instance, strike the brackets; in the same line, strike “**CONSENTS**”; strike in their entirety lines 16 through 21, inclusive, and substitute:

“(a) The AIDS Administration shall convene a workgroup that includes HIV infected individuals, HIV/AIDS advocacy organizations, HIV service providers, and other stakeholders to review and make recommendations regarding the Centers for Disease Control and Prevention guidelines regarding HIV/AIDS, including the guidelines relating to pre- and post-test counseling and written informed consent. The workgroup shall review and consider best practices and research and data regarding treatment for HIV/AIDS.”;

in line 22, strike “Department of Health and Mental Hygiene” and substitute “workgroup”; and strike beginning with the second “the” in line 24 down through “Department” in line 25 and substitute “any recommendations of the workgroup”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 879 – Delegates Anderson, Ali, Barnes, Carter, Conaway, Dumais, Glenn, Hammen, Healey, Howard, Hucker, Kirk, Krysiak, Lee, Manno, Mizeur, Oaks, Pena–Melnyk, Ramirez, Rosenberg, Ross, Schuler, Smigiel, Taylor, Vallario, Waldstreicher, and Walker

AN ACT concerning

Forensic Laboratories – Standards and Oversight

(Amendment ID: HB0879/756280/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 879
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “an individual who” and substitute “a laboratory that”; in line 6, strike “on behalf of a certain laboratory”; in line 9, strike “a certain employee” and substitute “the Department of Health and Mental Hygiene”; in line 10, strike “test results at certain times” and substitute “testing programs”; in line 11, after “purpose;” insert “authorizing the Secretary to conduct certain investigations and surveys; providing that certain documents are public documents;”; in the same line, strike “the Secretary” and substitute “a forensic laboratory”; strike beginning with “authorizing” in line 14 down through “fee;” in line 15; in line 15, in each instance, strike “person” and substitute “forensic laboratory”; and in line 17, after “date;” insert “requiring the Secretary to issue a letter of exception to certain laboratories under certain circumstances; authorizing the Secretary to grant a certain waiver to certain laboratories;”.

On page 2, strike beginning with “requiring” in line 10 down through “circumstances;” in line 14; in line 14, strike “requiring” and substitute “authorizing”; in line 17, after “results;” insert “requiring a State’s Attorney to provide certain notice to certain victims under certain circumstances;”; in line 21, after “notice;” insert “authorizing an employee of a forensic laboratory to disclose certain information to the Secretary under certain circumstances;”; in line 22, strike “discriminating or retaliating” and substitute “taking certain adverse employment actions”; in line 23, strike “a certain reason” and substitute “certain reasons”; in line 24, strike “judicial” and substitute “an”; in line 25, strike “judicial”; in line 26, strike “judicial”; in line 28, strike “Secretary” and substitute “Governor”; strike beginning with “establishing” in line 30 down through the semicolon in line 33; in line 34, strike “a certain organization or agency” and substitute “certain organizations or agencies”; and strike beginning with “providing” in line 35 down through the semicolon in line 39.

On pages 2 and 3, strike beginning with “providing” in line 42 on page 2 down through the semicolon in line 1 on page 3.

On page 3, in line 10, strike “17-2A-16” and substitute “17-2A-12”; in line 15, strike “Health Occupations” and substitute “Health – General”; and in line 16, strike “1-401” and substitute “19-2301”.

AMENDMENT NO. 2

On page 3, after line 28, insert:

“(B) (1) “FORENSIC ANALYSIS” MEANS A MEDICAL, CHEMICAL, TOXICOLOGIC, FIREARMS, OR OTHER EXPERT EXAMINATION OR TEST PERFORMED ON PHYSICAL EVIDENCE, INCLUDING DNA EVIDENCE, FOR THE PURPOSE OF DETERMINING THE CONNECTION OF THE EVIDENCE TO A CRIMINAL ACT.

(2) “FORENSIC ANALYSIS” INCLUDES AN EXAMINATION OR TEST REQUIRED BY A LAW ENFORCEMENT AGENCY, PROSECUTOR, CRIMINAL SUSPECT OR DEFENDANT, OR COURT.

(3) “FORENSIC ANALYSIS” DOES NOT INCLUDE:

(I) A TEST OF A SPECIMEN OF BREATH OR BLOOD TO DETERMINE ALCOHOL CONCENTRATION OR CONTROLLED DANGEROUS SUBSTANCE CONTENT;

(II) FORENSIC INFORMATION TECHNOLOGY;

(III) A PRESUMPTIVE TEST PERFORMED AT A CRIME SCENE;

(IV) A PRESUMPTIVE TEST PERFORMED FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH A TERM OR CONDITION OF COMMUNITY SUPERVISION OR PAROLE AND CONDUCTED BY OR UNDER CONTRACT WITH A COUNTY DEPARTMENT OF CORRECTIONS OR THE STATE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; OR

(V) AN EXPERT EXAMINATION OR TEST CONDUCTED PRINCIPALLY FOR THE PURPOSE OF SCIENTIFIC RESEARCH, MEDICAL PRACTICE, CIVIL OR ADMINISTRATIVE LITIGATION, OR ANY OTHER PURPOSE UNRELATED TO DETERMINING THE CONNECTION OF PHYSICAL EVIDENCE TO A CRIMINAL ACT.

(C) “FORENSIC INFORMATION TECHNOLOGY” MEANS DIGITAL OR ELECTRONIC EVIDENCE THAT IS STORED OR TRANSMITTED ELECTRONICALLY.”;

and in line 29, strike “(B)” and substitute “(D)”.

On pages 3 and 4, strike beginning with “TESTS” in line 30 on page 3 down through “ACT” in line 2 on page 4 and substitute “FORENSIC ANALYSIS”.

On page 4, in line 5, strike “OTHER” and substitute “ANOTHER”; after line 5, insert:

“(3) “FORENSIC LABORATORY” DOES NOT INCLUDE:

(I) A FORENSIC LABORATORY OPERATED BY THE FEDERAL GOVERNMENT; OR

(II) A LABORATORY LICENSED OR CERTIFIED BY THE DEPARTMENT OF AGRICULTURE.”;

in line 6, strike “(C)” and substitute “(E)”; after line 9, insert:

“(F) “LIMITED FORENSIC ANALYSIS” MEANS A FORENSIC LABORATORY TEST OR ANALYSIS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY.

(G) “PHYSICAL EVIDENCE” MEANS ANY OBJECT, THING, OR SUBSTANCE RELATING TO A CRIMINAL ACT.”;

strike in their entirety lines 11 through 14, inclusive; in line 26, strike “AND”; and after line 26, insert:

“(III) ESTABLISH QUALIFICATIONS FOR THE PERSONNEL OF FORENSIC LABORATORIES;

(IV) ESTABLISH PROCEDURES FOR VERIFYING THE BACKGROUND AND EDUCATION OF THE PERSONNEL OF FORENSIC LABORATORIES;

(V) REQUIRE THE SECRETARY TO CHARGE FEES THAT MAY NOT EXCEED THE ACTUAL DIRECT AND INDIRECT COSTS TO THE DEPARTMENT TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND”.

On page 5, in line 1, strike “(III)” and substitute “(VI)”; and in line 3, strike “SAFE” and substitute “ACCURATE”.

AMENDMENT NO. 3

On page 5, strike beginning with “AN” in line 4 down through “PERFORMED” in line 8 and substitute “A FORENSIC LABORATORY THAT EXAMINES OR ANALYZES PHYSICAL EVIDENCE SHALL DEMONSTRATE SATISFACTORY PERFORMANCE IN AN APPROVED PROFICIENCY TESTING PROGRAM SPECIFICALLY RELATED TO THE PARTICULAR FORENSIC ANALYSIS BEING PERFORMED”; strike beginning with “BEFORE” in line 14 down through “PROGRAM” in line 15; in line 16, strike “AN EMPLOYEE OF THE” and substitute “THE”; strike beginning with “ALL” in line 16 down through “YEARS” in line 17 and substitute “A FORENSIC LABORATORY’S PROFICIENCY”.

TESTING PROGRAM”; in line 19, strike “SET FORTH IN REGULATIONS ADOPTED”; in line 22, after the semicolon insert “AND”; in line 23, strike “PERIODIC INSPECTIONS” and substitute “AN INSPECTION”; strike beginning with the semicolon in line 24 down through “LABORATORY” in line 26; after line 26, insert:

“(D) TO ASSURE COMPLIANCE WITH THE STANDARDS AND REQUIREMENTS UNDER THIS SUBTITLE, THE SECRETARY MAY CONDUCT:

(1) A COMPLAINT INVESTIGATION; AND

(2) A VALIDATION SURVEY OF AN ACCREDITED FORENSIC LABORATORY.”;

and in line 27, strike “17-2A-04.” and substitute “17-2A-03.”.

On page 6, strike in their entirety lines 1 through 17, inclusive, and substitute:

“(A) FORENSIC LABORATORY DEFICIENCY STATEMENTS AND PLANS OF CORRECTION ARE PUBLIC DOCUMENTS.

(B) A FORENSIC LABORATORY SHALL MAKE DISCREPANCY LOGS, CONTAMINATION RECORDS, AND TEST RESULTS AVAILABLE TO THE PUBLIC WITHIN 30 DAYS OF A WRITTEN REQUEST.

(C) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDINGS, RECORDS, AND FILES OF AN ORGANIZATION OR STATE AGENCY RESPONSIBLE FOR ASSURING COMPLIANCE WITH THIS SUBTITLE SHALL BE CONFIDENTIAL AND NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN A CIVIL OR CRIMINAL ACTION.”.

AMENDMENT NO. 4

On page 6, before line 18, insert:

“17-2A-04.

(A) AFTER DECEMBER 31, 2011, A PERSON SHALL HOLD A LICENSE ISSUED BY THE SECRETARY BEFORE THE PERSON MAY OFFER OR PERFORM FORENSIC ANALYSIS IN THE STATE.

(B) THE SECRETARY SHALL ISSUE A LETTER OF EXCEPTION TO A LABORATORY THAT:

(1) PERFORMS ONLY LIMITED FORENSIC ANALYSIS; AND

(2) MEETS THE EXCEPTION REQUIREMENTS IN REGULATIONS ADOPTED BY THE SECRETARY.

(C) THE SECRETARY MAY GRANT AN OUT-OF-STATE FORENSIC LABORATORY A WAIVER FROM THE LICENSURE REQUIREMENTS OF THIS SUBTITLE WITH CONDITIONS.”;

in lines 18 and 23, strike “17-2A-08.” and “17-2A-09.”, respectively, and substitute “17-2A-05.” and “17-2A-06.”, respectively; and in line 22, strike “AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE”.

On page 7, in line 10, strike “17-2A-10.” and substitute “17-2A-07.”; in line 11, strike “WHO” and substitute “THAT”; in lines 12 and 13, strike “AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE”; and in line 23, strike “ITS LICENSE” and substitute “THE LICENSE ISSUED UNDER THIS SUBTITLE”.

AMENDMENT NO. 5

On page 8, in lines 1 and 16, strike “17-2A-11.” and “17-2A-12.”, respectively, and substitute “17-2A-08.” and “17-2A-09.”, respectively; strike beginning with “AND” in line 12 down through “SUBTITLE” in line 13; and strike beginning with “OR” in line 21 down through “SUBTITLE” in line 22.

On pages 8 and 9, strike in their entirety the lines beginning with line 23 on page 8 through line 27 on page 9, inclusive, and substitute:

“(B) (1) IF THE SECRETARY FINDS THAT A FORENSIC LABORATORY LICENSED UNDER THIS SUBTITLE NO LONGER MEETS THE STANDARDS AND REQUIREMENTS OF THIS SUBTITLE, THE SECRETARY MAY:

(I) REVOKE THE LICENSE OF THE FORENSIC LABORATORY; OR

(II) SUSPEND THE LICENSE OF THE FORENSIC LABORATORY.

(2) IF A DEFICIENCY EXISTS, THE SECRETARY MAY:

(I) IMPOSE A DIRECTED PLAN OF CORRECTION;

(II) REGULARLY INSPECT THE FORENSIC LABORATORY TO ASSURE COMPLIANCE WITH THE DIRECTED PLAN OF CORRECTION; OR

(III) LIMIT THE TESTING AUTHORIZED BY THE LICENSE.

(C) IF THE SECRETARY FINDS THAT A FORENSIC LABORATORY PROVIDED ERRONEOUS OR QUESTIONABLE TEST RESULTS, THE SECRETARY MAY ORDER THE LABORATORY TO PROVIDE WRITTEN NOTIFICATION TO:

(1) THE PERSON OR AGENCY THAT ORDERED THE TESTS;

(2) THE OFFICE OF THE PUBLIC DEFENDER OR COUNSEL OF RECORD;

AND

(3) THE STATE'S ATTORNEY.

(D) A STATE'S ATTORNEY WHO RECEIVES NOTIFICATION FROM A LABORATORY UNDER SUBSECTION (C) OF THIS SECTION SHALL NOTIFY THE VICTIM OF THE CRIMINAL ACT OR THE VICTIM'S REPRESENTATIVE OF THE ERRONEOUS OR QUESTIONABLE TEST RESULTS."

On page 10, in line 2, strike "(D)" and substitute "(C)"; in line 4, after "NONCOMPLIANCE" insert "AFTER THE DEADLINE FOR COMPLIANCE STATED IN THE SECRETARY'S ORDER, NOT TO EXCEED A MAXIMUM PENALTY OF \$50,000"; and in line 10, strike "17-2A-13." and substitute "17-2A-10.".

AMENDMENT NO. 6

On pages 10 and 11, strike in their entirety the lines beginning with line 20 on page 10 through line 9 on page 11, inclusive, and substitute:

"(B) AN EMPLOYEE WHO WORKS IN A FORENSIC LABORATORY MAY DISCLOSE INFORMATION TO THE SECRETARY THAT THE EMPLOYEE BELIEVES EVIDENCES A VIOLATION OF STANDARDS AND REQUIREMENTS FOR FORENSIC LABORATORIES IN THE STATE.

(C) A FORENSIC LABORATORY MAY NOT DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE:

(1) DISCLOSES INFORMATION UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) HAS AGREED TO COOPERATE WITH AN INVESTIGATION OF THE FORENSIC LABORATORY.

(D) (1) THE SECRETARY SHALL DEVELOP, THROUGH REGULATION, A DOCUMENT THAT INFORMS THE EMPLOYEES OF A FORENSIC LABORATORY OF THE PROCEDURES TO REPORT INSTANCES OF NONCOMPLIANCE OR OTHER VIOLATIONS OF THE STANDARDS AND REQUIREMENTS FOR FORENSIC LABORATORIES IN THE STATE.

(2) THE SECRETARY SHALL DISTRIBUTE THE DOCUMENT DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO FORENSIC LABORATORIES IN THE STATE.

(E) A FORENSIC LABORATORY SHALL POST THE DOCUMENT DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION IN A CONSPICUOUS PLACE.

On page 11, in lines 10 and 20, strike “(D)” and “(E)”, respectively, and substitute “(F)” and “(G)”, respectively; in line 12, strike “JUDICIAL” and substitute “AN”; in line 19, strike “JUDICIAL”; in line 20, strike “JUDICIAL”; in the same line, after “UNDER” insert “THIS”; in lines 20 and 21, strike “(D) OF THIS SECTION”; and in line 23, strike “17-2A-14.” and substitute “17-2A-11.”.

AMENDMENT NO. 7

On page 12, strike beginning with “A” in line 3 down through “OFFENSE” in line 4 and substitute “ON WHICH A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SECTION”; in line 5, strike “17-2A-15.” and substitute “17-2A-12.”; in line 6, strike “SECRETARY” and substitute “GOVERNOR”; and strike in their entirety lines 9 through 25, inclusive, and substitute:

“(B) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING 10 MEMBERS:

(1) THE DIRECTOR OF THE LABORATORIES ADMINISTRATION IN THE DEPARTMENT, OR THE DIRECTOR’S DESIGNEE;

(2) THE DIRECTOR OF THE OFFICE OF HEALTH CARE QUALITY IN THE DEPARTMENT, OR THE DIRECTOR’S DESIGNEE; AND

(3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ONE FROM THE AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE;

(II) ONE FROM THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE, DEPARTMENT OF MEDICAL RESEARCH AND TECHNOLOGY;

(III) ONE FROM THE AMERICAN ASSOCIATION FOR LABORATORY ACCREDITATION;

(IV) ONE FROM THE AMERICAN ACADEMY OF FORENSIC SCIENCES;

(V) ONE FROM THE AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS/LABORATORY ACCREDITATION BOARD; AND

(VI) THREE DIRECTORS OF FORENSIC LABORATORIES IN THE STATE, INCLUDING:

- THE STATE;
1. ONE FROM A FORENSIC LABORATORY OPERATED BY
- A COUNTY; AND
2. ONE FROM A FORENSIC LABORATORY OPERATED BY
3. ONE FROM A FORENSIC LABORATORY OPERATED BY
- A MUNICIPAL CORPORATION.

(C) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE ADVISORY COMMITTEE ON OCTOBER 1, 2007.

(D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE ADVISORY COMMITTEE.

(E) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COMMITTEE REPRESENTS A QUORUM TO CONDUCT BUSINESS.

(F) A MEMBER OF THE ADVISORY COMMITTEE MAY NOT RECEIVE COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.”.

AMENDMENT NO. 8

On page 13, strike in their entirety lines 1 through 13, inclusive, and substitute:

“19–2301.

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

(b) “Accreditation organization” means a private entity that conducts inspections and surveys of health care facilities based on nationally recognized and developed standards.

(c) “Deemed status” means a status under which a health care facility may be exempt from routine surveys conducted by the Department.

(d) “Health care facility” means:

(1) A hospital as defined in § 19–301(b) of this title;

- title;
- (2) A health maintenance organization as defined in § 19–701(g) of this
- this title;
- (3) A freestanding ambulatory care facility as defined in § 19–3B–01 of
- (4) An assisted living facility as defined in § 19–1801 of this title;
- (5) A laboratory as defined in § 17–201 of this article;
- (6) A home health agency as defined in § 19–401 of this title;
- [and]
- (7) A residential treatment center as defined in § 19–301 of this title;
- this title; AND
- (8) A comprehensive rehabilitation facility as defined in § 19–1201 of
- ARTICLE.”.
- (9) A FORENSIC LABORATORY AS DEFINED IN § 17–2A–01 OF THIS

On pages 13 through 18, strike in their entirety the lines beginning with line 14 on page 13 through line 21 on page 18, inclusive.

On page 18, in line 22, strike “3.” and substitute “2.”; strike beginning with “Secretary” in line 22 down through “Hygiene” in line 23 and substitute “Governor”; in line 24, strike “November 1, 2007” and substitute “December 1, 2008”; after line 24, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Forensic Laboratory Advisory Committee shall expire as follows:

- (a) Three members in 2009;
- (b) Three members in 2010; and
- (c) Two members in 2011.”;

and in line 27, strike “September 1, 2008” and substitute “December 31, 2010”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 949 – Delegates Stein, Beitzel, Bromwell, Costa, Kach, Kipke, Malone, Mizeur, Oaks, Riley, and Tarrant

AN ACT concerning

Military Health Care Personnel – Staffing Initiative

(Amendment ID: HB0949/786680/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 949
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Tarrant” and substitute “Tarrant, Hammen, Benson, Donoghue, Elliott, Hubbard, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, V. Turner, and Weldon”; in line 5, strike “identify” and substitute “make certain findings concerning”; strike beginning with “requiring” in line 8 down through “date;” in line 13; in line 13, after “Secretary” insert “, in conjunction with the Governor’s Workforce Investment Board”; in line 14, strike “to make” and substitute “, to report”; in the same line, after “certain” insert “findings and”; in lines 14 and 15, strike “for implementation of certain legislation” and substitute “regarding certain ways to expedite the inclusion of individuals who have certain training and experience into a certain health care work force on or before a certain date”; in lines 15 and 16, strike “identifications, regulations, and legislation” and substitute “findings and recommendations”; and strike beginning with “determining” in line 16 down through “legislation” in line 17 and substitute “requiring that certain findings and recommendations be made”.

AMENDMENT NO. 2

On page 2, in line 18, strike “shall identify” and substitute “shall:

- (1) make findings regarding”;

in line 21, after “Article” insert “; and

- (2) report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before

December 1, 2007, in accordance with § 2–1246 of the State Government Article, findings and recommendations regarding the most appropriate ways to expedite the inclusion of individuals who have training and experience in providing health care through military service into the State’s health care work force”;

strike in their entirety lines 22 through 32, inclusive; in line 33, strike “(c)” and substitute “(b)”; in the same line, strike “identifications” and substitute “findings and recommendations”; and strike beginning with “and” in line 33 down through “section” in line 34.

On page 3, in line 14, strike “October” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 970 – Delegates Hubbard, Benson, Bromwell, Costa, Elliott, Kipke, Kullen, Mizeur, Montgomery, Oaks, Pena–Melnyk, Tarrant, Taylor, and Weldon

AN ACT concerning

Rosewood Transition Plan

(Amendment ID: HB0970/896188/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 970 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Transition Plan” and substitute “Center – Plan for Services to Residents”; and strike beginning with “, on” in line 3 down through “plan” in line 19 and substitute “to develop a plan for providing services to Rosewood Center residents in certain settings, in accordance with certain provisions of law; requiring the plan to make certain recommendations, discuss certain uses for the Rosewood Center property, and identify certain items; requiring the Department to report on the plan to certain committees of the General Assembly; and generally relating to a plan for services to residents of the Rosewood Center”.

On pages 1 through 4, strike in their entirety the lines beginning with line 20 on page 1 through line 12 on page 4, inclusive.

AMENDMENT NO. 2

On page 4, in line 14, strike “the Laws of Maryland read as follows”.

On pages 4 through 11, strike in their entirety the lines beginning with line 15 on page 4 through line 2 on page 11, inclusive, and substitute:

“(a) The Department of Health and Mental Hygiene shall develop a plan for providing services to Rosewood Center residents in the most integrated settings appropriate to their needs, in accordance with § 7–1006 of the Health – General Article.

(b) Based on an assessment of individual needs and preferences, the plan shall recommend for each resident:

- (1) services in the most integrated settings appropriate for the resident;
- (2) the cost of providing those services and settings; and
- (3) a timetable for making the transition.

(c) Services and settings recommended for court–committed residents shall be identified separately from services and settings recommended for residents who are not court–committed.

(d) If institutional services and settings are recommended for any resident in the written plan of habilitation required under § 7–1006 of the Health – General Article, the plan shall discuss ways to address those recommendations, particularly for court–committed residents who may pose a danger to themselves or others.

(e) The plan shall include recommendations for permanent State employees working at the Rosewood Center, including:

- (1) other employment opportunities with the State;
- (2) the availability of training; and
- (3) other assistance that may be required.

(f) In conjunction with the Department of Planning and, in accordance with § 5–310 of the State Finance and Procurement Article, the plan shall discuss alternative uses for the Rosewood Center property, and shall:

- (1) consider the need for open space in the area; and

(2) provide for the involvement of local residents in determining the most appropriate use of the property.

(g) The plan shall identify:

(1) the total cost, including both operating and any capital costs, of implementing the plan recommendations;

(2) potential sources of funds to support the total cost;

(3) any obstacles, including legal obstacles, to implementation of the plan; and

(4) a proposed schedule for implementation of the plan.

(h) On or before December 31, 2007, the Department shall report on the plan to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee.”.

On page 11, in line 4, strike “July” and substitute “June”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1030 – Delegate Montgomery

AN ACT concerning

State Board of Pharmacy – Wholesale Drug Distribution – Permit Requirements

(Amendment ID: HB1030/526188/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1030
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Montgomery” and substitute “Delegates Montgomery, Hammen, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Morhaim, Nathan–Pulliam, Oaks, Pena–Melynk, Pendergrass, Riley, V. Turner, and Weldon”; strike in their entirety lines 2 and 3, inclusive, and substitute “Wholesale Distributor Permitting and Prescription Drug Integrity Act”; strike in their entirety lines 4 through 9, inclusive, and substitute:

“FOR the purpose of requiring a wholesale distributor to hold a permit issued by the State Board of Pharmacy before the wholesale distributor engages in the wholesale distribution of prescription drugs or devices in the State; requiring certain entities to hold a wholesale distributor permit; providing that certain requirements for obtaining a permit do not apply to a manufacturer who distributes certain prescription drugs; requiring a permit to be displayed in a certain manner; providing that a permit is not transferable; prohibiting a person from purchasing or obtaining a prescription drug or device unless it is purchased or obtained from certain persons; authorizing the Board to grant a certain deemed status to certain wholesale distributors and to issue a permit to certain wholesale distributors by reciprocity; establishing certain requirements and procedures for applying for a permit; prohibiting the Board from issuing a permit unless the Board or its designee takes certain actions; establishing requirements for certain criminal history records checks and a certain surety bond; requiring the Board to provide a certain notification to an applicant within a certain period of time; providing for the expiration and renewal of a permit; authorizing the Board to deny, suspend, or revoke a permit under certain circumstances; requiring the Board to adopt regulations that require certain inspections; authorizing the Board to adopt regulations establishing certain requirements; prohibiting the disclosure of certain information provided by a wholesale distributor, except to certain entities for certain purposes; establishing certain procedures for returns or exchanges of prescription drugs; authorizing a wholesale distributor to supply or deliver prescription drugs only to certain persons; providing for certain exceptions; prohibiting a wholesale distributor from accepting payment or allowing the use of certain credit for a certain purpose; prohibiting a wholesale distributor from operating out of a residence; requiring a pedigree for certain prescription drug distributions; requiring certain entities to be authorized distributors of record for a certain purpose; establishing certain penalties for a violation of certain provisions of this Act; requiring the Board to adopt certain regulations on or before a certain date; requiring the Board to provide a certain report to the Governor and certain legislative committees on or before a certain date each year; repealing certain provisions of law relating to permits for the distribution of prescription drugs or devices; requiring the Secretary of Health and Mental Hygiene, in conjunction with the Board, to convene a certain workgroup to recommend to the Board a certain date for implementing electronic track and trace pedigree technology; requiring the Board to establish a certain date for implementation of electronic track and trace pedigree technology; requiring the Board to submit certain reports

to certain legislative committees on or before certain dates; defining certain terms; making conforming changes; and generally relating to permit and pedigree requirements for wholesale drug distributors.”;

after line 9, insert:

“BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–601
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)”;

in line 10, strike “and reenacting, with amendments,”; and after line 14, insert:

“BY adding to
Article – Health Occupations
Section 12–6C–01 through 12–6C–13 to be under the new subtitle “Subtitle 6C.
Wholesale Distributor Permitting and Prescription Drug Integrity Act”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“12–601.

(a) Subject to the hearing provisions of § 12–315 of this title, for a violation of this subtitle, **SUBTITLE 12–6C OF THIS TITLE**, or any regulation adopted under [§ 12–602 of this subtitle] **SUBTITLE 12–6C OF THIS TITLE**, the Board may:

- (1) Deny a permit to an applicant;
- (2) Reprimand a permit holder;
- (3) Place a permit holder on probation; or
- (4) Suspend or revoke a permit.

(b) A person aggrieved by a final action of the Board under this subtitle **OR SUBTITLE 12–6C OF THIS TITLE** may not appeal to the Secretary or the Board of Review but may appeal as provided under Title 10, Subtitle 2 of the State Government Article.”.

AMENDMENT NO. 3

On pages 1 through 6, strike in their entirety the lines beginning with line 18 on page 1 through line 5 on page 6, inclusive, and substitute:

**“SUBTITLE 6C. WHOLESALE DISTRIBUTOR PERMITTING AND PRESCRIPTION DRUG
INTEGRITY ACT.”**

12-6C-01.

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(B) “AUTHENTICATE” MEANS TO AFFIRMATIVELY VERIFY, BEFORE ANY
WHOLESALE DISTRIBUTION OF A PRESCRIPTION DRUG OCCURS, THAT EACH
TRANSACTION LISTED ON THE PEDIGREE FOR THE PRESCRIPTION DRUG HAS
OCCURRED.**

**(C) “AUTHORIZED DISTRIBUTOR OF RECORD” MEANS A WHOLESALE
DISTRIBUTOR WITH WHOM A MANUFACTURER HAS ESTABLISHED AN ONGOING
RELATIONSHIP TO DISTRIBUTE THE MANUFACTURER’S PRESCRIPTION DRUG.**

**(D) “CO-LICENSED PARTNER” MEANS A PERSON IN A RELATIONSHIP IN
WHICH TWO OR MORE PERSONS HAVE THE RIGHT TO ENGAGE IN THE
MANUFACTURING OR MARKETING OF A PRESCRIPTION DRUG, CONSISTENT WITH THE
U.S. FOOD AND DRUG ADMINISTRATION’S IMPLEMENTATION OF THE FEDERAL
PRESCRIPTION DRUG MARKETING ACT.**

**(E) “CO-LICENSED PRODUCT” MEANS A PRODUCT OF CO-LICENSED
PARTNERS.**

(F) “DESIGNATED REPRESENTATIVE” MEANS AN INDIVIDUAL WHO:

(1) IS DESIGNATED BY A WHOLESALE DISTRIBUTOR;

**(2) SERVES AS THE PRIMARY CONTACT OF THE WHOLESALE
DISTRIBUTOR WITH THE BOARD; AND**

**(3) IS ACTIVELY INVOLVED IN AND AWARE OF THE DAILY OPERATION
OF THE WHOLESALE DISTRIBUTOR.**

(G) “DROP SHIPMENT” MEANS THE SALE OF A PRESCRIPTION DRUG:

(1) TO A WHOLESALE DISTRIBUTOR BY:

(I) THE MANUFACTURER OF THE PRESCRIPTION DRUG; OR

**(II) THE MANUFACTURER’S CO-LICENSED PARTNER, THIRD
PARTY LOGISTICS PROVIDER, OR MANUFACTURER’S EXCLUSIVE DISTRIBUTOR; AND**

(2) THROUGH WHICH:

(I) THE WHOLESALE DISTRIBUTOR OR A PHARMACY WAREHOUSE TAKES TITLE TO BUT NOT PHYSICAL POSSESSION OF THE PRESCRIPTION DRUG;

(II) THE WHOLESALE DISTRIBUTOR INVOICES THE PHARMACY, PHARMACY WAREHOUSE, OR OTHER PERSON AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT; AND

(III) THE PHARMACY, PHARMACY WAREHOUSE, OR OTHER AUTHORIZED PERSON RECEIVES DELIVERY OF THE PRESCRIPTION DRUG DIRECTLY FROM:

1. THE MANUFACTURER;

2. THE MANUFACTURER'S THIRD PARTY LOGISTICS PROVIDER OR THE MANUFACTURER'S EXCLUSIVE DISTRIBUTOR; OR

3. AN AUTHORIZED DISTRIBUTOR OF RECORD THAT PURCHASED THE PRESCRIPTION DRUG DIRECTLY FROM THE MANUFACTURER, THE MANUFACTURER'S THIRD PARTY LOGISTICS PROVIDER, OR THE MANUFACTURER'S EXCLUSIVE DISTRIBUTOR.

(H) "FACILITY" MEANS A FACILITY OF A WHOLESALE DISTRIBUTOR WHERE PRESCRIPTION DRUGS ARE STORED, HANDLED, REPACKAGED, OR OFFERED FOR SALE.

(I) "INTRACOMPANY SALES" MEANS A:

(1) TRANSACTION OR TRANSFER OF PRESCRIPTION DRUGS BETWEEN A DIVISION, SUBSIDIARY, PARENT, OR AFFILIATED OR RELATED COMPANY UNDER COMMON OWNERSHIP AND CONTROL OF A CORPORATE ENTITY; OR

(2) TRANSACTION OR TRANSFER OF A CO-LICENSED PRODUCT BETWEEN CO-LICENSED PARTNERS.

(J) "MANUFACTURER" MEANS A PERSON LICENSED OR APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION TO ENGAGE IN THE MANUFACTURE OF PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES, CONSISTENT WITH THE DEFINITION OF "MANUFACTURER" UNDER THE U.S. FOOD AND DRUG ADMINISTRATION'S REGULATIONS AND GUIDELINES IMPLEMENTING THE PRESCRIPTION DRUG MARKETING ACT.

(K) "MANUFACTURER'S EXCLUSIVE DISTRIBUTOR" MEANS A PERSON WHO:

(1) CONTRACTS WITH A MANUFACTURER TO PROVIDE OR COORDINATE WAREHOUSING, DISTRIBUTION, OR OTHER SERVICES ON BEHALF OF THE MANUFACTURER; AND

(2) TAKES TITLE TO THE MANUFACTURER'S PRESCRIPTION DRUG, BUT DOES NOT HAVE GENERAL RESPONSIBILITY TO DIRECT THE SALE OR DISPOSITION OF THE MANUFACTURER'S PRESCRIPTION DRUG.

(L) "NORMAL DISTRIBUTION CHANNEL" MEANS A CHAIN OF CUSTODY FOR A PRESCRIPTION DRUG THAT, DIRECTLY OR BY DROP SHIPMENT, GOES:

(1) FROM:

(i) A MANUFACTURER OF THE PRESCRIPTION DRUG; OR

(ii) THE MANUFACTURER'S CO-LICENSED PARTNER, THIRD PARTY LOGISTICS PROVIDER, OR MANUFACTURER'S EXCLUSIVE DISTRIBUTOR; AND

(2) TO:

(i) A PHARMACY OR OTHER DESIGNATED PERSON AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT;

(ii) A WHOLESALE DISTRIBUTOR TO A PHARMACY OR OTHER DESIGNATED PERSON AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT;

(iii) A WHOLESALE DISTRIBUTOR TO A PHARMACY WAREHOUSE TO THE PHARMACY WAREHOUSE'S INTRACOMPANY PHARMACY OR OTHER DESIGNATED PERSON AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT;

(iv) A PHARMACY WAREHOUSE TO THE PHARMACY WAREHOUSE'S INTRACOMPANY PHARMACY OR OTHER DESIGNATED PERSON AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT; OR

(v) AN AUTHORIZED DISTRIBUTOR OF RECORD TO ANOTHER AUTHORIZED DISTRIBUTOR OF RECORD SOLELY FOR DISTRIBUTION TO AN OFFICE-BASED HEALTH CARE PRACTITIONER AUTHORIZED BY LAW TO DISPENSE OR ADMINISTER THE PRESCRIPTION DRUG TO A PATIENT.

(M) “ONGOING RELATIONSHIP” MEANS A RELATIONSHIP THAT EXISTS BETWEEN A WHOLESALE DISTRIBUTOR, INCLUDING ANY AFFILIATED GROUP OF THE WHOLESALE DISTRIBUTOR, AS DEFINED IN § 1504 OF THE INTERNAL REVENUE CODE, AND A MANUFACTURER WHEN THE WHOLESALE DISTRIBUTOR:

(1) HAS A WRITTEN AGREEMENT CURRENTLY IN EFFECT WITH THE MANUFACTURER EVIDENCING THE ONGOING RELATIONSHIP; AND

(2) IS LISTED ON THE MANUFACTURER’S CURRENT LIST OF AUTHORIZED DISTRIBUTORS OF RECORD.

(N) “PEDIGREE” MEANS A DOCUMENT OR ELECTRONIC FILE CONTAINING INFORMATION THAT RECORDS EACH WHOLESALE DISTRIBUTION OF A PRESCRIPTION DRUG.

(O) “PHARMACY WAREHOUSE” MEANS A PHYSICAL LOCATION FOR STORAGE OF PRESCRIPTION DRUGS THAT:

(1) SERVES AS A CENTRAL WAREHOUSE; AND

(2) PERFORMS INTRACOMPANY SALES OR TRANSFERS OF THE PRESCRIPTION DRUGS TO A GROUP OF PHARMACIES THAT ARE UNDER COMMON OWNERSHIP AND CONTROL WITH THE PHARMACY WAREHOUSE.

(P) (1) “PRESCRIPTION DRUG” MEANS ANY DRUG REQUIRED BY FEDERAL LAW OR REGULATION TO BE DISPENSED ONLY BY A PRESCRIPTION.

(2) “PRESCRIPTION DRUG” INCLUDES:

(I) A BIOLOGICAL PRODUCT; AND

(II) FINISHED DOSAGE FORMS AND BULK DRUG SUBSTANCES SUBJECT TO § 503(B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(3) “PRESCRIPTION DRUG” DOES NOT INCLUDE BLOOD AND BLOOD COMPONENTS INTENDED FOR TRANSFUSION OR BIOLOGICAL PRODUCTS THAT ARE ALSO MEDICAL DEVICES.

(Q) “PRESCRIPTION DEVICE” MEANS ANY DEVICE REQUIRED BY FEDERAL LAW OR REGULATION TO BE DISPENSED ONLY BY A PRESCRIPTION.

(R) (1) “REPACKAGE” MEANS TO REPACKAGE OR OTHERWISE CHANGE THE CONTAINER, WRAPPER, OR LABELING OF A PRESCRIPTION DRUG TO FURTHER THE DISTRIBUTION OF THE PRESCRIPTION DRUG.

(2) “REPACKAGE” DOES NOT INCLUDE CHANGES TO A CONTAINER, WRAPPER, OR LABELING OF A PRESCRIPTION DRUG COMPLETED BY THE PHARMACIST RESPONSIBLE FOR DISPENSING THE PRESCRIPTION DRUG TO A PATIENT.

(S) “REPACKAGER” MEANS A PERSON WHO REPACKAGES PRESCRIPTION DRUGS.

(T) “THIRD PARTY LOGISTICS PROVIDER” MEANS A PERSON WHO:

(1) CONTRACTS WITH A MANUFACTURER TO PROVIDE OR COORDINATE WAREHOUSING, DISTRIBUTION, OR OTHER SERVICES ON BEHALF OF THE MANUFACTURER; BUT

(2) DOES NOT TAKE TITLE TO THE PRESCRIPTION DRUG OR HAVE GENERAL RESPONSIBILITY TO DIRECT THE PRESCRIPTION DRUG’S SALE OR DISPOSITION.

(U) (1) “WHOLESALE DISTRIBUTION” MEANS THE DISTRIBUTION OF PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES TO PERSONS OTHER THAN A CONSUMER OR PATIENT.

(2) “WHOLESALE DISTRIBUTION” DOES NOT INCLUDE:

(I) INTRACOMPANY SALES;

(II) THE SALE, PURCHASE, DISTRIBUTION, TRADE, OR TRANSFER OF A PRESCRIPTION DRUG OR AN OFFER TO SELL, PURCHASE, DISTRIBUTE, TRADE, OR TRANSFER A PRESCRIPTION DRUG FOR EMERGENCY MEDICAL REASONS;

(III) THE DISTRIBUTION OF SAMPLES OF A PRESCRIPTION DRUG BY A MANUFACTURER’S REPRESENTATIVE;

(IV) PRESCRIPTION DRUG RETURNS CONDUCTED BY A HOSPITAL, HEALTH CARE ENTITY, OR CHARITABLE INSTITUTION IN ACCORDANCE WITH 21 CFR § 203.23;

(V) THE SALE OF MINIMAL QUANTITIES OF PRESCRIPTION DRUGS BY RETAIL PHARMACIES TO LICENSED HEALTH CARE PRACTITIONERS FOR OFFICE USE;

(VI) THE SALE, PURCHASE, OR TRADE OF A PRESCRIPTION DRUG, AN OFFER TO SELL, PURCHASE, OR TRADE A PRESCRIPTION DRUG, OR THE DISPENSING OF A PRESCRIPTION DRUG IN ACCORDANCE WITH A PRESCRIPTION;

(VII) THE SALE, TRANSFER, MERGER, OR CONSOLIDATION OF ALL OR PART OF THE BUSINESS OF A PHARMACY TO OR WITH ANOTHER PHARMACY, WHETHER ACCOMPLISHED AS A PURCHASE AND SALE OF STOCK OR BUSINESS ASSETS;

(VIII) THE SALE, PURCHASE, DISTRIBUTION, TRADE, OR TRANSFER OF A PRESCRIPTION DRUG FROM ONE AUTHORIZED DISTRIBUTOR OF RECORD TO ONE ADDITIONAL AUTHORIZED DISTRIBUTOR OF RECORD IF:

1. THE MANUFACTURER HAS STATED IN WRITING TO THE RECEIVING AUTHORIZED DISTRIBUTOR OF RECORD THAT THE MANUFACTURER IS UNABLE TO SUPPLY THE PRESCRIPTION DRUG; AND

2. THE SUPPLYING AUTHORIZED DISTRIBUTOR OF RECORD STATES IN WRITING THAT THE PRESCRIPTION DRUG BEING SUPPLIED HAD UNTIL THAT TIME BEEN EXCLUSIVELY IN THE NORMAL DISTRIBUTION CHANNEL;

(IX) THE DELIVERY OF, OR OFFER TO DELIVER, A PRESCRIPTION DRUG BY A COMMON CARRIER SOLELY IN THE COMMON CARRIER'S USUAL COURSE OF BUSINESS OF TRANSPORTING PRESCRIPTION DRUGS, IF THE COMMON CARRIER DOES NOT STORE, WAREHOUSE, OR TAKE LEGAL OWNERSHIP OF THE PRESCRIPTION DRUG; OR

(X) THE SALE OR TRANSFER FROM A RETAIL PHARMACY OR PHARMACY WAREHOUSE OF EXPIRED, DAMAGED, RETURNED, OR RECALLED PRESCRIPTION DRUGS TO THE ORIGINAL MANUFACTURER OR TO A THIRD PARTY RETURNS PROCESSOR.

(V) (1) "WHOLESALE DISTRIBUTOR" MEANS A PERSON THAT IS ENGAGED IN THE WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES.

(2) "WHOLESALE DISTRIBUTOR" INCLUDES:

(I) A MANUFACTURER;

(II) A REPACKAGER;

(III) AN OWN-LABEL DISTRIBUTOR;

(IV) A PRIVATE-LABEL DISTRIBUTOR;

(V) A JOBBER;

(VI) A BROKER;

(VII) A WAREHOUSE, INCLUDING A MANUFACTURER'S OR DISTRIBUTOR'S WAREHOUSE;

(VIII) A MANUFACTURER'S EXCLUSIVE DISTRIBUTOR OR AN AUTHORIZED DISTRIBUTOR OF RECORD;

(IX) A DRUG WHOLESALER OR DISTRIBUTOR;

(X) AN INDEPENDENT WHOLESALE DRUG TRADER;

(XI) A THIRD PARTY LOGISTICS PROVIDER;

(XII) A RETAIL PHARMACY THAT CONDUCTS WHOLESALE DISTRIBUTION, IF THE WHOLESALE DISTRIBUTION BUSINESS ACCOUNTS FOR MORE THAN 5% OF THE RETAIL PHARMACY'S ANNUAL SALES; AND

(XIII) A PHARMACY WAREHOUSE THAT CONDUCTS WHOLESALE DISTRIBUTION.

(W) "WHOLESALE DISTRIBUTOR PERMIT" MEANS A PERMIT ISSUED BY THE BOARD UNDER THIS SUBTITLE TO DISTRIBUTE PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES INTO, OUT OF, OR WITHIN THE STATE AS A WHOLESALE DISTRIBUTOR.

12-6C-02.

THIS SUBTITLE DOES NOT AFFECT ANY PERSON WHILE DISTRIBUTING:

(1) FEED FOR LIVESTOCK OR POULTRY;

(2) FERTILIZERS;

(3) FUNGICIDES;

(4) INSECTICIDE;

(5) LAND PLASTER;

(6) LIME;

(7) SEEDS; OR

(8) DEVICES, DRUGS, OR SUPPLIES OF ANY KIND FOR THE TREATMENT, CARE, OR CURE OF FARM ANIMALS.

12-6C-03.

(A) A WHOLESALE DISTRIBUTOR SHALL HOLD A PERMIT ISSUED BY THE BOARD BEFORE THE WHOLESALE DISTRIBUTOR ENGAGES IN WHOLESALE DISTRIBUTION IN THE STATE.

(B) (1) A MANUFACTURER ENGAGED IN WHOLESALE DISTRIBUTION SHALL HOLD A WHOLESALE DISTRIBUTOR PERMIT ISSUED UNDER THIS SUBTITLE.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE INFORMATION AND QUALIFICATION REQUIREMENTS FOR OBTAINING A PERMIT UNDER THIS SUBTITLE, BEYOND THAT REQUIRED BY FEDERAL LAW, DO NOT APPLY TO A MANUFACTURER WHO DISTRIBUTES ITS OWN PRESCRIPTION DRUGS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION.

(C) A MANUFACTURER'S EXCLUSIVE DISTRIBUTOR AND A THIRD-PARTY LOGISTICS PROVIDER SHALL HOLD A WHOLESALE DISTRIBUTOR PERMIT ISSUED UNDER THIS SUBTITLE.

(D) A WHOLESALE DISTRIBUTOR PERMIT SHALL BE DISPLAYED CONSPICUOUSLY IN THE PLACE OF BUSINESS FOR WHICH THE PERMIT IS ISSUED.

(E) A WHOLESALE DISTRIBUTOR PERMIT IS NOT TRANSFERABLE.

(F) SUBJECT TO ANY OTHER RESTRICTION PROVIDED BY LAW, A PERSON MAY NOT PURCHASE OR OBTAIN A PRESCRIPTION DRUG OR PRESCRIPTION DEVICE UNLESS THE PRESCRIPTION DRUG OR PRESCRIPTION DEVICE IS PURCHASED OR OBTAINED FROM A PERSON WHO HOLDS A WHOLESALE DISTRIBUTOR PERMIT, A LICENSED PHARMACIST, OR AN AUTHORIZED PRESCRIBER.

12-6C-04.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ACCREDITATION ORGANIZATION" MEANS A PRIVATE ENTITY THAT CONDUCTS INSPECTIONS AND SURVEYS OF WHOLESALE DISTRIBUTORS BASED ON NATIONALLY RECOGNIZED AND DEVELOPED STANDARDS.

(3) "DEEMED STATUS" MEANS A STATUS UNDER WHICH A WHOLESALE DISTRIBUTOR MAY BE EXEMPT FROM ROUTINE INSPECTIONS AND OTHER PERMIT REQUIREMENTS OF THE BOARD.

(B) IF THE BOARD DETERMINES THAT THE STANDARDS OF AN ACCREDITATION ORGANIZATION ARE EQUAL TO OR MORE STRINGENT THAN STATE PERMIT REQUIREMENTS, THE BOARD MAY:

(1) ACCEPT THE ACCREDITATION OF A WHOLESALE DISTRIBUTOR BY AN ACCREDITATION ORGANIZATION AS EVIDENCE THAT THE WHOLESALE DISTRIBUTOR HAS MET STATE PERMIT REQUIREMENTS; AND

(2) GRANT THE WHOLESALE DISTRIBUTOR DEEMED STATUS.

(C) THE BOARD MAY ISSUE A PERMIT BY RECIPROCITY TO A WHOLESALE DISTRIBUTOR WHO HOLDS A LICENSE OR PERMIT UNDER THE LAWS OF ANOTHER STATE IF THE BOARD DETERMINES THAT THE REQUIREMENTS OF THAT STATE ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS OF THIS STATE.

(D) THE BOARD OR ITS DESIGNEE MAY INSPECT A WHOLESALE DISTRIBUTOR WHO IS ACCREDITED OR HAS BEEN ISSUED A PERMIT BY RECIPROCITY TO:

(1) DETERMINE COMPLIANCE WITH ANY PERMIT REQUIREMENT UNDER THIS SUBTITLE; OR

(2) INVESTIGATE A COMPLAINT.

12-6C-05.

(A) TO APPLY FOR A WHOLESALE DISTRIBUTOR PERMIT, AN APPLICANT SHALL:

(1) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD;
AND

(2) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES.

(B) THE APPLICATION SHALL INCLUDE THE FOLLOWING:

(1) THE NAME, FULL BUSINESS ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT;

(2) ALL TRADE OR BUSINESS NAMES USED BY THE APPLICANT;

(3) ADDRESSES, TELEPHONE NUMBERS, AND THE NAMES OF CONTACT PERSONS FOR THE FACILITY USED BY THE APPLICANT FOR THE STORAGE, HANDLING, AND DISTRIBUTION OF PRESCRIPTION DRUGS;

(4) THE TYPE OF BUSINESS FORM UNDER WHICH THE APPLICANT OPERATES, SUCH AS PARTNERSHIP, CORPORATION, OR SOLE PROPRIETORSHIP;

(5) THE NAME OF EACH OWNER AND OPERATOR OF THE APPLICANT, INCLUDING:

(I) IF AN INDIVIDUAL, THE NAME OF THE INDIVIDUAL;

(II) IF A PARTNERSHIP, THE NAME OF THE PARTNERSHIP AND OF EACH PARTNER;

(III) IF A CORPORATION, THE NAME OF THE CORPORATION, THE NAME AND TITLE OF EACH CORPORATE OFFICER AND DIRECTOR, AND THE STATE OF INCORPORATION; AND

(IV) IF A SOLE PROPRIETORSHIP, THE FULL NAME OF THE SOLE PROPRIETOR AND THE NAME OF THE SOLE PROPRIETOR'S BUSINESS ENTITY;

(6) A LIST OF ALL LICENSES AND PERMITS ISSUED TO THE APPLICANT BY ANY OTHER STATE THAT AUTHORIZES THE APPLICANT TO PURCHASE OR POSSESS PRESCRIPTION DRUGS;

(7) FOR THE DESIGNATED REPRESENTATIVE AND THE IMMEDIATE SUPERVISOR OF THE DESIGNATED REPRESENTATIVE AT THE APPLICANT'S PLACE OF BUSINESS:

(I) FINGERPRINTS NECESSARY TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK; AND

(II) THE FOLLOWING:

1. NAME;

2. PLACES OF RESIDENCE FOR THE PAST 7 YEARS;

3. DATE AND PLACE OF BIRTH;

4. THE NAME AND ADDRESS OF EACH BUSINESS WHERE THE INDIVIDUAL WAS EMPLOYED DURING THE PAST 7 YEARS, AND THE INDIVIDUAL'S JOB TITLE OR OFFICE HELD AT EACH BUSINESS;

5. A STATEMENT OF WHETHER, DURING THE PAST 7 YEARS, THE INDIVIDUAL HAS BEEN THE SUBJECT OF ANY PROCEEDING FOR THE REVOCATION OF ANY PROFESSIONAL OR BUSINESS LICENSE OR ANY CRIMINAL VIOLATION AND, IF SO, THE NATURE AND DISPOSITION OF THE PROCEEDING;

6. A STATEMENT OF WHETHER, DURING THE PAST 7 YEARS, THE INDIVIDUAL HAS BEEN ENJOINED, EITHER TEMPORARILY OR PERMANENTLY, BY A COURT OF COMPETENT JURISDICTION FROM VIOLATING ANY FEDERAL OR STATE LAW REGULATING THE POSSESSION, CONTROL, OR DISTRIBUTION OF PRESCRIPTION DRUGS, TOGETHER WITH DETAILS CONCERNING THE EVENT;

7. A DESCRIPTION OF ANY INVOLVEMENT, INCLUDING ANY INVESTMENTS OTHER THAN THE OWNERSHIP OF STOCK IN A PUBLICLY TRADED COMPANY OR MUTUAL FUND, BY THE INDIVIDUAL DURING THE PAST 7 YEARS WITH ANY BUSINESS THAT MANUFACTURES, ADMINISTERS, PRESCRIBES, DISTRIBUTES, OR STORES PRESCRIPTION DRUGS, AND ANY LAWSUITS IN WHICH THE BUSINESS WAS NAMED AS A PARTY;

8. A. A DESCRIPTION OF ANY MISDEMEANOR OR FELONY OFFENSE OF WHICH THE INDIVIDUAL, AS AN ADULT, WAS FOUND GUILTY, REGARDLESS OF WHETHER ADJUDICATION OF GUILT WAS WITHHELD OR WHETHER THE INDIVIDUAL PLED GUILTY OR NOLO CONTENDERE; AND

B. IF THE INDIVIDUAL INDICATES THAT A CRIMINAL CONVICTION IS UNDER APPEAL AND SUBMITS A COPY OF THE NOTICE OF APPEAL, WITHIN 15 DAYS AFTER THE DISPOSITION OF THE APPEAL, A COPY OF THE FINAL WRITTEN ORDER OF DISPOSITION; AND

9. A PHOTOGRAPH OF THE INDIVIDUAL TAKEN IN THE PREVIOUS 180 DAYS.

(C) THE INFORMATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE PROVIDED UNDER OATH.

(D) THE BOARD MAY NOT ISSUE A WHOLESALE DISTRIBUTOR PERMIT TO AN APPLICANT UNLESS THE BOARD OR ITS DESIGNEE:

(1) CONDUCTS A PHYSICAL INSPECTION OF THE APPLICANT'S PLACE OF BUSINESS, INCLUDING ANY FACILITY OF THE APPLICANT;

(2) FINDS THAT THE PLACE OF BUSINESS AND FACILITY, IF ANY, MEETS THE BOARD'S REQUIREMENTS;

(3) DETERMINES THAT THE DESIGNATED REPRESENTATIVE OF THE APPLICANT MEETS THE FOLLOWING QUALIFICATIONS:

(i) IS AT LEAST 21 YEARS OF AGE;

(V) DOES NOT HAVE ANY CONVICTIONS FOR A VIOLATION OF ANY FEDERAL, STATE, OR LOCAL LAWS RELATING TO WHOLESALE OR RETAIL PRESCRIPTION DRUG DISTRIBUTION OR DISTRIBUTION OF CONTROLLED SUBSTANCES; AND

(VI) DOES NOT HAVE ANY CONVICTIONS FOR A FELONY UNDER FEDERAL, STATE, OR LOCAL LAWS.

(E) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION, THE BOARD SHALL SUBMIT THE FINGERPRINTS PROVIDED WITH A PERMIT APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK OF THE DESIGNATED REPRESENTATIVE AND THE IMMEDIATE SUPERVISOR OF THE DESIGNATED REPRESENTATIVE.

(3) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, THE BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

(III) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) SHALL BE CONFIDENTIAL;

(II) MAY NOT BE REDISSEMINATED; AND

(III) SHALL BE USED ONLY FOR THE PERMITTING PURPOSE AUTHORIZED BY THIS SUBTITLE.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(F) (1) THIS SUBSECTION DOES NOT APPLY TO A PHARMACY WAREHOUSE THAT IS NOT ENGAGED IN WHOLESALE DISTRIBUTION.

(2) AN APPLICANT FOR A WHOLESALE DISTRIBUTOR PERMIT SHALL SUBMIT A SURETY BOND OF AT LEAST \$100,000, OR OTHER EQUIVALENT MEANS OF SECURITY ACCEPTABLE TO THE STATE SUCH AS AN IRREVOCABLE LETTER OF CREDIT OR A DEPOSIT IN A TRUST ACCOUNT OR FINANCIAL INSTITUTION, PAYABLE TO AN ACCOUNT ESTABLISHED BY THE STATE UNDER PARAGRAPH (6) OF THIS SUBSECTION.

(3) THE PURPOSE OF THE SURETY BOND IS TO SECURE PAYMENT OF ANY FINES OR PENALTIES IMPOSED BY THE BOARD AND ANY FEES AND COSTS INCURRED BY THE STATE RELATING TO THE PERMIT THAT:

(I) ARE AUTHORIZED UNDER STATE LAW; AND

(II) ARE NOT PAID BY THE PERMIT HOLDER WITHIN 30 DAYS AFTER THE FINES, PENALTIES, FEES, OR COSTS BECOME FINAL.

(4) THE STATE MAY MAKE A CLAIM AGAINST THE SURETY BOND OR OTHER SECURITY UNTIL 2 YEARS AFTER THE PERMIT HOLDER'S PERMIT CEASES TO BE VALID.

(5) A SINGLE SURETY BOND SHALL COVER ALL FACILITIES OPERATED BY THE APPLICANT IN THE STATE.

(6) THE BOARD SHALL ESTABLISH AN ACCOUNT, SEPARATE FROM ITS OTHER ACCOUNTS, IN WHICH TO DEPOSIT THE APPLICANT'S SURETY BOND OR OTHER SECURITY.

(G) IF A WHOLESALE DISTRIBUTOR DISTRIBUTES PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES FROM MORE THAN ONE FACILITY, THE WHOLESALE DISTRIBUTOR SHALL OBTAIN A PERMIT FOR EACH FACILITY.

(H) WITHIN 30 DAYS AFTER THE DATE THE BOARD RECEIVES A COMPLETED APPLICATION, INCLUDING THE RESULTS OF ALL REQUIRED CRIMINAL HISTORY RECORDS CHECKS, THE BOARD SHALL NOTIFY THE APPLICANT OF THE BOARD'S ACCEPTANCE OR REJECTION OF THE APPLICATION.

12-6C-06.

(A) A WHOLESALE DISTRIBUTOR PERMIT EXPIRES ON DECEMBER 31 AFTER ITS EFFECTIVE DATE, UNLESS THE WHOLESALE DISTRIBUTOR PERMIT IS RENEWED FOR AN ADDITIONAL 2-YEAR TERM AS PROVIDED IN THIS SECTION.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST 1 MONTH BEFORE A WHOLESALE DISTRIBUTOR PERMIT EXPIRES, THE BOARD SHALL SEND TO THE WHOLESALE DISTRIBUTOR PERMIT HOLDER A RENEWAL NOTICE BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE PERMIT HOLDER.

(2) IF REQUESTED BY A WHOLESALE DISTRIBUTOR PERMIT HOLDER, THE BOARD SHALL SEND TO THE PERMIT HOLDER, AT LEAST TWO TIMES WITHIN THE MONTH BEFORE A WHOLESALE DISTRIBUTOR PERMIT EXPIRES, A RENEWAL NOTICE BY ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC ADDRESS OF THE PERMIT HOLDER.

(3) IF A RENEWAL NOTICE SENT BY ELECTRONIC MEANS UNDER PARAGRAPH (2) OF THIS SUBSECTION IS RETURNED TO THE BOARD AS UNDELIVERABLE, THE BOARD SHALL SEND TO THE WHOLESALE DISTRIBUTOR PERMIT HOLDER A RENEWAL NOTICE BY FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE PERMIT HOLDER.

(4) A RENEWAL NOTICE SENT UNDER THIS SUBSECTION SHALL STATE:

(I) THE DATE ON WHICH THE CURRENT WHOLESALE DISTRIBUTOR PERMIT EXPIRES;

(II) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE CURRENT WHOLESALE DISTRIBUTOR PERMIT EXPIRES; AND

(III) THE AMOUNT OF THE RENEWAL FEE.

(5) BEFORE A WHOLESALE DISTRIBUTOR PERMIT EXPIRES, A WHOLESALE DISTRIBUTOR PERMIT HOLDER PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE WHOLESALE DISTRIBUTOR PERMIT HOLDER:

(I) OTHERWISE IS ENTITLED TO A WHOLESALE DISTRIBUTOR PERMIT;

(II) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;
AND

(III) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES.

(6) (I) THE RENEWAL APPLICATION FORM SHALL SET FORTH THE INFORMATION THAT THE WHOLESALE DISTRIBUTOR PROVIDED UNDER § 12-6C-05 OF THIS SUBTITLE.

(II) WITHIN 30 DAYS AFTER RECEIVING THE FORM, THE WHOLESALE DISTRIBUTOR SHALL IDENTIFY AND STATE UNDER OATH TO THE BOARD ALL CHANGES OR CORRECTIONS TO THE INFORMATION THAT WAS PROVIDED UNDER § 12-6C-05 OF THIS SUBTITLE.

(7) THE BOARD SHALL RENEW THE WHOLESALE DISTRIBUTOR PERMIT OF A WHOLESALE DISTRIBUTOR PERMIT HOLDER WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE AND ANY REGULATIONS ADOPTED UNDER THIS SUBTITLE.

(8) THE BOARD MAY DENY, SUSPEND, OR REVOKE THE PERMIT OF A WHOLESALE DISTRIBUTOR IF THE BOARD DETERMINES THAT THE WHOLESALE DISTRIBUTOR NO LONGER QUALIFIES FOR A PERMIT.

12-6C-07.

THE BOARD:

(1) SHALL ADOPT REGULATIONS THAT REQUIRE ROUTINE INSPECTIONS OF WHOLESALE DISTRIBUTOR FACILITIES; AND

(2) MAY ADOPT REGULATIONS ESTABLISHING:

(I) MINIMUM REQUIREMENTS FOR THE RECEIPT, STORAGE, AND HANDLING OF PRESCRIPTION DRUGS OR PRESCRIPTION DEVICES, SECURITY PRECAUTIONS, QUALITY CONTROL, RECORD KEEPING, AND PROCEDURES, POLICY, AND RESPONSIBILITIES OF PERSONNEL; AND

(II) EDUCATION AND EXPERIENCE REQUIREMENTS FOR PERSONNEL EMPLOYED IN POSITIONS RESPONSIBLE FOR CARRYING OUT THE DUTIES:

1. REFERENCED IN ITEM (I) OF THIS ITEM; OR

2. RELATED TO STATE PERMIT REQUIREMENTS UNDER THIS SUBTITLE.

12-6C-08.

INFORMATION PROVIDED BY A WHOLESALE DISTRIBUTOR OR AN APPLICANT FOR A WHOLESALE DISTRIBUTOR PERMIT UNDER THIS SUBTITLE MAY NOT BE DISCLOSED TO ANY PERSON OR ENTITY EXCEPT A STATE LICENSING OR PERMITTING AUTHORITY, STATE BOARD, OR GOVERNMENT AGENCY THAT NEEDS THE INFORMATION FOR LICENSING, PERMITTING, MONITORING, OR LAW ENFORCEMENT PURPOSES.

12-6C-09.

(A) (1) A WHOLESALE DISTRIBUTOR SHALL RECEIVE PRESCRIPTION DRUG RETURNS OR EXCHANGES FROM A PHARMACY OR PHARMACY WAREHOUSE ACCORDING TO THE TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN THE WHOLESALE DISTRIBUTOR AND THE PHARMACY OR PHARMACY WAREHOUSE.

(2) RETURNS OF EXPIRED, DAMAGED, RECALLED, OR OTHERWISE NONSALEABLE PRESCRIPTION DRUGS SHALL BE DISTRIBUTED BY THE RECEIVING WHOLESALE DISTRIBUTOR ONLY TO EITHER THE ORIGINAL MANUFACTURER OR A THIRD PARTY RETURNS PROCESSOR.

(3) RETURNS OR EXCHANGES OF PRESCRIPTION DRUGS, SALEABLE OR OTHERWISE, INCLUDING ANY REDISTRIBUTION BY A RECEIVING WHOLESALER, ARE NOT SUBJECT TO THE PEDIGREE REQUIREMENTS OF § 12-6C-10 OF THIS SUBTITLE IF THEY ARE EXEMPT FROM THE PEDIGREE REQUIREMENT OF THE U.S. FOOD AND DRUG ADMINISTRATION'S CURRENTLY APPLICABLE PRESCRIPTION DRUG MARKETING ACT GUIDELINES.

(4) WHOLESALE DISTRIBUTORS AND PHARMACIES SHALL BE ACCOUNTABLE FOR:

(I) ADMINISTERING THEIR RETURNS PROCESS; AND

(II) ENSURING THAT THE RETURNS PROCESS IS SECURE AND DOES NOT PERMIT THE ENTRY OF ADULTERATED AND COUNTERFEIT PRODUCT.

(B) A WHOLESALE DISTRIBUTOR MAY SUPPLY PRESCRIPTION DRUGS ONLY TO A PERSON AUTHORIZED BY LAW TO DISPENSE OR RECEIVE PRESCRIPTION DRUGS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A WHOLESALE DISTRIBUTOR MAY DELIVER PRESCRIPTION DRUGS ONLY TO:

(I) THE PREMISES LISTED ON THE RECIPIENT'S LICENSE OR PERMIT; OR

(II) AN AUTHORIZED PERSON OR AN AGENT OF AN AUTHORIZED PERSON AT THE PREMISES OF THE WHOLESALE DISTRIBUTOR IF:

1. THE IDENTITY AND AUTHORIZATION OF THE PERSON OR AGENT IS PROPERLY ESTABLISHED; AND

2. THIS METHOD OF DELIVERY IS EMPLOYED ONLY TO MEET THE IMMEDIATE NEEDS OF A PARTICULAR PATIENT OF THE AUTHORIZED PERSON.

(2) (I) PRESCRIPTION DRUGS MAY BE SUPPLIED TO A HOSPITAL PHARMACY RECEIVING AREA IF A PHARMACIST OR AUTHORIZED RECEIVING PERSONNEL OF THE HOSPITAL PHARMACY SIGNS, AT THE TIME OF DELIVERY, A RECEIPT SHOWING THE TYPE AND QUANTITY OF THE PRESCRIPTION DRUG RECEIVED.

(II) ANY DISCREPANCY BETWEEN THE TYPE AND QUANTITY OF THE PRESCRIPTION DRUG INDICATED ON THE RECEIPT AND THE TYPE AND QUANTITY OF THE PRESCRIPTION DRUG RECEIVED:

1. SHALL BE REPORTED TO THE DELIVERING WHOLESALE DISTRIBUTOR BY THE NEXT BUSINESS DAY AFTER THE DELIVERY TO THE HOSPITAL PHARMACY RECEIVING AREA; AND

2. MAY BE REPORTED TO THE BOARD FOR INVESTIGATION.

(D) (1) A WHOLESALE DISTRIBUTOR MAY NOT ACCEPT PAYMENT OR ALLOW THE USE OF A PERSON'S CREDIT TO ESTABLISH AN ACCOUNT FOR THE PURCHASE OF PRESCRIPTION DRUGS FROM ANY PERSON OTHER THAN THE OWNER OF RECORD, THE CHIEF EXECUTIVE OFFICER, OR THE CHIEF FINANCIAL OFFICER LISTED ON THE LICENSE OR PERMIT OF A PERSON LEGALLY AUTHORIZED TO RECEIVE PRESCRIPTION DRUGS.

(2) ANY ACCOUNT ESTABLISHED FOR THE PURCHASE OF PRESCRIPTION DRUGS SHALL BEAR THE NAME OF THE LICENSE OR PERMIT HOLDER.

(E) A WHOLESALE DISTRIBUTOR MAY NOT OPERATE OUT OF A RESIDENCE.

12-6C-10.

(A) A PERSON WHO IS ENGAGED IN THE WHOLESALE DISTRIBUTION OF A PRESCRIPTION DRUG THAT LEAVES, OR HAS EVER LEFT, THE NORMAL DISTRIBUTION CHANNEL SHALL PROVIDE, BEFORE EACH WHOLESALE DISTRIBUTION OF THE PRESCRIPTION DRUG, A PEDIGREE TO THE PERSON WHO RECEIVES THE PRESCRIPTION DRUG.

(B) A RETAIL PHARMACY OR PHARMACY WAREHOUSE SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION ONLY IF THE PHARMACY OR PHARMACY WAREHOUSE ENGAGES IN THE WHOLESALE DISTRIBUTION OF A PRESCRIPTION DRUG IN THE STATE.

(C) (1) TO BE CONSIDERED PART OF THE NORMAL DISTRIBUTION CHANNEL, A WHOLESALE DISTRIBUTOR, A MANUFACTURER'S EXCLUSIVE DISTRIBUTOR, AND A MANUFACTURER'S THIRD PARTY LOGISTICS PROVIDER ALSO MUST BE AN AUTHORIZED DISTRIBUTOR OF RECORD.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A PHARMACY WAREHOUSE THAT IS NOT AN AUTHORIZED DISTRIBUTOR OF RECORD SHALL BE CONSIDERED PART OF THE NORMAL DISTRIBUTION CHANNEL.

(D) EACH PERSON WHO ENGAGES IN THE WHOLESALE DISTRIBUTION OF A PRESCRIPTION DRUG, INCLUDING REPACKAGERS BUT EXCLUDING THE ORIGINAL MANUFACTURER OF THE FINISHED FORM OF THE PRESCRIPTION DRUG, WHO IS PROVIDED A PEDIGREE FOR THE PRESCRIPTION DRUG AND ATTEMPTS TO FURTHER DISTRIBUTE THE PRESCRIPTION DRUG, SHALL AUTHENTICATE, BEFORE ANY DISTRIBUTION OF THE PRESCRIPTION DRUG OCCURS, THAT EACH TRANSACTION LISTED ON THE PEDIGREE HAS OCCURRED.

(E) THE PEDIGREE SHALL INCLUDE:

(1) ALL NECESSARY IDENTIFYING INFORMATION RELATING TO EACH SALE IN THE CHAIN OF DISTRIBUTION OF THE PRESCRIPTION DRUG FROM THE MANUFACTURER OR THE MANUFACTURER'S THIRD PARTY LOGISTICS PROVIDER, CO-LICENSED PARTNER, OR MANUFACTURER'S EXCLUSIVE DISTRIBUTOR, THROUGH ACQUISITION AND SALE BY ANY WHOLESALE DISTRIBUTOR OR REPACKAGER, UNTIL FINAL SALE TO A PHARMACY OR OTHER PERSON DISPENSING OR ADMINISTERING THE PRESCRIPTION DRUG, INCLUDING:

(i) THE NAME, ADDRESS, TELEPHONE NUMBER, AND IF AVAILABLE, ELECTRONIC MAIL ADDRESS, OF EACH OWNER AND EACH WHOLESALE DISTRIBUTOR OF THE PRESCRIPTION DRUG;

(ii) THE NAME AND ADDRESS OF EACH LOCATION FROM WHICH THE PRESCRIPTION DRUG WAS SHIPPED, IF DIFFERENT FROM THE OWNER'S;

(iii) TRANSACTION DATES; AND

(iv) CERTIFICATION THAT EACH RECIPIENT HAS AUTHENTICATED THE PEDIGREE;

(2) THE NAME OF THE PRESCRIPTION DRUG;

- (3) THE DOSAGE FORM AND STRENGTH OF THE PRESCRIPTION DRUG;
- (4) THE SIZE OF THE CONTAINER;
- (5) THE NUMBER OF CONTAINERS;
- (6) THE LOT NUMBER AND NATIONAL DRUG CODE OF THE
PRESCRIPTION DRUG; AND
- (7) THE NAME OF THE MANUFACTURER OF THE FINISHED DOSAGE
FORM.

 (F) EACH PEDIGREE FOR A PRESCRIPTION DRUG SHALL BE:

- (1) MAINTAINED BY THE PURCHASER AND THE WHOLESALE
DISTRIBUTOR FOR 3 YEARS FROM THE DATE OF SALE OR TRANSFER; AND
- (2) AVAILABLE FOR INSPECTION OR USE WITHIN 5 BUSINESS DAYS ON
REQUEST OF THE BOARD, THE BOARD'S DESIGNEE, OR AN AUTHORIZED LAW
ENFORCEMENT OFFICER.

12-6C-11.

 (A) (1) IF A PERSON VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY
REGULATION ADOPTED UNDER THIS SUBTITLE, THE BOARD MAY IMPOSE A FINE NOT
TO EXCEED \$500,000.

 (2) BEFORE THE BOARD IMPOSES A FINE, THE BOARD SHALL
CONSIDER THE APPROPRIATENESS OF THE FINE IN RELATION TO:

- (I) THE SIZE OF THE WHOLESALE DISTRIBUTOR;
- (II) THE GRAVITY OF THE VIOLATION FOR WHICH THE FINE IS
TO BE IMPOSED;
- (III) THE GOOD FAITH OF THE WHOLESALE DISTRIBUTOR; AND
- (IV) ANY PREVIOUS VIOLATIONS BY THE WHOLESALE
DISTRIBUTOR.

 (B) IN ADDITION TO THE PENALTY PROVIDED IN SUBSECTION (A) OF THIS
SECTION, THE BOARD ALSO MAY TAKE DISCIPLINARY ACTION AGAINST A PERMIT
HOLDER WHO IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
VIOLATION OF STATE, FEDERAL, OR LOCAL DRUG LAWS.

12-6C-12.

ON OR BEFORE JANUARY 1, 2008, THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

12-6C-13.

ON OR BEFORE JANUARY 1, 2008, AND ON OR BEFORE JANUARY 1 OF EACH SUBSEQUENT YEAR, THE BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Health and Mental Hygiene, in conjunction with the State Board of Pharmacy, shall convene a workgroup of manufacturers, distributors, and pharmacies that sell and distribute prescription drugs in the State to recommend to the Board a target date for implementation of electronic track and trace pedigree technology.

(b) The workgroup shall:

(1) survey the availability of electronic track and trace pedigree technology across the entire prescription pharmaceutical supply chain;

(2) determine when electronic track and trace pedigree technology will be universally available across the entire prescription pharmaceutical supply chain; and

(3) based on its determination of the universal availability of electronic track and trace pedigree technology, make recommendations to the Board for a target date, no sooner than July 1, 2010, for implementation of electronic track and trace pedigree technology across the entire prescription pharmaceutical supply chain.

(c) Taking into consideration the recommendations of the workgroup, the Board shall establish a target date, no sooner than July 1, 2010, for implementation of electronic track and trace pedigree technology.

(d) In accordance with § 2-1246 of the State Government Article, the Board shall submit to the Senate Education, Health and Environmental Affairs Committee and the House Health and Government Operations Committee:

(1) on or before January 1, 2009, a report with the recommendations of the workgroup; and

(2) on or before July 1, 2009, the target date for implementation of electronic track and trace pedigree technology established by the Board.”.

AMENDMENT NO. 4

On page 6, in line 6, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1046 – Delegates Mizeur, Ali, Anderson, Beidle, Braveboy, Dumais, Feldman, Gutierrez, Hecht, Ivey, Kaiser, Kelly, Kullen, Lawton, Manno, Nathan–Pulliam, Pena–Melnik, Rice, Stein, and Tarrant

AN ACT concerning

Public Health – Self–Injury by Cutting – Public Awareness Campaign

(Amendment ID: HB1046/296488/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1046
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Self–Injury by Cutting – Public Awareness Campaign” and substitute “Self–Mutilation – Awareness, Training, and Distribution of Materials”; in line 3, strike “Superintendent of Schools” and substitute “Department of Education”; strike beginning with “establish” in line 4 down through “Act;” in line 7 and substitute “provide awareness and training for certain individuals on self–mutilation; requiring the Department of Health and Mental Hygiene to provide to the State Department of Education certain information and materials on self–mutilation;”; and strike beginning with “a” in line 8 down through “cutting” in line 9 and substitute “awareness, training, and distribution of materials on self–mutilation”.

AMENDMENT NO. 2

On page 2, in line 1, strike “(1)”; in the same line, strike “STATE SUPERINTENDENT” and substitute “DEPARTMENT”; in line 2, after “SHALL” insert

“PROVIDE AWARENESS AND TRAINING FOR DIRECTORS OF STUDENT SERVICES IN LOCAL EDUCATION AGENCIES ON SELF–MUTILATION, INCLUDING INJURY BY CUTTING.

(B) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE TO THE DEPARTMENT:

(1) RESOURCE INFORMATION ON SELF–MUTILATION, INCLUDING INJURY BY CUTTING, TO BE DISTRIBUTED TO LOCAL SCHOOL SUPERVISORS OF HEALTH, COUNSELING, AND PSYCHOLOGY; AND

(2) MATERIALS FOR DISTRIBUTION THAT DESCRIBE LOCAL, STATE, AND NATIONAL RESOURCES TO WHICH STUDENTS, PARENTS, COUNSELORS, AND SCHOOL PERSONNEL CAN REFER FOR INFORMATION ON SELF–MUTILATION, INCLUDING INJURY BY CUTTING.”;

and strike beginning with “ESTABLISH” in line 2 down through “SERVICES.” in line 23.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1095 – Delegate Bohanan

AN ACT concerning

Higher Education – St. Mary’s College of Maryland – Procurement Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1359 – Delegates Conway, Cane, Eckardt, Elmore, Haddaway, Mathias, Rudolph, Shewell, Smigiel, Sossi, and Walkup

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1412 – Delegates Harrison, Anderson, Carter, Conaway, Oaks, Robinson, and Stukes

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1423 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Department of Aging – Continuing Care Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1424 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Military Department Center for Military History

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #10

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

House Bill 269 – Delegates Rosenberg and N. King

AN ACT concerning

Public Service Summer Internship Scholarship Program

(Amendment ID: HB0269/825769/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Public” insert “Walter Sondheim Jr.”; in lines 3 and 12, in each instance, after the second “the” insert “Walter Sondheim Jr.”; and in line 16, before “Public” insert “Walter Sondheim Jr.”.

AMENDMENT NO. 2

On page 2, in line 1, after “**17.**” insert “**WALTER SONDHEIM JR.**”; in lines 7 and 8, strike “**OR OUTSIDE**”; and in lines 9 and 25, in each instance, after “**THE**” insert “**WALTER SONDHEIM JR.**”.

AMENDMENT NO. 3

On page 3, in line 5, strike “**(1)**”; and strike in their entirety lines 8 through 10, inclusive.

AMENDMENT NO. 4

On page 4, in line 22, after “**THE**” insert “**WALTER SONDHEIM JR.**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 309 – Delegates Rosenberg, Bronrott, Haynes, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter's Rights Protection Act of 2007

(Amendment ID: HB0309/255965/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “elections;” in line 5; strike beginning with “requiring” in line 6 down through “ballot;” in line 8; strike beginning with “file” in line 10 down through “to” in line 11; in line 12, after “circumstances;” insert “prohibiting a vacancy in polling place staff from delaying the opening of the polling place;”; in line 17, strike “a local board” and substitute “certain election judges”; in line 18, after “system” insert “and other issues that arise”; and strike beginning with “specifying” in line 18 down through “contain” in line 19 and substitute “regulating the activities of challengers or watchers at the polling place; prohibiting certain persons from distributing, disseminating, or publishing, or being responsible for such activities, with respect to any item of campaign material that contains”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 3 on page 2, inclusive.

On page 2, strike in its entirety line 6 and substitute “Section 9-404, 10-206, 10-301, 10-305, 10-310, 10-311, and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 18 on page 2 through line 15 on page 3, inclusive.

AMENDMENT NO. 3

On page 4, in line 4, strike “or”; in line 5, after “identification” insert “; OR”

(IV) A CHIEF ELECTION JUDGE DETERMINES THAT THERE IS A PROBLEM OUTSIDE OF THE VOTER'S CONTROL THAT CAUSES THE VOTER TO BE UNABLE TO VOTE A REGULAR BALLOT”;

in line 6, strike “(1)”; strike beginning with “A” in line 7 down through “BY” in line 8; in line 10, strike the brackets; strike beginning with “; AND” in line 10 down through “VOIDED” in line 16; in line 17, strike “(2)”; and in the same line, strike “PARAGRAPH (1)(I) OF”.

AMENDMENT NO. 4

On pages 4 and 5, strike beginning with “9-405” in line 20 on page 4 down through “TAKEN.” in line 7 on page 5.

On page 5, in line 22, after “(d)” insert “(1)”; and after line 23, insert:

“(2) ELECTION JUDGES SHALL BE TRAINED TO OPERATE EFFECTIVELY THE VOTING SYSTEM AND ALL OF ITS FEATURES, INCLUDING FEATURES DESIGNED TO ENSURE COMPLIANCE WITH THIS SECTION AND STATE AND FEDERAL LAWS RELATED TO VOTERS WITH DISABILITIES.”.

AMENDMENT NO. 5

On page 6, strike in their entirety lines 6 through 10, inclusive, and substitute:

“(B) IF FOR ANY REASON THE OPENING OF A POLLING PLACE IS DELAYED FOR MORE THAN 1 HOUR, THE LOCAL BOARD SHALL:

(1) REQUIRE THE ELECTION JUDGES IN THAT POLLING PLACE TO KEEP THE POLLING PLACE OPEN FOR AN ADDITIONAL PERIOD OF TIME EQUAL TO THE PERIOD OF THE DELAY, BUT NOT TO EXCEED 2 HOURS;

(2) PROMPTLY NOTIFY THE STATE ADMINISTRATOR; AND

(3) CONSISTENT WITH THE INSTRUCTIONS FROM THE STATE ADMINISTRATOR, NOTIFY THE PUBLIC OF THE EXTENDED VOTING HOURS.”.

AMENDMENT NO. 6

On page 6, after line 12, insert:

“10-305.

(A) A VACANCY IN THE POLLING PLACE STAFF MAY NOT DELAY THE OPENING OF THE POLLING PLACE.

[(a)] (B) If there is a vacancy in the polling place staff during voting hours:

(1) the local board may fill the vacancy with a substitute election judge who has been recruited and trained; or

(2) an election judge who is present at the polling place may fill the position of the absent election judge by appointing a person registered with the same party affiliation as the absent election judge.

[(b)] (C) If a substitute election judge is appointed under subsection [(a)] (B) of this section:

(1) either the election director, the election director's designee, or the election judge making the substitute appointment shall administer the oath required under § 10-204 of this title; and

(2) a chief election judge shall document any change in the polling place staff in the records of the polling place.”.

AMENDMENT NO. 7

On pages 6 and 7, strike beginning with line 13 on page 6 through line 13 on page 7, inclusive.

AMENDMENT NO. 8

On page 9, after line 21, insert:

“(E) CONSISTENT WITH INSTRUCTIONS PROVIDED IN THE MANUAL FOR ELECTION JUDGES, DURING THE COURSE OF THE ELECTION THE CHIEF ELECTION JUDGES SHALL KEEP A LOG OF ISSUES THAT ARISE IN THE POLLING PLACE, INCLUDING:

(1) ANY ALLEGED MALFUNCTION OF THE VOTING EQUIPMENT;

(2) ISSUES THAT MAY REQUIRE FURTHER INVESTIGATION; AND

(3) ISSUES REGARDING THE CONDUCT OF CHALLENGERS AND WATCHERS.

10-311.

(a) (1) The following persons or entities have the right to designate a registered voter as a challenger or a watcher at each place of registration and election:

(i) the State Board for any polling place in the State;

(ii) a local board for any polling place located in the county of the local board;

(iii) a candidate;

(iv) a political party; and

(v) any other group of voters supporting or opposing a candidate, principle, or proposition on the ballot.

(2) A person who appoints a challenger or watcher may remove the challenger or watcher at any time.

(b) Except as provided in § 10-303(d)(2) of this subtitle and subsection (d) of this section, a challenger or watcher has the right to:

(1) enter the polling place one-half hour before the polls open;

(2) enter or be present at the polling place at any time when the polls are open;

(3) remain in the polling place until the completion of all tasks associated with the close of the polls under § 10-314 of this subtitle and the election judges leave the polling place;

(4) maintain a list of registered voters who have voted, or individuals who have cast provisional ballots, and take the list outside of the polling place; and

(5) enter and leave a polling place for the purpose of taking outside of the polling place information that identifies registered voters who have cast ballots or individuals who have cast provisional ballots.

(c) (1) (i) A certificate signed by any party or candidate shall be sufficient evidence of the right of a challenger or watcher to be present in the voting room.

(ii) The State Board shall prescribe a form that shall be supplied to the challenger or watcher by the person or entity designating the challenger or watcher.

(2) A challenger or watcher shall be positioned near the election judges and inside the voting room so that the challenger or watcher may see and hear each person as the person offers to vote.

(d) (1) A challenger or watcher may not attempt to:

(i) ascertain how a voter voted or intends to vote;

(ii) converse in the polling place with any voter;

(iii) assist any voter in voting; [or]

(iv) physically handle an original election document OR ANY VOTING EQUIPMENT;

(V) MAKE A CHALLENGE INDISCRIMINATELY OR WITHOUT GOOD CAUSE;

(VI) INTERFERE WITH OR UNDULY DELAY THE WORK OF AN ELECTION JUDGE; OR

(VII) MAKE A CHALLENGE OF A QUALIFIED VOTER FOR THE PURPOSE OF ANNOYANCE OR DELAY.

(2) An election judge may eject a challenger or watcher who violates the prohibitions under paragraph (1) of this subsection.

(e) (1) Except as provided in paragraphs (2) and (3) of this subsection, an election judge shall permit an individual other than an accredited challenger or watcher who desires to challenge the right to vote of any other individual to enter the polling place for that purpose.

(2) A majority of the election judges may limit the number of nonaccredited challengers and watchers allowed in the polling place at any one time for the purpose of challenging the right of an individual to vote.

(3) A nonaccredited challenger or watcher shall leave the polling place as soon as a majority of the election judges decides the right to vote of the individual challenged by the challenger or watcher.

(4) In addition to restrictions provided under this subsection, all restrictions on the actions of an accredited challenger or watcher provided under this subtitle apply to a nonaccredited challenger or watcher.”.

AMENDMENT NO. 9

On pages 9 and 10, strike beginning with line 22 on page 9 through line 10 on page 10, inclusive.

AMENDMENT NO. 10

On page 10, strike in their entirety lines 12 through 19, inclusive, and substitute:

“(A) THIS SECTION APPLIES TO CAMPAIGN MATERIAL THAT RELATES TO OR DESCRIBES:

- (1) THE TIME, PLACE, OR MANNER OF ANY ELECTION;**
 - (2) THE QUALIFICATIONS FOR OR RESTRICTIONS ON VOTER ELIGIBILITY FOR AN ELECTION;**
 - (3) THE EXPLICIT ENDORSEMENT BY ANY PERSON OR ORGANIZATION OF A CANDIDATE;**
 - (4) THE POLITICAL PARTY AFFILIATION OF A CANDIDATE OR THAT A CANDIDATE HAS BEEN NOMINATED BY A POLITICAL PARTY WHEN IN FACT THAT CANDIDATE HAS NOT BEEN NOMINATED BY THAT POLITICAL PARTY; OR**
 - (5) THE HOLDING OF AN OFFICE BY A CANDIDATE.**
- (B) A PERSON, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY MAY NOT DISTRIBUTE, DISSEMINATE, OR PUBLISH OR CAUSE TO BE DISTRIBUTED, DISSEMINATED, OR PUBLISHED ANY ITEM OF CAMPAIGN MATERIAL SUBJECT TO THIS SECTION KNOWING THE CAMPAIGN MATERIAL IS FALSE AND WITH THE INTENT TO INFLUENCE A VOTER OR TO PREVENT THE VOTER FROM EXERCISING THE RIGHT TO VOTE IN AN ELECTION.”.**

AMENDMENT NO. 11

On page 11, strike beginning with “WHILE” in line 14 down through “DELAY” in line 21 and substitute “**ENGAGE IN CONDUCT THAT RESULTS OR HAS THE INTENT TO RESULT IN THE DISRUPTION OF POLLING PLACE ACTIVITIES**”; and in lines 22 and 23, in each instance, after “PERSON” insert “**, POLITICAL COMMITTEE, CAMPAIGN FINANCE ENTITY, OR OTHER ORGANIZATION OR ENTITY**”.

AMENDMENT NO. 12

On page 12, in line 17, strike “October” and substitute “July”.

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for the end of Third Reading calendar.

The motion was adopted.

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

House Bill 451 – Delegates Bronrott, Ali, Barkley, Bartlett, Barve, Bobo, Bromwell, V. Clagett, Donoghue, Doory, Eckardt, Elmore, Feldman, Frush, George, Goldwater, Haddaway, Hixson, Holmes, Howard, Hubbard, Hucker, James, Jennings, N. King, Krebs, Lawton, Lee, Manno, McComas, McKee, Mizeur, Montgomery, Morhaim, Murphy, Olszewski, Pendergrass, Rice, Ross, Simmons, Smigiel, Sophocleus, Stein, Taylor, and Waldstreicher

AN ACT concerning

Sales and Use Tax – Tax-Free Period for the Purchase of Energy Efficient Products

(Amendment ID: HB0451/135069/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 451
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Cardin, Gilchrist, Ivey, Kaiser, Stukes, and Walker”.

AMENDMENT NO. 2

On page 3, in line 4, strike “OR”; and in line 5, after “REFRIGERATOR” insert “, COMPACT FLUORESCENT LIGHT BULB, DEHUMIDIFIER, OR PROGRAMMABLE THERMOSTAT”.

AMENDMENT NO. 3

On page 3, in line 9, strike “THE PERIOD FROM”; in the same line, strike “6” and substitute “5”; in the same line, strike “THROUGH” and substitute “AND”; and in the same line, strike “8” and substitute “6”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 542 – Delegate Ross

AN ACT concerning

Elections – Election Judges Training Pilot Program

(Amendment ID: HB0542/855360/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 542
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Ross” and substitute “Delegates Ross, Bohanan, Barve, Cardin, Gilchrist, Howard, Ivey, Kaiser, N. King, McKee, Olszewski, Stukes, and Walker”; strike beginning with “in” in line 5 down through the second “Elections” in line 6 and substitute “and the Center for the Study of Democracy at Saint Mary’s College of Maryland; requiring that the pilot program be administered in conjunction with the State Board of Elections”; and in line 9, after “Citizenship” insert “and the Center for the Study of Democracy”.

AMENDMENT NO. 2

On page 2, strike beginning with “BY” in line 2 down through “ELECTIONS” in line 6 and substitute “BY:”

(1) THE CENTER FOR AMERICAN POLITICS AND CITIZENSHIP AT THE UNIVERSITY OF MARYLAND, COLLEGE PARK; AND

(2) THE CENTER FOR THE STUDY OF DEMOCRACY AT SAINT MARY’S COLLEGE OF MARYLAND.

(B) THE PILOT PROGRAM SHALL BE ADMINISTERED IN CONJUNCTION WITH THE STATE BOARD OF ELECTIONS”;

in lines 7, 8, 13, and 17, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(C)”, “(D)”, “(E)”, and “(F)”, respectively; in line 9, after “PARK” insert “AND SAINT MARY’S COLLEGE OF MARYLAND”; and strike beginning with “PRINCE” in line 10 down through “COUNTY” in line 11 and substitute “THE STATE”.

AMENDMENT NO. 3

On page 2, in line 19, after “PARK” insert “AND THE CENTER FOR THE STUDY OF DEMOCRACY AT SAINT MARY’S COLLEGE OF MARYLAND”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 560 – Delegates McIntosh and Hixson

AN ACT concerning

Election Law – Campaign Contributions – Limits on Contributions

(Amendment ID: HB0560/665062/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 560

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 4 down through “offices;” in line 6.

AMENDMENT NO. 2

On page 2, in line 6, strike “1.”; in the same line, strike “\$10,000” and substitute “\$20,000”; in lines 6 and 8, in each instance, strike the bracket; strike beginning with “FOR” in line 6 down through “DELEGATES” in line 8; and strike beginning with “AND” in line 8 down through “OR” in line 10.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Simmons moved to make the Bill a Special Order for the end of Third Reading calendar.

The motion was adopted.

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

House Bill 881 – Howard County Delegation

AN ACT concerning

**Howard County – Certificated and Noncertificated Public School Employees –
Service or Representation Fee
Ho. Co. 11-07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1091 – Frederick County Delegation

AN ACT concerning

Frederick County Board of Elections – Salary Increase

(Amendment ID: HB1091/715367/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1091
(First Reading File Bill)

On page 2, in line 1, strike “\$5,000” and substitute “\$5,500”; in line 2, strike “\$4,500” and substitute “\$5,000”; in line 13, strike “\$3,600” and substitute “\$4,500”; and in line 31, strike “October” and substitute “June”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1123 – Delegates Hixson, Barkley, Barve, Bronrott, Dumais, Gilchrist, Gutierrez, Heller, Hucker, Kaiser, N. King, Kramer, Lawton, Lee, Manno, Mizeur, Montgomery, Rice, Simmons, and Taylor

AN ACT concerning

Workforce Shortage Student Assistance Grants – Ida G. Ruben Scholarship

(Amendment ID: HB1123/915262/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1123
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 5, in each instance, after “G.” insert “and L. Leonard”; in lines 2 and 6, in each instance, strike “Scholarship” and substitute “Scholarships”; in line 3, strike “a”; in line 4, strike “grant” and substitute “grants”; and in line 6, strike “a scholarship” and substitute “grants”.

AMENDMENT NO. 2

On page 2, in line 24, strike “ONE GRANT” and substitute “GRANTS”; in line 27, strike “THE”; in the same line, after “G.” insert “AND L. LEONARD”; and in the same line, strike “SCHOLARSHIP” and substitute “SCHOLARSHIPS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1143 – Delegate Barve

AN ACT concerning

Income Tax Withholding – Nonresident Contractors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1146 – Delegates Stifler, Barnes, Boteler, Frush, George, Glassman, Impallaria, James, Jennings, Kipke, Lafferty, Love, McComas, McConkey, Sossi, Stein, and Walkup

AN ACT concerning

Task Force to Study the Feasibility of Implementing a BRAC TRAC in Middle and High Schools

(Amendment ID: HB1146/785668/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1146
(First Reading File Bill)

On page 2, after line 5, insert:

“(5) the Secretary of Labor, Licensing, and Regulation, or the Secretary’s designee;”;

and in lines 6, 7, 9, and 10, strike “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB1146/943924/1)

BY: Delegate Kach

AMENDMENT TO HOUSE BILL 1146
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Walkup” and substitute “Walkup, and Kach”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1155 – Delegate N. King

AN ACT concerning

Education – Children with Disabilities – Unaccompanied Homeless Youth

(Amendment ID: HB1155/495569/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1155
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate N. King” and substitute “Delegates Howard and N. King”; and in line 4, after “definition;” insert “making a technical correction;”.

AMENDMENT NO. 2

On page 2, in line 27, strike “Mental Retardation” and substitute “DEVELOPMENTAL DISABILITIES”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1197 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Maryland Research and Development Tax Credit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1199 – Delegates Hixson and N. King

AN ACT concerning

Education – Meals for Achievement In-Classroom Breakfast Program – Eligibility

(Amendment ID: HB1199/425262/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1199
(First Reading File Bill)

On page 1, in the sponsor line, strike “and N. King” and substitute “, N. King, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, and Walker”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1239 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Board of Education – Election of Members
PG 433–07

(Amendment ID: HB1239/555762/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1239
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Election of Members”; in line 17, after “term;” insert “prohibiting a member of the County Board from holding an office of profit in Prince George’s County government;”; strike beginning with “requiring” in line 19 down through “action;” in line 20 and substitute “altering the requirements for a quorum of the County Board;”; and in line 23, after “system;” insert “repealing a certain requirement that the County Board and the Maryland State Department of Education hire a consultant to conduct a comprehensive review of the Prince George’s County school system;”

repealing certain requirements that the County Board and the Maryland State Department of Education conduct certain hearings and prepare certain reports concerning a certain comprehensive review;”.

On page 2, after line 10, insert:

“BY repealing

Chapter 289 of the Acts of the General Assembly of 2002, as amended by Chapter 344 of the Acts of the General Assembly of 2005
Section 17 and 18”.

AMENDMENT NO. 2

On page 5, in line 23, strike “THE county” and substitute “PRINCE GEORGE’S COUNTY”.

On page 7, in line 12, after “3” insert “, PRECINCTS 2 AND 3”.

On page 8, in line 9, strike “PRECINCT 6” and substitute “PRECINCTS 2, 5, 6, AND 7”; after line 15, insert:

“(IV) ELECTION DISTRICT 3, PRECINCT 1;”;

in line 16, strike “(IV)” and substitute “(V)”; in the same line, strike “THROUGH 5” and substitute “, 3, 4,”; in the same line, strike “7” and substitute “8”; in line 18, strike “(V)” and substitute “(VI)”; and in line 20, strike “(VI)” and substitute “(VII)”.

On page 13, strike in their entirety lines 18 through 20, inclusive, and substitute:

“(2) WHEN THERE ARE TWO OR MORE VACANCIES ON THE COUNTY BOARD, A QUORUM OF THE COUNTY BOARD IS FOUR ELECTED MEMBERS.”;

in line 21, strike “ELECTED”; strike beginning with “PRESENT” in line 22 down through “PRESENT” in line 23.

On page 16, after line 10, insert:

“Chapter 289 of the Acts of 2002, as amended by Chapter 344 of the Acts of 2005

[SECTION 17. AND BE IT FURTHER ENACTED, That, on or before June 1, 2007, a consultant shall conduct a comprehensive review of the Prince George’s County public school system and the New Prince George’s County Board of Education (New Board). The Prince George’s County Board of Education (Board) and the Maryland State Department of Education shall jointly select and equally share the cost of the consultant and determine the scope of the comprehensive review. At a minimum, the comprehensive review shall evaluate both the educational and management reforms made by the New

Board and shall determine whether there has been improvement in the management of and student achievement in the public schools in Prince George's County. The review may include recommendations to the General Assembly concerning the organizational structure of the Prince George's County public school system, in addition to recommendations to the Board concerning modifications to the master plan adopted in accordance with this Act. The consultant shall report the findings of the evaluation to the Governor, the County Executive of Prince George's County, the Board and, in accordance with § 2-1246 of the State Government Article, the General Assembly.]

[SECTION 18. AND BE IT FURTHER ENACTED, That the Prince George's County Board and the State Board of Education shall review the findings of the comprehensive review set forth in Section 17 of this Act and shall conduct four public hearings throughout Prince George's County. On or before September 1, 2007, the Prince George's County Board and State Board of Education shall report to the General Assembly the results of the public hearings and the review of the final comprehensive review, and propose to the General Assembly any changes appropriate in the management structure and levels of funding of the Prince George's County public school system.]”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1278 – Carroll County Delegation

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1295 – Harford County Delegation

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1347 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Public Service Company Franchise Tax – Returns and Collection

(Amendment ID: HB1347/375760/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1347
(First Reading File Bill)

On page 3, in line 2, strike “TAX”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1348 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Valuation Records – Restrictions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1355 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

(Amendment ID: HB1355/695266/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1355
(First Reading File Bill)

On page 1, in line 9, after “term;” insert “providing for the termination of this Act;”.

On page 3, in line 23, after “the” insert “building”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1372 – Delegates Gaines, Barkley, Benson, Bohanan, Branch, DeBoy, Frush, Griffith, Healey, Love, Murphy, Pena–Melnyk, and Ross

AN ACT concerning

**Student Health – Inhalant Abuse – Awareness Campaign and Education
Requirements
(Mackenzie’s Law)**

(Amendment ID: HB1372/445666/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1372
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Ross” and substitute “Ross, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Olszewski, Rice, Stukes, and Walker”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1386 – Delegate Bartlett

AN ACT concerning

Agricultural Ownership Entities – Homestead Tax Credit

(Amendment ID: HB1386/395067/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1386

(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Bartlett” and substitute “Delegates Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1392 – Delegate McDonough

AN ACT concerning

Harford County – Permanent Nominating Commission – School Board Nominating Convention

(Amendment ID: HB1392/535161/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1392
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate McDonough” and substitute “Harford County Delegation”.

AMENDMENT NO. 2

On page 3, in line 11, strike “TEN” and substitute “15”; and strike beginning with “THE” in line 23 down through “(VIII)” in line 25.

On page 4, in lines 1 and 2, strike “(IX)” and “(X)”, respectively, and substitute “(VIII)” and “(IX)”, respectively; after line 3, insert:

“(4) EACH OF THE SIX HARFORD COUNTY COUNCIL MEMBERS SHALL APPOINT ONE PARENT OF A STUDENT ENROLLED IN THE HARFORD COUNTY PUBLIC SCHOOLS WHO RESIDES IN THE COUNCILMANIC DISTRICT FROM WHICH THE COUNCIL MEMBER WAS ELECTED.”;

and in line 4, strike “(4)” and substitute “(5)”.

AMENDMENT NO. 3

On page 5, after line 4, insert:

“(2) (I) IF THE GOVERNOR REJECTS ALL OF THE NOMINEES FOR A VACANCY SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR THREE ADDITIONAL NAMES FOR EACH VACANCY OR, IF THERE ARE FEWER THAN THREE APPLICANTS FOR A VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF APPLICANTS FOR THE VACANCY.

(II) THE GOVERNOR:

1. MUST APPOINT A MEMBER OF THE COUNTY BOARD FROM AMONG THE ADDITIONAL NAMES SUBMITTED BY THE SCHOOL BOARD NOMINATING CONVENTION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH;

2. MAY NOT APPOINT ANY OTHER INDIVIDUAL TO THE COUNTY BOARD OR OTHERWISE CIRCUMVENT THE ADDITIONAL NOMINATIONS SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

3. MAY NOT, FOR A SECOND TIME, REJECT ALL OF THE NOMINEES SUBMITTED TO THE GOVERNOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”

On page 5, in line 5, strike “(2)” and substitute “(3)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1421 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – English for Speakers of Other Languages Grant

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1434 – The Speaker (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

(Amendment ID: HB1434/595966/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1434
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “elected;” insert “making miscellaneous technical and clarifying changes to conform to the change in the date for the statewide presidential primary election, including provisions relating to deadlines for the filing of a certificate of candidacy, the submission of a delegate selection plan, candidate withdrawal, and petition candidates and including provisions relating to the certification of certain candidates by the Secretary of State; altering the schedule for the filing of certain campaign finance reports in the year of a presidential primary;”; and in line 8, strike “8-201” and substitute “5-303(a), 5-502, 8-201, 8-501, 8-502, and 13-309(a)”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“5-303.

(a) Except as provided in subsections (b) and (c) of this section, a certificate of candidacy shall be filed [as follows:

(1) for candidates for offices other than delegate to the Democratic National Convention,] not later than 9 p.m. on the Monday that is 10 weeks or 70 days before the day on which the primary election will be held[; and

(2) for candidates for delegate to the Democratic National Convention, between 9 a.m. on the first regular business day of the year in which the President of the United States is elected and 5 p.m. on the day that is 1 week later than that day].

5-502.

(a) Subject to § 5-402 of this title, an individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within 10 days after the filing date established under § 5-303 of this title.

(b) [An individual who has filed a certificate of candidacy and a petition in accordance with § 8-502(d) of this article, or a candidate for delegate to the Democratic National Convention subject to § 5-303(a)(2) of this title, may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within 4 days after the filing date established under § 5-303 of this title.

(c) An individual who has filed a certificate of candidacy for the special election to fill a vacancy for Representative in Congress may withdraw the certificate on the prescribed form within 2 days after the filing date established in the proclamation issued by the Governor.”.

AMENDMENT NO. 3

On page 2, after line 7, insert:

“8-501.

(a) Delegates and alternate delegates to the national presidential nominating convention of a political party shall be selected as provided in the national party rules of the party.

(b) The State central committee of each political party shall certify to the State Board, not later than [January 1 in the year of the election] **OCTOBER 1 IN THE YEAR PRECEDING THE ELECTION:**

(1) the number of delegates and alternate delegates to be selected in the State and the mode or modes of selection; and

(2) in the case of a principal political party:

(i) if delegates are to be elected by district, the number of delegates to be elected from each district;

(ii) provisions for placing on the ballot the name of a presidential candidate, or the word “uncommitted”, adjacent to the name of each candidate for delegate;

(iii) provisions for how, if a candidate for delegate withdraws in accordance with § 5-502[(b)] of this article and the withdrawing candidate’s name would have appeared on the ballot adjacent to the name of a presidential candidate, that presidential candidate will designate a replacement candidate for delegate no later than [2] 5 days after the deadline established in § 5-502[(b)] of this article; and

(iv) any other provisions of the national party rules of the party that relate to the election of delegates or alternate delegates at the primary election.

8-502.

(a) This section applies to the placement on the ballot in the primary election of the names of individuals who are candidates for nomination by principal political parties to the office of President of the United States.

(b) An individual who desires to run in the primary election may be placed on the ballot only:

(1) by direction of the Secretary of State in accordance with subsection (c) of this section; or

(2) by filing, in accordance with subsection (d) of this section, a petition containing the signatures of at least 400 registered voters from each congressional district in the State.

(c) (1) [(i) Except as provided in subparagraph (ii) of this paragraph, the] THE Secretary of State shall certify to the State Board the names of candidates for nomination by a principal political party during the period beginning 90 days before the primary election and ending 80 days before the primary election.

[(ii) The Secretary of State shall certify to the State Board the names of candidates for the Democratic Party nomination on the first business day in the year of the election.]

(2) The Secretary of State shall certify the name of a presidential candidate on the ballot when the Secretary has determined, in the Secretary's sole discretion and consistent with party rules, that the candidate's candidacy is generally advocated or recognized in the news media throughout the United States or in Maryland, unless the candidate executes and files with the Secretary of State an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for the office in the Maryland primary election.

(d) A candidate who seeks to be placed on the ballot by the petition process specified in subsection (b)(2) of this section shall file the petition, in the form prescribed by the State Board, [as follows:

(1) for candidates for the nomination of the Democratic Party, not later than 5 p.m. on the day that is 1 week later than the first business day of the year of the election; and

(2) for candidates for the nomination of any other principal political party, at least] ON THE MONDAY THAT IS 70 days before the day of the election.

(e) The State Board shall establish a procedure for the Democratic presidential primary through which votes may be cast as uncommitted to any presidential candidate.

(f) The names of the candidates for President qualifying under this section shall be certified to the local boards by the State Board and shall be printed on all ballots used for the primary election.

13-309.

(a) Subject to other provisions of this subtitle, a campaign finance entity shall file campaign finance reports as follows:

(1) except for a ballot issue committee, on or before the fourth Tuesday immediately preceding [a] EACH primary election EXCEPT A PRESIDENTIAL PRIMARY ELECTION;

(2) except for a ballot issue committee, on or before the second Friday immediately preceding a primary election;

(3) on or before the second Friday immediately preceding a general election; and

(4) on or before the third Tuesday after a general election.”.

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 RULES AND EXECUTIVE NOMINATIONS REPORT #14

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

House Joint Resolution 4 – Delegates Vaughn, Barnes, Branch, Davis, Healey, Hixson, Holmes, Ivey, Levi, Niemann, Oaks, Ross, Valderrama, Vallario, and Walker

A House Joint Resolution concerning

Slavery in Maryland

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: HJ0004/773620/1)

BY: Delegate Vaughn

AMENDMENT TO HOUSE JOINT RESOLUTION 4 (First Reading File Joint Resolution)

On page 2, strike beginning with “are” in line 16 down through “happiness.” in line 17 and substitute “are created equal, that they are endowed by their Creator with

certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.”’.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #12

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

House Bill 213 – Delegates Hecht, Barnes, Bobo, G. Clagett, Dumais, James, Jones, Kirk, Lawton, Lee, Montgomery, Pendergrass, Riley, Shank, and Waldstreicher

AN ACT concerning

Child Sexual Abuse and Crimes of Violence

(Amendment ID: HB0213/402115/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 213
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Kelly, McComas, Myers, Stifler, and Weldon”; and in line 4, after “adult” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 18, after “**IF**” insert “**:**”

(I)”;

and in line 19, after “**OFFENSE;**” insert “**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;”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 930 – Delegates Shank, Barnes, Bartlett, Bates, Beidle, Beitzel, Bronrott, Conaway, Costa, Dwyer, Elliott, Elmore, Frank, George, Haddaway, Hecht, Kach, Kelly, J. King, Kipke, Krebs, Kullen, Levi, Levy, Love, McComas, McConkey, O'Donnell, Pena-Melnyk, Robinson, Schuh, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stukes, Stull, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Jessica's Law – Sexual Offenses – Parole Eligibility and Mandatory Minimum Sentences

(Amendment ID: HB0930/132317/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 930
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, and Vallario”; strike beginning with “prohibiting” in line 6 down through “exception;” in line 11; and in line 15, strike “3-307” and substitute “3-306”.

AMENDMENT NO. 2

On pages 6 through 8, strike in their entirety the lines beginning with line 28 on page 6 through line 15 on page 8, inclusive.

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 1057 – Delegate Mizeur

AN ACT concerning

Health Insurance – Equity in Family Coverage

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

FLOOR AMENDMENT

(Amendment ID: HB1057/883729/1)

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 1057, AS AMENDED

On page 3 of the Health and Government Operations Committee Amendments (HB1057/946087/1), in Amendment No. 2, strike beginning with “**ARE**” in line 7 down through “**(III)**” in line 9; and in lines 11 and 14, strike “**(IV)**” and “**(V)**”, respectively, and substitute “**(III)**” and “**(IV)**”, respectively.

The preceding amendment was read and rejected.

FLOOR AMENDMENT

(Amendment ID: HB1057/443224/1)

BY: Delegate Pendergrass

AMENDMENT TO HOUSE BILL 1057, AS AMENDED

On page 1 of the Health and Government Operations Committee Amendments (HB1057/946087/1), in line 3 of Amendment No. 1, strike “McDonough.”

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 983 – Delegates Jones, Barkley, Bobo, Cane, Cardin, G. Clagett, DeBoy, Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Kaiser, N. King, Kirk, Kullen, Lafferty, Lawton, Lee, Malone, Manno, Niemann, Olszewski, Pendergrass, Ramirez, Rice, Riley, Ross, Schuler, Stukes, Taylor, F. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Economic Development and Tax Incentive Act

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

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 496)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 125 – Delegates Cardin and Kaiser

SECOND PRINTING

AN ACT concerning

Task Force to Study Charitable and Commercial Gaming Activities in Maryland

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

Affirmative – 102 Negative – 32 (See Roll Call No. 497)

The Bill was then sent to the Senate.

House Bill 359 – Delegates Frush, Ali, Anderson, Aumann, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Braveboy, Bronrott, Cane, Cardin, Carter, V. Clagett, Doory, Dumais, Elmore, Gaines, Gilchrist, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Ivey, Jones, Kach, N. King, Krebs, Kullen, Lafferty, Lawton, Lee, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Rosenberg, Ross, Schuh, Simmons, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Clean Indoor Air Act of 2007

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

Affirmative – 98 Negative – 40 (See Roll Call No. 498)

The Bill was then sent to the Senate.

House Bill 425 – ~~Delegate Simmons~~ Delegates Simmons, Olszewski, Vallario, Rosenberg, Anderson, Barnes, Carter, Conaway, Dumais, Dwyer, Frank, Kelly, Kramer, Lee, Levi, McComas, Ramirez, Schuler, Smigiel, Valderrama, and Waldstreicher

AN ACT concerning

Civil Actions – Liability of Insurer – Failure to Act in Good Faith

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

Affirmative – 134 Negative – 3 (See Roll Call No. 499)

The Bill was then sent to the Senate.

House Bill 1220 – Delegates McIntosh, Beidle, Bobo, Bromwell, Bronrott, Cane, V. Clagett, Frush, Haynes, Healey, Holmes, Hubbard, Lafferty, Lawton, Love, Malone, Montgomery, Morhaim, Niemann, Rosenberg, ~~and Waldstreicher~~ Waldstreicher, Ali, Glenn, Hucker, Manno, and Stein

AN ACT concerning

Chesapeake Bay and Atlantic Coastal Bays Green Fund

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

Affirmative – 96 Negative – 41 (See Roll Call No. 500)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #42

House Bill 76 – Delegates Cardin, Barve, Bobo, Bronrott, V. Clagett, Costa, Elmore, Gilchrist, Hecht, Hixson, Ivey, Kaiser, N. King, Kipke, Krebs, Morhaim, Rice, Sophocleus, Stein, ~~and F. Turner~~ F. Turner, Bartlett, Doory, George, Howard, Jennings, Manno, McKee, Olszewski, Ross, Stukes, and Walker

AN ACT concerning

Solar Energy Tax Credit

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

Affirmative – 136 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the Senate.

House Bill 314 – Delegates Rosenberg, Benson, Doory, Montgomery, Nathan–Pulliam, ~~and Oaks~~, Oaks, Kullen, Pena–Melnik, Pendergrass, and V. Turner

AN ACT concerning

Maryland Human Relations Commission – Hearings and Civil Actions – Relief

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

Affirmative – 137 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the Senate.

House Bill 501 – Prince George’s County Delegation

AN ACT concerning

**Prince George's County – Commercial Vehicles Parked in Residential Areas –
Citation
PG 301-07**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the Senate.

House Bill 599 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

The Baby Boomer Initiative Act

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

Affirmative – 137 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the Senate.

House Bill 667 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

**Washington Suburban Sanitary District – System Development Charge –
Exemptions
MC/PG 116-07**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the Senate.

House Bill 708 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

**Montgomery County – Maryland–National Capital Park and Planning Commission
– Town of Kensington
MC/PG 112–07**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 506)

The Bill was then sent to the Senate.

House Bill 723 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Montgomery County – Maryland–Washington Metropolitan District – Boundaries
MC/PG 121–07**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 507)

The Bill was then sent to the Senate.

House Bill 1253 – Delegate Schuler

AN ACT concerning

HIV Testing – Prohibited Exposure – Forensic Scientists

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

Affirmative – 137 Negative – 0 (See Roll Call No. 508)

The Bill was then sent to the Senate.

House Bill 1332 – Delegates Dumais and Rosenberg

AN ACT concerning

~~**Education – Suspected Child Abuse by Employee or Independent Contractor
Involving Students in Nonpublic Schools – Disclosure
Child Abuse and Neglect – Disclosure of Records to Nonpublic School Principals
and Superintendents**~~

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

Affirmative – 136 Negative – 0 (See Roll Call No. 509)

The Bill was then sent to the Senate.

House Bill 1406 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Barve, Bates, Branch, Bronrott, Conway, Davis, Donoghue, Doory, Dumais, Harrison, Healey, Heller, Hixson, Howard, James, Jones, Krysiak, Levy, Malone, McIntosh, Morhaim, Pendergrass, Proctor, Rudolph, ~~and Vallario~~ Vallario, Bohanan, Eckardt, Gutierrez, Haynes, Schuh, and Robinson

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 510)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 979 – Delegates Pendergrass, Barve, Bates, Benson, Bobo, Bromwell, Bronrott, Costa, Donoghue, Eckardt, Elliott, Frank, Goldwater, Guzzone, Hammen, Harrison, Hecht, Hubbard, Hucker, Kach, Kelly, Kipke, Kirk, Krysiak, Kullen, Love, Manno, Miller, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Riley, Rosenberg, Stukes, F. Turner, ~~and Weldon~~ Weldon, Beitzel, McDonough, Tarrant, and V. Turner

AN ACT concerning

~~Regional Health Data Exchange~~
Health Information Exchange Pilot Project

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

Affirmative – 137 Negative – 0 (See Roll Call No. 511)

The Bill was then sent to the Senate.

House Bill 990 – Frederick County Delegation

AN ACT concerning

Frederick County – Employees’ Pension System – Alternate Contributory Pension Selection

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

Affirmative – 137 Negative – 0 (See Roll Call No. 512)

The Bill was then sent to the Senate.

House Bill 1001 – Delegate Vallario

AN ACT concerning

Unclaimed Restitution – Disbursements and Use

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

Affirmative – 137 Negative – 0 (See Roll Call No. 513)

The Bill was then sent to the Senate.

House Bill 1034 – Delegates Oaks, Glenn, and Rosenberg

AN ACT concerning

Maryland Healthy Places Act

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

Affirmative – 137 Negative – 0 (See Roll Call No. 514)

The Bill was then sent to the Senate.

House Bill 1049 – Delegates Pena–Melnyk, Aumann, Barnes, Beidle, Branch, Braveboy, DeBoy, Frush, Gaines, Haynes, Howard, Hucker, Impallaria, Ivey, N. King, Love, Manno, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Proctor, Ramirez, Ross, Shewell, Sossi, Stein, ~~and Taylor~~ Taylor, Lee, Hammen, Beitzel, Benson, Bromwell, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Oaks, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

~~Task Force on the HPV Vaccine~~
Cervical Cancer Committee – HPV Vaccine Subcommittee

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

Affirmative – 137 Negative – 0 (See Roll Call No. 515)

The Bill was then sent to the Senate.

House Bill 1116 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

Affirmative – 137 Negative – 0 (See Roll Call No. 516)

The Bill was then sent to the Senate.

House Bill 1134 – Delegate Conaway

AN ACT concerning

Marriage – Performance of Ceremony – Retired Clerk of Court

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

Affirmative – 134 Negative – 1 (See Roll Call No. 517)

The Bill was then sent to the Senate.

House Bill 1203 – Delegates Anderson, Barnes, Dumais, Kelly, Lee, Rosenberg, and Schuler

AN ACT concerning

Correctional Officers – Reinstatement of Certification After Wrongful Termination

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

Affirmative – 137 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the Senate.

House Bill 1217 – Chair, Environmental Matters Committee (By Request – Departmental – Planning)

AN ACT concerning

Maryland Heritage Areas Authority

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

Affirmative – 137 Negative – 0 (See Roll Call No. 519)

The Bill was then sent to the Senate.

House Bill 1227 – Carroll County Delegation

AN ACT concerning

Carroll County – Pretrial and Work Release Programs

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

Affirmative – 137 Negative – 0 (See Roll Call No. 520)

The Bill was then sent to the Senate.

House Bill 1249 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Officers' Retirement System – Division of Pretrial Detention and Services and Patuxent Institution – Reemployment of Retirees

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

Affirmative – 137 Negative – 0 (See Roll Call No. 521)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #44

House Bill 624 – Prince George's County Delegation

AN ACT concerning

~~Prince George's County – Annual Independent Audit – County Issued
Credit Cards~~

**Prince George's County – Legislative Auditor – Annual Audit of
County-Issued Credit Cards**
PG 422-07

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

Affirmative – 131 Negative – 4 (See Roll Call No. 522)

The Bill was then sent to the Senate.

House Bill 691 – Montgomery County Delegation and Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

**Washington Suburban Sanitary Commission – Minority and Local Small Business
Enterprise Programs**
MC/PG 104-07

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

Affirmative – 137 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the Senate.

House Bill 709 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Fuel Gas – Jurisdiction and
Regulations**
MC/PG 124-07

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

Affirmative – 137 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the Senate.

House Bill 750 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements
MC/PG 102–07**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the Senate.

House Bill 756 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Local Laws – Obsolete Provisions – Repeal

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

Affirmative – 137 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the Senate.

House Bill 786 – Delegates Lawton, Beidle, Bobo, Bronrott, V. Clagett, Frush, Guzzone, Healey, Hubbard, Hucker, Lafferty, Lee, McIntosh, Montgomery, Niemann, Stein, F. Turner, ~~and Waldstreicher~~ Waldstreicher, Glenn, Glassman, and Weir

AN ACT concerning

Stormwater Management Act of 2007

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

Affirmative – 135 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the Senate.

House Bill 865 – Delegates Haddaway, Eckardt, Aumann, Cane, Conway, Elliott, Elmore, Frank, Jennings, Krebs, Mathias, Rudolph, Shewell, Smigiel, Sossi, Stocksdale, ~~and Walkup~~ Walkup, Hammen, Beitzel, Bromwell, Donoghue, Kach, Kipke, Kullen,

McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Riley, Tarrant, and Weldon

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

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

Affirmative – 137 Negative – 0 (See Roll Call No. 528)

The Bill was then sent to the Senate.

House Bill 891 – Delegates Myers, Bates, Beitzel, Kelly, McKee, Shank, ~~and Stull~~ Stull, and Donoghue

AN ACT concerning

Postmortem Examiners Commission – Rate for the Transportation of a Body

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

Affirmative – 136 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 467 – Delegate James

AN ACT concerning

Correctional Officers’ Retirement System – Disability Retirement

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

Affirmative – 134 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the Senate.

House Bill 687 – Delegates McComas, Bartlett, Dwyer, Eckardt, Elmore, Krebs, Kullen, and Stocksdale

AN ACT concerning

**Vehicle Laws – Driver and Vehicle Registration Records – Admissibility of Copies
in Judicial Proceedings**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the Senate.

House Bill 856 – Delegates Boteler, Beitzel, Impallaria, Kach, McKee, Miller, Niemann, Riley, Shewell, Stifler, Stocksdale, Stull, and Weir

AN ACT concerning

**Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle
Transfer**

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

Affirmative – 134 Negative – 0 (See Roll Call No. 532)

The Bill was then sent to the Senate.

House Bill 957 – Delegates Montgomery, Bronrott, Healey, Heller, Kaiser, Lawton, Lee, Mizeur, ~~and Taylor~~ Taylor, Howard, Ivey, Jennings, Rice, Stukes, F. Turner, and Walker

AN ACT concerning

~~**State Board of Education – Insect and Food Allergies**~~ **Public Schools – Student
Emergency Medical Care – Guidelines**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the Senate.

House Bill 967 – Delegate O'Donnell

AN ACT concerning

**Program Open Space – Capital Improvements – Maryland Historical Trust and
Historic St. Mary's City Commission**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 534)

The Bill was then sent to the Senate.

House Bill 968 – Delegates Ivey, Anderson, Barnes, Bartlett, Barve, Carter, Conaway, Doory, Dwyer, Elmore, Frank, George, Gilchrist, Howard, Jennings, Kaiser, N. King, Kramer, Krebs, Levi, McComas, McKee, Mizeur, Murphy, Oaks, Olszewski, Pena–Melnik, Ramirez, Rice, Rosenberg, Ross, Simmons, Smigiel, Stukes, F. Turner, Valderrama, Vallario, and Walker

AN ACT concerning

Family Law – ~~Flex Funds – Adopted Children~~ Post Adoption Support Services Pilot Program

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

Affirmative – 137 Negative – 0 (See Roll Call No. 535)

The Bill was then sent to the Senate.

House Bill 1137 – Delegates Pena–Melnik, Braveboy, Griffith, Ivey, and Valderrama

AN ACT concerning

Hospitals – Safe Patient Lifting

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

Affirmative – 137 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the Senate.

House Bill 1150 – Delegates Ali, Barkley, McComas, and Shewell

AN ACT concerning

Maryland Department of Transportation – Evaluation of the Telework Partnership with Employers Initiative

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

Affirmative – 137 Negative – 0 (See Roll Call No. 537)

The Bill was then sent to the Senate.

House Bill 1181 – Delegates Minnick, Aumann, Bohanan, Boteler, Costa, Dwyer, Elliott, Frank, George, Harrison, Howard, Impallaria, Jameson, Krebs, Kullen, Levy, Love, McConkey, McDonough, O'Donnell, Proctor, Shank, Sophocleus, Stocksdales, Stukes, ~~and Wood~~ Wood, Hammen, Beitzel, Benson, Bromwell, Donoghue, Hubbard, Kach, Kipke, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Task Force to Study State Assistance to Veterans

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

Affirmative – 137 Negative – 0 (See Roll Call No. 538)

The Bill was then sent to the Senate.

House Bill 1216 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Abandoned Land – Certificates of Reservation for Public Use

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

Affirmative – 137 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 1223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Snapping Turtles – Regulations

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

Affirmative – 134 Negative – 2 (See Roll Call No. 540)

The Bill was then sent to the Senate.

House Bill 1226 – Delegates Barnes, Dumais, Hubbard, Montgomery, O’Donnell, and Rosenberg

AN ACT concerning

Children with Disabilities – Voluntary Placement Agreements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 541)

The Bill was then sent to the Senate.

House Bill 1242 – Delegate Weldon

AN ACT concerning

Open Meetings Act

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

Affirmative – 136 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the Senate.

House Bill 1243 – Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

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

Affirmative – 136 Negative – 0 (See Roll Call No. 543)

The Bill was then sent to the Senate.

House Bill 1257 – Delegates Hixson, Barve, Doory, Howard, N. King, ~~and McKee~~
McKee, Bartlett, Cardin, Gilchrist, Ivey, Kaiser, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

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

Affirmative – 137 Negative – 0 (See Roll Call No. 544)

The Bill was then sent to the Senate.

House Bill 1292 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Honey Bees

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

Affirmative – 137 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the Senate.

House Bill 1317 – Delegates Anderson, Cane, Glenn, Gutierrez, Harrison, Hucker, McIntosh, Ramirez, Simmons, and Vallario

AN ACT concerning

**Mandatory Minimum Sentences – Burglary and Daytime Housebreaking –
Retroactive Effect**

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

Affirmative – 75 Negative – 60 (See Roll Call No. 546)

The Bill was then sent to the Senate.

House Bill 1352 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Horse Industry Board – Rescue Stables

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

Affirmative – 135 Negative – 1 (See Roll Call No. 547)

The Bill was then sent to the Senate.

House Bill 1395 – Delegate Shewell

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

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

Affirmative – 137 Negative – 0 (See Roll Call No. 548)

The Bill was then sent to the Senate.

House Bill 1427 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support – Collection Fee

Delegate Vaughn moved the previous question.

The motion was adopted.

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

Affirmative – 93 Negative – 41 (See Roll Call No. 549)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #47

House Bill 51 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2007, and the Maryland Consolidated Capital Bond Loans of 2000, 2001, 2003, 2004, 2005, and 2006

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

Affirmative – 133 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #12

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

House Bill 1016 – Delegates Hecht, Barkley, Barnes, Bartlett, Beidle, Bobo, Bohanan, Bronrott, Cane, G. Clagett, V. Clagett, Conaway, Conway, Davis, DeBoy, Donoghue, Doory, Elliott, Feldman, Gilchrist, Gutierrez, Guzzone, Harrison, Heller, Hubbard, Hucker, James, Jones, Kaiser, N. King, Kirk, Kramer, Krysiak, Kullen, Lawton, Levy, Love, Malone, Manno, Mathias, McHale, McIntosh, Minnick, Mizeur, Montgomery, Pena–Melnik, Pendergrass, Rice, Riley, Robinson, Rudolph, Stull, Taylor, F. Turner, Walker, and Weldon

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

(Amendment ID: HB1016/633097/2)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1016

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Burns, Haddaway, and Vaughn”; in line 6, after “requirements;” insert “limiting the eligibility of certain energy for meeting the renewable energy portfolio standard;”; in line 10, after “years;” insert “requiring the purchase of certain credits from certain systems to be made in a certain manner in accordance with rates and methods determined by the Commission;”; and strike beginning with “begin” in line 18 down through “of” in line 19 and substitute “convene a certain workgroup to revise”.

On page 2, in line 1, strike “of the Interstate Renewable Energy Council”; in the same line, after “by” insert “a”; in line 2, strike “dates” and substitute “date”; in line 4, after “energy;” insert “altering the calculation of the amount of the tax credit;”; in line 5, after “certificate;” insert “requiring the Commission to investigate certain rate-making mechanisms; requiring the Commission to include certain information in a certain report;”

requiring certain committees of the General Assembly to convene a certain workgroup for certain purposes;” and in line 10, strike “7-703(b),” and substitute “7-703(b) and (d), 7-704(a).”.

AMENDMENT NO. 2

On page 4, after line 24, insert:

“(6) ANY REMAINING ACCRUED GENERATION CREDIT AT THE EXPIRATION OF THE 12-MONTH ACCRUAL PERIOD UNDER PARAGRAPH (5)(II)2 OF THIS SUBSECTION:

(I) SHALL REVERT TO THE ELECTRIC COMPANY; AND

(II) MAY NOT BE RECOVERED BY THE ELIGIBLE CUSTOMER-GENERATOR.”;

in line 25, after “(g)” insert “(1)”; and in lines 28 and 30, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively.

On page 5, in lines 1 and 2, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; after line 5, insert:

“(2) IN DETERMINING WHETHER TO REQUIRE AN ELIGIBLE CUSTOMER-GENERATOR TO INSTALL A DUAL METER UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE GENERATING CAPACITY OF THE ELIGIBLE CUSTOMER-GENERATOR.”;

and after line 28, insert:

“(5) AN ELIGIBLE CUSTOMER-GENERATOR SHALL OWN AND HAVE TITLE TO ALL RENEWABLE ENERGY ATTRIBUTES OR RENEWABLE ENERGY CREDITS ASSOCIATED WITH ANY ELECTRICITY PRODUCED BY ITS ELECTRIC GENERATING SYSTEM.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 29 on page 5 through line 4 on page 6, inclusive.

On page 6, after line 4, insert:

“(I) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE COMMISSION SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE NET METERING PROGRAM UNDER THIS SECTION, INCLUDING:

(1) THE AMOUNT OF CAPACITY OF ELECTRIC GENERATING FACILITIES OWNED AND OPERATED BY ELIGIBLE CUSTOMER-GENERATORS IN THE STATE BY TYPE OF ENERGY RESOURCE;

(2) BASED ON THE NEED TO ENCOURAGE A DIVERSIFICATION OF THE STATE'S ENERGY RESOURCE MIX TO ENSURE RELIABILITY, WHETHER THE RATED GENERATING CAPACITY LIMIT IN SUBSECTION (D) OF THIS SECTION SHOULD BE ALTERED; AND

(3) OTHER PERTINENT INFORMATION.

AMENDMENT NO. 3

On page 6, in lines 11, 14, 17, 20, 23, and 26, strike “3%”, “3%”, “4%”, “4%”, “5%”, and “5%”, respectively, and substitute “2.005%”, “2.01%”, “3.025%”, “3.04%”, “4.06%”, and “4.1%”, respectively.

On page 7, in lines 1, 4, 7, 10, 13, and 16, strike “6%”, “6%”, “7%”, “7%”, “8%”, and “8%”, respectively, and substitute “5.15%”, “5.25%”, “6.35%”, “6.55%”, “7.9%”, and “8.7%”, respectively; after line 27, insert:

“(d) Subject to subsections (a) and (c) of this section, an electricity supplier shall meet the renewable energy portfolio standard by accumulating the equivalent amount of renewable energy credits that equal the [percentage] PERCENTAGES required under this section.”;

and after line 28, insert:

“(a) (1) Energy from a Tier 1 renewable source:

(i) is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system or facility was placed in service; and

(ii) may be applied to the percentage requirements of the standard for either Tier 1 renewable sources or Tier 2 renewable sources.

(2) STARTING JANUARY 1, 2012, FOR THE RENEWABLE ENERGY PORTFOLIO STANDARD APPLICABLE TO 2012 AND LATER:

(I) ENERGY FROM A TIER 1 RENEWABLE SOURCE UNDER § 7-701(L)(1) OF THIS SUBTITLE IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD ONLY IF THE SOURCE IS CONNECTED WITH THE ELECTRIC DISTRIBUTION GRID SERVING MARYLAND; AND

(II) IF THE OWNER OF A SOLAR GENERATING SYSTEM IN THIS STATE CHOOSES TO SELL SOLAR RENEWABLE ENERGY CREDITS FROM THAT SYSTEM, THE OWNER MUST FIRST OFFER THE CREDITS FOR SALE TO AN ELECTRICITY SUPPLIER OR ELECTRIC COMPANY THAT SHALL APPLY THEM TOWARD COMPLIANCE WITH THE RENEWABLE ENERGY PORTFOLIO STANDARD UNDER § 7-703 OF THIS SUBTITLE.

[(2)] (3) Energy from a Tier 1 renewable source under § 7-701(l)(8) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio STANDARD if it is generated at a dam that existed as of January 1, 2004, even if a system or facility that is capable of generating electricity did not exist on that date.

[(3)] (4) (i) Energy from a Tier 2 renewable source under § 7-701(m)(1) or (3) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard through 2018 if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

(ii) Energy from a Tier 2 renewable source under § 7-701(m)(2) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard regardless of when the generating system was placed in service.”.

AMENDMENT NO. 4

On page 8, in line 1, after “(C)” insert “**(1) (I)**”; in the same line, after “SOLAR” insert “**RENEWABLE ENERGY**”; and after line 3, insert:

“(II) THE MINIMUM REQUIRED TERM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT AFFECT THE ABILITY OF THE PARTIES TO NEGOTIATE A PRICE FOR A SOLAR RENEWABLE ENERGY CREDIT THAT VARIES OVER TIME IN ANY MANNER.

(2) (I) AN ELECTRICITY SUPPLIER THAT PURCHASES SOLAR RENEWABLE ENERGY CREDITS FROM AN ON-SITE GENERATOR USING A SOLAR GENERATING SYSTEM WITH A CAPACITY NOT EXCEEDING 10 KILOWATTS SHALL PURCHASE THE CREDITS WITH A SINGLE INITIAL PAYMENT REPRESENTING THE FULL ESTIMATED PRODUCTION OF THE SYSTEM FOR THE LIFE OF THE CONTRACT.

(II) THE COMMISSION SHALL:

1. DEVELOP A METHOD FOR ESTIMATING ANNUAL PRODUCTION FROM THE TYPE OF SYSTEM DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND ALLOCATING CREDITS TO THE ELECTRICITY SUPPLIER CONSISTENT WITH THE DURATION OF THE CONTRACT; AND

2. DETERMINE THE RATE FOR A PAYMENT MADE TO AN ON-SITE GENERATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”.

On page 11, in line 7, strike “PERSON” and substitute “INDIVIDUAL”; and in line 14, after “ENERGY” insert “, INCLUDING THE DEVELOPMENT OF CLEAR, SIMPLE, AND STRAIGHTFORWARD FORMS, REQUIREMENTS, AND PROCEDURES TO FACILITATE PARTICIPATION BY HOMEOWNERS AND SMALL BUSINESSES IN DEPLOYMENT OF SOLAR GENERATION IN THE STATE”.

AMENDMENT NO. 5

On page 8, in line 24, strike “IN 2008,”; in the same line, after “CENTS” insert “IN 2008”; in line 25, strike “IN 2009 AND 2010,”; in the same line, after “CENTS” insert “IN 2009 AND 2010”; in line 26, strike “IN 2011 AND 2012,”; in the same line, after “CENTS” insert “IN 2011 AND 2012”; in line 27, strike “IN 2013 AND 2014,”; and in the same line, after “CENTS” insert “IN 2013 AND 2014”.

On page 9, in lines 1 and 2, in each instance, strike the second “AND”; in line 1, strike “IN 2015 AND 2016,”; in the same line, after “CENTS” insert “IN 2015 AND 2016”; in line 2, strike “IN 2017 AND LATER,”; in the same line, after “CENTS” insert “IN 2017 AND 2018”; and after line 2, insert:

- “7. 15 CENTS IN 2019 AND 2020;
- 8. 10 CENTS IN 2021 AND 2022; AND
- 9. 5 CENTS IN 2023 AND LATER; AND”.

AMENDMENT NO. 6

On page 9, in line 24, after “ACTUAL” insert “OR PROJECTED”; in the same line, after “INCURRED” insert “OR TO BE INCURRED”; in line 27, after “TO” insert “, OR IS ANTICIPATED TO BE GREATER THAN OR EQUAL TO,”; in the same line, after “SUPPLIER’S” insert “TOTAL”; and in line 28, after “REVENUES” insert “IN MARYLAND”.

On pages 9 and 10, strike beginning with “A” in line 28 on page 9 down through “STATE” in line 6 on page 10 and substitute “THAT THE COMMISSION:

(I) DELAY BY 1 YEAR EACH OF THE SCHEDULED PERCENTAGES FOR SOLAR ENERGY UNDER § 7-703(B) OF THIS SUBTITLE THAT WOULD APPLY TO THE ELECTRICITY SUPPLIER; AND

(II) ALLOW THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR SOLAR ENERGY FOR THAT YEAR TO CONTINUE TO APPLY TO THE ELECTRICITY SUPPLIER FOR THE FOLLOWING YEAR.

(2) IN MAKING ITS DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COMPLIANCE COSTS OF OTHER ELECTRICITY SUPPLIERS.

(3) IF AN ELECTRICITY SUPPLIER MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON PROJECTED COSTS, THE ELECTRICITY SUPPLIER SHALL PROVIDE VERIFIABLE EVIDENCE OF THE PROJECTIONS TO THE COMMISSION AT THE TIME OF THE REQUEST.

(4) IF THE COMMISSION ALLOWS A DELAY UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR SOLAR ENERGY APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY CONTINUES FOR EACH SUBSEQUENT CONSECUTIVE YEAR THAT THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF SOLAR RENEWABLE ENERGY CREDITS IS GREATER THAN OR EQUAL TO, OR IS ANTICIPATED TO BE GREATER THAN OR EQUAL TO, 1% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND; AND

(II) THE RENEWABLE ENERGY PORTFOLIO STANDARD FOR SOLAR ENERGY APPLICABLE TO THE ELECTRICITY SUPPLIER UNDER THE DELAY IS INCREASED TO THE NEXT SCHEDULED PERCENTAGE INCREASE UNDER § 7-703(B) OF THIS SUBTITLE FOR EACH YEAR IN WHICH THE ACTUAL OR PROJECTED DOLLAR-FOR-DOLLAR COSTS INCURRED, OR TO BE INCURRED, BY THE ELECTRICITY SUPPLIER SOLELY FOR THE PURCHASE OF SOLAR RENEWABLE ENERGY CREDITS IS LESS THAN, OR IS ANTICIPATED TO BE LESS THAN, 1% OF THE ELECTRICITY SUPPLIER'S TOTAL ANNUAL RETAIL ELECTRICITY SALES REVENUES IN MARYLAND”.

AMENDMENT NO. 7

On page 14, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, in recognition of the value of small distributed generation to the reliable and cost-effective operation of the grid, the Public Service Commission shall:

(1) form a small generator interconnections workgroup to develop interconnection standards and procedures for on-site generator facilities operating in Maryland that are consistent with nationally adopted interconnection standards and procedures; and

(2) on or before November 1, 2007, by regulation or order, revise Maryland's interconnection standards and procedures:

(i) to be consistent with nationally adopted interconnection standards and procedures; and

(ii) to facilitate and encourage a simplified connection of small distributed generators to the grid in a manner that ensures the safe and reliable operation of the grid.

SECTION 3. AND BE IT FURTHER ENACTED, That the Public Service Commission shall investigate the benefits to residential customers of using a regulatory rate-making mechanism that separates electric company distribution sales from electric company distribution profits, including a mechanism that allows electric companies to recover fixed distribution costs on a flat rate basis instead of on a consumption rate basis.

SECTION 4. AND BE IT FURTHER ENACTED, That the requirement under § 7-306(h)(5) of the Public Utility Companies Article, as enacted by Section 1 of this Act, for an eligible customer-generator to own and have title to all renewable energy attributes or renewable energy credits associated with any electricity produced by its electric generating system shall apply prospectively and may not be construed to:

(1) impair contracts that were entered into before the effective date of Section 1 of this Act; or

(2) prohibit contracts between an eligible customer-generator and another entity entered into on or after the effective date of Section 1 of this Act that explicitly transfers ownership of the renewable energy attributes or renewable energy credits from the eligible customer-generator to another entity.

SECTION 5. AND BE IT FURTHER ENACTED, That, as part of its annual report due February 1, 2014 under § 7-712 of the Public Utility Companies Article, the Public Service Commission shall report its findings and recommendations for modification, if any, to the renewable energy portfolio standard provisions under Title 7, Subtitle 7 of the Public Utility Companies Article based on a thorough study of the implementation of the renewable energy portfolio standard requirements since 2006. The study conducted by the Commission shall:

(1) be based on the results of the renewable energy portfolio standard requirements effective through 2013;

(2) determine whether the intended goals of the renewable energy portfolio standard provisions are being met and are anticipated to be met in the future;

(3) consider the impact of the renewable energy portfolio standard requirements in developing renewable energy in the State; and

(4) consider the cost implications to residential consumers of continuing the renewable energy portfolio standard requirements beyond 2014.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The House Economic Matters Committee and the Senate Finance Committee jointly shall convene a workgroup to study issues relating to deployment of solar generation in the State and to make recommendations on means to encourage deployment of solar generation equipment in residential, commercial, and industrial facilities.

(b) The workgroup shall solicit input from Executive agencies, other interested parties, and consumers in the State and may include representatives of these parties as members.

(c) The purpose of the workgroup is to:

(1) investigate current incentives and programs available to encourage deployment of solar generation equipment in the State;

(2) assess their effectiveness and viability; and

(3) propose changes or enhancements to these programs as well as new programs that will increase solar deployment for the environmental, economic, and security benefits of the State and its residents.

(d) The areas studied by the workgroup shall include, at a minimum, means to create incentives to:

(1) deploy solar technology in new residential construction;

(2) retrofit existing property for the benefit of low-income families and others who struggle to meet energy costs in the midst of rising electricity costs;

(3) assist individuals and businesses to obtain training in installation of solar technology; and

(4) finance these activities.

(e) The joint workgroup shall report its initial findings to the House Economic Matters Committee and the Senate Finance Committee on or before February 1, 2008, and may report supplemental findings whenever appropriate thereafter.

SECTION 7. AND BE IT FURTHER ENACTED, That Sections 1 and 4 of this Act shall take effect October 1, 2007. The changes to § 10-720 of the Tax – General Article as enacted by Section 1 of this Act shall be applicable to all taxable years beginning after December 31, 2007.”;

in line 17, strike “2.” and substitute “8.”; in the same line, after “That” insert “, except as provided in Section 7 of this Act,”; and strike beginning with “October” in line 18 down through “2007” in line 19 and substitute “July 1, 2007”.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1117 – Delegates Kirk, Anderson, Benson, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, O’Donnell, Robinson, Rosenberg, and Stukes

AN ACT concerning

Workers’ Compensation – Benefits for Dependents

(Amendment ID: HB1117/943598/1)

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1117

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Stukes” and substitute “Stukes, Braveboy, Vaughn, and Manno”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1154 – Delegate Love

AN ACT concerning

Workers' Compensation – Occupational Disease – Anne Arundel County Deputy Sheriffs

(Amendment ID: HB1154/593292/1)

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1154
(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Love” and substitute “Anne Arundel County Delegation”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1320 – Delegates Davis and Rudolph

AN ACT concerning

Joint Committee on Base Realignment and Closure

(Amendment ID: HB1320/183290/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1320
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rudolph” and substitute “, Rudolph, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, J. King, Krysiak, Love, Manno, Mathias, McHale, Minnick, Stifler, Taylor, Vaughn, and Walkup”.

AMENDMENT NO. 2

On page 3, in line 3, strike “DEVELOP” and substitute “PROVIDE CONTINUING LEGISLATIVE OVERSIGHT OF THE STATE’S RESPONSE TO CHANGES AND”

OPPORTUNITIES OCCURRING AS A RESULT OF THE BASE REALIGNMENT AND CLOSURE PROCESS.

(F) THE COMMITTEE SHALL OVERSEE AND PARTICIPATE, IN COOPERATION WITH STATE AND LOCAL UNITS, IN THE DEVELOPMENT OF”;

in line 11, strike “AND”; and in line 13, after “CONSTRUCTION” insert “;AND”

(6) HEALTH CARE FACILITIES AND INFRASTRUCTURE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1321 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Licensed Cosmetologists – Practice Allowed in Specified Places

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #21

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

House Bill 559 – Delegates Glassman and Lawton

AN ACT concerning

Environment – Testing and Inspection for Volatile Organic Compounds – Public Schools

(Amendment ID: HB0559/910911/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Testing” in line 2 down through “Compounds” in line 3 and substitute “Monitoring for Drinking Water Contaminants”; in line 4, strike “requiring” and substitute “authorizing”; strike beginning with “adopt” in line 4 down through “circumstances;” in line 8 and substitute “require the monitoring of the water in certain public schools for certain drinking water contaminants; requiring the Department of the Environment to use certain assessments to determine certain monitoring and sampling frequency; requiring a certain supplier of water to provide notice to the Department of the Environment and certain persons if certain drinking water contaminants exceed a certain health advisory; providing for the application of this Act;”; strike line 9 in its entirety and substitute “monitoring of public schools for drinking water contaminants.”; after line 18, insert:

“(A) THIS SECTION APPLIES TO DRINKING WATER CONTAMINANTS THAT ARE NOT REGULATED BY DRINKING WATER REGULATIONS ADOPTED IN ACCORDANCE WITH § 9-407 OF THIS SUBTITLE.”;

in line 19, strike “(A)” and substitute “**(B) (1)**”; and strike line 20 in its entirety and substitute “**MAY REQUIRE MONITORING**”.

AMENDMENT NO. 2

On page 2, strike beginning with “SERVED” in line 1 down through “COMPOUNDS” in line 2 and substitute “**DEFINED AS A PUBLIC WATER SYSTEM FOR DRINKING WATER CONTAMINANTS THAT MAY POSE A RISK TO PUBLIC HEALTH ACCORDING TO A DRINKING WATER HEALTH ADVISORY ISSUED BY THE DEPARTMENT.**”

(2) THE DEPARTMENT SHALL USE SOURCE WATER ASSESSMENTS AND THE POTENTIAL SOURCES OF CONTAMINATION TO DETERMINE THE MONITORING AND SAMPLING FREQUENCY.

(C) IF A DRINKING WATER CONTAMINANT EXCEEDS A FEDERAL OR DEPARTMENTAL HEALTH ADVISORY, A SUPPLIER OF WATER SHALL GIVE NOTICE TO THE DEPARTMENT AND THE PERSONS SERVED BY THE SYSTEM IN ACCORDANCE WITH § 9-410 OF THIS SUBTITLE;

and strike in their entirety lines 3 through 6, 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 HEALTH AND GOVERNMENT OPERATIONS
REPORT #12**

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

House Bill 942 – Delegates Bronrott, Barve, and Morhaim

AN ACT concerning

High Performance Buildings Act

(Amendment ID: HB0942/226281/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 942
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Morhaim” and substitute “Morhaim, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; strike line 2 in its entirety and substitute “Maryland Green Building Council”; strike beginning with “requiring” in line 3 down through “buildings” in line 7 and substitute “establishing the Maryland Green Building Council in the Department of General Services; providing for the membership and terms of the Council; prohibiting certain members of the Council from receiving compensation for serving on the Council; authorizing certain members of the Council to receive reimbursement for certain expenses; requiring the Governor to appoint the chair; providing that the Council may act with an affirmative vote of a certain number of members; requiring the Department of General Services to provide certain staff support to the Council; requiring certain other agencies and units of State government to furnish assistance to the Council under certain circumstances; providing for duties of the Council to be accomplished on or before a certain date; requiring a certain report by the Council; and generally relating to the Maryland Green Building Council”; strike in their entirety lines 8 through 12, inclusive; and in line 15, strike “3–602.1” and substitute “4–809”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 5 on page 4, inclusive, and substitute:

“4-809.

(A) THERE IS A MARYLAND GREEN BUILDING COUNCIL.

(B) THE COUNCIL SHALL INCLUDE:

(1) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY’S DESIGNEE;

(2) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY’S DESIGNEE;

(3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY’S DESIGNEE;

(4) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;

(5) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY’S DESIGNEE;

(6) THE SECRETARY OF PLANNING, OR THE SECRETARY’S DESIGNEE;

(7) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE;

(8) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR’S DESIGNEE;

(9) THE DIRECTOR OF THE INTERAGENCY COMMITTEE ON PUBLIC SCHOOL CONSTRUCTION, OR THE DIRECTOR’S DESIGNEE;

(10) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR’S DESIGNEE; AND

(11) SIX MEMBERS APPOINTED BY THE GOVERNOR TO REPRESENT ENVIRONMENTAL, BUSINESS, AND CITIZEN INTERESTS, ONE OF WHOM HAS EXPERTISE IN ENERGY CONSERVATION OR GREEN BUILDING DESIGN STANDARDS.

(C) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 2 YEARS.

(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(6) A MEMBER APPOINTED BY THE GOVERNOR MAY NOT RECEIVE COMPENSATION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(D) (1) THE GOVERNOR SHALL APPOINT A CHAIR FROM AMONG THE COUNCIL MEMBERS.

(2) THE COUNCIL MAY ACT WITH AN AFFIRMATIVE VOTE OF NINE MEMBERS.

(E) STAFF SUPPORT TO THE COUNCIL SHALL BE PROVIDED BY THE DEPARTMENT OF GENERAL SERVICES, WITH ASSISTANCE AS NECESSARY TO BE FURNISHED BY OTHER INVOLVED AGENCIES AND UNITS OF STATE GOVERNMENT.

(F) ON OR BEFORE SEPTEMBER 30, 2007, THE MARYLAND GREEN BUILDING COUNCIL SHALL:

(1) EVALUATE CURRENT HIGH PERFORMANCE BUILDING TECHNOLOGIES;

(2) PROVIDE RECOMMENDATIONS CONCERNING THE MOST COST-EFFECTIVE GREEN BUILDING TECHNOLOGIES THAT THE STATE MIGHT CONSIDER REQUIRING IN THE CONSTRUCTION OF STATE FACILITIES, INCLUDING CONSIDERATION OF THE ADDITIONAL COST ASSOCIATED WITH THE VARIOUS TECHNOLOGIES; AND

(3) DEVELOP A LIST OF BUILDING TYPES FOR WHICH GREEN BUILDING TECHNOLOGIES SHOULD NOT BE APPLIED, TAKING INTO CONSIDERATION THE OPERATIONAL ASPECTS OF FACILITIES EVALUATED, AND THE UTILITY OF A WAIVER PROCESS WHERE APPROPRIATE; AND

(G) ON OR BEFORE NOVEMBER 1, 2007, AND EVERY YEAR THEREAFTER, THE COUNCIL SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN

ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AS TO RECOMMENDATIONS FOR THE IMPLEMENTATION PLAN FOR A STATE HIGHER PERFORMANCE BUILDING PROGRAM AND ANY PROGRESS THAT HAS BEEN MADE DURING THE PRECEDING YEAR.”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 6 through 9, inclusive; and in line 11, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0942/276883/1)

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 942
(First Reading File Bill)

On page 4, in line 10, strike “3.” and substitute “2.”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 309 – Delegates Rosenberg, Bronrott, Haynes, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter’s Rights Protection Act of 2007

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

Read the second time and ordered prepared for Third Reading.

House Bill 560 – Delegates McIntosh and Hixson

AN ACT concerning

Election Law – Campaign Contributions – Limits on Contributions

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

FLOOR AMENDMENT

(Amendment ID: HB0560/173128/1)

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Act;” insert “defining a certain term; requiring that certain campaign finance contributions be attributed to one business entity contributor under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 26, after “(e)” insert “(1) IN THIS SUBSECTION, “BUSINESS ENTITY” INCLUDES A CORPORATION, A GENERAL OR LIMITED PARTNERSHIP, A LIMITED LIABILITY COMPANY, OR A REAL ESTATE INVESTMENT TRUST.

(2)”;

strike beginning with “a” in line 26 down through “stockholders,” in line 27 and substitute “TWO OR MORE BUSINESS ENTITIES”; and in line 28, after “contributor” insert “IF:

(I) ONE BUSINESS ENTITY IS A WHOLLY OWNED SUBSIDIARY OF ANOTHER; OR

(II) THE BUSINESS ENTITIES ARE OWNED OR CONTROLLED BY AT LEAST 80% OF THE SAME INDIVIDUALS”.

The preceding 2 amendments were read only.

Delegate O’Donnell moved that the Bill and Amendments be laid over 1 hour under the Rules.

The motion was supported.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #11**

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

House Bill 836 – Delegates Montgomery, Bobo, Bronrott, Elmore, Glassman, Hubbard, Kaiser, N. King, Kramer, Lawton, Lee, Manno, Pendergrass, Ramirez, Riley, Rudolph, Shewell, F. Turner, and Waldstreicher

AN ACT concerning

Public Health – Lyme Disease – Public Awareness Campaign

(Amendment ID: HB0836/906680/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 836
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Barkley, Minnick, Benson, Hammen, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Nathan–Pulliam, Oaks, Pena–Melnyk, Tarrant, V. Turner, and Weldon”; and in line 7, after “Act;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 2, in line 8, strike “**TELEVISION, RADIO,**”.

AMENDMENT NO. 3

On page 2, in line 28, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of September 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1370 – Delegate Mizeur

AN ACT concerning

**Maryland Health Insurance Plan – Senior Prescription Drug Assistance Program –
Modifications**

(Amendment ID: HB1370/786889/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1370

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Maryland Health Insurance Plan –”; in line 3, after “Modifications” insert “and Sunset Extension”; strike beginning with “requiring” in line 4 down through “definition” in line 6 and substitute “prohibiting the subsidy required under the Senior Prescription Drug Assistance Program from exceeding a certain amount in certain fiscal years; authorizing the Program to limit payments of certain subsidies under certain circumstances”; in line 7, after “Program;” insert “altering certain references to a certain obsolete program to clarify that the program being extended under this Act and that is funded by a certain carrier is the Senior Prescription Drug Assistance Program;”; in the same line, strike “clarifying” and substitute “conforming”; in line 11, strike “14–510” and substitute “14–106(e) and 14–512”; and after line 13 insert:

“BY repealing and reenacting, without amendments,

Article – Insurance

Section 14–511

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 24, inclusive, and substitute:

“14–106.

(e) The subsidy required under the Senior Prescription Drug Assistance Program may not exceed:

(1) for the period of January 1, 2006 through June 30, 2006, \$8,000,000;

(2) [for fiscal year 2007, \$14,000,000;

(3)] for fiscal [year] YEARS 2008 THROUGH 2010, \$14,000,000; and

[(4)] (3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.

14-511.

(a) There is a Senior Prescription Drug Assistance Program.

(b) The purpose of the Program is to provide Medicare Part D beneficiaries, who meet Program eligibility requirements, with a State subsidy.

(c) The Board shall contract with a third party to administer the Program.

(d) The Administrator of the Program shall:

(1) submit a detailed financial accounting of the Program to the Board as often as the Board requires;

(2) collect and submit to the Board data regarding the utilization patterns and costs for Program enrollees; and

(3) develop and implement a marketing plan targeted at eligible individuals throughout the State.

14-512.

(a) The Program shall:

(1) provide a prescription drug benefit subsidy, as determined by the Board, that may pay all or some of the deductibles, coinsurance payments, premiums, and copayments under the federal Medicare Part D Pharmaceutical Assistance Program for enrollees of the Program; and

(2) provide the subsidy to the maximum number of individuals eligible for enrollment in the Program, subject to the moneys available in the segregated account under § 14-504 of this subtitle.

(B) THE PROGRAM MAY LIMIT PAYMENT OF ANY SUBSIDY BY PAYING THE SUBSIDY ONLY ON BEHALF OF ELIGIBLE INDIVIDUALS ENROLLED IN A MEDICARE PART D PRESCRIPTION DRUG PLAN OR MEDICARE ADVANTAGE PLAN THAT COORDINATES WITH THE PROGRAM IN ACCORDANCE WITH FEDERAL REQUIREMENTS.

[(b)] (C) The Program may annually provide an additional subsidy, up to the full amount of the Medicare Part D Prescription Drug Plan premium, for individuals who qualify for a partial federal low-income subsidy.

[(c)] (D) The Program shall maintain a waiting list of individuals who meet the eligibility requirements for the Program but who are not served by the Program due to funding limitations.

[(d)] (E) The Board shall determine annually:

- (1) the number of individuals to be enrolled in the Program;
- (2) the amount of subsidy to be provided under subsection (a) of this section; and
- (3) the amount of any additional subsidy provided under subsection [(b)] (C) of this section.

[(e)] (F) On or before January 1 of each year, the Board, in accordance with § 2-1246 of the State Government Article, shall report to the General Assembly on:

- (1) the number of individuals on the waiting list for the Program; and
- (2) to the extent that the Board is able to collect the information:
 - (i) the number of enrollees with out-of-pocket prescription drug costs that exceed \$2,250, broken down for each fiscal quarter; and
 - (ii) the total annual out-of-pocket prescription drug costs for enrollees.”.

AMENDMENT NO. 3

On page 3, in line 24, after “Drug” insert “Assistance”; and in line 25, strike “July 1, 2003,” and substitute “January 1, 2006.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LAI D OVER BILLS

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

House Bill 560 – Delegates McIntosh and Hixson

AN ACT concerning

Election Law – Campaign Contributions – Limits on Contributions

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED. FLOOR AMENDMENT BY DELEGATE SIMMONS PENDING.

FLOOR AMENDMENT

(Amendment ID: HB0560/173128/1)

BY: Delegate Simmons

AMENDMENTS TO HOUSE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Act;” insert “defining a certain term; requiring that certain campaign finance contributions be attributed to one business entity contributor under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 26, after “(e)” insert “(1) IN THIS SUBSECTION, “BUSINESS ENTITY” INCLUDES A CORPORATION, A GENERAL OR LIMITED PARTNERSHIP, A LIMITED LIABILITY COMPANY, OR A REAL ESTATE INVESTMENT TRUST.

(2)”;

strike beginning with “a” in line 26 down through “stockholders,” in line 27 and substitute “TWO OR MORE BUSINESS ENTITIES”; and in line 28, after “contributor” insert “IF:

(I) ONE BUSINESS ENTITY IS A WHOLLY OWNED SUBSIDIARY OF ANOTHER; OR

(II) THE BUSINESS ENTITIES ARE OWNED OR CONTROLLED BY AT LEAST 80% OF THE SAME INDIVIDUALS”.

The preceding 2 amendments were read only.

Delegate G. Clagett moved to make the Bill and Amendments a Special Order for Monday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 551)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #48

House Bill 383 – Delegates N. King, Hixson, Kaiser, Rice, and Simmons

AN ACT concerning

Education – Safe Schools – Reporting Incidents of Harassment or Intimidation

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

Affirmative – 134 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the Senate.

House Bill 420 – Delegates Stull, Bartlett, Bates, Beitzel, Cane, G. Clagett, Elliott, Elmore, Glassman, Glenn, Hecht, James, Kach, Kelly, McComas, McKee, Miller, O'Donnell, Riley, Weir, and Weldon

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

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

Affirmative – 132 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the Senate.

House Bill 465 – Delegate James

AN ACT concerning

**Real Property – ~~Sale of Property Encumbered by a Conservation Easements~~ –
~~Notification of Buyers~~ Easement**

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

Affirmative – 134 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the Senate.

House Bill 508 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Fire and Explosive Investigators – Authority

PG 319–07

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

Affirmative – 132 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the Senate.

House Bill 669 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – System Development Charge –
Assessment and Definitions
MC/PG 110–07**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 556)

The Bill was then sent to the Senate.

House Bill 769 – Delegates Anderson, Carter, Conaway, Glenn, Haynes, Kirk, Krysiak, McHale, Oaks, Robinson, Stukes, and Tarrant

AN ACT concerning

Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program

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

Affirmative – 133 Negative – 0 (See Roll Call No. 557)

The Bill was then sent to the Senate.

House Bill 770 – Delegates Haynes, Ali, Anderson, Aumann, Barkley, Bronrott, Carter, Conaway, DeBoy, Doory, Dumais, Feldman, Frank, Glenn, Hucker, James, Kaiser, Kirk, Krysiak, Lafferty, Lee, Manno, McHale, Montgomery, Rice, Rosenberg, Shewell, Stukes, and Tarrant

AN ACT concerning

Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines

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

Affirmative – 133 Negative – 0 (See Roll Call No. 558)

The Bill was then sent to the Senate.

House Bill 868 – Delegates Haynes, Anderson, Aumann, Bronrott, Carter, Conaway, DeBoy, Doory, Frank, Glenn, Hucker, James, Kirk, Krysiak, McHale, Montgomery, Oaks, Rice, Rosenberg, Shewell, Stukes, and Tarrant

AN ACT concerning

Maryland Transit Administration – Public Hearings

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

Affirmative – 132 Negative – 0 (See Roll Call No. 559)

The Bill was then sent to the Senate.

House Bill 1003 – Delegate Vallario

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

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

Affirmative – 133 Negative – 0 (See Roll Call No. 560)

The Bill was then sent to the Senate.

House Bill 1067 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Conaway, Krysiak, Oaks, Rosenberg, and Stukes

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

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

Affirmative – 134 Negative – 0 (See Roll Call No. 561)

The Bill was then sent to the Senate.

House Bill 1177 – Delegates Jones, Bates, DeBoy, Eckardt, Griffith, Haynes, Heller, Nathan–Pulliam, Robinson, Stocksdale, and Taylor

AN ACT concerning

State Board for Certification of Residential Child Care Program Administrators – Fees

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

Affirmative – 135 Negative – 0 (See Roll Call No. 562)

The Bill was then sent to the Senate.

House Bill 1225 – Carroll County Delegation

AN ACT concerning

**Carroll County – Abatement of ~~Ongoing Nuisance Without Additional Notice~~
Nuisances – Ongoing Violations**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 563)

The Bill was then sent to the Senate.

House Bill 1228 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Sunday Sales for Hotels and Restaurants

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

Affirmative – 133 Negative – 0 (See Roll Call No. 564)

The Bill was then sent to the Senate.

House Bill 1247 – Delegates Conway, Aumann, Barkley, Barve, Bates, Bohanan, Busch, G. Clagett, DeBoy, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Murphy, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

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

Affirmative – 135 Negative – 0 (See Roll Call No. 565)

The Bill was then sent to the Senate.

House Bill 1325 – Delegates Conway, Barnes, Benson, DeBoy, Eckardt, Elmore, Frush, Glassman, Haddaway, Holmes, Hubbard, Impallaria, James, Jennings, Levi, McComas, McDonough, Niemann, Pena–Melnik, Proctor, Riley, Ross, Rudolph, Shewell, Smigiel, Sossi, Stifler, Valderrama, Vallario, Vaughn, and Walkup

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Programs

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

Affirmative – 134 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the Senate.

House Bill 1362 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Affirmative – 120 Negative – 15 (See Roll Call No. 567)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

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

House Bill 231 – St. Mary’s County Delegation

AN ACT concerning

Recordation Tax – Exemption for Transfers from a Government or Public Agency

(Amendment ID: HB0231/885364/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 231
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “exempting” and substitute “authorizing the Mayor and City Council of Baltimore City or the governing body of a county to exempt”; in line 6, after “State” insert “; and generally relating to exemptions from the recordation tax”; in line 7, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 9, strike “12–108(a)(1)” and substitute “12–116”.

AMENDMENT NO. 2

On pages 1 and 2, strike the lines beginning with line 15 on page 1 through line 3 on page 2, inclusive, and substitute:

“12-116.

THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY MAY EXEMPT, BY LAW, FROM THE RECORDATION TAX AN INSTRUMENT OF WRITING THAT TRANSFERS PROPERTY FROM OR GRANTS A SECURITY INTEREST FROM:

- (1) THE UNITED STATES;
- (2) THE STATE;
- (3) AN AGENCY OF THE STATE; OR
- (4) A POLITICAL SUBDIVISION IN THE STATE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 518 – Delegates Barve, Riley, Ali, Gilchrist, N. King, and Simmons

AN ACT concerning

Municipal Corporations – Hotel Rental Tax

(Amendment ID: HB0518/755964/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 518
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the first “corporation” insert “, subject to certain limitations”; in line 7, after “tax” insert “, to provide for additional exemptions from the tax.”; strike beginning with “providing” in line 8 down through “tax;” in line 10; and in line 12, after “tax;” insert “defining certain terms.”.

AMENDMENT NO. 2

On page 2, in line 14, after “IMPOSE” insert a comma; and in the same line, after “ORDINANCE” insert “OR RESOLUTION,”.

AMENDMENT NO. 3

On page 2, in line 14, after “(B)” insert “(1)”; in the same line, strike “A” and substitute “SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A”; and after line 16, insert:

“(2) (I) IN THIS PARAGRAPH, “HOTEL RENTAL TAX REVENUE SHARING ARRANGEMENT” INCLUDES:

1. A REQUIREMENT UNDER THE PROVISIONS OF § 9-318 OF THIS TITLE THAT A COUNTY DISTRIBUTE REVENUE FROM A COUNTY HOTEL RENTAL TAX TO A MUNICIPAL CORPORATION; OR

2. ANY OTHER HOTEL RENTAL TAX REVENUE SHARING REQUIREMENT, AGREEMENT, OR ARRANGEMENT BETWEEN A COUNTY AND A MUNICIPAL CORPORATION.

(II) A MUNICIPAL CORPORATION IN A COUNTY THAT HAS A HOTEL RENTAL TAX REVENUE SHARING ARRANGEMENT BETWEEN THE MUNICIPAL CORPORATION AND THE COUNTY MAY NOT IMPOSE A HOTEL RENTAL TAX UNDER THIS SECTION.

(3) A MUNICIPAL CORPORATION MAY NOT IMPOSE A TAX ON A TRANSIENT CHARGE PAID TO A HOTEL IF THE HOTEL HAS 10 OR FEWER SLEEPING ROOMS.”.

AMENDMENT NO. 4

On page 2, in line 20, strike “3%” and substitute “1%”.

AMENDMENT NO. 5

On page 2, in line 24, strike “AND” and substitute:

“(2) PROVIDE FOR ADDITIONAL EXEMPTIONS FROM THE TAX; AND”;

and in line 25, strike “(2)” and substitute “(3)”.

AMENDMENT NO. 6

On page 3, strike in their entirety lines 1 through 6, inclusive; and in line 7, strike “(F)” and substitute “(E)”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 589 – Delegates Jennings, Aumann, Bartlett, Boteler, Frank, and Morhaim

AN ACT concerning

Election Law – Prerecorded Phone Messages – Sponsor Identification

(Amendment ID: HB0589/895963/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 589
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Morhaim” and substitute “Morhaim, Hixson, Doory, Barve, Cardin, Elmore, George, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker”; in line 6, strike “provide a certain telephone number or address” and substitute “contain certain information”; and in line 9, strike “using autodialer telephone equipment”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 3 through 7, inclusive; in line 8, strike “(4)” and substitute “(3)”; strike beginning with the colon in line 14 down through “(2)” in line 18; strike beginning with “TELEPHONE” in line 19 down through “CALL” in line 23 and substitute “INFORMATION CONTAINED IN AN AUTHORITY LINE AS REQUIRED UNDER § 13-401”.

On pages 2 and 3, strike beginning with the colon in line 25 on page 2 down through “ARTICLE” in line 2 on page 3 and substitute “BE SUBJECT TO THE CIVIL PENALTY PROVISIONS OF THE MARYLAND TELEPHONE CONSUMER PROTECTION ACT”.

AMENDMENT NO. 3

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 625 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Charter Schools – Funding
PG 421–07**

(Amendment ID: HB0625/535565/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 625
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “requiring” and substitute “authorizing”; and in line 8, strike “providing for” and substitute “authorizing”.

AMENDMENT NO. 2

On page 2, in lines 13 and 17, in each instance, strike “SHALL” and substitute “MAY”; and in line 19, after “SECTION,” insert “**IF THE COUNTY BOARD DISBURSES FUNDS UNDER SUBSECTION (B) OF THIS SECTION,**”.

On page 4, in lines 19 and 26, in each instance, strike “SHALL” and substitute “MAY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1042 – Delegates Vallario, Ivey, Ali, Anderson, Barnes, Bartlett, Benson, Bohanan, Branch, Braveboy, Bronrott, Burns, Cane, Carter, Conaway, Davis, Donoghue, Doory, Dumais, Dwyer, Elmore, Feldman, Frush, Gilchrist, Griffith, Gutierrez, Hammen,

Hecht, Hixson, Howard, Hubbard, Hucker, Jameson, Jennings, Kelly, J. King, N. King, Kipke, Kirk, Krebs, Krysiak, Kullen, Lawton, Lee, Levi, Levy, Manno, McIntosh, Montgomery, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Ramirez, Rice, Rosenberg, Ross, Shank, Shewell, Simmons, Smigiel, Stifler, Stocksdale, Stukes, Tarrant, Taylor, F. Turner, Valderrama, Vaughn, Walker, Weldon, and Wood

AN ACT concerning

Election Law – Campaign Finance – Period Reporting Requirements

(Amendment ID: HB1042/885466/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1042
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “amount;” insert “clarifying that a campaign finance entity that files a certain affidavit is still subject to a certain reporting requirement;”.

AMENDMENT NO. 2

On page 3, in line 16, strike “**REPORT**” and substitute “**REPORTS**”; in the same line, strike “**THAT**” and substitute “**THE**”; and in line 17, after “**SUBTITLE**” insert “**FOR AN ELECTION IN WHICH THE POLITICAL COMMITTEE DESIGNATES IT WILL PARTICIPATE**”; and strike beginning with “**EXCEPT**” in line 30 down through “**PARAGRAPH,**” in line 31.

AMENDMENT NO. 3

On page 4, strike beginning with “**WHEN**” in line 1 down through “**ENTITY**” in line 4 and substitute “**A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS PARAGRAPH SHALL FILE THE ANNUAL CAMPAIGN FINANCE REPORT REQUIRED UNDER § 13–309(B) OF THIS SUBTITLE**”; in line 5, strike “**(1)**”; and strike in their entirety lines 12 through 16, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1114 – Delegate Love

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

(Amendment ID: HB1114/585560/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1114

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Love” and substitute “Anne Arundel County Delegation”; and in line 19, after the semicolon insert “providing members of the County Board certain compensation, payment for certain expenses, and eligibility for certain benefit programs; providing that this Act does not apply to the salary or compensation of the incumbent President and members of the Board;”.

On page 2, after line 1, insert:

“BY adding to
Article – Education
Section 3–110.1
Annotated Code of Maryland
(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 25, strike “8” and substitute “**9**”; in line 27, strike the second set of brackets; and in the same line, strike “2”.

AMENDMENT NO. 3

On page 6, after line 14, insert:

3–110.1.

(A) THE PRESIDENT OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION IS ENTITLED TO RECEIVE \$14,000 ANNUALLY AS COMPENSATION AND THE OTHER BOARD MEMBERS ARE ENTITLED TO RECEIVE \$12,000 EACH ANNUALLY AS COMPENSATION.

(B) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND REGULATIONS ADOPTED BY THE COUNTY BOARD, THE PRESIDENT AND THE OTHER BOARD MEMBERS ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES AS PROVIDED IN THE ANNE ARUNDEL COUNTY BUDGET.

(C) THE EMPLOYER'S SHARE FOR STATE RETIREMENT AND PENSION CONTRIBUTIONS MADE ON BEHALF OF THE PRESIDENT AND OTHER BOARD MEMBERS MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION.

(D) (1) THE PRESIDENT AND OTHER BOARD MEMBERS MAY PARTICIPATE IN HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS SPONSORED BY THE BOARD.

(2) A BOARD MEMBER'S PARTICIPATION IN A BENEFIT PROGRAM SPONSORED BY THE BOARD UNDER THIS SUBSECTION MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION."

AMENDMENT NO. 4

On page 7, after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the President and members of the Anne Arundel County Board of Education in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the President and members of the Anne Arundel County Board of Education shall take effect at the beginning of the next following term of office.";

and in line 9, strike "4." and substitute "5".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1168 – Delegate Doory

AN ACT concerning

Maryland Estate Tax

(Amendment ID: HB1168/465867/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1168
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Tax” insert “– Returns”; strike beginning with “altering” in line 6 down through “States;” in line 12; in line 16, after “7–305,” insert “and”; in the same line, strike “, and 7–309(b)(1) and (2)”; and strike in their entirety lines 19 through 23, inclusive.

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

AMENDMENT NO. 2

On page 2, strike in their entirety lines 18 through 25, inclusive.

On pages 4 and 5, strike in their entirety the lines beginning with line 9 on page 4 through line 16 on page 5, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1310 – Delegate Conway

AN ACT concerning

Criminal Law – Slot Machines – Eligible Organizations

(Amendment ID: HB1310/285360/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1310
(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegate Conway” and substitute “Delegates Conway and Elmore”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Simmons moved to make the Bill a Special Order for Monday.

The motion was withdrawn.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1380 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1391 – Delegates McDonough and Impallaria

AN ACT concerning

Harford County – Gaming – Political Fundraising

(Amendment ID: HB1391/755861/1)

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1391
(First Reading File Bill)

On page 1, in the sponsor line, strike “Delegates McDonough and Impallaria” and substitute “Harford County Delegation”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1422 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Exemptions – Bus Passenger Shelters

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 568)

ADJOURNMENT

At 4:16 P.M. on motion of Delegate Barve the House adjourned until 4:00 P.M., on Legislative Day March 22, 2007, Calendar Day Monday, March 26, 2007.

Annapolis, Maryland
Legislative Day: March 22, 2007
Calendar Day: Monday, March 26, 2007

The House met at 4:17 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Eric M. Bromwell of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 108 Members present.

(See Roll Call No. 569)

The Journal of March 21, 2007 was read and approved.

EXCUSES:

Del. Conway – left early – family emergency

Del. Goldwater – illness

Del. Holmes – business – late

Del. Malone – illness – food poisoning

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #22

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

House Bill 369 – Delegates Braveboy, Griffith, Davis, and Vaughn

AN ACT concerning

Real Property – Homeowners Associations – Transition of Association Control

(Amendment ID: HB0369/690413/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 369

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Control” insert “– Study”; strike beginning with “entitling” in line 4 down through “changes” in line 13 and substitute “requiring the Division of Consumer Protection of the Office of the Attorney General to study and make recommendations regarding the transfer of control of the governing body in a homeowners association; requiring the Division to report to the General Assembly on or before a certain date; providing for the termination of this Act”; in line 13, after “the” insert “study of the”; and strike in their entirety lines 15 through 24, inclusive.

AMENDMENT NO. 2

On page 2, in line 2, strike “the Laws of Maryland read as follows”; and after line 2, insert:

“(a) The Division of Consumer Protection of the Office of the Attorney General shall:

(1) study the issue of the transfer of control of the governing body in a homeowners association from a declarant or developer, including:

(i) the process for the transfer of control in other forms of common ownership communities in the State; and

(ii) the process for the transfer of control in common ownership communities in other states; and

(2) make recommendations regarding options, including legislative proposals if appropriate, to facilitate the transfer of control of the governing body in a homeowners association in the State.

(b) On or before December 31, 2007, the Division shall report its findings and recommendations, in accordance with § 2–1246 of the State Government Article, to the General Assembly.”.

On pages 2 through 7, strike in their entirety the lines beginning with line 3 on page 2 through line 18 on page 7, inclusive.

On page 7, in line 20, strike “October” and substitute “July”; and in the same line, after the period insert “It shall remain effective for a period of 6 months and, at the end of December 31, 2007, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 440 – Delegates Barkley, Ali, and N. King

AN ACT concerning

Vehicle Laws – Engine Brakes – Restrictions

(Amendment ID: HB0440/510112/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 440

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “the operator of” and substitute “a person from operating”; strike beginning with “from” in line 4 down through “time” in line 5 and substitute “unless the engine brake is installed and operated in accordance with the manufacturer’s original design specifications; establishing a certain penalty”; in line 5, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; strike in their entirety lines 7 through 11, inclusive; and in line 14, after “22–611” insert “and 27–101(aa)”.

AMENDMENT NO. 2

On page 1, strike line 20 in its entirety.

On page 2, strike in their entirety lines 1 through 5, inclusive; in line 7, strike “(1)”; strike beginning with the first “THE” in line 7 down through “BRAKE” in line 9 and substitute “, “ENGINE BRAKE””; strike beginning with “, COMMONLY” in line 10 down through “ARTICLE” in line 12; in line 13, strike “OPERATING” and substitute “MAY NOT OPERATE”; and strike beginning with “MAY” in line 14 down through “A.M.” in line 15 and substitute “UNLESS THE ENGINE BRAKE IS INSTALLED AND OPERATED IN ACCORDANCE WITH THE MANUFACTURER’S ORIGINAL DESIGN SPECIFICATIONS.”

27-101.

(AA) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 22-611 OF THIS ARTICLE IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$1,000; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$500 AND NOT MORE THAN \$1,000.”.

The preceding 2 amendments were read only.

Delegate V. Clagett moved to make the Bill and Amendments a Special Order for the end of the Second Reading Calendars.

The motion was adopted.

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

House Bill 657 – Cecil County Delegation

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

(Amendment ID: HB0657/790713/1)

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 657

(First Reading File Bill)

On page 1 in line 10, on page 2 in lines 5, 19, and 34, on page 3 in line 24, and on page 4 in line 14, in each instance, strike “transfer”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 710 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Service Contracts

MC/PG 117–07

(Amendment ID: HB0710/240719/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 710

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 5 down through “representative” in line 9 and substitute “providing that before the Maryland–National Capital Park and Planning Commission may solicit a certain service contract, the Secretary–Treasurer of the Commission must provide certain certification; prohibiting the Secretary–Treasurer from making a certain certification unless the Commission has taken certain actions; requiring the Commission to compare certain costs under certain circumstances; requiring the Commission to provide certain notice and maintain a certain plan”; strike beginning with “an” in line 13 down through “court” in line 14 and

substitute “a certain appeal”; and in line 15, after “Act;” insert “authorizing an administrative hearing officer to award an employee certain damages under certain circumstances; providing that a certain award of damages shall be the sole and exclusive remedy for certain violations;”.

AMENDMENT NO. 2

On page 2, in line 7, after “(2)” insert “(1)”; strike in their entirety lines 8 through 11, inclusive, and substitute:

“1. THE ELIMINATION OF MORE THAN TWO EMPLOYEE POSITIONS ASSIGNED TO PERFORM BARGAINING UNIT WORK IF THE POSITIONS ARE AUTHORIZED, FULLY FUNDED, AND EITHER VACANT FOR LESS THAN 90 CALENDAR DAYS OR OCCUPIED AT THE TIME THE COMMISSION SOLICITS A SERVICE CONTRACT;

2. A PERMANENT AND INVOLUNTARY REDUCTION BELOW THE NUMBER OF HOURS FOR REGULAR FULL-TIME EMPLOYMENT FOR MORE THAN FIVE EMPLOYEES CURRENTLY ASSIGNED TO A REGULAR FULL-TIME WORK SCHEDULE TO PERFORM BARGAINING UNIT WORK WHEN THE COMMISSION SOLICITS A SERVICE CONTRACT;

3. A PERMANENT AND INVOLUNTARY REDUCTION IN THE PAY GRADE FOR MORE THAN FIVE EMPLOYEES CURRENTLY ASSIGNED TO A REGULAR FULL-TIME WORK SCHEDULE TO PERFORM BARGAINING UNIT WORK WHEN THE COMMISSION SOLICITS A SERVICE CONTRACT; OR

4. A PERMANENT AND INVOLUNTARY REDUCTION IN THE BASE PAY OR FRINGE BENEFITS OTHERWISE APPLICABLE TO A JOB CLASSIFICATION COVERING MORE THAN FIVE EMPLOYEES CURRENTLY ASSIGNED ON A FULL-TIME BASIS TO PERFORM BARGAINING UNIT WORK WHEN THE COMMISSION SOLICITS A SERVICE CONTRACT.

(II) “ADVERSELY AFFECT” DOES NOT INCLUDE ANY ACTION BY THE COMMISSION TAKEN IN ACCORDANCE WITH:

1. A BONA FIDE DISCIPLINARY PROCEEDING;

2. A COLLECTIVE BARGAINING AGREEMENT THEN APPLICABLE IN ACCORDANCE WITH § 2-112.1 OF THIS SUBTITLE; OR

3. A REALLOCATION OR REASSIGNMENT TO OTHER BARGAINING UNIT WORK OR OTHER DUTIES THAT DOES NOT RESULT IN A CHANGE IN JOB CLASSIFICATION OR GRADE.”;

in line 12, after “(3)” insert “**“BARGAINING UNIT WORK” MEANS WORK DUTIES ASSIGNED OR ALLOCATED TO ANY POSITION OCCUPIED WITHIN THE PRECEDING 90 CALENDAR DAYS BY AN EMPLOYEE WHO IS REPRESENTED BY A CERTIFIED REPRESENTATIVE.**

(4)”;

strike in their entirety lines 16 and 17 and substitute:

“(5) “SECRETARY–TREASURER” MEANS THE SECRETARY–TREASURER OF THE COMMISSION.”;

in line 18, strike “(5)” and substitute “**(6)**”; in line 21, strike “WILL” and substitute “**IS SOLICITED BY THE COMMISSION AS A MANAGEMENT PLAN INTENDED TO**”; in the same line, strike “A”; in the same line, strike “EMPLOYEE” and substitute “**EMPLOYEES REPRESENTED BY A CERTIFIED REPRESENTATIVE**”; and in line 24, strike “\$50,000” and substitute “**\$75,000**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 8 through 16, inclusive, and substitute:

“(I) SOLICITATION OF A SERVICE CONTRACT AS PART OF A MANAGEMENT PLAN OR PROGRAM INTENDED TO AUGMENT BARGAINING UNIT WORK AND NOT FOR A PRESENT OR EVENTUAL PURPOSE OF ADVERSELY AFFECTING COMMISSION EMPLOYEES REPRESENTED BY THE CERTIFIED REPRESENTATIVE;

(II) SOLICITATION OF A SERVICE CONTRACT FOR WHICH THE PRIMARY PURPOSE IS TO OBTAIN GOODS OR CONSTRUCTION SERVICES;

(III) SOLICITATION OF A SERVICE CONTRACT THAT THE COMMISSION’S PURCHASING OFFICIALS REASONABLY BELIEVE AND EXPRESS IN WRITING MAY NEGATIVELY AFFECT THE POTENTIAL FOR PARTICIPATION BY A

MINORITY BUSINESS ENTERPRISE ACCORDING TO ANY MINORITY BUSINESS ENTERPRISE UTILIZATION PROGRAM AUTHORIZED UNDER § 2-302 OF THIS ARTICLE;

(IV) SOLICITATION OF A SERVICE CONTRACT FOR A SERVICE PROVIDED BY A CONSULTANT;

(V) SOLICITATION OF A SERVICE CONTRACT FOR A PROFESSIONAL SERVICE, UNLESS THE SCOPE OF SERVICE IS PROVIDED BY BARGAINING UNIT EMPLOYEES WHEN THE CONTRACT IS SOLICITED;

(VI) SOLICITATION OF A SERVICE CONTRACT THAT THE COMMISSION REASONABLY BELIEVES IS:

1. NECESSARY TO MEET AN EMERGENT OR IMMINENT THREAT TO PUBLIC HEALTH, WELFARE, OR SAFETY;

2. REQUIRED TO COMPLY WITH THE REQUIREMENTS OF ANY GRANT RELATED TO THE FUNDING OF THAT CONTRACT; OR

3. RELATED TO THE SETTLEMENT OF AN INSURANCE CLAIM;

(VII) SOLICITATION OF A SERVICE CONTRACT THAT IS IN THE BEST INTEREST OF AN EMPLOYEE BASED ON A NEED FOR SPECIALIZED SAFETY EXPERIENCE OR EXPERTISE;

(VIII) SOLICITATION OF A SERVICE CONTRACT FOR ANY SERVICE PROVIDED BY A PUBLIC ENTITY OR PROVIDED TO THE COMMISSION IN ACCORDANCE WITH A PUBLIC-PRIVATE PARTNERSHIP WITH A PRIVATE ENTITY;

(IX) SOLICITATION OF A SERVICE CONTRACT TO BE AWARDED ON A NONCOMPETITIVE BASIS IN ACCORDANCE WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS REGARDING THOSE CONTRACTS;

(X) A SERVICE CONTRACT ENTERED INTO PRIOR TO OCTOBER 31, 2007;

(XI) THE RENEWAL OR REBIDDING OF A SERVICE CONTRACT ENTERED INTO PRIOR TO OCTOBER 31, 2007, IF THE RENEWAL OR REBIDDING OF THE SERVICE CONTRACT DOES NOT RESULT IN A GREATER ADVERSE EFFECT ON BARGAINING UNIT EMPLOYEES THAN EXISTED PRIOR TO ITS RENEWAL OR REBIDDING;

(XII) SOLICITATION OF A SERVICE CONTRACT FOR A CAPITAL IMPROVEMENT PROJECT OR ASSET MANAGEMENT PROJECT;

(XIII) SOLICITATION OF ANY CLASS, TYPE, CATEGORY, OR PARTICULAR SERVICE CONTRACT THAT THE COMMISSION REASONABLY BELIEVES SHOULD BE PERFORMED BY AN INDEPENDENT CONTRACTOR TO ELIMINATE A CONFLICT OF INTEREST OTHERWISE APPARENT IF THE SERVICES ARE PERFORMED BY A BARGAINING UNIT EMPLOYEE;

(XIV) SOLICITATION OF ANY CLASS, TYPE, CATEGORY, OR PARTICULAR SERVICE CONTRACT WHEN THE NEED FOR THE SERVICE OR ACTIVITY IS SUCH THAT THE TIME NECESSARY FOR THE ANALYSIS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION WOULD:

1. RESULT IN DAMAGE TO COMMISSION PROPERTY;
2. RESULT IN INJURY TO INDIVIDUALS; OR
3. SUBSTANTIALLY HINDER THE OBJECTIVE OF CONSTRUCTING OR MAINTAINING SAFE, SANITARY, AND DECENT PROPERTIES AND FACILITIES; OR

(XV) A SERVICE CONTRACT THAT EITHER THE MONTGOMERY COUNTY COUNCIL OR THE PRINCE GEORGE'S COUNTY COUNCIL AUTHORIZES OR REQUIRES BE PROVIDED BY AN INDEPENDENT CONTRACTOR.”;

strike in their entirety lines 20 through 23, inclusive, and substitute:

“(C) BEFORE THE COMMISSION SOLICITS ANY SERVICE CONTRACT UNDER THIS SECTION, THE SECRETARY–TREASURER MUST CERTIFY THAT THE COMMISSION HAS COMPLIED WITH SUBSECTIONS (D) AND (E) OF THIS SECTION.”;

in line 24, strike “EXECUTIVE DIRECTOR” and substitute “SECRETARY-TREASURER”; and in line 25, strike “MAY SOLICIT A SERVICE CONTRACT” and substitute “HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION”.

AMENDMENT NO. 4

On page 4, in line 5, after “ANALYSIS” insert “AND GOOD FAITH ESTIMATES”; strike beginning with “OVER” in line 5 down through the second “CONTRACT” in line 6 and substitute “BY ENTERING INTO A SERVICE CONTRACT, AT LEAST AN AMOUNT EQUAL TO THE LESSER OF \$200,000 OR 20% OF THE ESTIMATED NET PRESENT VALUE OF THE COST OF THE SERVICE CONTRACT”; in line 7, after “SHALL” insert “ESTIMATE AND”; in the same line, after “COMPARE” insert “AT LEAST”; strike beginning with “RATES” in line 11 down through “AGREEMENT” in line 12 and substitute “THE LESSER OF THE LABOR RATE ESTABLISHED AS THE COUNTY LIVING WAGE RATE FOR MONTGOMERY COUNTY OR PRINCE GEORGE’S COUNTY”; strike beginning with the comma in line 13 down through “MATERIALS” in line 15 and substitute “PROPERLY ALLOCABLE TO THE BARGAINING UNIT WORK OR SERVICE CONTRACT ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES”; strike in their entirety lines 16 through 19, inclusive, and substitute:

“(III) ANY COSTS ASSOCIATED WITH UNEMPLOYMENT COMPENSATION OR OUTPLACEMENT ASSISTANCE FOR DISPLACED EMPLOYEES.”;

strike beginning with the colon in line 20 down through “SUBTITLE” in line 27 and substitute “PROVIDE NOT LESS THAN 60 DAYS ADVANCE NOTICE AND MAINTAIN AT ALL TIMES A FORMAL PLAN OF OUTPLACEMENT ASSISTANCE FOR EACH COMMISSION EMPLOYEE WHO IS REPRESENTED BY A CERTIFIED REPRESENTATIVE AND WILL BE ADVERSELY AFFECTED BY A SERVICE CONTRACT THAT IS SUBJECT TO THIS SECTION”; and in line 28, strike “(1)(I)” and substitute “(1)”.

AMENDMENT NO. 5

On page 5, in line 1, after “TO” insert “TRANSFER OR”; in line 2, after “POSITION” insert “THAT THEY ARE QUALIFIED TO PERFORM”; in line 7, strike “FIRST”; in the same line, after “TO” insert “HIRING”; in line 10, after “EFFECT” insert “ON ONE OR MORE JOB CLASSIFICATIONS”; in the same line, strike “EACH AFFECTED COMMISSION EMPLOYEE AND”; in line 11, strike “120” and substitute “90 CALENDAR”; strike beginning with “IN” in line 14 down through “PERFORM” in line 16 and substitute “FOR EXISTING BARGAINING UNIT EMPLOYEES TO CONTINUE PERFORMING”; in line 17, strike “SUBSTANTIALLY”; in line 19, strike “SUBTITLE” and substitute “SECTION”; in line 21,

strike “ACTION” and substitute “APPEAL ON THE RECORD”; strike beginning with “IN” in line 21 down through “CONTROVERSY” in line 24 and substitute “BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS IN ACCORDANCE WITH THE CONTESTED CASE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE”; and strike in their entirety lines 25 through 28, inclusive, and substitute:

“(II) 1. IF THE HEARING OFFICER FINDS THAT THE COMMISSION WAS ARBITRARY AND CAPRICIOUS IN SOLICITING OR ENTERING INTO A SERVICE CONTRACT THAT IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION, AND THE COMMISSION EMPLOYEE HAS BEEN ADVERSELY AFFECTED, THE HEARING OFFICER MAY AWARD THE EMPLOYEE ACTUAL DAMAGES FOR BACK PAY AND FRONT PAY FOR A COMBINED PERIOD OF UP TO 2 YEARS BEGINNING ON THE DATE THE EMPLOYEE WAS FIRST ADVERSELY AFFECTED, PROVIDED THAT THE EMPLOYEE IS OBLIGATED TO MITIGATE THE ACTUAL DAMAGES.

2. THE AWARD OF ACTUAL DAMAGES AUTHORIZED UNDER THIS PARAGRAPH SHALL BE THE SOLE AND EXCLUSIVE REMEDY FOR A VIOLATION OF THIS SECTION THAT IS AVAILABLE TO THE EMPLOYEE, AND NO LIABILITY SHALL ACCRUE FOR PUNITIVE DAMAGES, CONSEQUENTIAL DAMAGES, OR DAMAGES FOR EMOTIONAL DISTRESS OR PAIN AND SUFFERING.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1276 – Delegate Malone

AN ACT concerning

Task Force to Study the Establishment of Annual Motor Vehicle Safety Inspections

(Amendment ID: HB1276/580515/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 4, and 16, in each instance, strike “Annual” and substitute “Biennial”.

AMENDMENT NO. 2

On page 1, in line 19, strike “Annual” and substitute “Biennial”.

On page 2 in line 26 and on page 3 in lines 6 and 8, in each instance, strike “annual” and substitute “biennial”.

On page 3, in line 4, strike “an annual” and substitute “a biennial”.

AMENDMENT NO. 3

On page 2, in line 9, strike “and”; after line 9, insert:

“(6) a representative of AAA Mid-Atlantic, appointed by the Director of Public and Governmental Affairs for AAA Mid-Atlantic; and”;

and in line 10, strike “(6)” and substitute “(7)”.

The preceding 3 amendments were read only.

Delegate V. Clagett moved to make the Bill and Amendments a Special Order for the end of the Second Reading Calendars.

The motion was adopted.

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

House Bill 1403 – Delegates Olszewski, Aumann, Beidle, Bromwell, Cardin, V. Clagett, DeBoy, Frush, Glenn, Impallaria, Kach, Lafferty, Minnick, Stein, Stukes, Tarrant, and Weir

EMERGENCY BILL

AN ACT concerning

Critical Area – Construction of a Facility – Prohibition

(Amendment ID: HB1403/630917/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1403

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “counties” insert “unless the facility is located or constructed in accordance with a certain program; prohibiting a unit of State government from issuing a certain permit unless a certain finding is made by the Department of the Environment and the Department of Natural Resources”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“Preamble

WHEREAS, The General Assembly finds that certain facilities pose inherent and heightened environmental and public safety risks when located in proximity to densely populated areas; and

WHEREAS, The General Assembly further finds that the substantial population and intense industrial and port-related development activity concentrated in the coastal areas of the Baltimore metropolitan region necessitate the increased scrutiny of certain facilities to ensure that environmental impacts are minimized in these areas for the protection of the general population and the integrity of the Chesapeake Bay; now, therefore,”.

AMENDMENT NO. 3

On page 3, in line 6, strike “(I)”; strike in their entirety lines 8 through 22, inclusive; and in line 27, after “SUBTITLE” insert “UNLESS THE FACILITY IS CONSTRUCTED OR LOCATED IN ACCORDANCE WITH THE STATE’S FEDERALLY APPROVED COASTAL ZONE MANAGEMENT PROGRAM.

(D) A UNIT OF STATE GOVERNMENT MAY NOT ISSUE A PERMIT FOR A FACILITY UNLESS THERE IS A FINDING BY THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES THAT THE PROPOSED FACILITY IS NOT INCONSISTENT WITH THE GENERAL ASSEMBLY'S DECLARATION OF PUBLIC POLICY UNDER § 8-1801 OF THIS SUBTITLE.

(E) THIS SECTION DOES NOT APPLY TO A FACILITY THAT EXISTED AND WAS IN OPERATION ON JANUARY 1, 2007, INCLUDING ANY EXPANSION OR MODIFICATION OF THE FACILITY".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Haddaway moved to make the Bill a Special Order for later this session.

The motion was rejected.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1418 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Community Development Administration – Direct Residential Mortgage Loans – Families of Limited Income

(Amendment ID: HB1418/140615/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1418

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “income” insert “under certain circumstances”; strike beginning with “the” in line 7 down through the first “Development” in line 8 and substitute “residential mortgage loans”; and in line 9, after “Administration” insert “of the Department of Housing and Community Development”.

AMENDMENT NO. 2

On page 2, strike beginning with “COMMITMENTS” in line 10 down through “INCOME” in line 11 and substitute “A COMMITMENT FOR A RESIDENTIAL MORTGAGE LOAN TO A FAMILY OF LIMITED INCOME:

(1) FOR A FAMILY THAT HAS A DISABLED FAMILY MEMBER WHO WILL RESIDE IN THE DWELLING;

(2) FOR AN EMERGENCY HOUSING NEED AS DETERMINED BY THE SECRETARY;

(3) FOR SETTLEMENT AND DOWN PAYMENT COSTS; OR

(4) THAT IS MADE IN CONJUNCTION WITH A LOAN FUNDED WITH STATE APPROPRIATED FUNDS IF THE STATE APPROPRIATED FUNDED LOAN COMPRISES AT LEAST 20% OF THE TOTAL AMOUNT LOANED”.

AMENDMENT NO. 3

On page 2, in line 13, strike “October” and substitute “July”.

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 WAYS AND MEANS REPORT #12

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

Senate Bill 488 – Senators Britt, Conway, Currie, Gladden, Kelley, Pugh, and Rosapepe

AN ACT concerning

Voter Registration Protection Act

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 440 – Delegates Barkley, Ali, and N. King

AN ACT concerning

Vehicle Laws – Engine Brakes – Restrictions

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

(Amendment ID: HB0440/510112/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 440

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “the operator of” and substitute “a person from operating”; strike beginning with “from” in line 4 down through “time” in line 5 and substitute “unless the engine brake is installed and operated in accordance with the manufacturer’s original design specifications; establishing a certain penalty”; in line 5, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; strike in their entirety lines 7 through 11, inclusive; and in line 14, after “22–611” insert “and 27–101(aa)”.

AMENDMENT NO. 2

On page 1, strike line 20 in its entirety.

On page 2, strike in their entirety lines 1 through 5, inclusive; in line 7, strike “(1)”; strike beginning with the first “THE” in line 7 down through “BRAKE” in line 9 and substitute “, “ENGINE BRAKE””; strike beginning with “, COMMONLY” in line 10 down through “ARTICLE” in line 12; in line 13, strike “OPERATING” and substitute “MAY NOT OPERATE”; and strike beginning with “MAY” in line 14 down through “A.M.” in line 15 and substitute “UNLESS THE ENGINE BRAKE IS INSTALLED AND OPERATED IN ACCORDANCE WITH THE MANUFACTURER’S ORIGINAL DESIGN SPECIFICATIONS.”

27-101.

(AA) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 22-611 OF THIS ARTICLE IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, A FINE OF NOT LESS THAN \$250 AND NOT MORE THAN \$1,000; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT LESS THAN \$500 AND NOT MORE THAN \$1,000.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1276 – Delegate Malone

AN ACT concerning

Task Force to Study the Establishment of Annual Motor Vehicle Safety Inspections

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

(Amendment ID: HB1276/580515/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 4, and 16, in each instance, strike “Annual” and substitute “Biennial”.

AMENDMENT NO. 2

On page 1, in line 19, strike “Annual” and substitute “Biennial”.

On page 2 in line 26 and on page 3 in lines 6 and 8, in each instance, strike “annual” and substitute “biennial”.

On page 3, in line 4, strike “an annual” and substitute “a biennial”.

AMENDMENT NO. 3

On page 2, in line 9, strike “and”; after line 9, insert:

“(6) a representative of AAA Mid-Atlantic, appointed by the Director of Public and Governmental Affairs for AAA Mid-Atlantic; and”;

and in line 10, strike “(6)” and substitute “(7)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 554 – Delegates Ross, Ali, Anderson, Braveboy, Burns, Cane, Carter, Davis, Gilchrist, Glenn, Gutierrez, Harrison, Haynes, Hucker, Ivey, Kaiser, Lawton, Montgomery, Nathan-Pulliam, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, F. Turner, and Walker

AN ACT concerning

Voter Registration Protection Act

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

Delegate Hixson moved to make the Bill a Special Order for next session.

The motion was adopted.

House Bill 560 – Delegates McIntosh and Hixson

AN ACT concerning

Election Law – Campaign Contributions – Limits on Contributions

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED. FLOOR AMENDMENT BY DELEGATE SIMMONS PENDING.

Delegate Hixson moved the Bill be recommitted.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 570)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #50

House Bill 326 – Delegate Hubbard

AN ACT concerning

Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists Act – Revision

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

Affirmative – 134 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the Senate.

House Bill 611 – Delegates Ross, Gaines, Healey, Barkley, Barnes, Benson, Bronrott, Cane, Davis, DeBoy, Elmore, Frush, Glassman, Haynes, Hecht, Holmes, Hubbard, Hucker, James, Jones, Kaiser, N. King, Lawton, Levi, Levy, Mathias, Montgomery, Niemann, Pena–Melnyk, Shank, Simmons, Sossi, Stocksdale, Stull, Vaughn, and Weldon

AN ACT concerning

Public Safety – State Aid for Police Protection Fund – Municipal Sworn Officer Allocation

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

Affirmative – 135 Negative – 1 (See Roll Call No. 572)

The Bill was then sent to the Senate.

House Bill 679 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Real Property – Home Builders – Disclosures in Contracts of Sale

PG 424–07

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

Affirmative – 136 Negative – 0 (See Roll Call No. 573)

The Bill was then sent to the Senate.

House Bill 949 – Delegates Stein, Beitzel, Bromwell, Costa, Kach, Kipke, Malone, Mizeur, Oaks, Riley, ~~and Tarrant~~ Tarrant, Hammen, Benson, Donoghue, Elliott, Hubbard, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, V. Turner, and Weldon

AN ACT concerning

Military Health Care Personnel – Staffing Initiative

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

Affirmative – 136 Negative – 0 (See Roll Call No. 574)

The Bill was then sent to the Senate.

House Bill 988 – ~~Delegate Nathan Pulliam~~ Delegates Nathan Pulliam, Hammen, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

EMERGENCY BILL

AN ACT concerning

State Board of Dental Examiners – ~~Restructuring~~ Program Evaluation and Licensee Protection

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

Affirmative – 134 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the Senate.

House Bill 1189 – Delegates Bobo and McIntosh

AN ACT concerning

Transportation – Maryland Senior Rides Program – ~~Repeal~~ of Grant Limitations

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

Affirmative – 136 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the Senate.

House Bill 1270 – Delegates Hubbard, Bohanan, Frush, Hammen, Hecht, James, McHale, Pena-Melnyk, ~~and Rosenberg~~ Rosenberg, Beitzel, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan Pulliam, Oaks, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

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

Affirmative – 136 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the Senate.

House Bill 1364 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Affirmative – 122 Negative – 15 (See Roll Call No. 578)

The Bill was then sent to the Senate.

House Bill 1365 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Affirmative – 121 Negative – 16 (See Roll Call No. 579)

The Bill was then sent to the Senate.

House Bill 1415 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Worcester County Development Center Loan of 2001 and Maryland Consolidated Capital Bond Loan of 2006 – Worcester County Development Center

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

Affirmative – 137 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

House Bill 793 – Delegates Nathan–Pulliam, Benson, Braveboy, Cane, Conaway, Costa, Gaines, Glenn, Griffith, Gutierrez, Kipke, Lee, Montgomery, Oaks, Pena–Melnyk, ~~and Tarrant~~ Tarrant, Hammen, Morhaim, Bromwell, V. Turner, Donoghue, Elliott, Hubbard, Weldon, Riley, Kach, Kullen, McDonough, Mizeur, and Pendergrass

AN ACT concerning

Sickle Cell Disease – ~~Adults – Best Practices Treatment and Awareness Act~~ Statewide Steering Committee on Services for Adults with Sickle Cell Disease

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

Affirmative – 137 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the Senate.

House Bill 1071 – Delegates Anderson, Glenn, Kirk, and Krysiak

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

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

Affirmative – 137 Negative – 0 (See Roll Call No. 582)

The Bill was then sent to the Senate.

House Bill 1082 – Delegate Hubbard

AN ACT concerning

Managed Care Organizations – Retroactive Denial of Claims and Applicability of State Laws

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

Affirmative – 135 Negative – 0 (See Roll Call No. 583)

The Bill was then sent to the Senate.

House Bill 1139 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Director of the Department of Social Services – Pension and Retirement Health Benefits

MC 711–07

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

Affirmative – 137 Negative – 0 (See Roll Call No. 584)

The Bill was then sent to the Senate.

House Bill 1160 – Delegate Hubbard

AN ACT concerning

Qualified State Long–Term Care Insurance Partnership – Revisions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 585)

The Bill was then sent to the Senate.

House Bill 1224 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Program Open Space – Use of Acquisition Funds

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

Affirmative – 135 Negative – 2 (See Roll Call No. 586)

The Bill was then sent to the Senate.

House Bill 1283 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Authority

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

Affirmative – 133 Negative – 0 (See Roll Call No. 587)

The Bill was then sent to the Senate.

House Bill 1336 – Delegates Branch, Anderson, Benson, Burns, Cane, Davis, Gaines, Glenn, Griffith, Harrison, Holmes, Howard, Jones, Kirk, Levi, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Proctor, Rice, Stukes, Tarrant, Taylor, F. Turner, Vaughn, and Walker

AN ACT concerning

2007 Darfur Protection Act – Divestiture from the Republic of Sudan

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

Affirmative – 136 Negative – 0 (See Roll Call No. 588)

The Bill was then sent to the Senate.

House Bill 1344 – Frederik County Delegation

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

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

Affirmative – 137 Negative – 0 (See Roll Call No. 589)

The Bill was then sent to the Senate.

House Bill 1354 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Certification of County Priority Preservation Areas

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

Affirmative – 137 Negative – 0 (See Roll Call No. 590)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #52

House Bill 134 – The Speaker (By Request – Administration) and Delegates Busch, Conway, Barkley, Barnes, Bohanan, Branch, Cardin, Frush, Griffith, Haynes, Heller, Hixson, Howard, James, Jones, Kaiser, N. King, Proctor, Ramirez, Ross, and F. Turner

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

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

Affirmative – 126 Negative – 11 (See Roll Call No. 591)

The Bill was then sent to the Senate.

House Bill 309 – Delegates Rosenberg, Bronrott, Haynes, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter’s Rights Protection Act of 2007

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

Affirmative – 134 Negative – 0 (See Roll Call No. 592)

The Bill was then sent to the Senate.

House Bill 494 – Delegates ~~Feldman, Stifler~~ Stifler, Feldman, and Krysiak

AN ACT concerning

Elevator Safety – Third-Party Qualified Elevator Inspectors

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

Affirmative – 135 Negative – 2 (See Roll Call No. 593)

The Bill was then sent to the Senate.

House Bill 505 – Delegates Kullen, Boteler, Bromwell, N. King, Levy, ~~and Montgomery~~
Montgomery, Hammen, Donoghue, Elliott, Hubbard, Kach, Kipke, McDonough,
Mizeur, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley,
V. Turner, and Weldon

AN ACT concerning

Maryland Service Animal Reform Act – “Gretchen’s Law”

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

Affirmative – 137 Negative – 0 (See Roll Call No. 594)

The Bill was then sent to the Senate.

House Bill 509 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Railroad Grade Crossings – Automated Enforcement
Systems**

PG 320-07

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

Affirmative – 130 Negative – 6 (See Roll Call No. 595)

The Bill was then sent to the Senate.

House Bill 542 – ~~Delegate Ross~~ Delegates Ross, Bohanan, Barve, Cardin, Gilchrist,
Howard, Ivey, Kaiser, N. King, McKee, Olszewski, Stukes, and Walker

AN ACT concerning

Elections – Election Judges Training Pilot Program

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

Affirmative – 125 Negative – 9 (See Roll Call No. 596)

The Bill was then sent to the Senate.

House Bill 589 – Delegates Jennings, Aumann, Bartlett, Boteler, Frank, ~~and Morhaim~~
Morhaim, Hixson, Doory, Barve, Cardin, Elmore, George, Gilchrist, Howard,
Ivey, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes,
F. Turner, and Walker

AN ACT concerning

Election Law – Prerecorded Phone Messages – Sponsor Identification

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

Affirmative – 137 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

House Bill 922 – Delegates Hucker, Ali, Lafferty, Lawton, McConkey, Pena–Melnyk,
Sossi, Stein, and Tarrant

AN ACT concerning

Landlord and Tenant – Expiration of Warrant – Striking Judgment for Possession

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

Affirmative – 137 Negative – 0 (See Roll Call No. 598)

The Bill was then sent to the Senate.

House Bill 942 – Delegates Bronrott, Barve, ~~and Morhaim~~ Morhaim, Beitzel, Benson,
Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen,
Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley,
Tarrant, V. Turner, and Weldon

AN ACT concerning

~~**High Performance Buildings Act**~~
Maryland Green Building Council

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

Affirmative – 136 Negative – 0 (See Roll Call No. 599)

The Bill was then sent to the Senate.

House Bill 970 – Delegates Hubbard, Benson, Bromwell, Costa, Elliott, Kipke, Kullen, Mizeur, Montgomery, Oaks, Pena–Melnik, Tarrant, Taylor, and Weldon

AN ACT concerning

Rosewood ~~Transition Plan~~ Center – Plan for Services to Residents

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

Affirmative – 136 Negative – 0 (See Roll Call No. 600)

The Bill was then sent to the Senate.

House Bill 1429 – Delegate Frush

EMERGENCY BILL

AN ACT concerning

Reforestation – Replacing Trees Destroyed by Pest Treatments

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

Affirmative – 137 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the Senate.

House Bill 1432 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Analyses and Examination Reports – Use and Sharing of Documents, Materials, and Information

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

Affirmative – 136 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the Senate.

House Bill 1433 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Health Enforcement

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

Affirmative – 136 Negative – 0 (See Roll Call No. 603)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #53

House Bill 196 – Frederick County Delegation

AN ACT concerning

Frederick County – Public Facilities Bonds

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

Affirmative – 135 Negative – 1 (See Roll Call No. 604)

The Bill was then sent to the Senate.

House Bill 451 – Delegates Bronrott, Ali, Barkley, Bartlett, Barve, Bobo, Bromwell, V. Clagett, Donoghue, Doory, Eckardt, Elmore, Feldman, Frush, George, Goldwater, Haddaway, Hixson, Holmes, Howard, Hubbard, Hucker, James, Jennings, N. King, Krebs, Lawton, Lee, Manno, McComas, McKee, Mizeur, Montgomery, Morhaim, Murphy, Olszewski, Pendergrass, Rice, Ross, Simmons, Smigiel, Sophocleus, Stein, Taylor, ~~and Waldstreicher~~ Waldstreicher, Cardin, Gilchrist, Ivey, Kaiser, Stukes, and Walker

AN ACT concerning

Sales and Use Tax – Tax-Free Period for the Purchase of Energy Efficient Products

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

Affirmative – 136 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the Senate.

House Bill 1057 – ~~Delegate Mizeur~~ Delegates Mizeur, Hammen, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Kullen, ~~McDonough~~, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – ~~Equity in~~ Family Coverage Expansion Act

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

Affirmative – 104 Negative – 30 (See Roll Call No. 606)

The Bill was then sent to the Senate.

House Bill 1123 – Delegates Hixson, Barkley, Barve, Bronrott, Dumais, Gilchrist, Gutierrez, Heller, Hucker, Kaiser, N. King, Kramer, Lawton, Lee, Manno, Mizeur, Montgomery, Rice, Simmons, and Taylor

AN ACT concerning

**Workforce Shortage Student Assistance Grants – Ida G. and L. Leonard Ruben
~~Scholarship~~ Scholarships**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the Senate.

House Bill 1182 – Delegate Holmes

AN ACT concerning

Real Property – Mechanics' Lien – Land Surveying

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

Affirmative – 134 Negative – 1 (See Roll Call No. 608)

The Bill was then sent to the Senate.

House Bill 1239 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education – ~~Election of Members~~

PG 433-07

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

Affirmative – 137 Negative – 0 (See Roll Call No. 609)

The Bill was then sent to the Senate.

House Bill 1310 – Delegate Conway

AN ACT concerning

Criminal Law – Slot Machines – Eligible Organizations

Delegate Simmons moved to reconsider the vote by which **House Bill 1310** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: HB1310/593725/2)

BY: Delegate Simmons

AMENDMENT TO HOUSE BILL 1310

(Bill as Printed for Third Reading)

On page 2, in line 10, strike “AN” and substitute “A NONPROFIT”; and in line 13, after “THE” insert “NONPROFIT”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1321 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Licensed Cosmetologists – Practice Allowed in Specified Places

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

Affirmative – 136 Negative – 0 (See Roll Call No. 610)

The Bill was then sent to the Senate.

House Bill 1347 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Public Service Company Franchise Tax – Returns and Collection

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

Affirmative – 136 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the Senate.

House Bill 1380 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

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

Affirmative – 133 Negative – 1 (See Roll Call No. 612)

The Bill was then sent to the Senate.

House Bill 1396 – Delegate Bromwell

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

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

Affirmative – 135 Negative – 0 (See Roll Call No. 613)

The Bill was then sent to the Senate.

House Bill 1401 – Delegates Oaks and Rosenberg

AN ACT concerning

**Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of
1999**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the Senate.

House Bill 1412 – Delegates Harrison, Anderson, Carter, Conaway, Oaks, Robinson, and Stukes

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

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

Affirmative – 135 Negative – 0 (See Roll Call No. 615)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #54

House Bill 476 – Delegate Costa

AN ACT concerning

~~**Environment – Stormwater, Flood Control, Watershed, and Sediment Management**~~
Task Force on a Statewide Stormwater Management and Sediment Control
Initiative

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

Affirmative – 137 Negative – 0 (See Roll Call No. 616)

The Bill was then sent to the Senate.

House Bill 594 – Delegates Hubbard, Benson, Costa, Elliott, Kullen, Mizeur, Montgomery, Pena–Melnyk, and Riley

AN ACT concerning

~~Maryland Medical Assistance Program~~ **Department of Health and Mental Hygiene – Long–Term Care Services for Cognitive and Functional Impairments – Study and Analysis**

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

Affirmative – 137 Negative – 0 (See Roll Call No. 617)

The Bill was then sent to the Senate.

House Bill 640 – Delegates Kullen, Benson, Costa, Hubbard, Kipke, Nathan–Pulliam, Pena–Melnyk, and Rosenberg

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

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

Affirmative – 136 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the Senate.

House Bill 747 – Delegate Bronrott

AN ACT concerning

Consumer Protection – Motor Vehicle Manufacturers – Warranty Adjustment Programs

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

Affirmative – 135 Negative – 1 (See Roll Call No. 619)

The Bill was then sent to the Senate.

House Bill 879 – Delegates Anderson, Ali, Barnes, Carter, Conaway, Dumais, Glenn, Hammen, Healey, Howard, Hucker, Kirk, Krysiak, Lee, Manno, Mizeur, Oaks,

Pena–Melnyk, Ramirez, Rosenberg, Ross, Schuler, Smigiel, Taylor, Vallario, Waldstreicher, and Walker

AN ACT concerning

Forensic Laboratories – Standards and Oversight

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

Affirmative – 138 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the Senate.

House Bill 930 – Delegates Shank, Barnes, Bartlett, Bates, Beidle, Beitzel, Bronrott, Conaway, Costa, Dwyer, Elliott, Elmore, Frank, George, Haddaway, Hecht, Kach, Kelly, J. King, Kipke, Krebs, Kullen, Levi, Levy, Love, McComas, McConkey, O’Donnell, Pena–Melnyk, Robinson, Schuh, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stukes, Stull, Valderrama, Waldstreicher, ~~and Weldon~~ Weldon, and Vallario

AN ACT concerning

Jessica’s Law – Sexual Offenses – Parole Eligibility and Mandatory Minimum Sentences

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

Affirmative – 138 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the Senate.

House Bill 1016 – Delegates Hecht, Barkley, Barnes, Bartlett, Beidle, Bobo, Bohanan, Bronrott, Cane, G. Clagett, V. Clagett, Conaway, Conway, Davis, DeBoy, Donoghue, Doory, Elliott, Feldman, Gilchrist, Gutierrez, Guzzone, Harrison, Heller, Hubbard, Hucker, James, Jones, Kaiser, N. King, Kirk, Kramer, Krysiak, Kullen, Lawton, Levy, Love, Malone, Manno, Mathias, McHale, McIntosh, Minnick, Mizeur, Montgomery, Pena–Melnyk, Pendergrass, Rice, Riley, Robinson, Rudolph, Stull, Taylor, F. Turner, Walker, ~~and Weldon~~ Weldon, Burns, Haddaway, and Vaughn

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Energy

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

Affirmative – 128 Negative – 7 (See Roll Call No. 622)

The Bill was then sent to the Senate.

House Bill 1030 – ~~Delegate Montgomery~~ Delegates Montgomery, Hammen, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, V. Turner, and Weldon

AN ACT concerning

~~State Board of Pharmacy – Wholesale Drug Distribution – Permit Requirements~~
Wholesale Distributor Permitting and Prescription Drug Integrity Act

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

Affirmative – 138 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the Senate.

House Bill 1046 – Delegates Mizeur, Ali, Anderson, Beidle, Braveboy, Dumais, Feldman, Gutierrez, Hecht, Ivey, Kaiser, Kelly, Kullen, Lawton, Manno, Nathan-Pulliam, Pena-Melnyk, Rice, Stein, and Tarrant

AN ACT concerning

~~Public Health – Self-Injury by Cutting – Public Awareness Campaign~~
Self-Mutilation – Awareness, Training, and Distribution of Materials

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

Affirmative – 137 Negative – 1 (See Roll Call No. 624)

The Bill was then sent to the Senate.

House Bill 1391 – ~~Delegates McDonough and Impallaria~~ Harford County Delegation

AN ACT concerning

Harford County – Gaming – Political Fundraising

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

Affirmative – 127 Negative – 8 (See Roll Call No. 625)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #55

House Bill 1114 – Delegate Love

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

Delegate Love moved to reconsider the vote by which **House Bill 1114** was ordered printed for Third Reading.

The motion was adopted.

FLOOR AMENDMENT

(Amendment ID: HB1114/413326/9)

BY: Delegate Love

AMENDMENTS TO HOUSE BILL 1114

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 19, after “providing” insert “certain”.

On pages 1 and 2, strike beginning with “payment” in line 20 on page 1 down through “programs” in line 1 on page 2.

On page 2, in line 4, strike “appointment process for members of the”; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 6, in line 25, strike “3-110.1”; in line 26, strike “(A)” and substitute “(G)”; in line 27, strike “\$14,000” and substitute “\$8,000”; in line 28, after “AND” insert “, EXCEPT FOR THE STUDENT MEMBER,”; and in the same line, strike “\$12,000” and substitute “\$6,000”.

On page 7, strike in their entirety lines 1 through 16, inclusive.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1117 – Delegates Kirk, Anderson, Benson, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, O'Donnell, Robinson, Rosenberg, ~~and Stukes~~ Stukes, Braveboy, Vaughn, and Manno

AN ACT concerning

Workers' Compensation – Benefits for Dependents

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

Affirmative – 136 Negative – 0 (See Roll Call No. 626)

The Bill was then sent to the Senate.

House Bill 1143 – Delegate Barve

AN ACT concerning

Income Tax Withholding – Nonresident Contractors

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

Affirmative – 138 Negative – 0 (See Roll Call No. 627)

The Bill was then sent to the Senate.

House Bill 1155 – ~~Delegate N. King~~ Delegates Howard and N. King

AN ACT concerning

Education – Children with Disabilities – Unaccompanied Homeless Youth

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

Affirmative – 137 Negative – 0 (See Roll Call No. 628)

The Bill was then sent to the Senate.

House Bill 1197 – Chair, Ways and Means Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Maryland Research and Development Tax Credit

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

Affirmative – 138 Negative – 0 (See Roll Call No. 629)

The Bill was then sent to the Senate.

House Bill 1199 – Delegates Hixson ~~and N. King~~, N. King, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Howard, Ivey, Jennings, Kaiser, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, and Walker

AN ACT concerning

Education – Meals for Achievement In-Classroom Breakfast Program – Eligibility

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

Affirmative – 136 Negative – 0 (See Roll Call No. 630)

The Bill was then sent to the Senate.

House Bill 1320 – Delegates Davis ~~and Rudolph~~, Rudolph, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, J. King, Krysiak, Love, Manno, Mathias, McHale, Minnick, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Joint Committee on Base Realignment and Closure

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

Affirmative – 137 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the Senate.

House Bill 1331 – Delegates Cane, Conway, Eckardt, Elmore, Glassman, Haddaway, Jennings, Mathias, Rudolph, Smigiel, Stull, and Weldon

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Removal of Districts

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

Affirmative – 136 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

House Bill 1370 – Delegate Mizeur

AN ACT concerning

~~**Maryland Health Insurance Plan**~~ – **Senior Prescription Drug Assistance Program –
Modifications and Sunset Extension**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 633)

The Bill was then sent to the Senate.

House Bill 1386 – ~~Delegate Bartlett~~ Delegates Bartlett, Barve, Cardin, Doory, Elmore,
George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs,
McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Agricultural Ownership Entities – Homestead Tax Credit

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

Affirmative – 138 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the Senate.

House Bill 1389 – Delegates Conway, Beitzel, Bohanan, Cane, Eckardt, Elliott, Elmore,
Haddaway, Jameson, Jennings, Kelly, Kullen, Mathias, McKee, Rudolph, Smigiel,
Sossi, Stull, Walkup, and Wood

AN ACT concerning

Agriculture – Crop Insurance Premium Program – Cost Share

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

Affirmative – 136 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #56

House Bill 162 – The Speaker and Delegates Jones, G. Clagett, McIntosh, and Simmons

AN ACT concerning

State Employees' Rights and Protections Act of 2007

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

Affirmative – 137 Negative – 0 (See Roll Call No. 636)

The Bill was then sent to the Senate.

House Bill 559 – Delegates Glassman and Lawton

AN ACT concerning

Environment – ~~Testing and Inspection for Volatile Organic Compounds~~ Monitoring for Drinking Water Contaminants – Public Schools

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

Affirmative – 137 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the Senate.

House Bill 575 – Delegates Murphy, Beitzel, Bohanan, Cane, Conway, Donoghue, Eckardt, Elmore, Haddaway, Jameson, Kelly, Kullen, Levy, Mathias, McKee, Myers, O'Donnell, Proctor, Shank, Vallario, Weldon, and Wood

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Eligibility for Enrollment and Participation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 638)

The Bill was then sent to the Senate.

House Bill 1248 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

Maryland Prepaid College Trust – Refunds – Early Graduation from College

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

Affirmative – 137 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the Senate.

House Bill 1291 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Solid Waste Regulation – Criminal Penalties

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

Affirmative – 137 Negative – 0 (See Roll Call No. 640)

The Bill was then sent to the Senate.

House Bill 1295 – Harford County Delegation

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

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

Affirmative – 137 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the Senate.

House Bill 1348 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Valuation Records – Restrictions

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

Affirmative – 137 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the Senate.

House Bill 1359 – Delegates Conway, Cane, Eckardt, Elmore, Haddaway, Mathias, Rudolph, Shewell, Smigiel, Sossi, and Walkup

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset Repeal

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

Affirmative – 138 Negative – 0 (See Roll Call No. 643)

The Bill was then sent to the Senate.

House Bill 1387 – Delegates Ramirez, Ivey, and Niemann

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi-Service Center**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the Senate.

House Bill 1414 – Delegate Conway

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Caroline County – The
Benedictine School**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

House Bill 1421 – Chair, Ways and Means Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Baltimore City Community College – English for Speakers of Other Languages Grant

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

Affirmative – 137 Negative – 0 (See Roll Call No. 646)

The Bill was then sent to the Senate.

House Bill 1422 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Exemptions – Bus Passenger Shelters

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

Affirmative – 134 Negative – 1 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Joint Resolution 4 – Delegates Vaughn, Barnes, Branch, Davis, Healey, Hixson, Holmes, Ivey, Levi, Niemann, Oaks, Ross, Valderrama, Vallario, and Walker

A House Joint Resolution concerning

Slavery in Maryland

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

Affirmative – 130 Negative – 6 (See Roll Call No. 648)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #57

House Bill 231 – St. Mary’s County Delegation

AN ACT concerning

Recordation Tax – Exemption for Transfers from a Government or Public Agency

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

Affirmative – 138 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the Senate.

House Bill 1154 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Workers’ Compensation – Occupational Disease – Anne Arundel County Deputy Sheriffs

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

Affirmative – 133 Negative – 4 (See Roll Call No. 650)

The Bill was then sent to the Senate.

House Bill 1355 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

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

Affirmative – 131 Negative – 7 (See Roll Call No. 651)

The Bill was then sent to the Senate.

House Bill 1372 – Delegates Gaines, Barkley, Benson, Bohanan, Branch, DeBoy, Frush, Griffith, Healey, Love, Murphy, Pena–Melnyk, ~~and Ross~~ Ross, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Olszewski, Rice, Stukes, and Walker

AN ACT concerning

**Student Health – Inhalant Abuse – Awareness Campaign and Education
Requirements
(Mackenzie’s Law)**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 652)

The Bill was then sent to the Senate.

House Bill 1392 – ~~Delegate McDonough~~ Harford County Delegation

AN ACT concerning

**Harford County – Permanent Nominating Commission – School Board Nominating
Convention**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 653)

The Bill was then sent to the Senate.

**House Bill 1424 – Chair, Health and Government Operations Committee (By Request –
Departmental – Military)**

AN ACT concerning

Maryland Military Department Center for Military History

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

Affirmative – 137 Negative – 0 (See Roll Call No. 654)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #58

**House Bill 130 – The Speaker (By Request – Administration) and Delegates Barnes,
Bromwell, Busch, Costa, Feldman, Haynes, Hubbard, Morhaim, Nathan–Pulliam,
and F. Turner**

AN ACT concerning

Nursing Facilities – Quality Assessment – Medicaid Reimbursement

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

Affirmative – 137 Negative – 0 (See Roll Call No. 655)

The Bill was then sent to the Senate.

House Bill 269 – Delegates Rosenberg and N. King

AN ACT concerning

Walter Sondheim Jr. Public Service Summer Internship Scholarship Program

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

Affirmative – 138 Negative – 0 (See Roll Call No. 656)

The Bill was then sent to the Senate.

House Bill 518 – Delegates Barve, Riley, Ali, Gilchrist, N. King, and Simmons

AN ACT concerning

Municipal Corporations – Hotel Rental Tax

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

Affirmative – 99 Negative – 37 (See Roll Call No. 657)

The Bill was then sent to the Senate.

House Bill 773 – Delegates Lafferty, Barkley, Barve, Beidle, Cane, V. Clagett, DeBoy, Glenn, Guzzone, Holmes, Hucker, Kach, Kullen, Lawton, Malone, McIntosh, Murphy, Niemann, Rosenberg, Schuler, Stein, and Stull

AN ACT concerning

Task Force on the Future for Growth and Development – Membership and Charge

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

Affirmative – 137 Negative – 0 (See Roll Call No. 658)

The Bill was then sent to the Senate.

House Bill 781 – Delegate Hubbard

AN ACT concerning

Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review

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

Affirmative – 137 Negative – 0 (See Roll Call No. 659)

The Bill was then sent to the Senate.

House Bill 881 – Howard County Delegation

AN ACT concerning

**Howard County – Certificated and Noncertificated Public School Employees –
Service or Representation Fee**

Ho. Co. 11–07

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

Affirmative – 113 Negative – 23 (See Roll Call No. 660)

The Bill was then sent to the Senate.

House Bill 971 – Delegates Jones, Barkley, G. Clagett, DeBoy, Gutierrez, Guzzone,
Haynes, and Heller

AN ACT concerning

**State Personnel – Collective Bargaining – ~~State Institutions of Higher Education –~~
~~Employee Information~~ Use of Employee Information**

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

Affirmative – 98 Negative – 39 (See Roll Call No. 661)

The Bill was then sent to the Senate.

House Bill 983 – Delegates Jones, Barkley, Bobo, Cane, Cardin, G. Clagett, DeBoy,
Frush, Gaines, Gilchrist, Gutierrez, Haynes, Hecht, Heller, Hixson, Holmes,

Howard, Hubbard, Hucker, Ivey, Jameson, Kaiser, N. King, Kirk, Kullen, Lafferty, Lawton, Lee, Malone, Manno, Niemann, Olszewski, Pendergrass, Ramirez, Rice, Riley, Ross, Schuler, Stukes, Taylor, F. Turner, Vaughn, and Waldstreicher

AN ACT concerning

Economic Development and Tax Incentive Act

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

Affirmative – 96 Negative – 41 (See Roll Call No. 662)

The Bill was then sent to the Senate.

House Bill 1042 – Delegates Vallario, Ivey, Ali, Anderson, Barnes, Bartlett, Benson, Bohanan, Branch, Braveboy, Bronrott, Burns, Cane, Carter, Conaway, Davis, Donoghue, Doory, Dumais, Dwyer, Elmore, Feldman, Frush, Gilchrist, Griffith, Gutierrez, Hammen, Hecht, Hixson, Howard, Hubbard, Hucker, Jameson, Jennings, Kelly, J. King, N. King, Kipke, Kirk, Krebs, Krysiak, Kullen, Lawton, Lee, Levi, Levy, Manno, McIntosh, Montgomery, Murphy, Myers, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Ramirez, Rice, Rosenberg, Ross, Shank, Shewell, Simmons, Smigiel, Stifler, Stocksdale, Stukes, Tarrant, Taylor, F. Turner, Valderrama, Vaughn, Walker, Weldon, and Wood

AN ACT concerning

Election Law – Campaign Finance – Period Reporting Requirements

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

Affirmative – 136 Negative – 0 (See Roll Call No. 663)

The Bill was then sent to the Senate.

House Bill 1095 – Delegate Bohanan

AN ACT concerning

Higher Education – St. Mary’s College of Maryland – Procurement Authority

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

Affirmative – 135 Negative – 0 (See Roll Call No. 664)

The Bill was then sent to the Senate.

House Bill 1434 – The Speaker (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

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

Affirmative – 138 Negative – 0 (See Roll Call No. 665)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #13

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

House Bill 6 – Delegate Ramirez

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

(Amendment ID: HB0006/215566/1)

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 6

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Ramirez” and substitute “Delegates Ramirez, Hixson, Ali, Barkley, Barnes, Bobo, Cane, Frush, Gilchrist, Harrison, Healey, Heller, Holmes, Howard, Hubbard, Ivey, N. King, Lee, Mizeur, Montgomery, Nathan–Pulliam, Niemann, Pena–Melnik, Rice, Rosenberg, Ross, Stukes, Taylor, and Walker”; in line 5, after “circumstances;” insert “requiring certain individuals to provide certain documentation regarding Maryland income tax withholding;”; and strike beginning with “requiring” in line 6 down through “regulations” in line 7 and

substitute “requiring the governing board of each public institution of higher education to adopt certain policies”.

AMENDMENT NO. 2

On page 2, after line 10 insert:

“(4) PROVIDES TO THE PUBLIC INSTITUTION OF HIGHER EDUCATION DOCUMENTATION THAT THE INDIVIDUAL OR THE INDIVIDUAL’S PARENT OR GUARDIAN HAS HAD MARYLAND INCOME TAX WITHHELD DURING THE YEAR PRIOR TO THE INDIVIDUAL GRADUATING FROM A PUBLIC OR NONPUBLIC SECONDARY SCHOOL IN THIS STATE;”;

in line 11, strike “(4)” and substitute “(5)”; and in line 16, strike “(5)” and substitute “(6)”.

AMENDMENT NO. 3

On page 2, in line 17, strike “5” and substitute “3”.

AMENDMENT NO. 4

On page 2, in line 21, strike “COMMISSION” and substitute “GOVERNING BOARD OF EACH PUBLIC INSTITUTION OF HIGHER EDUCATION”; and strike beginning with “REGULATIONS” in line 21 down through “ARTICLE” in line 22 and substitute “APPROPRIATE POLICIES”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 666)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #59

House Bill 213 – Delegates Hecht, Barnes, Bobo, G. Clagett, Dumais, James, Jones, Kirk, Lawton, Lee, Montgomery, Pendergrass, Riley, Shank, ~~and Waldstreicher~~ Waldstreicher, Kelly, McComas, Myers, Stifler, and Weldon

AN ACT concerning

Child Sexual Abuse and Crimes of Violence

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

Affirmative – 139 Negative – 0 (See Roll Call No. 667)

The Bill was then sent to the Senate.

House Bill 625 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Charter Schools – Funding

PG 421-07

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

Affirmative – 110 Negative – 26 (See Roll Call No. 668)

The Bill was then sent to the Senate.

House Bill 836 – Delegates Montgomery, Bobo, Bronrott, Elmore, Glassman, Hubbard, Kaiser, N. King, Kramer, Lawton, Lee, Manno, Pendergrass, Ramirez, Riley, Rudolph, Shewell, F. Turner, ~~and Waldstreicher~~ Waldstreicher, Barkley, Minnick, Benson, Hammen, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Nathan-Pulliam, Oaks, Pena-Melnyk, Tarrant, V. Turner, and Weldon

AN ACT concerning

Public Health – Lyme Disease – Public Awareness Campaign

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

Affirmative – 138 Negative – 0 (See Roll Call No. 669)

The Bill was then sent to the Senate.

House Bill 1278 – Carroll County Delegation

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

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

Affirmative – 132 Negative – 1 (See Roll Call No. 670)

The Bill was then sent to the Senate.

House Bill 1367 – Delegates Conway, Costa, Elmore, Frush, Glassman, Jennings, Lawton, Malone, Mathias, Morhaim, Rudolph, Stull, Weir, and Weldon

AN ACT concerning

Vehicle Laws – Emergency Vehicles – Green Flashing Lights

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

Affirmative – 139 Negative – 0 (See Roll Call No. 671)

The Bill was then sent to the Senate.

House Bill 1423 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Department of Aging – Continuing Care Fund

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

Affirmative – 138 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the Senate.

House Bill 1425 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers – Use of Trade Name

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

Affirmative – 139 Negative – 0 (See Roll Call No. 673)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #60

House Bill 758 – Delegates Dumais, Bronrott, Anderson, Barkley, Barve, Feldman, Frank, Howard, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, McComas, Mizeur, O'Donnell, Schuler, Shank, Shewell, Smigiel, Sophocleus, and Valderrama

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

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

Affirmative – 138 Negative – 0 (See Roll Call No. 674)

The Bill was then sent to the Senate.

House Bill 1091 – Frederick County Delegation

AN ACT concerning

Frederick County Board of Elections – Salary Increase

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

Affirmative – 139 Negative – 0 (See Roll Call No. 675)

The Bill was then sent to the Senate.

House Bill 1146 – Delegates Stifler, Barnes, Boteler, Frush, George, Glassman, Impallaria, James, Jennings, Kipke, Lafferty, Love, McComas, McConkey, Sossi, Stein, ~~and Walkup~~ Walkup, and Kach

AN ACT concerning

Task Force to Study the Feasibility of Implementing a BRAC TRAC in Middle and High Schools

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

Affirmative – 136 Negative – 2 (See Roll Call No. 676)

The Bill was then sent to the Senate.

House Bill 1168 – Delegate Doory

AN ACT concerning

Maryland Estate Tax – Returns

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

Affirmative – 139 Negative – 0 (See Roll Call No. 677)

The Bill was then sent to the Senate.

House Bill 1309 – Delegates Jones, Barkley, Bohanan, Branch, Burns, Conway, Gaines, James, Nathan–Pulliam, and Proctor

AN ACT concerning

Higher Education – Foster Care Recipients – Waiver of Tuition and Fees

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

Affirmative – 139 Negative – 0 (See Roll Call No. 678)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #61

House Bill 703 – Delegates V. Clagett, Ali, Barkley, Barnes, Bartlett, Barve, Beidle, Bobo, Bohanan, Bromwell, Bronrott, Cane, Cardin, G. Clagett, Davis, Frush, George, Glassman, Guzzone, Healey, Hecht, Holmes, Hubbard, Hucker, N. King, Kipke, Lafferty, Lawton, Lee, Love, Mathias, McConkey, McIntosh, Mizeur, Niemann, O’Donnell, Olszewski, Pena–Melnyk, Rosenberg, Rudolph, Sophocleus, Stein, ~~and Vaughn~~ Vaughn, Braveboy, Burns, Haddaway, Jameson, J. King, Kirk, Krysiak, Manno, McHale, Stifler, Taylor, and Walkup

AN ACT concerning

Maryland Commission on Climate Change and Clean Energy Alternatives

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

Affirmative – 137 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the Senate.

House Bill 908 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Public Safety Surcharge – Increased Distribution of Revenue to Municipal Corporations

PG 414–07

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

Affirmative – 135 Negative – 0 (See Roll Call No. 680)

The Bill was then sent to the Senate.

House Bill 1027 – Delegates Gilchrist, Beidle, Ivey, and Ross

AN ACT concerning

Real Property – Release of Mortgage, ~~Security Instrument, or~~ Deed of Trust, or Lien Instrument

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

Affirmative – 136 Negative – 0 (See Roll Call No. 681)

The Bill was then sent to the Senate.

House Bill 1311 – Delegates Conway, Cane, and Mathias

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Wicomico County – Salisbury Area Chamber of Commerce

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

Affirmative – 139 Negative – 0 (See Roll Call No. 682)

The Bill was then sent to the Senate.

House Bill 1366 – Dorchester County Delegation (By Request)

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Affirmative – 121 Negative – 18 (See Roll Call No. 683)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 91 – Senators Garagiola, Britt, Currie, Forehand, Frosh, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Zirkin

AN ACT concerning

Clean Indoor Air Act of 2007

FOR the purpose of prohibiting a person from smoking tobacco products except under certain circumstances; authorizing certain counties to regulate smoking under certain circumstances; repealing certain provisions of law concerning tobacco smoking in retail stores; declaring the intent of the General Assembly; stating the purpose of certain provisions of this Act; prohibiting a person from smoking in indoor areas open to the public except under certain circumstances; requiring the posting of certain signs; requiring the Department of Health and Mental Hygiene to adopt certain regulations; requiring the Department of Health and Mental Hygiene to report to the General Assembly regarding certain provisions of this Act; establishing certain penalties for certain violations of this Act; prohibiting smoking in certain places of employment; requiring the Department of Labor, Licensing, and Regulation to adopt certain regulations; requiring the Department of Labor, Licensing, and Regulation to report to the General Assembly regarding

the enforcement efforts and the effect of the efforts by the Department of Labor, Licensing, and Regulation; establishing certain penalties for certain violations in certain places of employment; authorizing the health officer of a county to grant a certain waiver under certain circumstances; authorizing the health officer of a county to impose certain conditions on a certain waiver; requiring a health officer of a county to develop certain criteria; defining certain terms; declaring that nothing in this Act shall be construed to preempt a certain entity from enacting and enforcing certain measures; making a stylistic change; providing for a delayed effective date; and generally relating to the prohibition of smoking in indoor areas open to the public and indoor places of employment.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(4)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 25 – County Commissioners

Section 3(jj) and 236B

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Business Regulation

Section 2–105(d)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 24–205

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health – General

Section 24–501 through 24–505, inclusive, and the subtitle “Subtitle 5. Tobacco Smoking in Retail Stores”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General

Section 24–501 through ~~24–509~~ 24–510, inclusive, to be under the new subtitle

“Subtitle 5. Clean Indoor Air Act”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Labor and Employment
Section 2–106(c) and 5–314(c)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 5–101(a), (c), (d), and (g)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY adding to

Article – Labor and Employment
Section 5–608
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY renumbering

Article – Labor and Employment
Section 2–106(d) and (e), respectively
to be Section 2–106(c) and (d), respectively
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 115 – Senator Britt

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – Class B–DD (Development District)
License**

FOR the purpose of creating in Prince George’s County a Class B–DD (development district) 7–day beer, wine and liquor license for on–sale consumption; specifying a certain annual license fee; specifying that a Class B–DD license be issued only for restaurants within ~~certain areas~~ a certain area; specifying certain restrictions on the transfer of a Class B–DD license; requiring the Board of License Commissioners to determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued, and the number of licenses each

recipient may hold; authorizing a holder of a Class B–DD license to hold any other alcoholic beverages license; limiting the number of Class B–DD licenses that may be issued in a certain area; limiting the number of Class B–DD licenses that a license holder in a certain area may hold for restaurants in that area; authorizing the Board of License Commissioners to revoke a license to enforce certain provisions; requiring certain restaurants to submit a certain monthly report to the Board of License Commissioners; ~~repealing the provisions that establish a Class B–DD license;~~ exempting holders of Class B–DD licenses from certain qualifications for licensees and restrictions on holding multiple licenses; specifying ~~certain areas, including in~~ the Capital Plaza commercial ~~area, area as~~ the area in which Class B–DD licenses may be issued; ~~repealing certain provisions allowing the holding of certain multiple Class B licenses under certain circumstances;~~ making certain stylistic changes; and generally relating to alcoholic beverages licenses in Prince George’s County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6–201(r)(1)(i) and 9–217(a)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

BY adding to
 Article 2B – Alcoholic Beverages
 Section 6–201(r)(15) and 9–217(f)(7)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

~~BY repealing~~
~~Article 2B – Alcoholic Beverages~~
~~Section 8–1001 and the Subtitle “Subtitle 10. Revitalization Districts”~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 9–101(d)(6), 9–102(a), ~~and~~ 9–217(d), (e)(5), and (f)(1)(i), (2), and (5), and
10–401(g)(5)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 149 – The President (By Request – Administration) and Senators Exum, Garagiola, Gladden, Kelley, Klausmeier, Middleton, Pipkin, Pugh, and Zirkin

AN ACT concerning

Maryland Health Care Access Act of 2007

FOR the purpose of altering certain eligibility requirements for participation in the Maryland Children's Health Program; requiring the Department of Health and Mental Hygiene to establish a certain annual family contribution; ~~requiring the Department to adopt certain regulations~~ authorizing certain regulations adopted by the Department to include certain incentives; establishing requiring the Secretary of Health and Mental Hygiene to establish the Maryland ~~Institute for Health Care Quality as an independent, nonprofit organization~~ Health Care Quality Coordinating Council; establishing the purpose, duties, ~~and~~ membership, chair, and staff of the ~~Institute Council~~; requiring the State Health Services Cost Review Commission to adopt certain regulations and make a certain report on or before a certain date; requiring the Commission to establish certain standards and benchmarks in conjunction with certain entities; ~~establishing the Maryland Health Insurance Exchange as a body corporate and independent of all State units; providing for the governance, purpose, and duties of the Exchange; establishing the Board of Directors of the Exchange; establishing the composition, terms of members, duties, and authority of the Board; establishing eligibility requirements for participation in health benefit plans offered by the Exchange; requiring each employer in the State with a certain number of employees to adopt and maintain a certain cafeteria plan; providing certain penalties for a violation of certain provisions of this Act; requiring each group or individual health benefit plan issued or delivered in the State by certain carriers to permit a child to continue coverage under the plan under certain circumstances and for a certain period of time~~ altering a certain requirement that a certain health insurance carrier notify certain parents of certain information; requiring the Maryland Insurance Commissioner to establish and publish a certain notice; requiring certain health insurance policies and contracts to provide for certain coverage for certain dependents under certain circumstances; authorizing certain carriers in the small group insurance market to offer a ~~discounted rate~~ discount for participation in certain wellness ~~activities~~ programs under certain circumstances; providing that the Maryland Health Insurance Plan is within the Exchange; altering the purpose of the Plan; repealing certain provisions of law that establish and govern the Board of Directors for the Plan; repealing certain provisions of law that authorize the Board of Directors for the Plan to aggregate the purchasing of prescription drugs for certain enrollees; repealing certain reporting requirements; requiring the Board of Directors of the Exchange to make certain annual reports to the Governor and the General Assembly; requiring the Secretary of Health and Mental Hygiene to develop a certain plan to improve the quality and cost-effectiveness of care for certain individuals and to make a certain report on the plan; requiring the Department of Budget and Management and the Department of Health and Mental Hygiene to jointly develop a certain wellness incentive pilot program; requiring the Departments to implement the plan on or before a certain date; requiring the

Maryland Health Care Commission, in consultation with the Maryland Insurance Administration, to conduct a certain study; requiring the Commission to submit a certain interim report to a certain Task Force on or before a certain date; requiring the Commission to report to certain committees of the General Assembly on the results of the study on or before a certain date; requiring the Maryland Health Care Commission and the State Health Services Cost Review Commission to collaborate in seeking a proposal to establish a certain regional health information exchange; establishing a Task Force on Expanding Access to Affordable Health Care; providing for the membership, chair, staff, compensation of members, and duties of the Task Force; requiring the Department of Health and Mental Hygiene to submit certain reports on or before a certain date; requiring the Department of Health and Mental Hygiene, in conjunction with the Department of Human Resources, to conduct a certain needs assessment; requiring the Joint Committee on Health Care Delivery and Financing to study certain issues and include certain findings in a certain report; declaring the intent of the General Assembly; defining certain terms; altering certain definitions; providing for the application of certain provisions of this Act; ~~providing for a delayed effective date for certain provisions of this Act;~~ providing for the termination of certain provisions of this Act; and generally relating to the Maryland Health Care Access Act of 2007.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 15–301(a) and 19–219(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 15–301(b) and (c), 15–301.1, and 19–219(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General
Section 19–140 and 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance
~~Section 15–418, 15–1201(r); and 15–1601 through 15–1614 to be under the new subtitle “Subtitle 16. Maryland Health Insurance Exchange”~~
Section 15–418 and 15–1201(r)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

~~BY adding to~~

~~Article Labor and Employment~~

~~Section 12-101 through 12-103 to be under the new title “Title 12. Cafeteria Plan”~~

~~Annotated Code of Maryland~~

~~(1999 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Insurance

Section ~~14-501(a), (g), (i), and (j)~~ and 15-1201(a) and (d)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section ~~14-501(e), 14-502, 14-503, and 15-416~~ and 15-1205

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 278 – Senator McFadden

AN ACT concerning

Baltimore City – Housing Authority – Continued Occupancy by Family Member on Death of Tenant

FOR the purpose of altering the circumstances under which an individual who is the surviving spouse or other immediate family member of a deceased tenant of housing assisted under a program administered by the Housing Authority of Baltimore City and who occupied the premises at the time of the tenant’s death may be considered eligible to enter into a lease for continued occupancy; authorizing the Authority to initiate legal proceedings no earlier than a certain time to evict a certain occupant who does not satisfy certain conditions for continued occupancy of the premises; and generally relating to the Housing Authority of Baltimore City.

BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 9-8

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

Senate Bill 299 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Expungement – Civil Offenses or Infractions

FOR the purpose of providing for expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances; providing for the application of this Act; and generally relating to expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–101(c)(1) and (h) and 10–105(a)
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

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

Senate Bill 339 – Senators Pugh, Britt, Brochin, Colburn, Conway, Currie, Della, Exum, Forehand, Frosh, Garagiola, Hogan, Hooper, Jones, Kelley, Lenett, McFadden, Middleton, Muse, Raskin, and Robey

AN ACT concerning

Drug Treatment – Maryland State Drug and Alcohol Abuse Council – Study of the State’s Approach to Drug Treatment and the Feasibility of Communal-Setting Treatment

FOR the purpose of requiring the Director of the Alcohol and Drug Abuse Administration in the Department of Health and Mental Hygiene to report to the Governor and to certain committees regarding the State’s approach to drug treatment and the feasibility of communal-setting treatment; Maryland State Drug and Alcohol Abuse Council to include a certain review of the State’s approach to drug treatment in the two-year strategic review; and generally relating to the State’s approach to drug treatment.

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

Senate Bill 413 – Senators Jacobs, Astle, Brinkley, Colburn, DeGrange, Dyson, Edwards, Greenip, Haines, Harris, Hogan, Hooper, Kasemeyer, Kittleman,

Klausmeier, Mooney, Munson, Muse, Peters, Pipkin, Robey, Simonaire, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, and Brochin

AN ACT concerning

Jessica's Law – Sexual Offenses – Parole Eligibility and Mandatory Minimum Sentences

FOR the purpose of providing that persons who are convicted of certain sexual offenses are not eligible for parole during certain mandatory minimum sentences; ~~prohibiting a certain person from engaging in certain sexual contact with a child who is under a certain age; establishing a certain penalty; prohibiting a court from suspending any part of a sentence for a certain sexual offense committed against a child under a certain age; requiring the State to provide a certain notification if the State intends to seek a certain sentence under certain circumstances; creating a certain exception;~~ and generally relating to sexual offenses involving children.

BY repealing and reenacting, with amendments,
 Article – Criminal Law
 Section ~~3–303~~ through ~~3–307~~ 3–306
 Annotated Code of Maryland
 (2002 Volume and 2006 Supplement)

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

Senate Bill 440 – Senators Colburn and Pipkin

AN ACT concerning

Mid-Shore Regional Council – Membership ~~– Immunity~~

FOR the purpose of altering the number of voting members of the Mid-Shore Regional Council appointed by the governing bodies of Caroline, Dorchester, and Talbot counties; authorizing the bylaws of the Mid-Shore Regional Council to provide for additional public membership on the Council; and ~~providing that generally relating to the membership of the Mid-Shore Regional Council is immune from being sued.~~

BY repealing and reenacting, with amendments,
 Article 20C – Mid-Shore Regional Council
 Section 2–101
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

~~BY adding to~~

~~Article – Courts and Judicial Proceedings
Section 5 – 506.1
Annotated Code of Maryland
(2006 Replacement Volume)~~

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

Senate Bill 441 – Senators Colburn and Stoltzfus

AN ACT concerning

**Tri-County Council for the Lower Eastern Shore of Maryland – Membership =
~~Immunity~~**

FOR the purpose of altering the membership of the Tri-County Council for the Lower Eastern Shore of Maryland; and ~~providing that~~ generally relating to the membership of the Tri-County Council for the Lower Eastern Shore of Maryland is immune from being sued.

BY repealing and reenacting, with amendments,
Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
Section 2-101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
Section 2-102
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY adding to
Article – Courts and Judicial Proceedings
Section 5 – 506.1
Annotated Code of Maryland
(2006 Replacement Volume)~~

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

Senate Bill 491 – Senator Britt

~~EMERGENCY BILL~~

AN ACT concerning

**Public Utility Companies – ~~Electricity Rates for~~ Electric Universal Service Program
– Residential Tenants and Condominium Owners – Study of Nonresidential
Customers**

FOR the purpose of requiring the Public Service Commission ~~to initiate a certain proceeding to investigate options available to implement a rate mitigation plan or rate stabilization plan to phase in the costs of electricity rate increases for certain residential tenants of a nonresidential customer of an electric company in a certain service territory, where a certain percentage of the residential tenants are low- and moderate income individuals; requiring the rate mitigation plan or rate stabilization plan to apply to increases in electricity rates that will take effect on or after a certain date; making this Act an emergency measure; defining a certain term;~~ the Office of Home Energy Programs in the Department of Human Resources, and the Office of People’s Counsel to meet to discuss certain options for expanding the electric universal service program to include assistance to certain low-income residential tenants of apartments and low-income residential condominium owners who are not actual customers of an electric company; specifying items that the agencies shall consider in discussing certain options; requiring the Commission to report to certain committees by a certain date; and generally relating to electricity rates a study of expanding the electric universal service program for residential tenants and condominium owners of nonresidential customers.

~~BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7-501(n) through (q)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)~~

~~BY adding to
Article – Public Utility Companies
Section 7-501(n)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)~~

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

Senate Bill 566 – Senators Miller, Astle, Garagiola, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Public Utility Companies – Generating Stations – Wind

FOR the purpose of exempting a certain person from having to obtain a certificate of public convenience and necessity for a generating station that produces electricity from wind under certain circumstances; requiring a person to obtain approval from the Public Service Commission prior to any construction of a generating station that produces electricity from wind under certain circumstances; requiring the Commission to provide an opportunity for public comment at a public hearing in a certain manner under certain circumstances; requiring the Commission to provide certain notices; and generally relating to electricity from wind and generating stations.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–207(b)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–207.1
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

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

Senate Bill 577 – Senator Jacobs

AN ACT concerning

**Harford County – Nuisance Abatement and Local Code Enforcement –
Enforcement Authority**

FOR the purpose of authorizing ~~certain community associations,~~ the State's Attorney for Harford County, ~~the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to bring certain actions in the District Court for relief from certain nuisances within Harford County; requiring certain notices to the county code enforcement agency and to certain tenants and property owners before a nuisance abatement action may be brought; providing that a political subdivision may not be subject to certain actions; providing for certain remedies; providing for the construction of this Act; defining certain terms; and generally relating to the right of ~~community associations,~~ the State's Attorney for Harford County, ~~the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to seek judicial abatement of certain nuisances in Harford County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(7)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Real Property
Section 14–125.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 696 – Senators Stone, Britt, Della, Jones, Madaleno, and Pinsky

AN ACT concerning

**Crimes – Leaving Dogs Outside and Unattended by Use of
Restraints – Penalties**

FOR the purpose of prohibiting a person from leaving a dog outside and unattended by use of a certain restraint during certain time periods and under certain circumstances; establishing penalties for a violation of this Act; defining certain terms; and generally relating to the unattended restraint of dogs.

BY adding to
Article – Criminal Law
Section 10–623
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Senate Bill 700 – Senator Dyson

AN ACT concerning

The Baby Boomer Initiative Act

FOR the purpose of establishing a Baby Boomer Initiative Council; establishing the membership of the Council; requiring the Governor to appoint the chair to the Council; establishing the duties of the Council; requiring the Council to make certain recommendations; providing for the staffing of the Council; requiring the Council to provide certain reports to the Governor and General Assembly on or

before certain dates; providing for the termination of this Act; defining certain terms; and generally relating to the baby boomer population.

BY adding to

Article – Health – General

Section 24–1501 through 24–1505 to be under the new subtitle “Subtitle 15. Baby Boomer Initiative Council”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 717 – Senator Colburn

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – Deer Hunting on Private Lands – Sundays

FOR the purpose of removing Somerset County, Wicomico County, and Worcester County from the list of counties in which deer hunting on private lands on certain Sundays is prohibited; authorizing a person in Somerset County, Wicomico County, or Worcester County to hunt deer on certain Sundays on private property with a bow and arrow; and generally relating to deer hunting on private lands on Sundays.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 10–405(a)(2)

Annotated Code of Maryland

(2000 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2006 Supplement)

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

Senate Bill 861 – Senator Pugh

AN ACT concerning

Task Force – Urban Senior Care Communities in Baltimore City

FOR the purpose of establishing a Task Force to Study the Feasibility of Developing Urban Senior Care Communities in Baltimore City; specifying the membership of the Task Force; specifying the duties of the Task Force; providing for the staffing of the Task Force; providing that members of the Task Force may receive reimbursement for certain expenses; requiring the Task Force to issue a certain report by a certain date to the Senate Finance Committee and the House Health and Government Operations Committee; providing for the termination of this Act; and generally relating to a Task Force on urban senior care communities.

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

Senate Bill 879 – Senator Pinsky

AN ACT concerning

Hospitals – Safe Patient Lifting

FOR the purpose of requiring hospitals to establish a safe patient lifting committee composed of certain members on or before a certain date; requiring the committee to establish a safe patient lifting policy on or before a certain date; requiring the committee to consider certain factors while developing a safe patient lifting policy; defining certain terms; and generally relating to the safe lifting of hospital patients.

BY adding to

Article – Health – General

Section 19–377 to be under the new part “Part X. Safe Patient Lifting”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 882 – ~~Senator Della~~ Senators Della and Exum

AN ACT concerning

Medical System Corporation – Board of Directors – Membership

FOR the purpose of removing the Executive Director of the Maryland Institute for Emergency Medical Services Systems as a voting member of the Board of Directors of the Medical System Corporation; and generally relating to membership on the Board of Directors of the Medical System Corporation.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–304
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 895 – Senator DeGrange

AN ACT concerning

Public Safety Employees Killed in the Performance of Duties – ~~Helicopter Pilots and Aviation Maintenance Technicians~~ Public Safety Aviation Employees – Death Benefits

FOR the purpose of ~~defining the term “rescue squad member” as it relates~~ including certain public safety aviation employees within certain provisions relating to eligibility for certain death benefits and funeral expenses so as to include certain helicopter pilots and aviation maintenance technicians; and generally relating to death benefits for public safety employees killed in the performance of duties.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 938 – Senators Hooper, Colburn, Harris, Jones, and Middleton

AN ACT concerning

Public Health – Injury Reports – Statewide Applicability

FOR the purpose of repealing the provision that limits the applicability of certain injury reporting requirements to certain counties.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–701
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 962 – Senator Brinkley

AN ACT concerning

Agricultural Ownership Entities – Homestead Tax Credit

FOR the purpose of altering certain definitions to include partners in certain general partnerships and shareholders of certain corporations within the definition of “homeowner” for purposes of a certain property tax credit under certain circumstances; defining a certain term; providing for the application of this Act; authorizing the State Department of Assessments and Taxation to accept certain applications on or before a certain date; and generally relating to including partners or shareholders in certain agricultural ownership entities within the definition of “homeowner” for purposes of a certain property tax credit under certain circumstances.

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 9–105(a)(1)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–105(a)(3), (6), and (7) and (c)(4)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – Property

Section 9–105(a)(8)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 974 – Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Disposal of Property – Holding Period

FOR the purpose of altering the period of time that certain property is required to be in the possession of the Department of State Police before the Department is required to give certain notice of the sale of the property to certain persons and certain lienholders; and generally relating to the disposal of property by the Department of State Police.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–311
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 975 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Oil Pollution and Tank Management

FOR the purpose of altering the definition of oil to include ethanol and ~~any edible oils intended to be used as a motor fuel or fuel source~~ biodiesel fuel; requiring an underground storage facility to be in substantial compliance with Maryland law and regulations before selling oil to the facility or receiving oil at the facility; and generally relating to oil pollution and tank management.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–401(g) and 4–411.1
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 986 – Senators DeGrange, Brinkley, Currie, Hogan, Kasemeyer, Kramer, and Munson

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of \$11,126,000, the proceeds to be used as a grant to the Interagency Committee on School Construction for certain development or improvement purposes; providing

for disbursement of the loan proceeds and the allocation of funds to eligible school systems, subject to a requirement that the grantee document the provision of a required federal matching fund; authorizing the Board of Public Works to sell certain bonds at certain sales; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 992 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Aviation Administration – Airport Improvement Program Funds

FOR the purpose of repealing a provision of law prohibiting a political subdivision from submitting a project application under federal law unless the Secretary of Transportation approves the project; repealing the requirement that the Maryland Aviation Administration be designated as the agent for political subdivisions of the State for certain purposes related to the receipt of certain federal funds; and generally relating to the repeal of a requirement that the Maryland Aviation Administration act as agent of political subdivisions with respect to certain federal funds.

BY repealing

Article – Transportation

Section 5–423

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

RECONSIDERATION

Delegate Anderson moved to reconsider the vote by which **House Bill 992** failed Third Reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 78 Negative – 59 (See Roll Call No. 684)

House Bill 992 – Delegates Anderson, Carter, Conaway, Lee, Love, and Rosenberg

AN ACT concerning

Criminal Procedure – Drug-Related Offenses – ~~Repeal of Mandatory Minimum Sentences~~ Parole Eligibility for Second Offenders

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 71 Negative – 66 (See Roll Call No. 685)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 686)

ADJOURNMENT

At 6:58 P.M. on motion of Delegate Barve the House adjourned until 7:02 P.M., on Legislative Day March 23, 2007, Calendar Day Monday, March 26, 2007.

Annapolis, Maryland
Legislative Day: March 23, 2007
Calendar Day: Monday, March 26, 2007

The House met at 7:06 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Barry Glassman of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 687)

The Journal of March 22, 2007 was read and approved.

EXCUSES:

Del. Conway – family emergency

Del. Goldwater – illness

Del. Malone – illness – food poisoning

Del. F. Turner – left early – illness

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #63

House Bill 1310 – ~~Delegate Conway~~ Delegates Conway and Elmore

SECOND PRINTING

AN ACT concerning

Criminal Law – Slot Machines – Eligible Organizations

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

Affirmative – 119 Negative – 13 (See Roll Call No. 688)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #62

House Bill 1403 – Delegates Olszewski, Aumann, Beidle, Bromwell, Cardin, V. Clagett, DeBoy, Frush, Glenn, Impallaria, Kach, Lafferty, Minnick, Stein, Stukes, Tarrant, and Weir

EMERGENCY BILL

AN ACT concerning

Critical Area – Construction of a Facility – Prohibition

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

Affirmative – 113 Negative – 22 (See Roll Call No. 689)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #64

House Bill 6 – ~~Delegate Ramirez~~ Delegates Ramirez, Hixson, Ali, Barkley, Barnes, Bobo, Cane, Frush, Gilchrist, Harrison, Healey, Heller, Holmes, Howard, Hubbard, Ivey, N. King, Lee, Mizeur, Montgomery, Nathan-Pulliam, Niemann, Pena-Melnyk, Rice, Rosenberg, Ross, Stukes, Taylor, and Walker

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

Delegate Vaughn moved the previous question.

The motion was adopted.

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

Affirmative – 81 Negative – 57 (See Roll Call No. 690)

The Bill was then sent to the Senate.

House Bill 1114 – ~~Delegate Love~~ Anne Arundel County Delegation

SECOND PRINTING

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

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

Affirmative – 136 Negative – 2 (See Roll Call No. 691)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #5

Senate Bill 488 – Senators Britt, Conway, Currie, Gladden, Kelley, Pugh, and Rosapepe

AN ACT concerning

Voter Registration Protection Act

FLOOR AMENDMENT

(Amendment ID: SB0488/783121/1)

BY: Delegate Shank

AMENDMENT TO SENATE BILL 488

(Third Reading File Bill)

On page 1, strike beginning with “repealing” in line 7 down through “vote;” in line 8.

On page 3, in lines 17 and 19, in each instance, strike the bracket.

The preceding amendment was read only.

Delegate Benson moved the previous question.

The motion was adopted.

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

Affirmative – 50 Negative – 86 (See Roll Call No. 692)

FLOOR AMENDMENT

(Amendment ID: SB0488/783620/1)

BY: Delegate Haddaway

AMENDMENTS TO SENATE BILL 488

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “repealing” and substitute “altering”.

AMENDMENT NO. 2

On page 3, after line 19, insert:

“(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL IS NOT QUALIFIED TO BE A REGISTERED VOTER IF THE INDIVIDUAL HAS BEEN CONVICTED OF A SECOND OR SUBSEQUENT:

(1) RAPE IN THE FIRST DEGREE, UNDER § 3–303 OF THE CRIMINAL LAW ARTICLE;

(2) RAPE IN THE SECOND DEGREE, UNDER § 3–304 OF THE CRIMINAL LAW ARTICLE;

(3) SEXUAL OFFENSE IN THE FIRST DEGREE, UNDER § 3–305 OF THE CRIMINAL LAW ARTICLE; OR

(4) SEXUAL OFFENSE IN THE SECOND DEGREE, UNDER § 3–306 OF THE CRIMINAL LAW ARTICLE.”.

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

Affirmative – 47 Negative – 85 (See Roll Call No. 693)

FLOOR AMENDMENT

(Amendment ID: SB0488/453027/1)

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 488

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11 after “imposed;” insert “providing that an individual is not qualified to register to vote if the individual has been convicted of treason against the United States;”.

AMENDMENT NO. 2

On page 3, after line 19, insert:

“(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, AN INDIVIDUAL IS NOT QUALIFIED TO BE A REGISTERED VOTER IF THE INDIVIDUAL HAS BEEN CONVICTED OF TREASON AGAINST THE UNITED STATES UNDER ARTICLE III, § 3 OF THE UNITED STATES CONSTITUTION.”

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

Affirmative – 58 Negative – 76 (See Roll Call No. 694)

Delegate Benson moved the previous question.

The motion was adopted.

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

Affirmative – 78 Negative – 60 (See Roll Call No. 695)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 696)

RECESS

At 8:48 P.M. on motion of Delegate Barve the House recessed until 12:00 P.M. on Legislative Day March 23, 2007, Calendar Day Tuesday, March 27, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 23, 2007
Calendar Day: Tuesday, March 27, 2007

At 12:22 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Daniel Riley of Cecil and Harford Counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 697)

EXCUSES:

Del. Goldwater – illness
Del. Krebs – left early – Governor’s luncheon
Del. Malone – illness – food poisoning
Del. Ross – child ill, doctor’s appointment
Del. Stukes – late – caught in traffic
Del. F. Turner – wife’s surgery
Del. Walkup – late – doctor

MESSAGE FROM THE CHIEF EXECUTIVE

SUPPLEMENTAL BUDGET NO. 3 – FISCAL YEAR 2008
(See Exhibit M of Appendix II)

Read and referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 9 – Senator Garagiola

AN ACT concerning

Education State Department of Education and Department of Health and Mental Hygiene – Student Surveys – ~~Youth Risk Behavior Surveillance System Survey~~ Workgroup

FOR the purpose of ~~requiring the State Department of Education to collaborate with the Department of Health and Mental Hygiene to incorporate the provisions of the Maryland Adolescent Survey and the Youth Tobacco Survey into the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey; providing for certain exceptions to the authority of the Department of Education to omit certain survey questions; altering certain parental notification requirements; clarifying that certain surveys are part of the Youth Risk Behavior Surveillance System survey; requiring the Department of Health and Mental Hygiene, certain county boards, and certain schools to cooperate with the Department of Education in administering the survey; defining certain terms; requiring the Department of Education and the Department of Health and Mental Hygiene jointly to establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years; requiring the Department of Education to administer a certain survey on or before a certain school year providing for the termination of this Act; and generally relating to the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey~~ the establishment of a workgroup relating to student surveys.

BY repealing and reenacting, ~~with~~ without amendments,
 Article – Education
 Section 7-420
 Annotated Code of Maryland
 (2006 Replacement Volume)

BY ~~repealing and reenacting, with amendments,~~ adding to
 Article – ~~Health – General~~ Education
 Section ~~13-1001(l) and (w) and 13-1003(d)~~ 7-420.1
 Annotated Code of Maryland
 (~~2005~~ 2006 Replacement Volume ~~and 2006 Supplement~~)

~~BY adding to~~
 Article – ~~Health – General~~
 Section ~~13-1001(w)~~
 Annotated Code of Maryland
 (~~2005~~ Replacement Volume ~~and 2006 Supplement~~)

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

Senate Bill 63 – Senators Lenett, Frosh, and Madaleno

AN ACT concerning

Election Law – Voter’s Bill of Rights

FOR the purpose of ~~requiring that certain voting systems produce an accessible voter verified paper audit trail of a voter’s ballot choices and provide the voter with an opportunity to inspect the accessible voter verified paper audit trail; requiring that the accessible voter verified paper audit trails be preserved at the polling place in a certain manner for certain purposes; requiring the State Board of Elections to conduct a comparison of certain ballots in a random sampling of election districts; establishing the Voter’s Bill of Rights; requiring each local board of elections to post a copy of the Voter’s Bill of Rights document at each polling place on election day, to include a copy of the Voter’s Bill of Rights document with each sample ballot it distributes, to offer a copy of the Voter’s Bill of Rights document to voters at the polling place, and to make the Voter’s Bill of Rights document available in a language other than English in certain precincts; prohibiting a person from willfully or knowingly influencing or attempting to influence an individual from registering to vote or from engaging in certain voter activity through the use of fraud, stratagem, or ruse; and generally relating to voter protections~~ requiring the Voter’s Bill of Rights document to include instructions on how to contact local boards of elections for certain purposes; and generally relating to the Voter’s Bill of Rights.

~~BY repealing and reenacting, without amendments,~~

~~Article – Election Law~~

~~Section 1–101(s)~~

~~Annotated Code of Maryland~~

~~(2003 Volume and 2006 Supplement)~~

~~BY adding to~~

~~Article – Election Law~~

~~Section 9–106~~

~~Annotated Code of Maryland~~

~~(2003 Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Election Law

Section 9–201 ~~and 16–201~~

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

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

Senate Bill 148 – The President (By Request – Administration) and Senators Frosh and Miller

AN ACT concerning

Natural Resources – Chesapeake Bay – Oyster Restoration

~~FOR the purpose of authorizing the Department of Natural Resources to lease land under certain waters of the Chesapeake Bay for oyster restoration; requiring the Department to adopt regulations and condition the leases to require a holder of certain oyster bottom to plant a certain minimum amount of seed oyster on certain surfaces within a certain time frame; authorizing the Department to extend the time frame for planting oyster seed on certain leased oyster bottom under certain circumstances; authorizing a holder of certain leased oyster bottom to catch oysters for certain purposes; establishing that a holder of certain leased oyster bottom may only restore a certain species of oyster; establishing that certain penalties apply for certain unlawful taking of oysters; establishing that certain penalties apply for unlawfully taking oysters in certain areas; altering a certain element of the criminal offense of unlawfully taking oysters; altering the range of time for a tidal fish license suspension that applies to a person who unlawfully takes oysters; establishing a certain additional penalty for a violation of certain time restrictions on catching or landing oysters; requiring the Department to impose certain license suspensions in a certain manner; requiring the Department to adopt certain regulations; establishing the Task Force on Oyster Restoration in the Chesapeake Bay; providing for the membership of the Task Force; requiring the Secretary of Natural Resources to appoint the chair of the Task Force; requiring the Task Force to examine certain issues related to oysters in the Chesapeake Bay and to formulate a certain action plan; providing for reimbursement for the expenses of a member of the Task Force; providing that certain provisions of the Maryland Public Ethics Law do not apply under certain circumstances to certain regulated lobbyists who serve on the Task Force; providing for the staff of the Task Force; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of certain provisions of this Act; making certain technical corrections; making certain stylistic changes; altering a certain definition establishing the Oyster Advisory Commission in the Department of Natural Resources; providing for the membership of the Commission; establishing the duties of the Commission; requiring the Commission to report to the Governor and the General Assembly by a certain date; requiring the Department of Natural Resources to publish certain information with respect to areas closed to shellfish harvesting; requiring the Department to provide certain publications to certain persons under certain circumstances; prohibiting a person from catching oysters for sale without~~

providing certain certification to the Department; authorizing certain organizations to lease certain submerged land in Anne Arundel County for oyster restoration; authorizing certain holders of certain oyster bottom leases to renew the leases; requiring a certain holder of an oyster bottom lease to adhere to a certain plan and to plant a certain amount and density of oyster seed; prohibiting a certain holder of an oyster bottom lease from transferring or attempting to transfer a certain interest in submerged land; providing for reversion of a lease to the State if a certain transfer is made or attempted; establishing that certain penalties apply for unlawfully taking oysters in certain areas; repealing the penalty of license suspension for certain unlawful takings of oysters; requiring a certain amount of the oyster seed or spat produced at a certain laboratory to be made available to certain leaseholders for purchase; requiring the Department to adopt certain regulations establishing a certain administrative process for license suspension or revocation for unlawfully taking oysters; providing for the effective dates of this Act; and generally relating to oyster restoration in the Chesapeake Bay.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section ~~4-11A-05(a)(1), (b), and (f)(1) and (2), 4-11A-07, 4-11A-11, 4-11A-12(a), 4-11A-13(a), (b), and (e)(1), 4-204(c), 4-701(e)(2), 4-11A-05(a)(2), and 4-1201(f)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Natural Resources

Section ~~4-1201(g)~~ 4-1006.2

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 175 – Senators Zirkin and Muse

AN ACT concerning

Juveniles – Mentoring Program – “Maryland Rising”

FOR the purpose of requiring the Secretary of Juvenile Services to establish a statewide program of volunteer mentors for children ~~in detention or~~ who have spent a certain amount of time in a committed placement; requiring the Program to try and place mentors in a certain manner; establishing that the Program shall be called “Maryland Rising”; establishing the purpose of the Program; requiring the Department of Juvenile Services to develop a statewide network of State and

community agencies, volunteer organizations, and other groups to recruit mentors; providing for the role of mentors; authorizing the Department to adopt certain regulations; and generally relating to a mentoring Program in the Department of Juvenile Services called "Maryland Rising".

BY adding to

Article – Human Services

Section 9–240.1

Annotated Code of Maryland

(As enacted by Chapter _____ (S.B. 6) of the Acts of the General Assembly of 2007)

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

Senate Bill 177 – Senator Zirkin

AN ACT concerning

Residential Child Care Programs – Out-of-Home Placement – Standards for Staff and System for Outcomes Evaluation

FOR the purpose of requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor's Office for Children to adopt certain regulations to require certain staff members of certain residential child care programs to meet certain qualifications; requiring the Department of Juvenile Services, the Department of Human Resources, and the Governor's Office for Children to develop, coordinate, and implement a certain system of outcomes evaluation; specifying the uses of the system for outcomes evaluation; ~~requiring the system for outcomes evaluation to use certain measures for a certain purpose; requiring the Governor's Office for Children, the Department of Juvenile Services, and the Department of Human Resources to consult with the University of Maryland, Baltimore, in planning and implementing the system for outcomes evaluation;~~ establishing certain requirements for the system for outcomes evaluation; providing that the Department of Juvenile Services and the Department of Human Resources may not disclose personal identifiers and must ensure confidentiality of certain information when reporting certain information and data; requiring the Governor's Office for Children, in coordination with the Department of Juvenile Services and the Department of Human Resources, to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring the Governor's Office for Children, the Department of Juvenile Services, the Department of Human Resources, and the Department of Health and Mental Hygiene, in cooperation with representatives of certain programs and certain groups, to develop certain regulations and certain recommendations; requiring the Governor's Office for Children to report to the General Assembly on certain

recommendations on or before a certain date; defining certain terms; and generally relating to residential child care programs.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 8–101(a), (b), (c), (k), and (m)

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to

Article – Human Services

Section 8–1001 through 8–1003, to be under the new subtitle “Subtitle 10.
Residential Child Care Programs – Standards for Staff and System for
Outcomes Evaluation”

Annotated Code of Maryland

(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

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

Senate Bill 519 – Senators Peters, Brochin, Jacobs, McFadden, Muse, Pugh, Raskin, Robey, Simonaire, and Stone

AN ACT concerning

~~**Juveniles – School Attendance and Crimes Committed During School Hours –
Penalties and Issuance of a License to Drive
Truancy – Prohibition Against Issuance of Learner’s Instructional Permit**~~

FOR the purpose of requiring ~~the circuit court sitting as a juvenile court, when making a certain disposition, to consider whether a certain offense committed by a child was committed during certain hours; providing that a person who is under a certain age and is convicted as an adult of a certain crime is subject to a certain increase in the person’s term of imprisonment or fine if the trier of fact finds beyond a reasonable doubt that the person committed the crime during certain hours; requiring the principal or head teacher of a school to report to the county superintendent, the supervisor of pupil personnel, or another designated official each time a certain child has accumulated a certain number of unexcused absences from a school in which the child is enrolled; requiring a certain representative of the school system, on receiving a certain report, to notify the Motor Vehicle Administration to suspend a certain child’s license to drive and to notify the child that the child’s license to drive will be suspended; requiring a local law enforcement agency to notify the Motor Vehicle Administration to suspend a certain child’s license to drive and to notify the child that the child’s license to drive will be suspended if the child receives a certain number of local truancy violation notices; prohibiting the Motor Vehicle Administration from issuing a learner’s permit to an applicant~~

~~under a certain age unless the applicant presents certain information regarding school attendance; requiring the Motor Vehicle Administration to suspend the license to drive of a child, subject to certain hearing requirements, for a certain period of time or to delay the issuance of a license to a child for a certain period of time after receiving a certain notice; requiring the Motor Vehicle Administration to impose a certain fine on a certain child; defining certain terms; and generally relating to offenses committed by juveniles and absences from school~~ certain applicants for a learner's instructional permit to present to the Motor Vehicle Administration the applicant's school attendance record; prohibiting the Administration from issuing a learner's instructional permit to certain applicants if the applicant's school attendance record indicates a certain number of unexcused absences; and generally relating to the issuance of learner's instructional permits and truancy.

~~BY adding to~~

~~Article – Courts and Judicial Proceedings
Section 3-8A-19(e-1)
Annotated Code of Maryland
(2006 Replacement Volume)~~

~~BY adding to~~

~~Article – Criminal Law
Section 14-104
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Education
Section 7-301(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~

~~Article – Education
Section 7-302
Annotated Code of Maryland
(2006 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Transportation
Section 11-128 and 12-203
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Transportation
Section 16–105(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

~~BY adding to
Article – Transportation
Section 16–206.2
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)~~

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

Senate Bill 707 – Senators Hooper, Forehand, and Munson

AN ACT concerning

Vehicle Laws – Consumer Access to Replacement Key Information

FOR the purpose of requiring a manufacturer of a motor vehicle sold or leased in the State on or after a certain date to implement a system for providing certain replacement key information to certain locksmiths on or before a certain date; requiring a motor vehicle manufacturer to make a certain key replacement system available to certain individuals at all times; establishing procedures for a certain locksmith and a certain motor vehicle manufacturer to follow to provide a replacement key to a certain motor vehicle owner or lessee; providing for exemption from liability for theft for certain locksmiths and certain motor vehicle manufacturers under certain circumstances; requiring a manufacturer of certain motor vehicles to operate a certain telephone or electronic system for providing a replacement key to a certain vehicle owner or lessee at all times at a reasonable cost and within a certain period of time; authorizing a motor vehicle manufacturer to enter into a contract with another entity to provide the services required under this Act; providing for the severability of this Act; making this Act contingent on the enactment of certain legislation; providing for the effective date of certain provisions of this Act; defining certain terms; and generally relating to requirements and procedures for motor vehicle manufacturers and locksmiths to provide replacement keys to motor vehicle owners or lessees.

BY adding to
Article – Transportation
Section 15–210.1
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing

Article – Transportation
Section 15–210.1(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–210.1(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)
(As enacted by Section 1 of this Act)

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

Senate Bill 742 – Senator Klausmeier

AN ACT concerning

Swimming Pools – Automated External Defibrillator Programs

FOR the purpose of requiring each county or municipal corporation that owns or operates a swimming pool to develop and implement a certain automated external defibrillator program that meets certain requirements for certain swimming pools owned or operated by the county or municipal corporation; requiring the owners and operators of certain swimming pools to develop and implement a certain automated external defibrillator program that meets certain requirements; requiring the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems to jointly adopt certain regulations; defining certain terms; and generally relating to requiring certain automated external defibrillator programs for certain swimming pools.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 20–101 to be under the new title “Title 20. Automated External
Defibrillator Programs”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health – General
Section 13–2501 to be under the new subtitle “Subtitle 25. Automated External
Defibrillator Programs”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 746 – Senator Conway

AN ACT concerning

Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review

FOR the purpose of ~~altering certain requirements for obtaining written informed consent for human immunodeficiency virus (HIV) testing in accordance with Department of Health and Mental Hygiene regulations; clarifying that an informed consent for certain HIV testing be distinct from other consents; altering the manner in which a certain patient identifying number is obtained; requiring the Department to review and streamline certain regulations relating to certain HIV test counseling requirements and to adopt or revise regulations that address certain requirements; requiring the AIDS Administration to convene a workgroup including certain stakeholders to review and make recommendations regarding certain Centers for Disease Control and Prevention guidelines regarding HIV/AIDS; requiring the workgroup to review and consider certain best practices and research and data; requiring the Department workgroup to report to the Governor and General Assembly on or before a certain date; defining certain terms; and generally relating to human immunodeficiency virus counseling and testing~~ informed consent procedures.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Health – General
Section 18–336
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 817 – Senator Della

AN ACT concerning

Thoroughbred Racing – Restrictions on Night and Sunday Racing – Repeal

FOR the purpose of repealing certain restrictions on holding live thoroughbred racing at night and on Sundays by mile thoroughbred racing licensees; repealing a certain restriction on holding Sunday racing by the Maryland State Fair and Agricultural Society, Inc.; and generally relating to thoroughbred racing.

BY repealing

Article – Business Regulation
Section 11–504
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 970 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Appropriation Permits – Penalties

FOR the purpose of altering permit requirements relating to the appropriation and use of State groundwater; exempting from permit requirements certain users that appropriate or use groundwater below a certain quantity; authorizing the Department of the Environment to seek civil penalties for certain violations relating to the misappropriation or misuse of State groundwater or otherwise failing to comply with a water appropriation and use permit; requiring the Department to meet and consult with a local government before bringing a certain civil action; providing for the issuance of orders or notices of violations and providing for certain hearings relating to orders; ~~increasing certain criminal penalties and eliminating a certain cap on criminal penalties~~ altering certain penalties for violations of certain provisions of law; requiring certain funds to be paid into the Maryland Clean Water Fund; altering the uses of the Maryland Clean Water Fund; defining certain terms; and generally relating to water appropriation permits.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–101, 5–502, 5–514, and 9–320
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY adding to
Article – Environment
Section 5–515 and 5–516
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 1014 – Senator Conway

AN ACT concerning

**Higher Education – Morgan State University – Board of Regents – ~~Student Member~~
Membership**

FOR the purpose of altering the residency qualifications of ~~the student member~~ certain members of the Morgan State University Board of Regents; ~~repealing certain provisions relating to the residency of the student member of the Board of Regents;~~ and generally relating to the ~~student member~~ membership of the Morgan State University Board of Regents.

BY repealing and reenacting, with amendments,
Article – Education
Section 14–102
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Joint Resolution 8 – Senators Klausmeier, Astle, Brochin, Dyson, and Middleton

A Senate Joint Resolution concerning

Federal Legislation Regarding Medicare Part D

FOR the purpose of urging the Maryland Congressional Delegation and the President of the United States to enact legislation to simplify premiums, deductibles, copayments, and formularies in plans made available to Medicare beneficiaries, ~~to eliminate the coverage gap in the Medicare Part D prescription drug benefit, and to repeal the parts of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 that prevent the Secretary of Health and Human Services from negotiating lower drug prices with pharmaceutical companies on behalf of Medicare beneficiaries~~ and to encourage more insurers participating in the Medicare Part D prescription drug program to provide options that would include coverage in the gap in prescription drug coverage; and generally relating to federal legislation regarding Medicare Part D.

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

Senate Bill 101 – The President (By Request – Administration) and Senators Hogan, Middleton, and Miller

AN ACT concerning

Nursing Facilities – Quality Assessment – Medicaid Reimbursement

FOR the purpose of authorizing the Department of Health and Mental Hygiene to impose a quality assessment on certain nursing facilities; providing that a certain continuing care operation is not subject to a certain quality assessment; providing for the terms of the assessment; requiring a certain assessment to be paid to the State Comptroller at a certain time; providing that the payment of the assessment by the nursing facility shall be based on a certain ~~net-receipts~~ amount per non-Medicare day of service; requiring the Department to use the amounts collected to fund reimbursements to nursing facilities under the Medicaid program; providing that the quality assessment funds allocated for Medicaid reimbursement of nursing facilities are to be in addition to and not to supplant funds already appropriated for this purpose; requiring the Department to develop certain accountability measures on which the distribution of certain revenues may be based; requiring the Department to adopt certain regulations; ~~defining a certain term;~~ requiring the Department to seek certain approval for excluding a ~~continuing care facility from the definition of nursing facility~~ nursing home bed in a certain continuing care retirement community; authorizing the Department to modify certain elements that determine the quality assessment under certain circumstances; making this Act subject to a certain contingency; providing for the termination of this Act; requiring the Department to submit a certain report to the General Assembly under certain circumstances; and generally relating to a quality assessment on nursing facilities.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 10-401(d) and (m)

Annotated Code of Maryland

(As enacted by Chapter __ (S.B.6) of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 10-402(b)(1)

Annotated Code of Maryland

(As enacted by Chapter __ (S.B. 6) of the Acts of the General Assembly of 2007)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19-301(l) and (o)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General

Section 19-310.1

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 130 – Senators Peters, Hogan, Britt, Forehand, Garagiola, Klausmeier, Pugh, ~~and Raskin~~ Raskin, Rosapepe, Madaleno, Robey, Munson, and Jones

AN ACT concerning

Public Safety – State Aid for Police Protection Fund – Municipal Sworn Officer Allocation

FOR the purpose of increasing certain State payments to certain municipalities for certain sworn police officers employed by certain municipalities; providing that certain payments begin in a certain fiscal year; requiring that, subject to a certain limitation, certain payments to municipalities be adjusted for inflation using a certain index beginning in a certain fiscal year; providing that the annual rate of change for certain payments to municipalities may not exceed a certain rate; and generally relating to certain State payments to certain municipalities for certain sworn police officers employed by certain municipalities.

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 4-403(b)(8)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 522 – Senator Rosapepe

AN ACT concerning

Homestead Tax Credit – Eligibility Verification – Application

FOR the purpose of requiring homeowners to file certain applications to the State Department of Assessments and Taxation to qualify for the homestead property tax credit; providing that the homestead property tax credit may not be granted unless an application is filed as required within certain time periods under certain circumstances; providing that the Department shall provide the option for an application to be submitted on the Department's website; requiring the Comptroller to cooperate with the Department in adopting a certain procedure, provide certain information to the Department, and assist the Department in a postaudit of each application; requiring the counties to reimburse the Department

for the administration of the homestead property tax credit application process; providing for a certain reporting requirement to certain committees of the General Assembly; and generally relating to the homestead property tax credit.

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 9–105(d)(1)
 Annotated Code of Maryland
 (2001 Replacement Volume and 2006 Supplement)

BY adding to
 Article – Tax – Property
 Section 9–105(d)(6) ~~and (l), (l), and (m)~~
 Annotated Code of Maryland
 (2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 543 – Senators Jones, Britt, Conway, Currie, Exum, Gladden, McFadden, Muse, Pugh, ~~and Rosapepe~~ Rosapepe, Garagiola, Brochin, Frosh, and Madaleno

AN ACT concerning

2007 Darfur Protection Act – Divestiture from the Republic of Sudan

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to ~~identify and create a list of certain companies within a certain period of time who meet certain criteria;~~ review certain investment holdings; requiring the Board of Trustees to ~~use certain resources to identify certain companies~~ encourage certain companies to take certain actions; requiring the Board of Trustees to provide written notice to certain companies; ~~requiring the Board of Trustees to notify certain companies that they may be subject to divestment under certain circumstances;~~ requiring authorizing the Board of Trustees to divest under certain circumstances from certain companies following a certain schedule; take divestment action with regard to certain investments; prohibiting the Board of Trustees from acquiring certain securities; ~~exempting certain companies from the provisions of this Act;~~ requiring the Board of Trustees to take certain issues into account prior to taking certain actions; requiring the Board of Trustees to ~~submit~~ publish certain reports containing certain information ~~to the Chairman of the Joint Committee on Pensions and the United States Presidential Special Envoy to Sudan, by on or before~~ a certain date; ~~providing for the expiration of this Act under certain circumstances;~~ providing for the termination of this Act under certain circumstances; defining certain terms; and generally relating to sanctions against the Republic of Sudan.

BY adding to

Article – State Personnel and Pensions

Section ~~21-1A-01 through 21-1A-08 to be under the new subtitle “Subtitle 1A. Divestment from the Republic of Sudan”~~ 21-123.1

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 583 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

Alternate Contributory Pension Selection – Clarifications

FOR the purpose of requiring certain participating governmental units to pay certain liabilities associated with the alternate contributory pension selection for certain employees; clarifying that membership in the Employees’ Pension System or the Teachers’ Pension System ends under certain circumstances; providing that certain members of the Employees’ Pension System or the Teachers’ Pension System may combine certain prior service credit with their current service credit under certain circumstances; requiring certain members of the Employees’ Pension System or the Teachers’ Pension System who choose to combine certain prior service credit with their current service credit to pay the Board of Trustees of the State Retirement and Pension System certain member contributions; requiring the Board of Trustees to refund certain member contributions under certain circumstances; providing that certain members of the State Retirement and Pension System are eligible to receive certain eligibility service credit under certain circumstances; providing that certain members of the Employees’ Pension System or the Teachers’ Pension System may purchase certain prior service credit with their current service credit under certain circumstances; requiring certain members of the Employees’ Pension System or the Teachers’ Pension System who choose to purchase certain prior service credit to pay the Board of Trustees certain member contributions; providing that certain members of the Employees’ Pension System or the Teachers’ Pension System are entitled to certain eligibility service credit under certain circumstances; requiring that certain members of the Employees’ Pension System or the Teachers’ Pension System who apply for an ordinary or special disability, file an application within a certain period of time; exempting certain transfers between the Employees’ Pension System or the Teachers’ Pension System from certain provisions of law; permitting certain transfers of service credit between certain State or local retirement and pension systems and the Employees’ Pension System or the Teachers’ Pension System; repealing certain obsolete provisions; defining certain terms; providing certain conforming changes to reflect the addition of the alternate contributory pension selection; and generally relating to the alternate contributory pension selection of the Employees’

Pension System and the Teachers' Pension System.

BY adding to

Article – State Personnel and Pensions

Section 20–101(d–1), (j–1), and (aa–1), 21–307(m), and 37–101(n–1) and (n–2)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 20–205(c), 21–305.5(a), (d), and (f), 21–307(k), (l), and (m), 23–215,
23–302(d), 23–303(b), 23–303.1, 23–304, 23–306.2, 23–306.3, 23–310,
29–104, 29–303(h), 29–425(b), 37–101(j), 37–201, 37–203(a) and (f), and
37–203.1

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing

Article – State Personnel and Pensions

Section 23–309(c)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 744 – Senator Della

AN ACT concerning

Former Governors – Death Benefits – Surviving Spouses

FOR the purpose of providing certain death benefits to surviving spouses of former Governors; and generally relating to death benefits for surviving spouses of former Governors.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 22–405

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 775 – Senator Pipkin

AN ACT concerning

Queen Anne's County – State's Attorney – Salary

FOR the purpose of altering the salary of the State's Attorney for Queen Anne's County; authorizing the State's Attorney to appoint one or more deputy State's Attorneys; specifying certain duties of the State's Attorney, a deputy State's Attorney, and an assistant State's Attorney; establishing that the State's Attorney is entitled to certain expenses for certain purposes; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Queen Anne's County; ~~providing for a delayed effective date~~; and generally relating to the State's Attorney for Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 10 – Legal Officials
Section 40(r)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 813 – Senator Colburn

AN ACT concerning

Dorchester County – Appointment of Members of Fire Companies as Deputy Sheriffs

FOR the purpose of including Dorchester County in the list of counties in which the sheriff may appoint as deputy sheriffs certain members of certain fire companies to exercise the powers of deputy sheriffs at fires and while going to and from fires and appoint as deputy sheriffs certain members of certain fire companies to exercise the powers of deputy sheriffs at certain events; and generally relating to the appointment of members of fire companies as deputy sheriffs in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 7–301
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–302 and 7–303

Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 833 – Senator Stoltzfus

AN ACT concerning

Worcester County – Fire and Explosive Investigators – Authority

FOR the purpose of providing that, under certain circumstances, a Worcester County fire and explosive investigator operating in Worcester County has the same authority as the State Fire Marshal and a full-time investigative and inspection assistant in the Office of the State Fire Marshal to make an arrest without a warrant and exercise certain powers of arrest; authorizing a Worcester County fire and explosive investigator to exercise certain authority while operating outside Worcester County under certain circumstances; authorizing the Worcester County Fire Marshal to limit certain authority of a fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the Worcester County Fire Marshal to express the limitation in writing; excluding a Worcester County fire and explosive investigator from the definition of “law enforcement officer” under the law relating to the Law Enforcement Officers’ Bill of Rights; including a Worcester County fire and explosive investigator in the definition of “police officer” in connection with provisions of law relating to the Maryland Police Training Commission and the authorized carrying of a handgun by a person engaged in law enforcement; defining certain terms; requiring the Maryland Police Training Commission to certify certain fire and explosive investigators as police officers under certain circumstances; and generally relating to the authority of Worcester County fire and explosive investigators.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–201(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–201(d)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure

Section 2–208
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–208.3
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(2) and 3–201(e)(2)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 868 – Senators Haines, Brinkley, and Kittleman

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

FOR the purpose of repealing a certain requirement in Carroll County that restricts the conduct of bingo or gaming events in the county to qualified organizations that are located in the county; and generally relating to bingo and gaming events in Carroll County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–901(a) and (c) and 13–902(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–903(b) and 13–907(b)(2)
Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

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

Senate Bill 874 – Senator Pugh

AN ACT concerning

Baltimore City – New Shiloh Multipurpose Center Loan of 2001

FOR the purpose of amending the Baltimore City – New Shiloh Multipurpose Center Loan of 2001 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date; and generally relating to the Baltimore City – New Shiloh Multipurpose Center Loan of 2001.

BY repealing and reenacting, with amendments,
Chapter 297 of the Acts of the General Assembly of 2001
Section 1

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

Senate Bill 886 – Senator Dyson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Calvert County – Old Wallville School

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to change the authorized uses of a certain grant to the Board of Directors of the Friends of the Old Wallville School, Inc.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (Y)

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

Senate Bill 891 – Senator Astle

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2004 – Anne Arundel County – Carrie Weedon Science Center

FOR the purpose of altering the authorized uses of a certain grant to the Board of Directors of the Carrie Weedon Science Center Foundation, Inc.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by
Chapter 432 of the Acts of the General Assembly of 2004
Section 13(3)(ii) Item A

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

Senate Bill 907 – Senators Currie, Hogan, and McFadden

AN ACT concerning

Budget Accountability – Master Plans – ~~Submission~~ and Evaluations

FOR the purpose of requiring county boards of education to submit certain annual updates to their comprehensive master plans to the State Department of Education on or before a certain date and at a certain time thereafter certain dates; requiring county boards of education to submit comprehensive master plans to the State Department of Education on or before a certain date; clarifying that comprehensive master plans ~~extend for~~ and annual updates cover a certain period of time; requiring the Department to submit an interim report on the results of a certain evaluation to the Governor and General Assembly on or before a certain date; requiring the General Assembly to deliberate during a certain legislative session and determine whether certain provisions of law, as amended by this Act, should be modified to differentiate among local education agencies in the master plan requirement, whether a preexisting comprehensive master plan meets certain requirements, and whether a certain provision of law should be repealed; providing for the delayed effective date of certain provisions of this Act; defining a certain term; and generally relating to the submission of comprehensive master plans and updates by county boards of education.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–401 and 5–402
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing
Article – Education
Section 5–401(g)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 945 – Senators Madaleno, Kramer, Della, and Pinsky

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

FOR the purpose of requiring that a certain deduction for dividends paid be added to federal taxable income to determine Maryland modified income of certain real estate investment trusts for Maryland income tax purposes; defining a certain term; providing for the application of this Act; and generally relating to a Maryland income tax addition modification in the amount of the dividends paid deduction for certain real estate investment trusts.

BY adding to

Article – Tax – General

Section 10–306.2

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 957 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than \$120,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, to finance the payment of any unfunded liability of the County to the State Retirement and Pension System of Maryland, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in

the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; providing that such borrowing may be undertaken by Frederick County to finance the payment of any unfunded liability of Frederick County to the State Retirement and Pension System of Maryland for certain public purposes; and generally relating to the issuance and sale of the bonds by Frederick County.

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

Senate Bill 999 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Oversight

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to determine the qualifications, appointment, and compensation of the Chief Investment Officer of the State Retirement Agency after the Board of Trustees receives certain recommendations; authorizing the Board of Trustees to provide certain financial incentives for the Chief Investment Officer; requiring the Board of Trustees to base certain financial incentives on certain criteria; requiring certain criteria to be included in the investment policy manual; requiring the Board of Trustees to submit certain reports to the Joint Committee on Pensions on or before a certain date; providing that the compensation and financial incentives awarded to the Chief Investment Officer shall be in accordance with certain limitations; providing that the Chief Investment Officer is a State employee and entitled to certain benefits; requiring the Executive Director of the State Retirement Agency to terminate the appointment of the Chief Investment Officer under certain circumstances; authorizing the Chief Investment Officer to hire certain investment managers; authorizing the Chief Investment Officer to terminate the appointment of ~~the~~ certain investment managers; requiring the Chief Investment Officer to provide certain written documentation to the Board of Trustees and Investment Committee under certain circumstances; requiring the Board of Trustees to submit certain criteria to certain committees for review and comment prior to awarding certain financial incentives; requiring certain committees to submit written comments to the Board of Trustees within a certain period of time; and generally relating to the investment oversight of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–108(c) and 21–122
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–118.1
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–315(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 1006 – Senator Klausmeier

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

FOR the purpose of amending the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended.

BY repealing and reenacting, with amendments,
Chapter 389 of the Acts of the General Assembly of 1984, as amended by Chapter 138 of the Acts of the General Assembly of 1985, Chapter 28 of the Acts of the General Assembly of 2004, and Chapter 533 of the Acts of the General Assembly of 2006
Section 1

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

Senate Bill 1015 – Senator Raskin

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair
Baseball Field Improvements**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to permit the Board of Directors of Maryland Community Baseball, Inc. to include funds expended on or after a certain date in the matching fund.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02

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

Senate Bill 1016 – Senator Britt

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi–Service Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to change the name of the Victory Youth Center to the Langley Park Multi–Service Center and change the name of a certain grantee from the Board of Directors of the Victory Youth Centers, Inc. to the Catholic Archdiocese of Washington; expanding the authorized uses of the loan proceeds and matching fund; and generally relating to the Langley Park Multi–Service Center.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00 (AH)

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

Senate Bill 16 – Senator Della

AN ACT concerning

**Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets
Corporation and Lexington Market, Inc.**

FOR the purpose of including the Baltimore Public Markets Corporation, in Baltimore City, in the definition of ~~local government~~ “local government” for the purposes of the Local Government Tort Claims Act; providing that Baltimore Public Markets Corporation may not raise a certain defense; providing for the application of this

Act; providing that a certain notice requirement does not apply to a certain action for unliquidated damages; and generally relating to the Local Government Tort Claims Act and the Baltimore Public Markets Corporation and Lexington Market, Inc., in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d) ~~and 5–303(f)~~, 5–303(f), and 5–304(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–304(b)
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 340 – Senators Conway, Britt, Dyson, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists Act – Revision

FOR the purpose of specifying that certain provisions of law apply to certain individuals who practice audiology, hearing aid dispensing, or speech–language pathology, or assist in the practice of speech–language pathology; ~~specifying that certain provisions of law do not authorize certain licensees to practice medicine, perform surgery, or prescribe pharmaceutical agents;~~ requiring certain members of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists to currently practice in the State; requiring a Board member to be a consumer of services provided by an individual licensed by the Board; repealing the requirement that certain notice and a certain balloting process be given by mail; altering certain qualifications for certain members of the Board; providing that a majority of members currently serving on the Board is a quorum; requiring the Board to appoint an executive director; authorizing the Board to regulate the practice of telehealth communications by audiologists, hearing aid dispensers, and speech–language pathologists; repealing the authority of the Board to inspect facilities used by licensed hearing aid dispensers; requiring the Board to adopt and publish a code of ethics for the assistance of the practice of speech–language pathology; authorizing the Board to require that certain licensed speech–language pathology assistants submit to an examination by a certain health care provider during certain investigations; requiring an individual to be licensed

by the Board before assisting in the practice of speech–language pathology; requiring that on or before a certain date, certain individuals hired to practice speech–language pathology or assist in the practice of speech–language pathology by certain schools and educational institutions be licensed; exempting certain individuals employed by certain schools or educational institutions continuously since on or before a certain date from certain licensing requirements; repealing a certain licensure exemption for individuals who fit hearing aids; altering and adding speech–language pathology assistants to the requirements for the authorization to practice without a license for certain audiologists, hearing aid dispensers, and speech–language pathologists who are licensed in another state; requiring that certain applicants demonstrate oral competency; requiring that applicants for a license to practice audiology have certain degrees before or after a certain date; altering certain requirements to qualify for a license to practice hearing aid dispensing after a certain date; repealing the option of an applicant to have the equivalent of a master’s degree to qualify for a license to practice speech–language pathology; requiring certain applicants to meet certain requirements to qualify for a license to assist in the practice of speech–language pathology; establishing the requirements for a license to assist in the practice of speech–language pathology; altering certain requirements for certain licensure examinations; altering the Board’s authority to waive certain requirements for applicants for licenses to practice audiology and speech–language pathology and establishing that the Board may waive certain requirements for applicants for licenses to assist in the practice of speech–language pathology; repealing a certain continuing education requirement for certain individuals who are licensed to practice hearing aid dispensing in a state that does not have certain continuing education requirements; authorizing the Board to grant a waiver for an examination if an applicant holds certain national certification and meets certain practice requirements; repealing a provision that prohibits the Board from imposing a licensing requirement for the practice of hearing aid dispensing that is not required of any other applicant on an individual applying for a waiver of examination; requiring certain licensees to identify themselves by a certain profession and degree earned; repealing the requirement that the Board not require applicants to practice hearing aid dispensing who hold a certain license from another state to satisfy any licensing requirement that is not required for other applicants for the practice of hearing aid dispensing; altering the period of time that the Board has before a license expires to contact a licensee; requiring that the Board contact certain licensees at the last known address provided by a licensee and advise the licensee of certain renewal requirements; altering certain renewal requirements for certain licensees; requiring certain licensees who fail to renew a license within a certain period of time to pay certain fees; authorizing the Board to reinstate a license to assist in the practice of speech–language pathology under certain circumstances; prohibiting the Board from reinstating a speech–language pathology license if the licensee does not apply within a certain period of time unless certain requirements are met; altering certain requirements for issuing a limited license to practice audiology; establishing the terms and renewal

requirements for limited licenses to practice audiology, hearing aid dispensing, and speech–language pathology; establishing a limited license to assist in the practice of speech–language pathology; establishing the requirements for a limited license to assist in the practice of speech–language pathology; establishing the term and renewal requirements for a limited license to assist in the practice of speech–language pathology; altering the requirement that the Board keep a record of certain business addresses prohibiting a speech–language pathology assistant from surrendering a license under certain circumstances; authorizing the Board to set conditions on certain agreements with a speech–language pathology assistant who is under investigation or while charges are pending; authorizing the Board to impose certain penalties on speech–language pathology assistants under certain circumstances; altering certain grounds for penalties; repealing a certain exemption that allows a person to sell hearing aids by door–to–door solicitation under certain circumstances; requiring audiologists and hearing aid dispensers who sell hearing aids to provide certain refund information; altering certain monetary penalties; authorizing the Board to issue subpoenas and administer oaths under certain circumstances with the signature of an officer or administrator of the Board; requiring licensees found in violation of certain provisions to pay certain costs; establishing that a certain order of the Board may not be stayed pending review; establishing one rehabilitation committee for audiologists, hearing aid dispensers, speech–language pathologists, and speech–language pathology assistants; requiring the Board to adopt regulations establishing qualifications, scope of practice, and supervision requirements for speech–language pathology assistants; altering terms and practices that certain unlicensed individuals may not use to represent to the public that they are authorized to practice audiology or speech–language pathology, or assists in the practice of speech–language pathology; prohibiting unlicensed individuals from representing to the public that they are authorized to assist in the practice of speech–language pathology; altering the definitions of certain terms; defining certain terms; and generally relating to revisions of the Maryland Audiologist, Hearing Aid Dispensers, and Speech–Language Pathologist Act.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–101, 2–102, 2–202, 2–204 through 2–205.1, 2–207, 2–301 through 2–302.2, 2–304, 2–305, 2–307.1, 2–308 through 2–310.2, 2–311, 2–313 through 2–318, 2–319 through 2–402.2, 2–408, and 2–501

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 2–201, 2–203, 2–206, 2–303, 2–306, 2–307, 2–307.2, 2–312, 2–403 through 2–406, and 2–502

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations

Section 2–302.3, 2–307.3, 2–307.4, 2–310.3, and 2–402.3

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health Occupations

Section 2–318.1 and 2–318.2

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 595 – Senator Garagiola

AN ACT concerning

Public Utility Companies – Net Energy Metering – Renewable Portfolio Energy Standard – Photovoltaic Power

FOR the purpose of increasing a certain limit used to determine the availability of net energy metering to eligible customer–generators; providing that a certain portion of a certain limit shall be for eligible customer–generators that operate solar electric generating facilities; increasing the amount of generating capacity of an electric generating system that may be used by an eligible customer–generator for net metering; requiring that an eligible customer–generator has a title to certain attributes or credits associated with certain electricity produced; requiring the Public Service Commission on or before a certain date each year to report on the status of the net metering program; establishing a Tier 3 renewable portfolio energy standard for electricity derived from solar energy; providing that a Tier 3 renewable portfolio energy standard applies ~~only to electric companies under certain circumstances to electricity suppliers~~; ~~requiring an electric company to meet the Tier 3 renewable energy portfolio standard in a certain manner~~; repealing a provision that required an electricity supplier to receive a double credit toward meeting a certain standard derived from solar energy; allowing a renewable on–site generator to retain or transfer certain credits; requiring certain ~~electric companies~~ electricity suppliers to submit a certain report; providing for compliance fees for certain shortfalls in required Tier 3 renewable sources; allowing an ~~electric company~~ electricity supplier to request a certain delay for a certain scheduled increase under certain circumstances; providing that compliance fees paid for Tier 3 renewable sources be used for a certain support of new Tier 3 renewable sources; requiring that the duration of a certain contract be not less than

15 years; requiring the purchase of certain credits from certain systems to be made in a certain manner in accordance with rates and methods determined by the Commission; requiring the Public Service Commission to ~~appoint~~ designate a certain individual with certain duties; requiring the Commission to convene a certain workgroup to revise ~~certain~~ the State's interconnection standards and procedures to be consistent with certain standards by a certain date; requiring the Commission to investigate certain rate-making mechanisms; providing for the application and construction of certain provisions of this Act; requiring the Commission to include certain information in a report; defining a certain term and altering certain definitions; making stylistic changes; and generally relating to net energy metering, renewable portfolio energy standards, and photovoltaic power generation.

BY repealing and reenacting, with amendments,

Article – Public Utility Companies

Section 7-306, 7-701, 7-703 through 7-705, 7-707, ~~and 7-709~~ 7-709, and 7-712

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 7-702, 7-706, and 7-708

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

BY adding to

Article – Public Utility Companies

Section 7-714

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

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

Senate Bill 600 – Senator Kittleman

AN ACT concerning

Workers' Compensation Commission – Authorization for Release of Medical Information – Work-Related Injury or Occupational Disease

FOR the purpose of requiring ~~certain claim application forms that are filed with the Workers' Compensation Commission for an alleged work-related injury or occupational disease to include~~ an authorization for the release to certain persons of certain medical information to be filed with the Workers' Compensation

~~Commission when a claim is filed for an alleged work-related injury or occupational disease; providing that an authorization includes the release of certain information, is effective for a certain period of time, and does not restrict the redisclosure of certain medical information or written material to certain persons; requiring a health care provider to disclose certain medical information on receipt of a certain authorization filed with the Commission; and generally relating to the authorization for the release of medical information in a certain manner and the filing of workers' compensation claims.~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–303
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–709, 9–710, and 9–711
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 674 – Senators Pinsky, Britt, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, Lenett, Pugh, and Zirkin

AN ACT concerning

Maryland Energy Efficiency Standards Act of 2007

FOR the purpose of requiring the Public Service Commission to adopt certain regulations concerning the purchase of certain equipment by certain electric companies; authorizing the Commission to consider certain costs of certain electric companies as costs to be included in a certain life-cycle cost methodology for certain purposes; requiring the Maryland Energy Administration to adopt regulations by a certain date to establish certain minimum energy efficiency standards for certain new products sold in the State; prohibiting certain new products from being sold or offered for sale in the State on or after certain dates unless the products meet the minimum energy efficiency standards; authorizing the Administration to adopt regulations to exempt compliance with certain standards; requiring the Administration, in consultation with the Attorney General, to make certain determinations; requiring the Administration to apply for certain waivers of federal preemption under certain circumstances; authorizing the presiding officers of the General Assembly to direct certain committees to hold a hearing on a certain application by the Administration for a certain waiver of federal

preemption; authorizing the Administration to adopt certain test methods under certain circumstances; prohibiting certain new products from being installed in the State on or after a certain date unless the products meet or exceed the minimum energy efficiency standards; authorizing the Administration to adopt regulations to establish increased energy efficiency standards for certain new products sold in the State under certain circumstances; ~~authorizing the Administration to adopt regulations to establish energy efficiency standards for certain other products under certain circumstances~~ requiring the Administration to consider and propose to the General Assembly every 2 years certain new or revised standards for certain products; defining certain terms; providing for the application of this Act; and generally relating to energy efficiency standards for certain products.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 1–101(a)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 1–101(p) through (pp)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

BY adding to
Article – Public Utility Companies
Section 1–101(p) and (oo) and 7–212
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2006
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 699 – Senator Stone

AN ACT concerning

**State Highway Administration – Protection of Highway Construction and
Maintenance Workers**

FOR the purpose of requiring the State Highway Administration to develop certain procedures to ~~ensure~~ enhance the safety of highway construction and maintenance workers during construction or maintenance work on certain expressways and controlled access highways; requiring ~~the Administration or the appropriate local authority~~ a county, municipal corporation, the Administration, or the Maryland Transportation Authority to incorporate the procedures into the project planning and construction phases of certain proposed highway projects; requiring procedures developed under this Act to include certain methods of protecting highway construction and maintenance workers, including closure of certain highways in a certain manner; ~~requiring a county, municipal corporation, the Administration, or the Maryland Transportation Authority to consider the use of certain barriers, or;~~ authorizing a county, municipal corporation, the Administration, or the Maryland Transportation Authority to provide maintenance of a law enforcement presence at or near the site of certain highway construction or maintenance projects; ~~prohibiting the use of speed monitoring systems to enforce speed limits at the site of certain highway construction or maintenance projects under certain circumstances;~~ and generally relating to the protection of certain highway construction and maintenance workers.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–610(a), (b), (g), (h), and (i)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY adding to
Article – Transportation
Section 8–613.2
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–151 and 21–101(a) and (v)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 708 – Senators McFadden, Gladden, Jones, and Miller

AN ACT concerning

Election Law – County Offices or Baltimore City Municipal Offices – Election Dates

FOR the purpose of altering the date of the primary elections in Baltimore City; requiring that any county, including Baltimore City, hold general elections for county offices or Baltimore City municipal offices on certain dates; providing for the terms of office for certain municipal officers; providing that certain individuals holding elected office in Baltimore City on a certain date shall earn a certain service credit in the Baltimore City Elected Officials' Retirement System; providing that certain individuals who leave office before a certain date shall receive a certain service credit; providing that certain individuals appointed to fill certain municipal office vacancies in Baltimore City shall receive certain service credit; providing that individuals holding certain elected offices in Baltimore City after a certain date shall receive certain service credit; providing for a delayed effective date; and generally relating to election dates for county offices or Baltimore City municipal offices.

BY repealing and reenacting, with amendments,
 Article – Election Law
 Section 8–201 and 8–301
 Annotated Code of Maryland
 (2003 Volume and 2006 Supplement)

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

Senate Bill 885 – Senator Dyson

AN ACT concerning

~~State Ethics Commission – Regulated Lobbyist – Fees~~
Ethics Law – Miscellaneous Provisions

FOR the purpose of altering the definition of interest to exclude certain additional qualified trusts and certain college savings plans; altering the fee that a regulated lobbyist must pay each time the lobbyist files a certain registration form with the State Ethics Commission; and generally relating to the ~~registration of regulated lobbyists~~ ethics law.

BY repealing and reenacting, without amendments,
 Article – State Government
 Section 15–703(a) and (d)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section ~~15-703(e)~~ 15-102(t) and 15-703(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 889 – Senator Astle

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Board of License Commissioners –
Inspectors**

FOR the purpose of altering the annual salaries of the chairman and other members of the Board of License Commissioners of Anne Arundel County; altering the annual salaries and monthly expenses of the part-time chief inspector and part-time inspectors of the Board; altering the annual salary of the attorney for the Board; authorizing the Board to increase the number of part-time inspectors; providing that this Act does not apply to the salary or compensation of the incumbent chairman or other members of the Board; and generally relating to the members and employees of the Board of License Commissioners of Anne Arundel County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15-109(c) and 15-112(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 1022 – ~~Senator Middleton~~ Senators Middleton, Della, Exum, Garagiola,
Kelley, Klausmeier, and Pugh

AN ACT concerning

Group Life Insurance – Additional Insureds – Domestic Partners

FOR the purpose of authorizing insurers that issue certain policies of group life insurance to extend coverage to the domestic partner of the employee or member who is covered under a policy of group life insurance; providing that the term “domestic partner” has the meaning stated in the policy; prohibiting the insurance on the life of the domestic partner from exceeding the amount of insurance on the life of the insured employee or member; requiring the policyholder to pay the premium for the insurance on the domestic partner from certain funds; providing that the

domestic partner insured under the policy is entitled to certain rights of conversion under certain circumstances; and generally relating to coverage for domestic partners under policies of group life insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 17–209
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 1025 – The President (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

FOR the purpose of altering the date of the statewide primary election in the year in which the President of the United States is elected; making miscellaneous technical and clarifying changes to conform to the change in the date for the statewide presidential primary election, including provisions relating to deadlines for the filing of a certificate of candidacy, the submission of a delegate selection plan, candidate withdrawal, and petition candidates and including provisions relating to the certification of certain candidates by the Secretary of State; altering the schedule for the filing of certain campaign finance reports in the year of a presidential primary; and generally relating to the statewide presidential primary election.

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~8–201~~ 5–303(a), 5–502, 8–201, 8–501, 8–502, and 13–309(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 1027 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops – Sunset Extension and Reporting Requirements

FOR the purpose of extending the termination date for certain provisions of law

concerning the collection, analysis, and reporting of certain information relating to traffic stops; extending the period of time during which law enforcement officers must record and report to the Maryland Justice Analysis Center certain information relating to traffic stops; extending the period of time during which the Maryland Justice Analysis Center must analyze and report on information relating to certain traffic stops; extending the deadline for the Maryland Justice Analysis Center to issue a final report; and generally relating to information relating to traffic stops.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 343 of the Acts of the General Assembly of 2001, as amended by Chapter
25 of the Acts of the General Assembly of 2006
Section 3 and 4

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

SPECIAL ORDERS

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

House Bill 554 – Delegates Ross, Ali, Anderson, Braveboy, Burns, Cane, Carter, Davis, Gilchrist, Glenn, Gutierrez, Harrison, Haynes, Hucker, Ivey, Kaiser, Lawton, Montgomery, Nathan–Pulliam, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, F. Turner, and Walker

AN ACT concerning

Voter Registration Protection Act

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

Delegate Hixson moved to make the Bill a Special Order for next Tuesday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 698)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #65

House Bill 369 – Delegates Braveboy, Griffith, Davis, and Vaughn

AN ACT concerning

**Real Property – Homeowners Associations – Transition of Association Control –
Study**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 699)

The Bill was then sent to the Senate.

House Bill 440 – Delegates Barkley, Ali, and N. King

AN ACT concerning

Vehicle Laws – Engine Brakes – Restrictions

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

Affirmative – 132 Negative – 3 (See Roll Call No. 700)

The Bill was then sent to the Senate.

House Bill 657 – Cecil County Delegation

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the Senate.

**House Bill 710 – Montgomery County Delegation and Prince George’s County
Delegation**

AN ACT concerning

**Maryland–National Capital Park and Planning Commission – Service Contracts
MC/PG 117–07**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 702)

The Bill was then sent to the Senate.

House Bill 1276 – Delegate Malone

AN ACT concerning

**Task Force to Study the Establishment of ~~Annual~~ Biennial Motor Vehicle Safety
Inspections**

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

Affirmative – 106 Negative – 28 (See Roll Call No. 703)

The Bill was then sent to the Senate.

**House Bill 1418 – Chair, Environmental Matters Committee (By Request – Departmental
– Housing and Community Development)**

AN ACT concerning

**Community Development Administration – Direct Residential Mortgage Loans –
Families of Limited Income**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 704)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 705)

ADJOURNMENT

At 12:43 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 24, 2007, Calendar Day Wednesday, March 28, 2007.

Annapolis, Maryland
Legislative Day: March 24, 2007
Calendar Day: Wednesday, March 28, 2007

The House met at 10:13 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Anne Healey of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 706)

The Journal of March 23, 2007 was read and approved.

EXCUSES:

Del. Bronrott – late – business

Del. Goldwater – illness

Del. F. Turner – wife's surgery

THE COMMITTEE ON ECONOMIC MATTERS REPORT #13

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

House Bill 1153 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Alcoholic Beverages – Quota for Class A Licenses

(Amendment ID: HB1153/923994/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1153
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the first “a” insert “new”; in the same line, strike “on or after a certain date”; and in line 8, after “circumstances;” insert “specifying a certain exception;”.

AMENDMENT NO. 2

On page 2, in line 22, strike the first “A” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A NEW**”; and in line 23, strike “ON OR AFTER JULY 1, 2007;”.

On page 3, after line 3, insert:

“(5) A WINERY THAT APPLIES FOR A CLASS A LIGHT WINE LICENSE UNDER § 4-201 OF THIS ARTICLE IS EXEMPT FROM THE QUOTA LIMITATIONS ESTABLISHED UNDER PARAGRAPH (3) 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.

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

House Bill 1397 – Delegate Bromwell (By Request – Baltimore County Administration) and Baltimore County Delegation

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Norman H. Conway, Chairman, APP
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

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

<u>Bill No.</u>	<u>Reassignment</u>
SB 525	W&M

Read and ordered journalized.

QUORUM CALL

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

(See Roll Call No. 707)

ADJOURNMENT

At 10:35 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 25, 2007, Calendar Day Thursday, March 29, 2007.

Annapolis, Maryland
Legislative Day: March 25, 2007
Calendar Day: Thursday, March 29, 2007

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Craig L. Rice of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 708)

The Journal of March 24, 2007 was read and approved.

EXCUSES:

Del. Conway – brother-in-law – very ill

Del. Goldwater – illness

Del. McDonough – illness

Del. Stifler – funeral

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 634 – Senators Raskin ~~and Brochin~~, Brochin, Middleton, and Hogan ~~Hogan~~, and Pugh

AN ACT concerning

**Presidential Elections – Agreement Among the States to Elect the President by
National Popular Vote**

FOR the purpose of altering certain methods of nominating presidential electors; altering certain methods of electing presidential electors; repealing a certain restriction governing elector voting; entering the State of Maryland into the Agreement Among the States to Elect the President by National Popular Vote; providing that any state is eligible to become a member state; requiring a statewide popular

election for President and Vice President of the United States; establishing a certain procedure for appointing presidential electors in member states; specifying when the Agreement becomes effective; providing for the withdrawal of a member state; requiring notification of member states; specifying that the provisions of the Agreement are severable; defining certain terms; making this Act subject to a certain contingency; and generally relating to the Agreement Among the States to Elect the President by National Popular Vote.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 8–503, 8–504, and 8–505

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY adding to

Article – Election Law

Section 8–5A–01 to be under the new subtitle “Subtitle 5A. Agreement Among the States to Elect the President by National Popular Vote”

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

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

Senate Bill 782 – Senators Conway, Jones, McFadden, and Pugh

AN ACT concerning

**Baltimore City Board of School Commissioners – Partially Elected Board
– Straw Ballot**

FOR the purpose of requiring that a question be placed on the ballot in Baltimore City at the November general election of 2007 to determine the sense of the voters of Baltimore City on the issue of whether the Baltimore City Board of School Commissioners should be changed from a system of members appointed jointly by the Mayor of Baltimore City and the Governor to a mixed system composed of some members who are appointed by the Mayor of Baltimore City and the Governor and some members who are elected by the voters of Baltimore City; providing for the carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Baltimore City.

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

Senate Bill 936 – Senators Klausmeier, Astle, Edwards, Garagiola, Kittleman, Middleton, and Pugh

AN ACT concerning

Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation

FOR the purpose of altering the number of terms and the total number of years that may be served by a member of the board of directors of a nonprofit health service plan; altering the amount and type of compensation that may be received by a board member; ~~requiring the Maryland Insurance Commissioner to make a certain review in a certain manner about the amount of compensation to be paid to board members; requiring the Commissioner to submit a certain report to certain committees of the General Assembly on or before a certain date each year;~~ altering the requirement that a certain corporation report certain information to the Maryland Insurance Commissioner; requiring a certain compensation committee to develop certain guidelines for certain compensation for board members; requiring the board of a nonprofit health service plan to provide a copy of certain guidelines to each member of the board; requiring the board of a nonprofit health service plan to adhere to certain guidelines in compensating the board members of the nonprofit health service plan; requiring the Commissioner to review certain compensation paid to board members; and generally relating to the boards of directors of nonprofit health service plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–115(e)(6) and (g) and 14–139(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #14

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

House Bill 1180 – Delegates Harrison, Anderson, Braveboy, Conaway, Feldman, Glenn, Haynes, Kirk, Lee, Love, Manno, Robinson, Stukes, Tarrant, Taylor, and Vaughn

AN ACT concerning

Unemployment Insurance – Maximum Benefit

(Amendment ID: HB1180/303598/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1180
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vaughn” and substitute “Vaughn, Schuler, Hixson, Dumais, Ivey, Kullen, Heller, Hucker, Lawton, Gilchrist, Ali, Bronrott, Stein, Pena–Melnik, Donoghue, Gutierrez, Montgomery, Kaiser, Rice, Waldstreicher, McHale, Hecht, Krysiak, and Davis”; in line 2, strike “Maximum Benefit” and substitute “Schedule of Benefits”; and strike beginning with “increasing” in line 3 down through “time” in line 4 and substitute “altering the schedule of benefits of weekly unemployment insurance benefits so as to increase the amount of the weekly benefit amount up to a certain maximum weekly benefit amount, based on certain high quarter wages;”.

AMENDMENT NO. 2

On page 2, in line 3, strike “(I)”; in the same line, strike the brackets; strike beginning with “EXCEPT” in line 3 down through “THE” in line 4; in lines 5 and 7, in each instance, strike the brackets; in the same lines, strike “1.” and “2.”, respectively; and strike in their entirety lines 11 through 18, inclusive.

On page 14, in line 16, strike “and over” and substitute “TO \$8,160.00”; and after line 16, insert:

<u>“(317)</u>	<u>\$8,160.01 TO \$8,184.00</u>	<u>341.00</u>	<u>12,276.00</u>
<u>(318)</u>	<u>\$8,184.01 TO \$8,208.00</u>	<u>342.00</u>	<u>12,312.00</u>
<u>(319)</u>	<u>\$8,208.01 TO \$8,232.00</u>	<u>343.00</u>	<u>12,348.00</u>
<u>(320)</u>	<u>\$8,232.01 TO \$8,256.00</u>	<u>344.00</u>	<u>12,384.00</u>
<u>(321)</u>	<u>\$8,256.01 TO \$8,280.00</u>	<u>345.00</u>	<u>12,420.00</u>
<u>(322)</u>	<u>\$8,280.01 TO \$8,304.00</u>	<u>346.00</u>	<u>12,456.00</u>
<u>(323)</u>	<u>\$8,304.01 TO \$8,328.00</u>	<u>347.00</u>	<u>12,492.00</u>
<u>(324)</u>	<u>\$8,328.01 TO \$8,352.00</u>	<u>348.00</u>	<u>12,528.00</u>
<u>(325)</u>	<u>\$8,352.01 TO \$8,376.00</u>	<u>349.00</u>	<u>12,564.00</u>
<u>(326)</u>	<u>\$8,376.01 TO \$8,400.00</u>	<u>350.00</u>	<u>12,600.00</u>
<u>(327)</u>	<u>\$8,400.01 TO \$8,424.00</u>	<u>351.00</u>	<u>12,636.00</u>
<u>(328)</u>	<u>\$8,424.01 TO \$8,448.00</u>	<u>352.00</u>	<u>12,672.00</u>
<u>(329)</u>	<u>\$8,448.01 TO \$8,472.00</u>	<u>353.00</u>	<u>12,708.00</u>
<u>(330)</u>	<u>\$8,472.01 TO \$8,496.00</u>	<u>354.00</u>	<u>12,744.00</u>

<u>(331)</u>	<u>\$8,496.01 TO \$8,520.00</u>	<u>355.00</u>	<u>12,780.00</u>
<u>(332)</u>	<u>\$8,520.01 TO \$8,544.00</u>	<u>356.00</u>	<u>12,816.00</u>
<u>(333)</u>	<u>\$8,544.01 TO \$8,568.00</u>	<u>357.00</u>	<u>12,852.00</u>
<u>(334)</u>	<u>\$8,568.01 TO \$8,592.00</u>	<u>358.00</u>	<u>12,888.00</u>
<u>(335)</u>	<u>\$8,592.01 TO \$8,616.00</u>	<u>359.00</u>	<u>12,924.00</u>
<u>(336)</u>	<u>\$8,616.01 TO \$8,640.00</u>	<u>360.00</u>	<u>12,960.00</u>
<u>(337)</u>	<u>\$8,640.01 TO \$8,664.00</u>	<u>361.00</u>	<u>12,996.00</u>
<u>(338)</u>	<u>\$8,664.01 TO \$8,688.00</u>	<u>362.00</u>	<u>13,032.00</u>
<u>(339)</u>	<u>\$8,688.01 TO \$8,712.00</u>	<u>363.00</u>	<u>13,068.00</u>
<u>(340)</u>	<u>\$8,712.01 TO \$8,736.00</u>	<u>364.00</u>	<u>13,104.00</u>
<u>(341)</u>	<u>\$8,736.01 TO \$8,760.00</u>	<u>365.00</u>	<u>13,140.00</u>
<u>(342)</u>	<u>\$8,760.01 TO \$8,784.00</u>	<u>366.00</u>	<u>13,176.00</u>
<u>(343)</u>	<u>\$8,784.01 TO \$8,808.00</u>	<u>367.00</u>	<u>13,212.00</u>
<u>(344)</u>	<u>\$8,808.01 TO \$8,832.00</u>	<u>368.00</u>	<u>13,248.00</u>
<u>(345)</u>	<u>\$8,832.01 TO \$8,856.00</u>	<u>369.00</u>	<u>13,284.00</u>
<u>(346)</u>	<u>\$8,856.01 TO \$8,880.00</u>	<u>370.00</u>	<u>13,320.00</u>
<u>(347)</u>	<u>\$8,880.01 TO \$8,904.00</u>	<u>371.00</u>	<u>13,356.00</u>
<u>(348)</u>	<u>\$8,904.01 TO \$8,928.00</u>	<u>372.00</u>	<u>13,392.00</u>
<u>(349)</u>	<u>\$8,928.01 TO \$8,952.00</u>	<u>373.00</u>	<u>13,428.00</u>
<u>(350)</u>	<u>\$8,952.01 TO \$8,976.00</u>	<u>374.00</u>	<u>13,464.00</u>
<u>(351)</u>	<u>\$8,976.01 TO \$9,000.00</u>	<u>375.00</u>	<u>13,500.00</u>
<u>(352)</u>	<u>\$9,000.01 TO \$9,024.00</u>	<u>376.00</u>	<u>13,536.00</u>
<u>(353)</u>	<u>\$9,024.01 TO \$9,048.00</u>	<u>377.00</u>	<u>13,572.00</u>
<u>(354)</u>	<u>\$9,048.01 TO \$9,072.00</u>	<u>378.00</u>	<u>13,608.00</u>
<u>(355)</u>	<u>\$9,072.01 TO \$9,096.00</u>	<u>379.00</u>	<u>13,644.00</u>
<u>(356)</u>	<u>\$9,096.01 AND OVER</u>	<u>380.00</u>	<u>13,680.00”</u> .

AMENDMENT NO. 3

On page 15, in line 6, strike “October 1” and substitute “October 7”; and in the same line, after “benefit” insert “year”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1323 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Taxable Wage Base

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1324 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Licensing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1326 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commission of Real Estate Appraisers and Home Inspectors – Supervising Appraisers

(Amendment ID: HB1326/193390/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1326

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “responsibilities” insert “; and providing for a delayed effective date”.

AMENDMENT NO. 2

On page 4, in line 18, strike “July 1, 2007” and substitute “January 1, 2008”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1409 – Delegate Davis

AN ACT concerning

**Insurance – Fraud – Intentional Motor Vehicle Accidents, Creation of
Documentation of Motor Vehicle Accidents, and Reports**

(Amendment ID: HB1409/453296/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1409

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Davis” and substitute “Delegates Davis, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Jameson, Kirk, Krysiak, Manno, Mathias, McHale, Minnick, Rudolph, and Vaughn”.

AMENDMENT NO. 2

On page 1, in line 9, after “report” insert “, with a certain exception”.

AMENDMENT NO. 3

On page 2, strike beginning with “HAS” in line 22 down through “ARTICLE” in line 23 and substitute “MEANS AN OCCURRENCE INVOLVING A MOTOR VEHICLE THAT RESULTS IN DAMAGE TO PROPERTY OR INJURY TO A PERSON”.

On page 4, in line 11, strike “SAME”; in line 12, strike “INDICATED” and substitute “STATED”; and in the same line, strike “§ 19-501” and substitute “§ 27-401”.

AMENDMENT NO. 4

On page 6, in line 7, strike “A” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; in lines 10, 12, and 14, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in lines 17 and 19, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and after line 21, insert:

“(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN INSURANCE PRODUCER, INSURER, OR EMPLOYEE OR AGENT OF THE INSURER OF AN INDIVIDUAL INVOLVED IN THE MOTOR VEHICLE ACCIDENT.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 66 – Senators Middleton, Dyson, and Miller

EMERGENCY BILL

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 104 – The President (By Request – Administration) and Senators Garagiola, Gladden, Hogan, Miller, ~~and Rosapepe~~ Rosapepe, and Forehand

AN ACT concerning

Maryland Life Sciences Advisory Board

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 426 – Senators Middleton, Astle, and Forehand

AN ACT concerning

Maryland Tourism Development Board – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #14

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 148 – Delegates Hixson, Barve, Howard, N. King, Murphy, Olszewski, Rice, and F. Turner

AN ACT concerning

Presidential Elections – Agreement Among the States to Elect the President by National Popular Vote

Favorable report adopted.

Delegate O'Donnell moved to make the Bill a Special Order for Friday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 709)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #66

House Bill 1153 – Carroll County Delegation

EMERGENCY BILL

AN ACT concerning

Carroll County – Alcoholic Beverages – Quota for Class A Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 710)

The Bill was then sent to the Senate.

House Bill 1397 – Delegate Bromwell (By Request – Baltimore County Administration) and Baltimore County Delegation

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 711)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Gaines moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 712)

In compliance with the rules, the Bill was introduced.

Delegate Gaines moved to suspend Rule 32 and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 713)

House Bill 1443 – Delegate Gaines

AN ACT concerning

Vehicle Laws – Motorcycle – Definition

FOR the purpose of altering the definition of “motorcycle” in the Maryland Vehicle Law to include a motor vehicle that has two front wheels positioned on a single front axle and one rear wheel; making clarifying and conforming changes; and generally relating to the definition of “motorcycle”.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–136
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 714)

ADJOURNMENT

At 10:50 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 26, 2007, Calendar Day Friday, March 30, 2007.

Annapolis, Maryland
Legislative Day: March 26, 2007
Calendar Day: Friday, March 30, 2007

The House met at 11:15 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Gerron S. Levi of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 715)

The Journal of March 25, 2007 was read and approved.

EXCUSES:

Del. Conway – brother-in-law – very ill

Del. Costa – illness

Del. Goldwater – illness

Del. Heller – illness

Del. Malone – daughter being inducted into National Honor Society

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 565 – Senator Brinkley

AN ACT concerning

**Frederick County – Collective Bargaining – Representatives for Correctional
Officers**

FOR the purpose of authorizing the representatives of certain full-time correctional officers in the Frederick County Sheriff's Office to collectively bargain with the Sheriff of Frederick County concerning wages and benefits; authorizing certain correctional officers to take certain actions or refrain from taking certain actions in connection with certain labor organizations and collective bargaining activities;

requiring that any additional funding required as a result of a negotiated agreement be subject to the approval of the County Commissioners of Frederick County; providing for the procedures for certifying a labor organization as an exclusive representative and for collective bargaining negotiations; requiring a collective bargaining agreement to contain certain matters; and generally relating to collective bargaining with the Sheriff of Frederick County.

BY adding to

Article – Courts and Judicial Proceedings
Section 2–309(1)(6)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 864 – Senator Middleton

AN ACT concerning

Voice Over Internet Protocol Service ~~and Internet Protocol Enabled Service~~

FOR the purpose of providing that the Public Service Commission does not have jurisdiction over certain voice over Internet protocol services ~~and Internet protocol enabled services~~; requiring a certain company that moves a customer from a certain service to a voice over Internet protocol service to provide the consumer with a certain notification; requiring the Department of Business and Economic Development and the Commission, with input from certain agencies, to report to the General Assembly by a certain date on the status of a certain deployment; requiring the Commission, with input from certain agencies, to track certain consumer complaints; authorizing the Commission, under certain circumstances, to report certain findings and recommendations to the General Assembly; providing for the construction of this Act; defining ~~certain terms a certain term~~; and generally relating to voice over Internet protocol service ~~and Internet protocol enabled service~~.

BY adding to

Article – Public Utility Companies
Section 8–601 and 8–602 to be under the new subtitle “Subtitle 6. Voice over Internet Protocol Service ~~and Internet Protocol Enabled Service~~”
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #15

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1379 – Delegate Davis

AN ACT concerning

Voice Over Internet Protocol Service and Internet Protocol–Enabled Service

(Amendment ID: HB1379/513294/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1379

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 11, in each instance, strike “and Internet Protocol–Enabled Service”; strike beginning with “and” in line 4 down through “services” in line 5 and substitute “; requiring a certain company that moves a customer from a certain service to a voice over Internet protocol service to provide the customer with a certain notification; requiring the Department of Business and Economic Development and the Commission, with input from certain agencies, to report to the General Assembly by a certain date on the status of a certain deployment; requiring the Commission, with input from certain agencies, to track certain consumer complaints; authorizing the Commission, under certain circumstances, to report certain findings and recommendations to the General Assembly”; in line 6, strike “certain terms” and substitute “a certain term”; and strike beginning with the second “and” in line 6 down through “service” in line 7.

AMENDMENT NO. 2

On page 1, in lines 17 and 18, strike “**AND INTERNET PROTOCOL–ENABLED SERVICE**”.

On page 2, strike in their entirety lines 1 through 8, inclusive, and substitute “**IN THIS SUBTITLE:**”; in line 9, strike “(C)”; in lines 9 and 16, in each instance, strike “**VOICE**” and substitute “**VOICE**”; in line 12, after “**ORIGINATE**” insert “**FROM**”; in the

same line, strike “USING” and substitute “TO THE SUBSCRIBER END USER’S LOCATION REQUIRING”; in line 13, strike “A” and substitute “ANY”; in the same line, strike “FORMAT” and substitute “PROTOCOL TO INTERNET PROTOCOL”; in line 14, strike “USES” and substitute “REQUIRES”; in line 15, strike the period and substitute “; AND”; in line 17, after “ANY” insert “SUCH”; in line 23, strike “OR IP-ENABLED SERVICE”; in lines 28 and 29, strike “OR IP-ENABLED SERVICE”; and after line 29, insert:

“(2) REQUIRE OR PROHIBIT THE ASSESSMENT OF FEES FOR TELECOMMUNICATIONS RELAY SERVICE UNDER TITLE 3, SUBTITLE 8 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;”.

On page 3, in line 1, strike “(2)” and substitute “(3)”; in line 3, strike “OR”; in line 4, strike “(3)” and substitute “(4)”; and in line 7, after “JURISDICTION” insert “;”

(5) EXEMPT VOIP SERVICE FROM GENERALLY APPLICABLE STATE AND FEDERAL LAWS RELATING TO PUBLIC SAFETY, CONSUMER PROTECTION, AND UNFAIR AND DECEPTIVE TRADE PRACTICES, OR TO EXEMPT VOIP SERVICE FROM THE AUTHORITY OF THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL; OR

(6) REMOVE THE COMMISSION’S JURISDICTION OVER CIRCUIT SWITCHED LOCAL EXCHANGE ACCESS SERVICE.

(C) A COMPANY THAT MOVES A CUSTOMER FROM A COMMISSION-APPROVED TARIFF SERVICE TO VOIP SERVICE SHALL NOTIFY THE CUSTOMER THAT THE COMMISSION DOES NOT HAVE JURISDICTION OVER THE REGULATION OF VOIP SERVICE AND THAT COMPLAINTS ABOUT VOIP SERVICE MAY BE FILED WITH THE DIVISION OF CONSUMER PROTECTION IN THE OFFICE OF THE ATTORNEY GENERAL”.

AMENDMENT NO. 3

On page 3, after line 7, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act authorizes a company to move a customer from a service the customer ordered under a tariff approved by the Public Service Commission to another service that may be tariffed or nontariffed unless:

(1) the customer consents; or

(2) the service the customer ordered under a Commission–approved tariff is discontinued with the approval of the Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2010, the Department of Business and Economic Development and the Public Service Commission, with input from the Office of the Attorney General and other appropriate agencies as necessary, shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the status of the deployment of Internet Protocol–enabled services, including VoIP services, in Maryland and the status of any federal legislation or regulatory proceedings before the Federal Communications Commission relating to Internet Protocol–enabled services.

SECTION 4. AND BE IT FURTHER ENACTED, That, the Public Service Commission, with input from the Office of the Attorney General and the Office of People’s Counsel, shall track the number of consumer complaints received by those State agencies regarding the provision of VoIP services in Maryland, including consumer complaints related to service outages, terminations without consumer consent, poor service, or billing disputes. If, at any time, the Commission determines that additional consumer protections may be necessary for the public interest based on consumer complaints or that a substantial number of consumers lack alternatives for voice service, including regulated voice services offered under Commission–approved tariffs or VoIP service offered by other providers, the Commission on its own initiative may report its findings and recommendations to the General Assembly, in accordance with § 2–1246 of the State Government Article.”;

and in line 8, strike “2.” and substitute “5.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters and Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 110 – The President (By Request – Administration) and Senators Middleton, Dyson, Miller, Hogan, and Rosapepe

AN ACT concerning

Base Realignment and Closure Subcabinet

(Amendment ID: SB0110/383195/1)

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 110

(Third Reading File Bill)

On page 3, in line 7, after “(F)” insert “(1)”; after line 8, insert:

“(2) A SUBCOMMITTEE MAY INCLUDE AS A MEMBER AN INDIVIDUAL WHO IS NOT A SUBCABINET MEMBER.”;

in line 15, strike the colon; in lines 16, 18, 19, 20, 22, 23, 24, and 25, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively; in lines 17, 18, 19, 22, 23, and 24, in each instance, strike the semicolon and substitute a comma; in line 20, strike the first comma and substitute “AND”; and in lines 20 and 21, strike “AND WORKFORCE INFRASTRUCTURE;”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 423 – Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Rosapepe~~
Rosapepe, and Hogan

AN ACT concerning

Local Government – Street Lighting Equipment

(Amendment ID: SB0423/773193/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 423

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after “requiring” insert “a person who performs”; in the same line, strike “activities” and substitute “on street lighting equipment owned by a local government”; strike beginning with “be” in line 2 down through “Code” in line 4 and substitute “comply with certain safety standards”; after line 10, insert:

“BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 6–106

Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)”;

and in line 13, strike “6–102 and”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 24 through 31, inclusive.

On page 4, in line 2, strike the period; after line 2, insert:

“6–106.

If any part of an individual or object will come within 10 feet of a high voltage line while performing the activity, a person shall comply with § 6–107 of this title before the person may perform, or require or allow an employee to perform, any of the following activities:

(1) moving all or any part of a building or other structure;

(2) trimming a tree or doing any similar activity; or

(3) erecting, operating, storing, transporting, or otherwise handling any object, including:

- (i) an antenna;
- (ii) an antenna support;
- (iii) equipment;
- (iv) a flagpole;
- (v) machinery;
- (vi) material;
- (vii) tools; or
- (viii) other apparatus.”;

in line 12, strike “section” and substitute “SUBSECTION”; in line 20, after “(B)” insert “(1)”; strike beginning with “IF” in line 20 down through “SHALL” in line 23 and substitute “THIS SUBSECTION APPLIES ONLY WHEN A LOCAL GOVERNMENT PERFORMS MAINTENANCE ON STREET LIGHTING EQUIPMENT OWNED BY THE LOCAL GOVERNMENT.”

(2) WHENEVER AN ACTIVITY LISTED UNDER § 6-106 OF THIS TITLE IS TO BE PERFORMED WITHIN 10 FEET OF A HIGH VOLTAGE LINE, THE PERSON RESPONSIBLE FOR PERFORMING THE ACTIVITY SHALL”;

in lines 24 and 25, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and strike beginning with “IN” in line 25 down through “STANDARDS” in line 26 and substitute “AS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 433 – Senator Klausmeier

AN ACT concerning

Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties

(Amendment ID: SB0433/863395/1)

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 433

(Third Reading File Bill)

On page 1, in line 11, strike “the” and substitute “this”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 588 – Senator Garagiola

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 651 – Senator Edwards

AN ACT concerning

**Medical Malpractice Liability Insurance – Garrett County Memorial Hospital –
Subsidy for Family Practitioners Who Also Perform Obstetrical Services**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 790 – Senator Astle

AN ACT concerning

**Homeowner’s Insurance – Insurance Producers – Notice of Coverage for Flood Loss
– Statement of Additional Optional Coverage**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #13**

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1298 – Chair, Health and Government Operations Committee (By Request –
Departmental – Maryland Institute for Emergency Medical Services Systems)

AN ACT concerning

Automated External Defibrillator Program

(Amendment ID: HB1298/196984/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1298

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Program;” insert “altering the circumstances under which an authorized facility is not civilly liable for certain acts or omissions;”.

AMENDMENT NO. 2

On page 7, in line 19, strike the bracket; and strike beginning with “satisfied” in line 20 down through “POSSESSES” in line 22 and substitute “ENSURED THAT EACH INDIVIDUAL WHO IS EXPECTED TO OPERATE AN AUTOMATED EXTERNAL DEFIBRILLATOR FOR THE AUTHORIZED FACILITY HAS SATISFIED THE REFRESHER TRAINING REQUIRED UNDER SUBSECTION (F)(6) OF THIS SECTION NO LATER THAN 60 DAYS AFTER THE REQUIRED TRAINING RENEWAL DATE; AND

(II) POSSESSES”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1313 – Delegate Hubbard (By Request)

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

(Amendment ID: HB1313/346988/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1313

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard (By Request)” and substitute “Delegates Hubbard, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; strike beginning with the first “to” in line 10 down through “circumstances” in line 13 and substitute “as a condition of doing business in the State, to comply with the requirements set forth in certain provisions of law”.

AMENDMENT NO. 2

On page 2, in line 22, after “PROGRAM” insert “IF THE CARRIER HAS A LEGAL OBLIGATION TO MAKE PAYMENT FOR THE ITEM OR SERVICE”.

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 10 on page 3, inclusive, and substitute:

“(D) AS A CONDITION OF DOING BUSINESS IN THE STATE, A CARRIER SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN § 42 U.S.C. 1396A(A)(25)(I)(I) THROUGH (IV).”.

On page 3, in line 11, strike “(F)” and substitute “(E)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 23 – Senators Conway, Britt, and Kelley

AN ACT concerning

Procurement – Small Business Reserve Program – ~~Sunset Extension~~ Modifications

(Amendment ID: SB0023/846488/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 23

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Modifications” and substitute “Sunset Extension”; and strike beginning with “altering” in line 4 down through “Program;” in line 5.

AMENDMENT NO. 2

On page 5, strike beginning with “, BY” in line 29 down through “SUBTITLE,” in line 30.

On page 6, strike beginning with “, BY” in line 3 down through “SUBTITLE,” in line 4; strike beginning with “, BY” in line 7 down through “SUBTITLE,” in line 8; in line 9, after “contracts;” insert “and”; strike in their entirety lines 10 through 13, inclusive; and in line 14, strike “(V)” and substitute “(iv)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 105 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Klausmeier, Miller, and Rosapepe

AN ACT concerning

Statewide Advisory Commission on ~~Immunization~~ Immunizations – ~~Universal Vaccine Purchasing System~~ Duties and Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 118 – Senator Conway

AN ACT concerning

**State Board of Nursing – Licensing, Certification, and Reinstatement
Requirements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 181 – Senator Middleton

AN ACT concerning

Oral Health Safety Net Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 192 – Senators Conway, Britt, Currie, Exum, Gladden, Jones, Kelley, McFadden, Muse, and Pugh

AN ACT concerning

Procurement – Commercial Nondiscrimination Policy – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 335 – Senator Middleton

AN ACT concerning

Qualified State Long-Term Care Insurance Partnership – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 348 – Senator McFadden

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

(Amendment ID: SB0348/306686/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 348

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 10, in each instance, after “child” insert “convicted of a crime or”.

AMENDMENT NO. 2

On page 3, in line 7, after “CHILD” insert “CONVICTED OF A CRIME OR”; and in line 20, after “CHILD” insert “CONVICTED OF A CRIME OR”.

On page 4, in line 1, after “CHILD” insert “CONVICTED OF A CRIME OR”; and in line 23, after “CHILD” insert “CONVICTED OF A CRIME OR”.

On page 5, in line 6, after “CHILD” insert “CONVICTED OF A CRIME OR”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 378 – Senators Dyson, Conway, and Middleton

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 485 – Senators ~~Middleton and Hogan~~ Middleton, Hogan, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

~~Task Force on the Structural Under-Funding of Community Services for Individuals with Developmental Disabilities to Study the Developmental Disabilities Administration Rate Payment Systems~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 534 – Senators Klausmeier, Colburn, Jacobs, Munson, and Stone

AN ACT concerning

**Senior Citizen Activities Centers – Capital Improvement Grants Program
– Maximum Grant Amount**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 611 – Senator Middleton

AN ACT concerning

Statewide Empowerment Zones for Seniors Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 646 – Senator Exum

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

(Amendment ID: SB0646/146280/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 646

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike in their entirety lines 21 through 23, inclusive, and substitute:

“(D) NOTHING IN SUBSECTION (C)(4) OF THIS SECTION SHALL PROHIBIT STAFF FROM USING A TECHNIQUE FOR TRANSITIONING THE INDIVIDUAL TO A RESTRAINT POSITION THAT INVOLVES MOMENTARILY:

(1) PLACING AN INDIVIDUAL FACE DOWN; OR

(2) OBSTRUCTING THE VIEW OF AN INDIVIDUAL'S FACE.”.

AMENDMENT NO. 2

On page 4, in line 4, after “(1)” insert “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 JUDICIARY REPORT #13

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 70 – Senators Jones, Forehand, Kelley, and Stone

EMERGENCY BILL

AN ACT concerning

Task Force to Study Identity Theft

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 142 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Jury Selection and Service

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 157 – Senators Kelley, Conway, Exum, Frosh, Hooper, ~~Jacobs~~, Jones, Muse, Pugh, Raskin, and Stone

AN ACT concerning

Public Safety – Eyewitness Identification – Written Policies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 219 – Senator Frosh

AN ACT concerning

Estates and Trusts – Donation of Conservation Easements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 229 – Senator Edwards

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 503 – Senators Forehand, Britt, Conway, Jones, and Stone

AN ACT concerning

Family Law – Child Support – Health Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 587 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

District Court – Citations

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 148 – Delegates Hixson, Barve, Howard, N. King, Murphy, Olszewski, Rice, and F. Turner

AN ACT concerning

Presidential Elections – Agreement Among the States to Elect the President by National Popular Vote

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

FLOOR AMENDMENT

(Amendment ID: HB0148/693628/1)

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 148

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Presidential” in line 2 down through “Vote” in line 3 and substitute “Commission to Study Whether to Enter the State Into the Agreement Among the States to Elect the President by National Popular Vote”; and strike in their entirety lines 4 through 16, inclusive, and substitute:

“FOR the purpose of establishing a Commission to Study Whether to Enter the State Into the Agreement Among the States to Elect the President by National Popular Vote; providing for the membership of the Commission; requiring the Commission to elect a chair from its membership; requiring the Department of Legislative Services to provide staff for the Commission; prohibiting members of the Commission from receiving compensation for serving on the Commission; authorizing members of the Commission to receive reimbursement for certain expenses; providing for the duties and reporting requirements of the Commission; providing for the termination of this Act; and generally relating to the establishment of a Commission to Study Whether to Enter the State Into the Agreement Among the States to Elect the President by National Popular Vote.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 6 on page 2, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:”.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 7 on page 2 through line 23 on page 7, inclusive, and substitute:

“(a) There is a Commission to Study Whether to Enter the State Into the Agreement Among the States to Elect the President by National Popular Vote.

(b) The Commission consists of the following members:

(1) Two members of the Senate of Maryland;

(i) One member appointed by the President of the Senate; and

(ii) One member appointed by the Senate Minority Leader;

(2) Two members of the House of Delegates;

(i) One member appointed by the Speaker of the House; and

(ii) One member appointed by the House Minority Leader;

(3) Two representatives of the public with expertise in the field of election law, appointed by the Governor;

(4) The Secretary of State or the Secretary's designee; and

(5) The following members appointed by the Governor:

(i) The statewide governing body of each political party with a certified candidate on the ballot in the general election of 2004 shall submit a list of the names of at least three nominees to the Governor for nomination to the Commission; and

(ii) The Governor shall appoint two members from each list submitted by the statewide governing body of a political party under subparagraph (i) of this paragraph to the Commission.

(c) The members of the Commission shall elect a chair from the membership.

(d) The Department of Legislative Services shall provide staff for the Commission.

(e) A member of the Commission:

(1) May not receive compensation as a member of the Commission; but

(2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Commission shall:

(1) Study whether to enter the State into the Agreement Among the States to Elect the President by National Popular Vote; and

(2) Make a recommendation as to whether the State should enter into the Agreement Among the States to Elect the President by National Popular Vote.

(g) On or before December 31, 2007, the Commission 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. 3

On page 7, in line 24, strike “4.” and substitute “2.”; strike beginning with the second comma in line 24 down through “Act,” in line 25; in line 25, strike “October” and substitute “June”; and in line 25, after “2007.” insert “It shall remain effective for a period of 7 months and, at the end of December 31, 2007, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 58 Negative – 76 (See Roll Call No. 716)

FLOOR AMENDMENT

(Amendment ID: HB0148/523824/1)

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 148

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Agreement” in line 2 down through “Vote” in line 3 and substitute “Electoral College – Proportional Allocation of Electoral Votes”; and strike beginning with “entering” in line 6 down through “Vote” in line 16 and

substitute “establishing certain methods of electing presidential electors; and generally relating to the implementation of proportional allocation of electoral votes in the State”.

AMENDMENT NO. 2

On page 2, strike beginning with “to” in line 1 down through “Vote” in line 2; in line 9, after “(a)” insert “IN THIS SECTION, “STATEWIDE ELECTOR” MEANS AN ELECTOR ELECTED AT LARGE BY THE VOTERS OF THE ENTIRE STATE.”

(B)”;

in lines 11, 13, and 22, strike “(b)”, “(c)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; and strike beginning with “If” in line 22 down through “TITLE” in line 25 and substitute:

“(1) TWO CANDIDATES FOR PRESIDENTIAL ELECTOR SHALL BE STATEWIDE ELECTORS.”

“(2) THE REMAINING CANDIDATES FOR PRESIDENTIAL ELECTOR SHALL BE INDIVIDUALLY ASSOCIATED WITH, AND ELECTED FROM, A STATE DISTRICT UNDER § 8-5A-01 OF THIS TITLE”.

AMENDMENT NO. 3

On page 3, in line 8, after “subtitle” insert “AND § 8-5A-01 OF THIS TITLE”; in line 24, strike “THE NATIONAL POPULAR VOTE TOTAL DEFINED” and substitute “THE CONGRESSIONAL DISTRICTS OF THE STATE OF MARYLAND AND THE STATE AS A WHOLE, AS PROVIDED”; and strike in their entirety lines 26 through 29, inclusive.

AMENDMENT NO. 4

On pages 4 through 7, strike in their entirety the lines beginning with line 1 on page 4 through line 23 on page 7, inclusive, and substitute:

“(A) PRESIDENTIAL ELECTORS SHALL BE ELECTED BY PROPORTIONAL ALLOCATION BETWEEN AT-LARGE ELECTORS AND ELECTORS ELECTED FROM EACH CONGRESSIONAL DISTRICT IN THE STATE.”

“(B) TWO PRESIDENTIAL ELECTORS SHALL BE ELECTED AT LARGE BY THE VOTERS OF THE ENTIRE STATE.”

(C) PRESIDENTIAL ELECTORS NOT ELECTED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ELECTED AS FOLLOWS:

(1) ONE PRESIDENTIAL ELECTOR SHALL BE ELECTED FROM EACH CONGRESSIONAL DISTRICT IN THE STATE; AND

(2) A PRESIDENTIAL ELECTOR ELECTED FROM A CONGRESSIONAL DISTRICT IN THE STATE SHALL CAST AN ELECTORAL VOTE FOR THE CANDIDATES FOR PRESIDENT AND VICE PRESIDENT WHO RECEIVE A PLURALITY OF THE VOTES CAST IN THE CONGRESSIONAL DISTRICT THE PRESIDENTIAL ELECTOR IS ELECTED FROM.”.

AMENDMENT NO. 5

On page 7, in line 24, strike “4.” and substitute “2.”; strike beginning with “, except” in line 24 down through “Act,” in line 25; and in line 25, strike “October” and substitute “June”.

The preceding 5 amendments were read only.

Delegate McHale moved the previous question.

The motion was adopted.

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 35 Negative – 95 (See Roll Call No. 717)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 718)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #67

House Bill 1180 – Delegates Harrison, Anderson, Braveboy, Conaway, Feldman, Glenn, Haynes, Kirk, Lee, Love, Manno, Robinson, Stukes, Tarrant, Taylor, ~~and Vaughn~~ Vaughn, Schuler, Hixson, Dumais, Ivey, Kullen, Heller, Hucker, Lawton, Gilchrist, Ali, Bronrott, Stein, Pena–Melnik, Donoghue, Gutierrez, Montgomery, Kaiser, Rice, Waldstreicher, McHale, Hecht, Krysiak, and Davis

AN ACT concerning

Unemployment Insurance – ~~Maximum Benefit~~ Schedule of Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 99 Negative – 37 (See Roll Call No. 719)

The Bill was then sent to the Senate.

House Bill 1323 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Taxable Wage Base

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 720)

The Bill was then sent to the Senate.

House Bill 1324 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Collection Agencies – Licensing

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 721)

The Bill was then sent to the Senate.

House Bill 1326 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commission of Real Estate Appraisers and Home Inspectors – Supervising Appraisers

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 722)

The Bill was then sent to the Senate.

House Bill 1409 – ~~Delegate Davis~~ Delegates Davis, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Jameson, Kirk, Krysiak, Manno, Mathias, McHale, Minnick, Rudolph, and Vaughn

AN ACT concerning

Insurance – Fraud – Intentional Motor Vehicle Accidents, Creation of Documentation of Motor Vehicle Accidents, and Reports

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 723)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #6

Senate Bill 66 – Senators Middleton, Dyson, and Miller

EMERGENCY BILL

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 724)

The Bill was then returned to the Senate.

Senate Bill 104 – The President (By Request – Administration) and Senators Garagiola, Gladden, Hogan, Miller, ~~and Rosapepe~~ Rosapepe, and Forehand

AN ACT concerning

Maryland Life Sciences Advisory Board

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 725)

The Bill was then returned to the Senate.

Senate Bill 426 – Senators Middleton, Astle, and Forehand

AN ACT concerning

Maryland Tourism Development Board – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 726)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 727)

ADJOURNMENT

At 12:45 P.M. on motion of Delegate Barve the House adjourned until 2:00 P.M., on Legislative Day March 27, 2007, Calendar Day Monday, April 2, 2007.

Annapolis, Maryland
Legislative Day: March 27, 2007
Calendar Day: Monday, April 2, 2007

The House met at 2:09 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Samuel I. Rosenberg of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 122 Members present.

(See Roll Call No. 728)

The Journal of March 26, 2007 was read and approved.

EXCUSES:

Del. Ali – late – traffic

Del. Conway – death in family

Del. Glenn – personal – late

Del. Goldwater – illness

Del. Kelly – personal – late

Del. Walkup – late – doctor's appointment

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 733 – Senator Edwards

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

FOR the purpose of authorizing the State Highway Administration to issue an exceptional milk hauling permit valid in certain counties for a combination of vehicles ~~or a straight truck~~ that carries certain raw liquid milk to a processing plant and has an axle configuration that meets certain requirements; requiring a combination of vehicles ~~or a straight truck~~ operating under the authority of an exceptional milk

hauling permit to comply with certain weight limits; requiring a certain combination of vehicles ~~or straight truck~~, twice each year, to submit to and pass a certain inspection and be allowed only a certain load limit tolerance; prohibiting a person who operates a certain combination of vehicles ~~or straight truck~~ from violating certain highway restrictions, operating the combination of vehicles on an interstate highway system, or operating the vehicle if it exceeds certain ratings or restrictions or fails to comply with the terms and conditions of the permit; requiring a person who operates a certain combination of vehicles ~~or straight truck~~ to have, in the person's possession, a certain permit and certain inspection reports; specifying the penalties for the violation of certain provisions of law, regulations, or the terms and conditions of certain exceptional milk hauling permits; authorizing the revocation of an exceptional milk hauling permit under certain circumstances; authorizing a certain person to appeal the revocation of an exceptional milk hauling permit; requiring certain records to be provided to the State Highway Administrator or the Administrator's designee on request; authorizing the State Highway Administrator to take certain action if certain records are not received; establishing certain fees; providing that an exceptional milk hauling permit is valid for a certain period; requiring the State Highway Administration, in consultation with the Secretary of State Police, to adopt certain regulations; requiring the State Highway Administration and the Department of State Police to submit a certain report on or before a certain date; establishing that the issuance of a permit under this Act is at the discretion of the State Highway Administrator; requiring the State Highway Administrator to report a certain decision to the General Assembly; providing for the construction of this Act; providing for the termination of this Act; and generally relating to vehicle size, weight, and load limits, and exceptional milk hauling permits.

BY adding to

Article – Transportation

Section 24–113.3

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 784 – Senators Rosapepe, Britt, ~~and Pinsky~~ Pinsky, Conway, and Raskin

AN ACT concerning

Stormwater Management Act of 2007

FOR the purpose of ~~requiring certain local governments to update certain zoning ordinances to allow for the implementation of certain environmental site design techniques in certain stormwater management practices~~; requiring the Department of the Environment to adopt regulations that establish certain regulations and a

~~certain model ordinance or model regulation for certain purposes; requiring the Department to adopt regulations that specify certain criteria for certain stormwater management plans and certain stormwater control ordinances; requiring the Department to adopt regulations that specify certain environmental site design techniques as the primary method for managing stormwater under certain circumstances; requiring the Department to adopt regulations that establish a certain comprehensive process for approving certain grading and sediment control plans and certain stormwater management plans; requiring the Department, on or before a certain date, to review a certain fee system and establish a certain schedule of fees necessary to enforce certain provisions of law to evaluate certain options and report certain findings on or before a certain date; requiring the Department to seek certain input and work with certain parties in the creation of certain regulations and a certain model ordinance; defining certain terms; and generally relating to stormwater management.~~

BY adding to

Article – Environment

Section 4–201.1

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 4–202 and 4–203

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 851 – Senators Lenett, Colburn, Dyson, Klausmeier, Madaleno, ~~and Middleton~~ Middleton, Britt, DeGrange, Hooper, Jones, and McFadden

AN ACT concerning

Physicians – Unauthorized Practice of Medicine – Penalty

FOR the purpose of making it a felony for certain persons to engage in, attempt to engage in, or offer to engage in the unauthorized practice of medicine; providing for certain penalties; and generally relating to the unauthorized practice of medicine.

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14–601

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–606
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 873 – Senators Garagiola ~~and Peters~~, Peters, and Dyson

AN ACT concerning

Task Force to Study State Assistance to Veterans

FOR the purpose of altering the process for the appointment of certain members of the Task Force to Study State Assistance to Veterans; extending the date by which the members of the Task Force ~~to Study State Assistance to Veterans~~ must be appointed; extending the dates by which the Task Force must report its interim and final findings and recommendations to certain officials; extending the termination date of the Task Force; clarifying language; and generally relating to the Task Force to Study State Assistance to Veterans.

BY repealing and reenacting, with amendments,
Chapter 290 of the Acts of the General Assembly of 2006
Section 3 and 5

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 883 – Senators Conway, Dyson, Exum, Frosh, Gladden, and Kelley

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

FOR the purpose of altering the purposes of the Maryland Home Financing Program to include making preferred interest rate loans for the redemption of ground leases under certain circumstances; authorizing the terms of loans that are set by the Department of Housing and Community Development under the Program to include certain deferred payments; exempting loans made under this Act from certain income limits; requiring an applicant for a loan under this Act to meet certain qualifications; authorizing the Department to set a maximum amount for a loan under this Act; and generally relating to preferred interest rate loans for the redemption of ground leases.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–804, 4–806(c), and 4–807(d)
Annotated Code of Maryland
(2006 Volume)

BY adding to
Article – Housing and Community Development
Section 4–810(d) and 4–815(f)(4)
Annotated Code of Maryland
(2006 Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 935 – Senators Robey, DeGrange, Hogan, Kasemeyer, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Stoltzfus

AN ACT concerning

Vehicle Laws – Traffic Control Signals – Exit Ramps

FOR the purpose of requiring vehicular traffic approaching a highway from an exit ramp from an expressway and facing a nonfunctioning traffic control signal to stop at a certain location and to remain stopped until it is safe to continue onto the highway; providing for the assessment of certain points for a violation of this Act; establishing that a certain penalty applies to a violation of this Act; and generally relating to traffic signals.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–402(a)(9)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Transportation
Section 21–209
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 937 – Senator Kelley

AN ACT concerning

State Board for Certification of Residential Child Care Program Administrators – Fees

FOR the purpose of repealing the State Board for Certification of Residential Child Care Program Administrators Fund; requiring the Board to pay certain money collected by the Board into the General Fund of the State; and generally relating to fees and the State Board for Certification of Residential Child Care Program Administrators.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–206
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 984 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

FOR the purpose of authorizing motor vehicle racing on a highway under the jurisdiction of the State Highway Administration or a local authority if the State Highway Administration or local authority approves the racing event, subject to certain conditions; authorizing the approval of a motor vehicle or bicycle racing event only if the sponsors of the event indemnify the State and local governments against certain loss and provide certain liability insurance, the county or other local jurisdiction in which the event is held provides written authorization for the event, and the highway on which the event is held is closed in a certain manner; authorizing the State Highway Administration or a local authority to exempt participants in an approved motor vehicle racing event from certain provisions of law; making this Act an emergency measure; providing for the termination of this Act; and generally relating to approval of motor vehicle and bicycle racing events.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1116
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1211
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1008 – Senator Colburn

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Brookview, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Brookview by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Brookview in Dorchester County.

BY adding to
Chapter 16 – Charter of the Town of Brookview
Section A1–101 through A1–114 and the heading “Appendix I
– Urban Renewal Authority for Slum Clearance”
Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1009 – Senator Colburn

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Eldorado, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Eldorado by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Eldorado in Dorchester County.

BY adding to

Chapter 48 – Charter of the Town of Eldorado

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)Read the first time and referred to the Committee on Rules and Executive Nominations.**Senate Bill 1010** – Senator Colburn

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Galestown, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Galestown by ordinance to elect to have

certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Galestown in Dorchester County.

BY adding to

Chapter 61 – Charter of the Town of Galestown

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1011 – Senator Colburn

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Hurlock, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Hurlock by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Hurlock in Dorchester County.

BY adding to

Chapter 77 – Charter of the Town of Hurlock

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Joint Resolution 7 – ~~Senator Astle~~ Senators Astle and Lenett

A Senate Joint Resolution concerning

Financial Literacy Education for Students in Maryland Public Schools

FOR the purpose of urging county boards of education to integrate the principles of basic personal finance into the curriculum and instruction established for their local school system; urging county boards of education to implement certain standards as part of a student's eligibility to graduate from a public high school and receive a high school diploma; and generally relating to financial literacy education for students in Maryland public schools.

Read the first time and referred to the Committee on Rules and Executive Nominations.

THE COMMITTEE ON APPROPRIATIONS REPORT #12

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 468 – Delegate James

AN ACT concerning

**State Police Retirement System – Retirees and Beneficiaries of
Retirees – Benefits**

(Amendment ID: HB0468/944063/1)

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 468

(First Reading File Bill)

On page 2, in lines 8 and 11, in each instance, strike “\$40,000” and substitute “\$32,000”; in line 10, strike “\$1,500” and substitute “\$1,200”; in lines 15 and 19, in each instance, strike “\$20,000” and substitute “\$16,000”; and in line 18, strike “\$750” and substitute “\$600”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1346 – Chair, Appropriations Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

Law Enforcement Officers' Pension System – Baltimore City Community College – Police Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1441 – Charles County Delegation

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 102 – The President (By Request – Administration)

AN ACT concerning

State Agencies – StateStat

(Amendment ID: SB0102/634766/1)

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 102

(Third Reading File Bill)

On page 1, in line 7, strike “by a certain date” and substitute “as part of a certain budget submission”.

On page 6, in line 10, strike “**BY AUGUST 15 OF EACH YEAR,**” and substitute “AS PART OF ITS ANNUAL BUDGET SUBMISSION”; and in line 11, strike “**INSTEAD OF THE REPORT REQUIRED IN § 3-1002(C) OF THIS SUBTITLE**”; and strike beginning with “**INFORMATION**” in line 13 down through “**TO**” in line 14.

The preceding amendment was read only.

Delegate Proctor moved to make the Bill and Amendments a Special Order for the end of the calendar.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 108 – The President (By Request – Administration) and Senators Currie, Frosh, Hogan, Middleton, Miller, ~~and Rosapepe~~ Rosapepe, DeGrange, Jones, Kasemeyer, Kramer, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 146 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Safe Haven House for Youth and Families

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 243 – Senator Britt

AN ACT concerning

~~Employees'~~ **State Retirement and Pension System – Transfer of Service Credit**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 251 – Senators Raskin, Forehand, and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Pyramid Atlantic

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 304 – Senator Kramer (Chair, Joint Committee on Pensions) and Senators Brinkley, Currie, Hogan, Kasemeyer, McFadden, Munson, Garagiola, and Peters Peters, Harris, Hooper, Jacobs, Edwards, Simonaire, Greenip, Mooney, Stoltzfus, Haines, Colburn, Kittleman, and Stone

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 305 – Senators Kramer, Forehand, Garagiola, Hogan, Lenett, and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 320 – Senator Stone

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Martin State Airport Law Enforcement Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 388 – Senator Stone

AN ACT concerning

Baltimore County – Todd's Inheritance Loan of 2000

(Amendment ID: SB0388/364366/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 388

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “extending” in line 3 down through “provided” in line 5 and substitute “amending Chapter 409 of the Acts of 2000 to require that certain loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date”; in line 8, after “(1)” insert “and (5)”; and strike in their entirety lines 9 through 11, inclusive, and substitute:

“BY adding to

Chapter 409 of the Acts of the General Assembly of 2000
Section 1(6)”.

AMENDMENT NO. 2

On page 2, in line 17, strike the brackets; in the same line, strike “**2009**”; and after line 23, insert:

“(6) THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES IN THIS ACT NO LATER THAN JUNE 1, 2009.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 412 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with the Federal Pension Protection Act of 2006

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 432 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 455 – Senator Colburn

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick
Douglass Memorial**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 515 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

(Amendment ID: SB0515/674467/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 515

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert “requiring that certain eligible governmental units are responsible for certain member contributions under certain circumstances;”; in line 19, after “individuals;” insert “providing that certain members of the Employees’ Retirement System may receive a certain number of years of service credit for certain employment under certain circumstances;”; and in line 20, after “Act;” insert “providing for the application of a certain provision of this Act; providing for the termination of a certain provision of this Act;”.

On page 2, in line 3, after “23–201,” insert “23–204,”.

AMENDMENT NO. 2

On page 18, in line 17, after “OF” insert “FIRST”; and in line 20, strike “IRREVOCABLE” and substitute “A ONE–TIME IRREVOCABLE ELECTION”.

On page 19, in lines 2 and 20, in each instance, after the first “OF” insert “FIRST”; strike beginning with “THE” in line 7 down through “EMPLOYMENT” in line 8 and substitute “FIRST BECOMING AN ELIGIBLE EMPLOYEE”; and strike beginning with “THE” in line 25 down through “EMPLOYMENT” in line 26 and substitute “FIRST BECOMING AN ELIGIBLE EMPLOYEE”.

AMENDMENT NO. 3

On page 19, after line 26, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

23–204.

(a) (1) This subsection applies to an individual who on June 30, 2004, receives an annual salary and who is:

(i) an elected or appointed official;

(ii) an employee of the Governor’s office;

(iii) an employee of the Senate or House of Delegates;

(iv) a member of the Prince George's County Board of License Commissioners; or

(v) an employee of Dorchester County who is not a member of the county's general pension and retirement program.

(2) Membership in the Employees' Pension System is optional for an individual under paragraph (1) of this subsection while the individual remains employed in the position the individual held on June 30, 2004.

(3) (I) IN LIEU OF MEMBERSHIP IN ANY OTHER RETIREMENT OR PENSION SYSTEM OPERATED UNDER THE LAWS OF THE STATE OR ANY POLITICAL SUBDIVISION OF THE STATE, AN INDIVIDUAL UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION MAY ELECT TO JOIN THE EMPLOYEES' PENSION SYSTEM WITHIN 1 YEAR OF EMPLOYMENT OR JULY 1, 2008, WHICHEVER IS LATER.

(II) AN INDIVIDUAL UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION WHO ELECTS TO JOIN THE EMPLOYEES' PENSIONS SYSTEM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, MAY TRANSFER FROM A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM TO THE EMPLOYEES' PENSION SYSTEM IN ACCORDANCE WITH TITLE 37 OF THIS ARTICLE, ANY SERVICE CREDIT EARNED WHILE SERVING IN THAT POSITION.

(b) (1) (i) Except as provided in paragraph (2) of this subsection, this subsection applies only to the employees of a participating governmental unit who:

1. are employed by the participating governmental unit on June 30, 2004; and

2. were employed by the participating governmental unit on the effective date of participation in the State systems.

(ii) Except as provided in paragraph (2) of this subsection, membership in the Employees' Pension System is optional for an individual under subparagraph (i) of this paragraph until the individual ceases employment with the participating governmental unit that was employing the individual on June 30, 2004.

(2) Membership in the Employees' Pension System is not optional for individuals who are:

(i) supportive service employees of the Board of Education of Kent County;

(ii) employees of the Town of Oakland; or

(iii) employees of the City of Frostburg.

(c) (1) Subject to paragraph (2) of this subsection, membership in the Employees' Pension System is optional for an individual described in § 23-201(a)(2)(iv) of this subtitle who is elected or appointed as the Baltimore City Sheriff.

(2) An individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System is a member of the Law Enforcement Officers' Pension System under Title 26 of this article as a condition of employment.

(3) To elect to be a member of the Employees' Pension System under this subsection, an individual shall file a written application with the State Retirement Agency.

(4) An individual who does not elect membership within 6 months of the date the individual begins serving as the Baltimore City Sheriff shall become a member of the Law Enforcement Officers' Pension System.

(D) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL DESCRIBED IN § 23-201(A)(2)(IV) OF THIS SUBTITLE WHO ELECTS MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM UNDER THIS SECTION.

(2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY ELECT MEMBERSHIP IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IF THE COUNTY EMPLOYING THE INDIVIDUAL ELECTS TO BECOME AN ELIGIBLE GOVERNMENTAL UNIT IN THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM IN ACCORDANCE WITH § 31-2A-02 THROUGH § 31-2A-05 OF THIS ARTICLE.

(3) IF AN INDIVIDUAL TRANSFERS TO THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM UNDER THIS SUBSECTION, THE ELIGIBLE GOVERNMENTAL UNIT IS RESPONSIBLE FOR ALL EMPLOYER CONTRIBUTIONS REQUIRED FOR THE INDIVIDUAL UNDER § 21-306.1 OF THIS ARTICLE.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) (1) A member of the Employees' Retirement System who, on or before March 1, 1975, has been employed by the General Assembly as a desk officer on a full-time or part-time basis may receive up to 5 years of service credit for which the member is not otherwise entitled.

(2) Any service credit that a member of the Employees' Retirement System receives under paragraph (1) of this subsection shall be for the period of time that the member:

(i) was employed as a desk officer or in any other position as a full-time or part-time permanent, temporary, or contractual State employee; and

(ii) was not a member of the Employees' Retirement System.

(3) Except as provided in subsection (b) of this section, for service credit granted under this Act, a year or part of a year of employment equals 1 year of service credit.

(b) A member may receive service credit under subsection (a) of this section only for the period of time the member was employed, if the member receives service credit from the Employees' Retirement System for any employment during the same year as the service credit under subsection (a) of this section is accrued.”;

in line 27, strike “3.” and substitute “5.”; and after line 28, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who on or after July 1, 2006, was serving as an elected or appointed official and was eligible for optional membership in the Employees' Pension System under § 23-204 of the State Personnel and Pensions Article.”.

On page 20, in line 1, strike “4.” and substitute “7.”; in line 2, strike “3” and substitute “5”; in the same line, after “Act” insert “and subject to Section 6 of this Act”; and in the same line, after “2007.” insert “Section 4 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2007, with no further action required by the General Assembly, Section 4 of this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 650 – Senator Edwards

AN ACT concerning

**Community Based Regional Initiatives Loan of 2004 – Garrett
County – Fairgrounds Exhibit Hall**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 680 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 801 – Senator Pugh

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore
Museum of Art**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 816 – Senator Middleton

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 905 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

(Amendment ID: SB0905/904161/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 905

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 8 down through “County,” in line 12.

AMENDMENT NO. 2

On page 2, strike beginning with the first “to” in line 34 down through “County,” in line 37.

On page 3, strike beginning with the second “the” in line 7 down through “County,” in line 10; and strike beginning with “the” in line 24 down through “County,” in line 28.

On pages 3 through 4, strike in their entirety the lines beginning with line 38 on page 3 through line 11 on page 4, inclusive.

On page 5, strike beginning with “or” in line 23 down through “Plan” in line 24.

On pages 5 and 6, strike beginning with “or” in line 37 on page 5 down through “County” in line 1 on page 6.

On page 6, strike beginning with the comma in line 22 down through “County” in line 25.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 1001 – Senator Gladden

AN ACT concerning

**Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of
1999**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 102 – The President (By Request – Administration)

AN ACT concerning

State Agencies – StateStat

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

(Amendment ID: SB0102/634766/1)

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 102

(Third Reading File Bill)

On page 1, in line 7, strike “by a certain date” and substitute “as part of a certain budget submission”.

On page 6, in line 10, strike “**BY AUGUST 15 OF EACH YEAR,**” and substitute “AS PART OF ITS ANNUAL BUDGET SUBMISSION”; and in line 11, strike “**INSTEAD OF THE REPORT REQUIRED IN § 3–1002(C) OF THIS SUBTITLE**”; and strike beginning with “**INFORMATION**” in line 13 down through “**TO**” 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.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 164 – Senators Miller and Dyson

AN ACT concerning

Business Regulation – Licenses – ~~Application~~ – Calvert County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 318 – Senators Exum, Britt, Conway, Currie, Della, Garagiola, Gladden, Jones, Kelley, Klausmeier, McFadden, Middleton, Muse, and Pugh

AN ACT concerning

Maryland Small Business Development Financing Authority – Financing Limitations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 625 – Senator Garagiola

AN ACT concerning

Workers' Compensation Commission – Governmental Self-Insurance Groups – Investment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 720 – Senators Middleton, Exum, and Kelley (Unemployment Insurance Oversight Committee)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 810 – Senator Astle

AN ACT concerning

Public Service Commission – Authorization of Stock and Debt Transactions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #23

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1183 – Delegates Branch, Barve, and Jones

AN ACT concerning

Residential Real Property – Inspection and Disclosure – Mold

(Amendment ID: HB1183/120412/1)

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1183

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Inspection and Disclosure –”; in the same line, after “Mold” insert “Assessment Standards – Task Force”; strike beginning with “requiring” in line 3 down through “purchasers” in line 10 and substitute “establishing the Task Force on the Development of Mold Assessment Standards in Residential Real Property; providing for the membership of the Task Force; providing for the designation of the chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing for the duties of the Task Force; requiring the Task Force to report to certain agencies and the General Assembly on or before a certain date; providing for the termination of this Act; and generally”

relating to the Task Force on the Development of Mold Assessment Standards in Residential Real Property"; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 1, in line 17, strike "the Laws of Maryland read as follows"; and after line 17, insert:

"(a) There is a Task Force on the Development of Mold Assessment Standards in Residential Real Property.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(4) the Secretary of the Maryland Department of the Environment, or the Secretary's designee; and

(5) the following three members, jointly appointed by the President of the Senate and the Speaker of the House:

(i) one member of the Legislative Liaison Committee of the Section of Real Property, Planning and Zoning of the Maryland State Bar Association; and

(ii) two individuals with knowledge of assessment and remediation of mold in indoor environments in residential real property.

(c) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Task Force.

(d) The Department of Health and Mental Hygiene shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study the feasibility of adopting standards for quantities of mold in indoor environments in residential real property that do not cause adverse effects on health or property value; and

(2) make recommendations to the Department of Health and Mental Hygiene and the Maryland Department of the Environment on the development of standards for quantities of mold in indoor environments in residential real property that do not cause adverse effects on health or property value.

(g) On or before December 31, 2008, the Task Force shall report its findings and recommendations to the Department of Health and Mental Hygiene, the Maryland Department of the Environment and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

On pages 1 through 8, strike in their entirety the lines beginning with line 18 on page 1 through line 2 on page 8, inclusive.

On page 8, in line 4, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 18 months and, at the end of December 31, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 39 – Senator Pipkin

AN ACT concerning

Maryland Port Administration – ~~Transfer to Department of Business and Economic Development~~ Strategic Plan and Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 147 – Chair, Anne Arundel County Senators

AN ACT concerning

Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal

(Amendment ID: SB0147/600713/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 147

(Third Reading File Bill)

On page 1, in line 4, after “of” insert “altering the name of the Radium Pilot Grant Program;”; in lines 4 and 5, strike “Radium Pilot Grant”; after line 6, insert:

“BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–1301 and 4–1302
Annotated Code of Maryland
(2006 Volume)”;

and in line 9, strike “4–1301” and substitute “4–1303”.

On page 2, in lines 5 and 7, in each instance, strike “Pilot”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 217 – Senators Astle, Conway, Dyson, Frosh, Middleton, Pinsky, and Zirkin

AN ACT concerning

Vehicle Laws – Special and Commemorative Registration Plates – ~~Sunset Provisions~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 220 – Senator Frosh

AN ACT concerning

**Real Property – Release of Mortgage, ~~Security Instrument, or~~ Deed of Trust, or
Lien Instrument**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 438 – Senator Pugh (By Request) and Senators Conway, Della, Jones, Kasemeyer, ~~and McFadden~~ McFadden, and Garagiola

AN ACT concerning

Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 444 – Senator Colburn

AN ACT concerning

Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle Transfer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 635 – Senator Raskin

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Notice Requirements

(Amendment ID: SB0635/790613/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 635
(Third Reading File Bill)

On page 2, in line 21, strike “(I)” and substitute “(I)”.

On page 3, in line 27, after “is” insert “REQUIRED TO BE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 682 – Cecil County Senators

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 777 – Senator Stoltzfus

SECOND PRINTING

AN ACT concerning

Delmarva Advisory Council – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #24

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 64 – Senator Middleton

AN ACT concerning

Young Farmers Advisory Board – Termination Date – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 165 – Senator Astle

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 237 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

(Amendment ID: SB0237/380714/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 237

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “certain” insert “fire”.

AMENDMENT NO. 2

On page 2, in line 28, strike “A QUALIFIED” and substitute “QUALIFIED”; and in the same line strike “INSTRUCTOR” and substitute “INSTRUCTORS”.

On page 3, in line 1, strike “A” and substitute “IN WICOMICO COUNTY, WORCESTER COUNTY, OR SOMERSET COUNTY, A”; in line 2, after “OR” insert “FIRE LINE”; and in the same line, strike “IN CHARGE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 254 – Senator Conway

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 282 – Senators Middleton and Dyson

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 414 – Senators Stoltzfus, Colburn, Dyson, Middleton, Pipkin, ~~and Stone~~
Stone, Hooper, Harris, and Greenip

AN ACT concerning

Working Waterfront Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

(Amendment ID: SB0532/770113/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 532

(Third Reading File Bill)

On page 8, in line 14, strike “October” and substitute “July”.

The preceding amendment was read only.

Delegate Holmes moved to make the Bill and Amendment a Special Order for Wednesday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 766 – Senator Frosh

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

(Amendment ID: SB0766/660913/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 766

(Third Reading File Bill)

On page 3, in line 9, strike “2009” and substitute “2010”.

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 JUDICIARY REPORT #14

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 876 – Delegates Lawton, Dumais, Ali, Barkley, Beidle, Bronrott, Dwyer, Frank, Frush, Gilchrist, Gutierrez, Healey, Hecht, Hixson, Hucker, James, Kaiser, Kelly, N. King, Kullen, Lee, Love, Manno, McComas, McConkey, Mizour, Montgomery, Nathan–Pulliam, Pena–Melnik, Ramirez, Ross, Shank, Shewell, Simmons, Stein, Tarrant, Valderrama, and Waldstreicher

AN ACT concerning

Human Trafficking and Involuntary Servitude

(Amendment ID: HB0876/972517/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 876

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Trafficking” insert “, Extortion,”; strike beginning with “or” in line 3 down through “minor” in line 6 and substitute “certain persons”; in line 6, strike “or a sexually explicit performance” and substitute “; prohibiting a person from obtaining or attempting to obtain labor or services by certain means; establishing that a certain penalty is based on the value of certain labor or services; prohibiting a person from making certain verbal threats with the intent to unlawfully extort labor or services; providing that the District Court has jurisdiction that is concurrent with a circuit court in certain criminal cases involving human trafficking”; strike beginning with the second “establishing” in line 7 down through “terms;” in line 9 and substitute “providing an increased penalty for a certain violation involving a minor victim;”; and in line 9, after “persons” insert “, extortion,”.

On pages 1 and 2, strike in their entirety the lines beginning with line 11 on page 1 through line 1 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301(b)(21) and (22) and 4–302(a) and (d)(1)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 4–301(b)(23)
Annotated Code of Maryland
(2006 Replacement Volume)”.

On page 2, in line 4, after “3–324” insert “, 3–701, 3–704, 3–705, and 11–303”; and strike in their entirety lines 7 through 12, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 11 on page 3, inclusive, and substitute:

“Article – Courts and Judicial Proceedings

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

[or] (21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

(22) Violation of § 3–203(c) of the Criminal Law Article; OR

(23) **VIOLATION OF § 11–303(B) OF THE CRIMINAL LAW ARTICLE.**

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle.”.

On page 3, in line 24, after “subtitle” insert “**OR § 11–304, § 11–305, OR § 11–306 OF THIS ARTICLE**”.

On page 4, in line 2, after “subtitle” insert “**OR § 11–304, § 11–305, OR § 11–306 OF THIS ARTICLE**”; and strike in their entirety lines 3 through 9, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 17 on page 4 through line 6 on page 6, inclusive, and substitute:

“3-701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain [or], attempt to obtain, OR CONSPIRE TO OBTAIN money, property, LABOR, SERVICES, or anything of value from another person with the person’s consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence[, or by];

(2) [wrongful threat of] economic injury; OR

(3) DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, OR POSSESSION OF ANY IMMIGRATION OR GOVERNMENT IDENTIFICATION DOCUMENT WITH INTENT TO HARM THE IMMIGRATION STATUS OF ANOTHER PERSON.

(c) If the value of the property, LABOR, OR SERVICES is \$500 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(d) If the value of the property, LABOR, OR SERVICES is less than \$500, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

3-704.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

3-705.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

11-303.

(a) (I) A person may not knowingly:

[(1)] (I) take or cause another to be taken to any place for prostitution;

[(2)] (II) place, cause to be placed, or harbor another in any place for prostitution;

[(3)] (III) persuade or encourage by threat or promise another to be taken to or placed in any place for prostitution;

[(4)] (IV) unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or

[(5)] (v) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation.

[(b)] (2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A MINOR.

(c) (1) (i) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates SUBSECTION (A) OF this section is guilty of the misdemeanor of [pandering] HUMAN TRAFFICKING and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

[(d)] (ii) A person who violates SUBSECTION (A) OF this section is subject to § 5–106(b) of the Courts Article.

(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF HUMAN TRAFFICKING AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

[(e)] (D) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #15

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 57 – Senators Pinsky, Britt, Raskin, and Rosapepe

AN ACT concerning

**Education – Teachers – State and Local Aid Program for Certification by the
National Board for Professional Teaching Standards**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 274 – Senator Edwards

AN ACT concerning

Garrett County – Property Tax Credit – New or Expanding Businesses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 649 – Senator Edwards

AN ACT concerning

Garrett County – Special Property Tax – Volunteer Fire Departments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 954 – Senator Edwards

AN ACT concerning

**Garrett County – Property Tax Credit – Society for the Preservation of
St. Ann Mission**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 729)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #68

House Bill 148 – Delegates Hixson, Barve, Howard, N. King, Murphy, Olszewski, Rice, and F. Turner

AN ACT concerning

Presidential Elections – Agreement Among the States to Elect the President by National Popular Vote

Delegate Vaughn moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 85 Negative – 54 (See Roll Call No. 730)

The Bill was then sent to the Senate.

House Bill 1298 – Chair, Health and Government Operations Committee (By Request – Departmental – Maryland Institute for Emergency Medical Services Systems)

AN ACT concerning

Automated External Defibrillator Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 731)

The Bill was then sent to the Senate.

House Bill 1313 – ~~Delegate Hubbard (By Request)~~ Delegates Hubbard, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 732)

The Bill was then sent to the Senate.

House Bill 1379 – Delegate Davis

AN ACT concerning

Voice Over Internet Protocol Service ~~and Internet Protocol-Enabled Service~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 2 (See Roll Call No. 733)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #7

Senate Bill 70 – Senators Jones, Forehand, Kelley, and Stone

EMERGENCY BILL

AN ACT concerning

Task Force to Study Identity Theft

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 734)

The Bill was then returned to the Senate.

Senate Bill 142 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Jury Selection and Service

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 735)

The Bill was then returned to the Senate.

Senate Bill 157 – Senators Kelley, Conway, Exum, Frosh, Hooper, ~~Jacobs~~, Jones, Muse, Pugh, Raskin, and Stone

AN ACT concerning

Public Safety – Eyewitness Identification – Written Policies

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 736)

The Bill was then returned to the Senate.

Senate Bill 219 – Senator Frosh

AN ACT concerning

Estates and Trusts – Donation of Conservation Easements

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 737)

The Bill was then returned to the Senate.

Senate Bill 229 – Senator Edwards

AN ACT concerning

**Garrett County – Local Government Tort Claims Act – Inclusion of Specified
Nonprofit Entity**

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 6 (See Roll Call No. 738)

The Bill was then returned to the Senate.

Senate Bill 503 – Senators Forehand, Britt, Conway, Jones, and Stone

AN ACT concerning

Family Law – Child Support – Health Insurance

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 739)

The Bill was then returned to the Senate.

Senate Bill 587 – Chair, Judicial Proceedings Committee (By Request – Maryland
Judicial Conference)

AN ACT concerning

District Court – Citations

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 740)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #8

Senate Bill 23 – Senators Conway, Britt, and Kelley

AN ACT concerning

Procurement – Small Business Reserve Program – ~~Sunset Extension~~ Modifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 741)

The Bill was then returned to the Senate.

Senate Bill 105 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Klausmeier, Miller, and Rosapepe

AN ACT concerning

Statewide Advisory Commission on ~~Immunization~~ Immunizations – ~~Universal Vaccine Purchasing System~~ Duties and Sunset Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 742)

The Bill was then returned to the Senate.

Senate Bill 118 – Senator Conway

AN ACT concerning

State Board of Nursing – Licensing, Certification, and Reinstatement Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 743)

The Bill was then returned to the Senate.

Senate Bill 181 – Senator Middleton

AN ACT concerning

Oral Health Safety Net Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 744)

The Bill was then returned to the Senate.

Senate Bill 192 – Senators Conway, Britt, Currie, Exum, Gladden, Jones, Kelley, McFadden, Muse, and Pugh

AN ACT concerning

Procurement – Commercial Nondiscrimination Policy – Modifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 745)

The Bill was then returned to the Senate.

Senate Bill 335 – Senator Middleton

AN ACT concerning

Qualified State Long–Term Care Insurance Partnership – Revisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 746)

The Bill was then returned to the Senate.

Senate Bill 348 – Senator McFadden

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 747)

The Bill was then returned to the Senate.

Senate Bill 378 – Senators Dyson, Conway, and Middleton

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 748)

The Bill was then returned to the Senate.

Senate Bill 485 – Senators ~~Middleton and Hogan~~ Middleton, Hogan, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

~~Task Force on the Structural Under-Funding of Community Services for
Individuals with Developmental Disabilities to Study the Developmental Disabilities
Administration Rate Payment Systems~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 749)

The Bill was then returned to the Senate.

Senate Bill 534 – Senators Klausmeier, Colburn, Jacobs, Munson, and Stone

AN ACT concerning

**Senior Citizen Activities Centers – Capital Improvement Grants Program
– Maximum Grant Amount**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 750)

The Bill was then returned to the Senate.

Senate Bill 611 – Senator Middleton

AN ACT concerning

Statewide Empowerment Zones for Seniors Commission

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 751)

The Bill was then returned to the Senate.

Senate Bill 646 – Senator Exum

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 752)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #9

Senate Bill 110 – The President (By Request – Administration) and Senators Middleton, Dyson, Miller, Hogan, and Rosapepe

AN ACT concerning

Base Realignment and Closure Subcabinet

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 753)

The Bill was then returned to the Senate.

Senate Bill 423 – Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Rosapepe~~
Rosapepe, and Hogan

AN ACT concerning

Local Government – Street Lighting Equipment

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 754)

The Bill was then returned to the Senate.

Senate Bill 433 – Senator Klausmeier

AN ACT concerning

Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 755)

The Bill was then returned to the Senate.

Senate Bill 588 – Senator Garagiola

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 756)

The Bill was then returned to the Senate.

Senate Bill 651 – Senator Edwards

AN ACT concerning

Medical Malpractice Liability Insurance – Garrett County Memorial Hospital – Subsidy for Family Practitioners Who Also Perform Obstetrical Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 757)

The Bill was then returned to the Senate.

Senate Bill 790 – Senator Astle

AN ACT concerning

Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss – Statement of Additional Optional Coverage

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 758)

The Bill was then returned to the Senate.

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 759)

The Bill was then returned to the Senate.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #17

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 91 – Senators Garagiola, Britt, Currie, Forehand, Frosh, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Zirkin

AN ACT concerning

Clean Indoor Air Act of 2007

(Amendment ID: SB0091/323097/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 91

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “products” insert “in certain places”; in line 12, after the first “Act;” insert “requiring that certain moneys be placed in a certain fund; authorizing the Secretary of Health and Mental Hygiene and the Commissioner of Labor and Industry to waive certain penalties under certain circumstances; establishing a certain affirmative defense; providing that an employer who discharges or discriminates against an employee for certain reasons is deemed in violation of certain provisions of law; prohibiting an employee from making certain groundless or malicious complaints or from taking certain actions in bad faith; authorizing the Secretary of Health and Mental Hygiene and the Commissioner of Labor and Industry to bring certain actions against certain persons under certain circumstances;”; and in lines 18 and 19, strike “health officer of a county” and substitute “Secretary of Health and Mental Hygiene”.

On page 2, strike beginning with “authorizing” in line 1 down through “criteria;” in line 2; and strike in their entirety lines 8 through 12, inclusive.

On page 3, after line 23, insert:

“BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–317(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 26 through 33, inclusive.

On page 9, in line 14, strike “AN” and substitute “:”

(1) AN”;

and in line 16, after “PERMISSION” insert “: OR”

(2) AN INDOOR AREA OF ANY ESTABLISHMENT LICENSED OR PERMITTED UNDER ARTICLE 2B OF THE CODE FOR THE SALE OR POSSESSION OF ALCOHOLIC BEVERAGES”.

On page 10, in line 17, strike “AND AUTOMOBILES,” and substitute “INCLUDING RESIDENCES USED AS A BUSINESS OR PLACE OF EMPLOYMENT,”; in line 18, strike

beginning with “FOR” through the second “CARE,” and substitute “BY A PERSON WHO IS LICENSED OR REGISTERED UNDER SUBTITLE 5 OF THE FAMILY LAW ARTICLE TO PROVIDE DAY CARE OR CHILD CARE, AND PRIVATE VEHICLES, UNLESS BEING USED FOR”; and in line 23, after “TOBACCO” insert “SHOP THAT DERIVES ITS PRIMARY REVENUE FROM THE SALE OF TOBACCO PRODUCTS AND TOBACCO-RELATED PRODUCTS AND ACCESSORIES AND DERIVES ONLY INCIDENTAL REVENUE FROM THE SALE OF NONTOBACCO-RELATED PRODUCTS;”

(4) ANY FACILITY OF A MANUFACTURER, IMPORTER, WHOLESALER, OR DISTRIBUTOR OF TOBACCO PRODUCTS OR OF ANY TOBACCO LEAF DEALER OR PROCESSOR IN WHICH EMPLOYEES OF THE MANUFACTURER, IMPORTER, WHOLESALER, DISTRIBUTOR, OR PROCESSOR WORK OR CONGREGATE; OR

(5) A RESEARCH OR EDUCATIONAL LABORATORY FOR THE PURPOSE OF CONDUCTING SCIENTIFIC RESEARCH INTO THE HEALTH EFFECTS OF TOBACCO SMOKE”.

AMENDMENT NO. 3

On page 11, strike beginning with “BUSINESS” in line 3 down through “CODE” in line 10.

On page 12, strike in their entirety lines 2 through 24, inclusive, and substitute:

“(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER § 24-507(A) OF THIS SUBTITLE:

(1) FOR A FIRST VIOLATION, SHALL BE ISSUED A WRITTEN REPRIMAND BY THE SECRETARY OR THE SECRETARY’S DESIGNEE;

(2) FOR A SECOND VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF \$100; AND

(3) FOR EACH SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$250.

(B) THE SECRETARY MAY WAIVE A PENALTY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:

(1) THE SERIOUSNESS OF THE VIOLATION; AND

(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(C) (1) THIS SUBSECTION DOES NOT APPLY TO AN ALLEGED VIOLATION OF SUBSECTION (D) OF THIS SECTION.

(2) IT IS AN AFFIRMATIVE DEFENSE TO A COMPLAINT BROUGHT AGAINST A PERSON FOR A VIOLATION OF A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE THAT THE PERSON OR AN EMPLOYEE OF THE PERSON:

(I) POSTED A “NO SMOKING” SIGN AS REQUIRED UNDER § 24-506 OF THIS SUBTITLE;

(II) REMOVED ALL ASHTRAYS AND OTHER SMOKING PARAPHERNALIA FROM ALL AREAS WHERE SMOKING IS PROHIBITED; AND

(III) IF THE VIOLATION OCCURRED IN A BAR, TAVERN, OR RESTAURANT:

1. REFUSED TO SEAT OR SERVE ANY INDIVIDUAL WHO WAS SMOKING IN A PROHIBITED AREA; AND

2. IF THE INDIVIDUAL CONTINUED TO SMOKE AFTER AN INITIAL WARNING, ASKED THE INDIVIDUAL TO LEAVE THE ESTABLISHMENT.”;

and in line 25, strike “(B)” and substitute “(D)”.

On page 13, after line 3, insert:

“(E) (1) AN EMPLOYEE MAY NOT:

(I) MAKE A GROUNDLESS OR MALICIOUS COMPLAINT UNDER THIS SUBTITLE TO THE SECRETARY OR AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY;

(II) IN BAD FAITH, BRING AN ACTION UNDER THIS SUBTITLE; OR

(III) IN BAD FAITH, TESTIFY IN AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE.

(2) THE SECRETARY MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND DAMAGES AGAINST A PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

(F) A PENALTY COLLECTED BY THE SECRETARY UNDER THIS SECTION SHALL BE PAID TO THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

24-509.

(A) THE SECRETARY, IN CONSULTATION WITH THE COMPTROLLER, MAY GRANT A WAIVER FROM THE APPLICATION OF A SPECIFIC PROVISION OF THIS SUBTITLE, IF PRIOR TO THE GRANTING OF THE WAIVER, THE APPLICANT FOR A WAIVER ESTABLISHES IN WRITING:

(1) COMPLIANCE WITH A SPECIFIC PROVISION OF THIS SUBTITLE WOULD CAUSE UNDUE FINANCIAL HARDSHIP; OR

(2) THE EXISTENCE OF OTHER FACTORS THAT WOULD RENDER COMPLIANCE UNREASONABLE.

(B) THE SECRETARY MAY IMPOSE CONDITIONS OR RESTRICTIONS ON A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TO:

(1) MINIMIZE THE ADVERSE EFFECTS OF THE WAIVER ON INDIVIDUALS INVOLUNTARILY EXPOSED TO SECONDHAND SMOKE; AND

(2) ENSURE THAT THE WAIVER IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

(C) THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.”.

AMENDMENT NO. 4

On page 17, in line 25, after “(B)” insert “(1)”; after line 28, insert:

“(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON WHO VIOLATES A REGULATION ADOPTED UNDER THIS SUBTITLE:

(I) FOR A FIRST VIOLATION, SHALL BE ISSUED A WRITTEN REPRIMAND BY THE COMMISSIONER OR THE COMMISSIONER’S DESIGNEE;

(II) FOR A SECOND VIOLATION, IS SUBJECT TO A CIVIL PENALTY OF \$100; AND

(III) FOR EACH SUBSEQUENT VIOLATION, IS SUBJECT TO A CIVIL PENALTY NOT LESS THAN \$250.

(C) THE COMMISSIONER MAY WAIVE A PENALTY ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, GIVING CONSIDERATION TO FACTORS THAT INCLUDE:

(1) THE SERIOUSNESS OF THE VIOLATION; AND

(2) ANY DEMONSTRATED GOOD FAITH MEASURES TO COMPLY WITH THE PROVISIONS OF THIS SUBTITLE.

(D) A PENALTY COLLECTED BY THE COMMISSIONER UNDER THIS SECTION SHALL BE PAID TO THE CIGARETTE RESTITUTION FUND ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 29, strike “(C)” and substitute “(E)”; and in line 30, after “REPORT” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”.

On page 18, in line 6, strike “(D)” and substitute “(F)”; and after line 13, insert:

“(G) (1) AN EMPLOYEE MAY NOT:

(I) MAKE A GROUNDLESS OR MALICIOUS COMPLAINT TO THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER;

(II) IN BAD FAITH, BRING AN ACTION UNDER THIS SUBTITLE; OR

(III) IN BAD FAITH, TESTIFY IN AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING THAT RELATES TO THE SUBJECT OF THIS SUBTITLE.

(2) THE COMMISSIONER MAY BRING AN ACTION FOR INJUNCTIVE RELIEF AND DAMAGES AGAINST A PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION.

Article – State Finance and Procurement

7-317.

(b) (1) The Fund is a continuing, nonlapsing fund that is not subject to § 7-302 of this subtitle.

(2) There shall be credited to the Fund all revenues consisting of funds received by the State from any source resulting, directly or indirectly, from any judgment against or settlement with tobacco product manufacturers, tobacco research associations, or any other person in the tobacco industry relating to litigation, administrative proceedings, or any other claims made or prosecuted by the State to recover damages for violations of State law.

(3) THERE SHALL BE CREDITED TO THE FUND ALL MONEYS COLLECTED UNDER § 24-508 OF THE HEALTH – GENERAL ARTICLE OR § 5-608 OF THE LABOR AND EMPLOYMENT ARTICLE.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 760)

ADJOURNMENT

At 3:53 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 28, 2007, Calendar Day Tuesday, April 3, 2007.

Annapolis, Maryland
Legislative Day: March 28, 2007
Calendar Day: Tuesday, April 3, 2007

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Heather R. Mizeur of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 761)

The Journal of March 27, 2007 was read and approved.

EXCUSES:

Del. Bronrott – late – stuck in traffic

Del. Conway – funeral

Del. Goldwater – illness

Del. F. Turner – late – medical

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 3 – Senators DeGrange, Miller, Astle, Currie, Della, Garagiola, Gladden, Hogan, Kasemeyer, Kelley, Kramer, Pugh, Raskin, and Stone

AN ACT concerning

~~**Property Protection Act of 2007**~~
Real Property – Condemnation – Procedures and Compensation

FOR the purpose of ~~requiring a certain government unit to make certain findings before condemning and transferring private property to a private party for economic development purposes; requiring the government unit to make a certain written record of its findings; establishing a certain standard for judicial review of a government unit's findings; prohibiting a government unit from condemning~~

~~private property used for a farm operation under certain circumstances; establishing that damages awarded for the taking of property used for a business or farm operation shall include certain damages for the loss of "goodwill" under certain circumstances and certain damages for loss of net operating income for a certain period of time; requiring an owner of a business or farm operation to prove certain elements of a loss of "goodwill" in order to receive certain payments; prohibiting an owner of a business or farm operation from receiving compensation for "goodwill" if that compensation is included in other compensation received; establishing a certain limitation on the amount of compensation for "goodwill"; requiring the State, its instrumentality, or a political subdivision to file a condemnation action for certain property within a certain period of time after a certain administrative or legislative determination to take the property; requiring the State, its instrumentality, or a political subdivision to obtain a new authorization to condemn certain property if it does not file a condemnation action within a certain period of time; requiring the plaintiff in a condemnation proceeding to pay certain costs incurred by the defendant under certain circumstances; establishing a right to reacquire certain condemned land not needed for a public purpose; establishing procedures for the reacquisition of certain condemned land; altering certain monetary limitations on payments made to certain displaced residential owners and renters to secure replacement dwellings in certain condemnation proceedings; altering certain monetary limitations for reestablishing certain farms, nonprofit organizations, or small businesses at new sites; altering certain monetary limitations on certain fixed fee payments paid to certain displaced farm or business owners in lieu of certain reestablishment expenses; requiring a representative of a displacing agency to contact the owner of a certain business or farm operation within a certain period of time before the filing of a condemnation action to negotiate regarding relocation plans for the business or farm operation; altering the payment for relocation costs in a condemnation proceeding by adding certain payments for substitute tangible personal property under certain circumstances and by repealing certain monetary limitations; expressing the intent of the General Assembly; defining certain terms; making stylistic changes; and generally relating to procedures and compensation in condemnation proceedings.~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Real Property~~

~~Section 12-101, 12-106, and 12-205~~

~~Annotated Code of Maryland~~

~~(2003 Replacement Volume and 2006 Supplement)~~

BY adding to

Article – Real Property

Section ~~12-102.1, 12-104(h), 12-105.1, 12-113,~~ and 12-205.1

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Real Property
Section 12-104(a) and 12-201(a), (e), (f), and (g)
Annotated Code of Maryland
(2003 Replacement Volume and 2005 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Real Property
Section 12-202, 12-204, and 12-205
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 112 – Senators Britt, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

**Prince George’s County – Task Force on the Establishment of Vocational and
Technical Education High School Academies**

FOR the purpose of establishing a Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George’s County; establishing the membership and staffing of the Task Force; requiring the members of the Task Force to designate the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a report to certain officials regarding its recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George’s County.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 256 – Senator Astle

AN ACT concerning

**City of Annapolis – Housing Authority – Approval of Commissioners by City
Council**

FOR the purpose of requiring that the Commissioners of the Housing Authority of the City of Annapolis who are appointed by the Mayor of Annapolis be approved by

the Annapolis City Council; and generally relating to the Housing Authority of the City of Annapolis.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 13–104(a)
Annotated Code of Maryland
(2006 Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 576 – Senator Jacobs

AN ACT concerning

Maryland Emergency Management Assistance Compact – Emergency Responders

FOR the purpose of ~~providing that certain emergency responders and certain law enforcement officers may be a party to~~ defining the term “emergency responder” for purposes of the Maryland Emergency Management Assistance Compact, under certain circumstances; defining certain terms; including in the defined term certain firefighters, certain emergency medical services providers, certain rescue squad members, certain county employees, and certain law enforcement officers; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–801 ~~and 14–802~~
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–802
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 582 – Senator Rosapepe

AN ACT concerning

Prince George’s County School Facilities Surcharge – Exemption

FOR the purpose of altering an exemption from the school facilities surcharge in Prince George's County for certain multi-family housing designated as student housing; and generally relating to an exemption from the school facilities surcharge in Prince George's County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George's County
Section 10-192.01(a)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10-192.01(b)(4)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 640 – Senator Raskin

AN ACT concerning

Consumer Protection – Motor Vehicle Manufacturers – Warranty Adjustment Programs

FOR the purpose of requiring a certain invoice and certain authorization of repairs form to include a certain notice about certain motor vehicle manufacturer warranty adjustment programs; requiring a manufacturer of motor vehicles sold in the State to establish procedures under which certain consumers receive notice of certain warranty adjustment programs and, on request, are provided with a copy of a certain notification or other documents; requiring a motor vehicle manufacturer to ensure that a purchaser of a new motor vehicle receives certain notice at a certain time; ~~requiring a motor vehicle dealer to disclose the terms and conditions of certain adjustment programs to certain consumers under certain circumstances~~ manufacturer to provide to its dealers information about each adjustment program of the manufacturer in a certain format; requiring a motor vehicle manufacturer to implement procedures to ensure reimbursement of certain consumers for certain repairs under certain circumstances; ~~requiring a motor vehicle manufacturer to send a copy of a warranty adjustment program to the Motor Vehicle Administration within a certain time period; requiring the Motor Vehicle Administration to post a copy of a warranty adjustment program on its website within a certain time period~~; providing that a violation of certain provisions of this

Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to motor vehicle manufacturer warranty adjustment programs.

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 14–1003

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Commercial Law

Section 14–1008(d); and 14–1401 through 14–1403 to be under the new subtitle
“Subtitle 14. Motor Vehicle Manufacturers’ Warranty Adjustment
Programs”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 693 – Senators Zirkin, Britt, Colburn, Dyson, Harris, and Middleton

AN ACT concerning

HIV Testing – ~~Prohibited Exposure~~ – ~~Victims~~ Forensic Scientist

FOR the purpose of ~~including a forensic scientist who works under the direction of a law enforcement agency within the list of possible victims of prohibited exposure to HIV;~~ including a forensic scientist who works under the direction of a law enforcement agency within the definition of a public safety worker required to test for HIV in the event of a certain exposure; and generally relating to ~~victims of prohibited~~ HIV exposure.

~~BY repealing and reenacting, with amendments,~~

~~Article – Criminal Procedure~~

~~Section 11–107~~

~~Annotated Code of Maryland~~

~~(2001 Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section 18–338.3(a)(8)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 710 – Senators Conway, Dyson, Exum, Frosh, Gladden, Hogan, Kelley, and Pugh

AN ACT concerning

Affordable Housing – Enabling Authority for Counties and Municipalities

FOR the purpose of authorizing counties and municipalities to take certain actions to support, foster, or promote an affordable housing program for individuals or families of low or moderate income; ~~making certain technical corrections;~~ and generally relating to the authority of counties and municipalities to take action to support, foster, and promote affordable housing.

BY ~~repealing and reenacting, with amendments,~~ adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section ~~6-203~~ 20-101 to be under the new title “Title 20. Affordable Housing Programs”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 759 – Senators Dyson, Conway, and Gladden

AN ACT concerning

~~**State Board of Pharmacy – Wholesale Drug Distribution – Permit Requirements**~~
Wholesale Distributor Permitting and Prescription Drug Integrity Act

~~FOR the purpose of altering the requirements for obtaining a wholesale distributor’s permit to include a certain inspection and the posting of a certain bond; requiring a certain pedigree for prescription drugs or devices distributed in the State; requiring the State Board of Pharmacy to adopt regulations regarding certain pedigree and inspection requirements; defining a certain term; and generally relating to permit requirements for wholesale drug distribution.~~

FOR the purpose of requiring a wholesale distributor to hold a permit issued by the State Board of Pharmacy before the wholesale distributor engages in the wholesale distribution of prescription drugs or devices in the State; requiring certain entities to hold a wholesale distributor permit; providing that certain requirements for obtaining a permit do not apply to a manufacturer who distributes certain prescription drugs; requiring a permit to be displayed in a certain manner;

providing that a permit is not transferable; prohibiting a person from purchasing or obtaining a prescription drug or device unless it is purchased or obtained from certain persons; authorizing the Board to grant a certain deemed status to certain wholesale distributors and to issue a permit to certain wholesale distributors by reciprocity; establishing certain requirements and procedures for applying for a permit; prohibiting the Board from issuing a permit unless the Board or its designee takes certain actions; establishing requirements for certain criminal history records checks and a certain surety bond; requiring the Board to provide a certain notification to an applicant within a certain period of time; providing for the expiration and renewal of a permit; authorizing the Board to deny, suspend, or revoke a permit under certain circumstances; requiring the Board to adopt regulations that require certain inspections; authorizing the Board to adopt regulations establishing certain requirements; prohibiting the disclosure of certain information provided by a wholesale distributor, except to certain entities for certain purposes; establishing certain procedures for returns or exchanges of prescription drugs; authorizing a wholesale distributor to supply or deliver prescription drugs only to certain persons; providing for certain exceptions; prohibiting a wholesale distributor from accepting payment or allowing the use of certain credit for a certain purpose; prohibiting a wholesale distributor from operating out of a residence; requiring a pedigree for certain prescription drug distributions; requiring certain entities to be authorized distributors of record for a certain purpose; establishing certain penalties for a certain violation of certain provisions of this Act; requiring the Board to adopt certain regulations on or before a certain date; requiring the Board to provide a certain report to the Governor and certain legislative committees on or before a certain date each year; repealing certain provisions of law relating to permits for the distribution of prescription drugs or devices; requiring the Secretary of Health and Mental Hygiene, in conjunction with the Board, to convene a certain workgroup to recommend to the Board a certain date for implementing electronic track and trace pedigree technology; requiring the Board to establish a certain date for implementation of electronic track and trace pedigree technology; requiring the Board to submit certain reports to certain legislative committees on or before certain dates; defining certain terms; making conforming changes; and generally relating to permit and pedigree requirements for wholesale drug distributors.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 12–601

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Health Occupations~~

~~Section 12–602~~

~~Annotated Code of Maryland~~

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations

Section 12–6C–01 through 12–6C–13 to be under the new subtitle “Subtitle 6C.
Wholesale Distributor Permitting and Prescription Drug Integrity Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 772 – Senators Britt, Currie, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Prince George’s County – State’s Attorney’s Office – Composition and Salaries

FOR the purpose of increasing the number of assistant State’s Attorney positions in the State’s Attorney’s office for Prince George’s County; increasing the maximum salaries of the deputy State’s Attorneys, the assistant State’s Attorneys, and the administrative assistant in the State’s Attorney’s office; and generally relating to the composition of and salaries in the office of the State’s Attorney for Prince George’s County.

BY repealing and reenacting, with amendments,

Article 10 – Legal Officials

Section 40(q)(2), (3), (4), and (7)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 774 – Senators Britt, Currie, Exum, Forehand, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, Muse, Pugh, Raskin, Robey, and Zirkin

AN ACT concerning

~~**Task Force on the HPV Vaccine**~~
Cervical Cancer Committee – HPV Vaccine Subcommittee

FOR the purpose of ~~establishing a Task Force on the HPV Vaccine; providing for the membership and staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; providing for the duties of the Task Force; requiring the Task Force to report certain 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 on the HPV Vaccine~~ establishing the human papillomavirus (HPV) vaccine subcommittee in the Cervical Cancer Committee of the Maryland Comprehensive Cancer Control Plan; providing for the membership of the HPV vaccine subcommittee; providing for the duties of the HPV vaccine subcommittee; requiring the HPV vaccine subcommittee to submit a certain report to the Committee on or before a certain date each year; requiring a certain report of the Committee to include the findings and recommendations of the HPV vaccine subcommittee; and generally relating to the HPV vaccine subcommittee of the Cervical Cancer Committee.

BY repealing and reenacting, with amendments,

Chapter 283 of the Acts of the General Assembly of 2004
Section 1

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 820 – Senator Britt

AN ACT concerning

Prince George's County Board of Education – Repeal of Requirement for a Comprehensive Review

FOR the purpose of repealing certain uncodified provisions of law relating to the conduct of a certain review of the Prince George's County Board of Education by a consultant; and generally relating to a review of the Prince George's County Board of Education.

BY repealing

Chapter 289 of the Acts of the General Assembly of 2002, as amended by Chapter 344 of the Acts of the General Assembly of 2005
Section 17 and 18

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 983 – Senator Dyson

AN ACT concerning

St. Mary's County – Board of County Commissioners – Personal Service Contracts

FOR the purpose of authorizing the Board of County Commissioners of St. Mary's County to enter into certain personal service contracts for certain nonmerit positions; providing that a certain personal service contract shall end within a

certain period of time; requiring a certain personal service contract to include a certain provision; and generally relating to personal service contracts entered into by the Board of County Commissioners for St. Mary's County.

BY adding to

The Public Local Laws of St. Mary's County
Section 26-36
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1017 – Senators Muse and Miller

EMERGENCY BILL

AN ACT concerning

Crimes – Tobacco Paraphernalia – Distribution to ~~and Possession by~~ Minors

FOR the purpose of prohibiting the distribution of tobacco paraphernalia to a minor; ~~prohibiting a minor from distributing, possessing, or purchasing tobacco paraphernalia unless the minor is acting as an agent of the minor's employer within the scope of employment; prohibiting a minor from using false identification to obtain or attempt to obtain tobacco paraphernalia;~~ defining a certain term; making this Act an emergency measure; and generally relating to prohibiting persons from distributing tobacco paraphernalia to minors ~~and minors from possessing tobacco paraphernalia.~~

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section ~~10-101, 10-101 and 10-107(b) and (c), and 10-108(b) and (c)~~
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1032 – Senator Middleton

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to

authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02(AJ)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1034 – Senators Hogan, Astle, Brinkley, Britt, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Haines, Hooper, Jacobs, Jones, Kasemeyer, Kelley, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

EMERGENCY BILL

AN ACT concerning

Silver Spring District Courthouse – Renaming

FOR the purpose of renaming the District Courthouse located in Silver Spring, Montgomery County, the Judge L. Leonard Ruben District Courthouse; providing for certain funding for the implementation of this Act; requiring a certain administrative officer to change certain signs to reflect the renaming of the Courthouse; making this Act an emergency measure; and generally relating to the renaming of the District Courthouse located in Silver Spring, Montgomery County.

BY adding to
Article – Courts and Judicial Proceedings
Section 1–603.1
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Barkley moved to suspend Rule 32 and assign the bill to the committee of jurisdiction.

The motion was adopted by roll call vote as follows:

Affirmative – 128 Negative – 0 (See Roll Call No. 762)

Read the first time and referred to the Committee on Health and Government Operations.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 26	Del. Lee
HB 30	Del. Oaks
HB 157	Del. Morhaim
HB 161	The Speaker
HB 187	Del. Rosenberg
HB 213	Del. Hecht
HB 248	Del. Bromwell
HB 252	Frederick County Del.
HB 263	Del. Dumais
HB 265	Del. Dumais
HB 278	Ch., Judiciary Com.
HB 302	Ch., Judiciary Com.
HB 305	Del. Frush
HB 331	Ch., Appropriations
HB 334	Del. Weir
HB 340	Del. Nathan–Pulliam
HB 345	Del. Feldman
HB 372	Del. Beitzel
HB 386	Del. Love
HB 416	Del. Stein
HB 459	Ch., Judiciary Com.
HB 487	Del. Morhaim
HB 605	Del. Kullen
HB 634	Del. Feldman
HB 898	Del. Simmons
HB 1009	Del. Hubbard
HB 1027	Del. Gilchrist
HB 1031	Del. Taylor
HB 1226	Del. Barnes
HB 1241	Del. Manno

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
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HB 214	Del. Morhaim
HB 323	Del. Mathias
HB 343	Del. Pendergrass
HB 344	Del. Pendergrass
HB 367	Del. Nathan–Pulliam
HB 377	Del. Simmons
HB 422	Del. Simmons
HB 677	Harford County Del.
HB 682	Del. Morhaim
HB 683	Del. Mathias
HB 762	Del. Anderson
HB 788	Del. Nathan–Pulliam
HB 797	Del. Frush
HB 856	Del. Boteler
HB 1033	Del. Taylor
HB 1278	Carroll County Del.
HJ 4	Del. Vaughn

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

<u>NUMBER</u>	<u>SPONSOR</u>
HB 2	Del. Kullen
HB 23	Del. Love
HB 63	Del. Eckardt
HB 72	Del. McIntosh
HB 94	Del. Hixson
HB 105	Del. Haddaway
HB 128	Del. Montgomery
HB 152	Del. Weir
HB 195	Frederick County Del.
HB 196	Frederick County Del.
HB 198	Howard County Del.
HB 251	Del. Anderson
HB 284	Del. Hixson
HB 286	Calvert County Del.
HB 311	Del. Niemann
HB 320	Frederick County Del.
HB 335	Del. Minnick
HB 392	Del. Kaiser
HB 429	Del. Malone
HB 514	Del. Busch
HB 597	Del. DeBoy

HB 905	Frederick County Del.
HB 915	Del. Smigiel
HB 991	Del. Anderson
HB 1013	Del. James
HB 1093	Charles County Del.
HB 1133	Del. Elmore
HB 1170	Del. Bohanan
HB 1184	Del. Mizeur
HB 1191	Del. A. Jones
HB 1232	Del. Oaks
HB 1235	Del. McIntosh
HB 1311	Del. Conway
HB 1387	Del. Ramirez
HB 1396	Del. Bromwell
HB 1401	Del. Oaks
HB 1406	Del. Griffith
HB 1414	Del. Conway
HB 1415	Del. Conway

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER

SPONSOR

HB 103	Del. Rosenberg
HB 134	The Speaker
HB 314	Del. Rosenberg
HB 500	Prince George's Del.
HB 622	Prince George's Del.
HB 789	Del. Minnick
HB 844	Ch. Hlth & Govt Ops
HB 880	Del. Aumann
HB 1106	Del. Feldman

Read and ordered journalized.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #18

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 483 – Senator Forehand

AN ACT concerning

Professional Corporations – Physical Therapists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 745 – Howard County Senators

AN ACT concerning

Officer Pieter Lucas Act

~~Ho. Co. 14-07~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #15

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 69 – Senators Jones, Conway, Exum, Gladden, and Kelley

SECOND PRINTING

AN ACT concerning

Task Force to Study Prison Violence in Maryland

(Amendment ID: SB0069/322411/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 69

(Third Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, in line 6, strike “with a certain frequency” and substitute “at certain times and places”; in lines 6 and 7, strike “a certain report” and substitute “certain reports”; in line 7, strike “a”; in the same line, strike “date” and substitute “dates”; and in line 14, strike “comprised” and substitute “composed”.

AMENDMENT NO. 2

On page 2, after line 10, insert:

“(7) the Public Defender of Maryland, or the Public Defender’s designee;”;

in line 12, strike “(7)” and substitute “(8)”; in line 15, strike “workers” and substitute “correctional officers”; in line 24, strike “and”; and in line 25, after “Correction” insert “;

(viii) one representative knowledgeable and experienced in the field of medical and health care services for prisoners;

(ix) one representative of the Department of State Police; and

(x) two members, at least one of whom is a member of the Maryland Classified Employees Association, and each of whom is employed as a case manager, psychologist, addiction counselor, or warden in a State prison”.

AMENDMENT NO. 3

On page 3, in line 1, strike “at least bimonthly”; in line 9, strike “and”; after line 11, insert:

“(v) the impact of contraband on violence in the State’s prisons;

(vi) the role of gang activity on violence in the State’s prisons;
and

(vii) any other issues that the Task Force considers relevant;”;

in line 15, after “submit” insert “;

(1) an interim report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on or before December 31, 2007; and

(2) a final report of”;

in line 21, strike “October” and substitute “July”; in the same line, strike “2 years” and substitute “1 year and 7 months”; and in line 22, strike “September 30, 2009” and substitute “January 31, 2009”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 154 – Senators Forehand, Brochin, Jacobs, Muse, and Raskin

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 303 – ~~Senator Forehand~~ Senators Forehand and Middleton

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

(Amendment ID: SB0368/162710/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 368

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 4 down through “voidable;” in line 5.

AMENDMENT NO. 2

On page 2, strike beginning with “WITHOUT” in line 5 down through “LAW” in line 6.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 686 – Senators Pugh and Kelley

AN ACT concerning

Drug-Exposed Infants – Methamphetamine

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #14**

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1004 – Delegate Donoghue

AN ACT concerning

**Department of Health and Mental Hygiene – Family Health Administration –
Maryland Medbank Program**

(Amendment ID: HB1004/706085/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1004

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Donoghue” and substitute “Delegates Donoghue, Hammen, Costa, Elliott, Hubbard, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Riley, V. Turner, and Weldon”; in line 2, strike “Department of Health and Mental Hygiene – Family Health Administration –”; in line 3, after “Program” insert “– Funding”; strike beginning with “transferring” in line 4 down through “Hygiene” in line 5 and substitute “authorizing certain funds to be transferred and appropriated to the Department of Health and Mental Hygiene in a certain fiscal year for a certain purpose”; in line 6, after “to” insert “funding for”; in line 7, strike “renumbering” and substitute “repealing and reenacting, without amendments,”; strike in its entirety line 10; and strike in their entirety lines 13 through 19, inclusive.

On pages 1 and 2, strike beginning with “That” in line 21 on page 1 down through “ENACTED,” in line 1 on page 2.

AMENDMENT NO. 2

On page 2, strike in its entirety line 4; in line 5, strike “13–2501.” and substitute “15–124.2.”; and in lines 8 and 9, strike “**IN THE FAMILY HEALTH ADMINISTRATION**”.

AMENDMENT NO. 3

On page 3, after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding Section 4 of Chapter 345 of the Acts of the General Assembly or any other provision of law, for fiscal year 2008 only, funds remaining from the Senior Prescription Drug Program that have accrued to the account of the Senior Prescription Drug Assistance Program of the Maryland Health Insurance Plan Fund may be transferred and appropriated in the budget bill or by budget amendment to the Department of Health and Mental Hygiene for the purpose of providing a grant, not to exceed \$425,000, to the Maryland Medbank Program under § 15–124.2 of the Health – General Article.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1214 – Delegate Hubbard

AN ACT concerning

Children’s Health – Lead–Containing Products – Prohibition

(Amendment ID: HB1214/566580/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1214

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard” and substitute “Delegates Hubbard, Hammen, Costa, Elliott, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon”; in line 2, strike “Children’s Health –”; in line 3, strike “or possession” and substitute “offer for sale, importation, or distribution”; in the same line, after “of” insert “certain”; in line 4, after “lead–containing” insert “children’s”; in the same line, after “products” insert “or lead–adulterated consumable products”; strike beginning with “intended” in line 4 down through “court” in line 13 and substitute “; providing that certain provisions of this Act do not apply to certain electronic devices; authorizing an agent of the Department of Health and Mental Hygiene to enter certain factories, warehouses, and establishments to inspect certain products at any reasonable time; requiring an agent of the Department to present certain credentials to certain persons under certain circumstances; authorizing an agent of the Department to obtain a sample of any product, package, or labeling during an inspection; requiring an agent of the Department to take certain actions when obtaining a certain sample; requiring the Department to test a certain sample of a product under certain circumstances; requiring the Secretary of Health and Mental Hygiene to make certain declarations if a product is a lead–containing product or a lead–adulterated consumable product; requiring the Department to issue and give certain notices under certain circumstances; requiring a certain person to send certain information to the Department under certain circumstances; requiring a certain person to submit a certain report to the Department under certain circumstances; providing that certain provisions of this Act do not affect the enforcement of certain local laws; requiring the Department to convene a certain workgroup; requiring the workgroup to make a certain report to certain committees of the General Assembly on or before a certain date”; in line 15, strike “intended for use or consumption by children”; and in line 18, strike “22–605” and substitute “22–608”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(B) “CHILD” MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 7 YEARS.

(C) “CHILDREN’S PRODUCT” MEANS:

- (1) A PRODUCT THAT IS MARKETED FOR USE BY A CHILD; OR**
- (2) A PRODUCT THE USE OF WHICH BY A CHILD IS FORESEEABLE.”;**

in line 6, strike “(B)” and substitute “(D)”; after line 7, insert:

“(E) “LEAD-ADULTERATED CONSUMABLE PRODUCT” MEANS ANY CONSUMABLE PRODUCT OR ITEM OR CONSUMABLE HOMEOPATHIC REMEDY THAT CONTAINS LEAD IN AN AMOUNT:

- (1) IN EXCESS OF 0.1 PPM; OR**
- (2) SET BY THE SECRETARY IN REGULATION.”;**

in line 8, strike “(C)” and substitute “(F)”; in the same line, after the second “PRODUCT” insert “**OR COMPONENT OF A PRODUCT**”; in line 9, strike “MORE” and substitute “**:**

- (1) MORE”;**

in the same line, strike “0.6%” and substitute “**0.06%**”; in line 10, after “WEIGHT” insert “**;** OR

- (2) THE AMOUNT SET BY THE SECRETARY IN REGULATION”;**

in line 11, strike “(D)” and substitute “(G)”; in lines 12, 13, 14, 15, 16, 17, 18, 19, 20, and 22, strike “(I)”, “(II)”, “(III)”, “1.”, “2.”, “3.”, “4.”, “5.”, “(IV)”, and “(VI)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(4)”, and “(5)”, respectively; in line 18, strike “AND”; in line 19, after “SPICES;” insert:

- “(VI) DIETARY SUPPLEMENTS; AND**
- (VII) WRAPPERS;”;**

and strike line 21 in its entirety.

On page 3, in line 1, strike “(VII)” and substitute “(6)”; in line 2, strike “(VIII)” and substitute “(7)”; after line 2, insert:

“(H) (1) “WRAPPER” MEANS ANY PACKAGING MATERIAL THAT IS IN CONTACT WITH A CONSUMABLE PRODUCT.

(2) “WRAPPER” INCLUDES:

(I) PAPER;

(II) CELLOPHANE;

(III) A PLASTIC CONTAINER;

(IV) A STICK HANDLE;

(V) A SPOON;

(VI) A SQUEEZE TUBE; AND

(VII) ANY OTHER SIMILAR MATERIAL.”;

after line 3, insert:

“THIS SUBTITLE DOES NOT APPLY TO AN ELECTRONIC DEVICE THAT IS A LEAD-CONTAINING PRODUCT UNLESS THE SECRETARY DETERMINES THAT DURING THE NORMAL USE OF THE ELECTRONIC DEVICE THERE IS A SIGNIFICANT RISK THAT A CHILD COULD BE EXPOSED TO THE LEAD CONTAINED IN THE ELECTRONIC DEVICE.

22-603.”;

in lines 4 and 5, strike “POSSESS, OR TRANSFER POSSESSION OF A” and substitute **“IMPORT, OR DISTRIBUTE:**

(1) A CHILDREN’S PRODUCT THAT IS A”;

in line 5, after “PRODUCT” insert “**;** OR

(2) A LEAD-ADULTERATED CONSUMABLE PRODUCT”;

and strike beginning with “INTENDED” in line 5 down through “CHILDREN” in line 6.

On pages 3 and 4, strike in their entirety the lines beginning with line 7 on page 3 through line 9 on page 4, inclusive.

AMENDMENT NO. 4

On page 4, after line 9, insert:

“22-604.

(A) AT ANY REASONABLE TIME, AN AGENT OF THE DEPARTMENT MAY ENTER A FACTORY, WAREHOUSE, OR ESTABLISHMENT IN WHICH A PRODUCT IS MANUFACTURED, PROCESSED, PACKAGED, STORED, SOLD, OR OFFERED FOR SALE TO INSPECT ANY FINISHED OR UNFINISHED PRODUCT.

(B) WHEN CONDUCTING AN INSPECTION UNDER THIS SECTION, AN AGENT OF THE DEPARTMENT IMMEDIATELY SHALL PRESENT APPROPRIATE CREDENTIALS TO THE OWNER, OPERATOR, OR AGENT IN CHARGE OF THE FACTORY, WAREHOUSE, OR ESTABLISHMENT.

(C) (1) DURING AN INSPECTION CONDUCTED UNDER THIS SECTION, AN AGENT OF THE DEPARTMENT MAY OBTAIN A SAMPLE OF ANY PRODUCT, PACKAGE, OR LABELING.

(2) AN AGENT OF THE DEPARTMENT WHO OBTAINS A SAMPLE SHALL:

(i) PAY OR OFFER TO PAY FOR THE SAMPLE; AND

(ii) GIVE TO THE OWNER, OPERATOR, OR AGENT IN CHARGE OF THE FACTORY, WAREHOUSE, OR ESTABLISHMENT A RECEIPT THAT DESCRIBES THE SAMPLE.

(D) THE DEPARTMENT SHALL TEST A SAMPLE OF A PRODUCT OBTAINED BY AN AGENT TO DETERMINE WHETHER THE PRODUCT IS A LEAD-CONTAINING PRODUCT OR A LEAD-ADULTERATED CONSUMABLE PRODUCT.

(E) IF THE PRODUCT IS A LEAD-CONTAINING PRODUCT OR A LEAD-ADULTERATED CONSUMABLE PRODUCT, THE SECRETARY SHALL:

(1) DECLARE THE PRODUCT HAZARDOUS AND REQUIRE THE REMOVAL OF THE PRODUCT FROM THE STREAM OF COMMERCE; AND

(2) DECLARE ALL PRODUCTS OF THE SAME STYLE PRODUCED BY THE SAME MANUFACTURER TO BE HAZARDOUS AND REQUIRE THE REMOVAL OF THE PRODUCTS FROM THE STREAM OF COMMERCE.

22-605.

(A) IF THE DEPARTMENT DETERMINES THAT A PERSON HAS VIOLATED § 22-603 OF THIS SUBTITLE, THE DEPARTMENT SHALL:

(1) ISSUE A HEALTH ADVISORY NOTICE TO LOCAL HEALTH OFFICERS;
AND

(2) GIVE WRITTEN NOTICE TO THE PERSON DETERMINED TO HAVE VIOLATED § 22-603 OF THIS SUBTITLE THAT IDENTIFIES THE CHILDREN'S PRODUCT THAT IS A LEAD-CONTAINING PRODUCT OR THE LEAD-ADULTERATED CONSUMABLE PRODUCT AND THE ASSOCIATED HEALTH HAZARD.

(B) WITHIN 15 DAYS AFTER RECEIVING THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION, THE PERSON SHALL SEND TO THE DEPARTMENT THE FOLLOWING INFORMATION:

(1) A LIST OF ALL PRODUCTS OF THE SAME STYLE PRODUCED BY THE SAME MANUFACTURER AS THE SAMPLE OBTAINED BY THE AGENT OF THE DEPARTMENT UNDER § 22-604 OF THIS SUBTITLE;

(2) THE NAME OF THE MANUFACTURER OR SELLER FROM WHOM THE PERSON OBTAINED THE CHILDREN'S PRODUCT THAT IS A LEAD-CONTAINING PRODUCT OR THE LEAD-ADULTERATED CONSUMABLE PRODUCT; AND

(3) THE NAME OF EACH PERSON TO WHOM THE PERSON TRANSFERRED THE CHILDREN'S PRODUCT THAT IS A LEAD-CONTAINING PRODUCT OR

THE LEAD-ADULTERATED CONSUMABLE PRODUCT OF THE SAME STYLE PRODUCED BY THE SAME MANUFACTURER.

22-606.

WITHIN 24 HOURS AFTER A PERSON DETERMINES THAT THE PERSON HAS MANUFACTURED, SOLD, OFFERED FOR SALE, IMPORTED, OR DISTRIBUTED A PRODUCT IN VIOLATION OF § 22-603 OF THIS SUBTITLE, THE PERSON SHALL SUBMIT A REPORT TO THE DEPARTMENT IN A FORM REQUIRED BY THE DEPARTMENT.

22-607.

(A) (1) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 PER DAY FOR EACH VIOLATION.

(2) THE CIVIL PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ASSESSED AND RECOVERED IN ANY COURT OF COMPETENT JURISDICTION.”;

in line 10, before “A” insert “(B)”; after line 13, insert:

“22-608.

THE PROVISIONS OF THIS SUBTITLE DO NOT AFFECT THE AUTHORITY OF A LOCAL AGENCY TO ENFORCE A LOCAL LAW GOVERNING THE AMOUNT OF LEAD CONTAINED IN A PRODUCT IF THE LOCAL LAW IS AT LEAST AS RESTRICTIVE AS THE PROVISIONS OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall convene a workgroup consisting of the Maryland Department of the Environment, the Maryland Retailers Association, advocates, and other interested stakeholders to examine the issue of labeling lead-containing products.

(b) The workgroup shall determine appropriate requirements for labeling lead-containing products including the size and placement of the label, the entity that should be responsible for labeling the product, and whether any lead-containing products should be exempted from the labeling requirement.

(c) On or before December 1, 2007, the workgroup shall report its findings and recommendations, including legislative recommendations, in accordance with § 2-1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.”;

and in line 14, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 119 – Senator Munson

AN ACT concerning

Deputy Medical Examiners – Investigative Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 236 – Senators Kelley, Astle, Garagiola, and Klausmeier

AN ACT concerning

Life Insurance – Investment Accounts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 263 – Senators Klausmeier, Astle, Exum, and Pinsky

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 269 – ~~Senator Conway~~ Senators Conway, Exum, Garagiola, Kelley, Middleton, and Pugh

AN ACT concerning

~~**Maryland Health Care Commission – Racial and Ethnic Variations Data –
Nondiscrimination in Health Insurance**~~
Health Insurance – Collection of Racial and Ethnic Data – Nondiscrimination

(Amendment ID: SB0269/716784/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 269

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike “health”; and in the same line, after “insurers” insert “that provide health insurance”.

AMENDMENT NO. 2

On page 6, in line 11, strike “(1)”; and strike in their entirety lines 13 through 15, inclusive.

On page 7, in line 8, strike “A HEALTH INSURER” and substitute “AN INSURER THAT PROVIDES HEALTH INSURANCE”; in line 11, after “INFORMATION” insert “, PROVIDED THE INFORMATION IS USED SOLELY”; in line 19, after “INSURER” insert “THAT PROVIDES HEALTH INSURANCE”; strike beginning with “(1)” in line 25 down through “ORGANIZATIONS.” in line 27; and in line 28, strike “(2)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

**Health Insurance – Authorization of Additional Products and Small Group
Administrative Discounts and Study**

(Amendment ID: SB0427/776689/1)

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 427

(Third Reading File Bill)

On page 10, strike in its entirety line 7 and substitute:

“(1) THIS TITLE, EXCEPT SUBTITLES 7 AND 8 OF THIS TITLE; AND”;

and in line 9, strike “ARTICLE” and substitute “TITLE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 557 – Senator Garagiola

AN ACT concerning

**Health Insurance – Credentialing Intermediaries – ~~Exemptions~~ and Uniform
Credentialing Form**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 596 – Senator Klausmeier

AN ACT concerning

**Discount Medical Plan Organizations and Discount Drug Plan Organizations –
Registration and Regulation**

(Amendment ID: SB0596/216580/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 596
(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, in line 15, strike “QUARTERLY” and substitute “ANNUALLY”.

On page 10, in line 2, strike “(A)”.

On page 12, in line 32, strike “A” and substitute “AN APPLICATION OR CONTRACT FOR A”.

On page 15, in line 4, strike “IF” and substitute “IF”.

AMENDMENT NO. 2

On page 16, in line 8, after “FEE” insert “, NOT TO EXCEED ANY FEES, DUES, CHARGES, OR OTHER FINANCIAL CONSIDERATION THE MEMBER HAS ALREADY PAID,”; and in line 20, strike “ANY” and substitute “SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, ANY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 601 – Senator Kittleman

AN ACT concerning

Health Insurance – Health Care Providers – Reimbursement ~~by Carriers~~ and Charges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 714 – Senator Astle

AN ACT concerning

Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 750 – Senators Pipkin, Della, Edwards, Hogan, Jacobs, and Kittleman

EMERGENCY BILL

AN ACT concerning

Queen Anne’s County – Health Care Facilities Regulation – Licensing of Freestanding Medical Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 824 – Senator Middleton

AN ACT concerning

Senior Prescription Drug Assistance Program – Modifications and Sunset Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 879 – Senator Pinsky

AN ACT concerning

Hospitals – Safe Patient Lifting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 882 – ~~Senator Della~~ Senators Della and Exum

AN ACT concerning

Medical System Corporation – Board of Directors – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 952 – ~~Senator Middleton~~ Senators Middleton and Madaleno

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

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 554 – Delegates Ross, Ali, Anderson, Braveboy, Burns, Cane, Carter, Davis, Gilchrist, Glenn, Gutierrez, Harrison, Haynes, Hucker, Ivey, Kaiser, Lawton, Montgomery, Nathan–Pulliam, Oaks, Ramirez, Rice, Robinson, Stukes, Tarrant, Taylor, F. Turner, and Walker

AN ACT concerning

Voter Registration Protection Act

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Hixson moved to make the Bill a Special Order for Monday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 763)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #69

House Bill 468 – Delegate James

AN ACT concerning

State Police Retirement System – Retirees and Beneficiaries of Retirees – Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 764)

The Bill was then sent to the Senate.

House Bill 876 – Delegates Lawton, Dumais, Ali, Barkley, Beidle, Bronrott, Dwyer, Frank, Frush, Gilchrist, Gutierrez, Healey, Hecht, Hixson, Hucker, James, Kaiser, Kelly, N. King, Kullen, Lee, Love, Manno, McComas, McConkey, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnik, Ramirez, Ross, Shank, Shewell, Simmons, Stein, Tarrant, Valderrama, and Waldstreicher

AN ACT concerning

Human Trafficking, Extortion, and Involuntary Servitude

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 765)

The Bill was then sent to the Senate.

House Bill 1183 – Delegates Branch, Barve, and Jones

AN ACT concerning

Residential Real Property – ~~Inspection and Disclosure~~ – Mold Assessment Standards – Task Force

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 766)

The Bill was then sent to the Senate.

House Bill 1346 – Chair, Appropriations Committee (By Request – Departmental – Baltimore City Community College)

AN ACT concerning

**Law Enforcement Officers' Pension System – Baltimore City Community College –
Police Officers**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 767)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #70

House Bill 1441 – Charles County Delegation

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box
Theatre**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 768)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 102 – The President (By Request – Administration)

AN ACT concerning

State Agencies – StateStat

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 769)

The Bill was then returned to the Senate.

Senate Bill 108 – The President (By Request – Administration) and Senators Currie, Frosh, Hogan, Middleton, Miller, ~~and Rosapepe~~ Rosapepe, DeGrange, Jones, Kasemeyer, Kramer, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

Read the third time and passed by yeas and nays as follows:

Affirmative – 129 Negative – 9 (See Roll Call No. 770)

The Bill was then returned to the Senate.

Senate Bill 146 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Safe Haven House for Youth and Families

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 771)

The Bill was then returned to the Senate.

Senate Bill 243 – Senator Britt

AN ACT concerning

~~Employees'~~ **State Retirement and Pension System – Transfer of Service Credit**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 772)

The Bill was then returned to the Senate.

Senate Bill 251 – Senators Raskin, Forehand, and Madaleno

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County –
Pyramid Atlantic**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 773)

The Bill was then returned to the Senate.

Senate Bill 304 – Senator Kramer (Chair, Joint Committee on Pensions) and Senators Brinkley, Currie, Hogan, Kasemeyer, McFadden, Munson, Garagiola, and Peters ~~and Peters~~, Peters, Harris, Hooper, Jacobs, Edwards, Simonaire, Greenip, Mooney, Stoltzfus, Haines, Colburn, Kittleman, and Stone

AN ACT concerning

**State Retirement and Pension System – Military Service that Interrupts State
Service – Calculation**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 774)

The Bill was then returned to the Senate.

Senate Bill 305 – Senators Kramer, Forehand, Garagiola, Hogan, Lenett, and Madaleno

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd
Fellows Hall**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 775)

The Bill was then returned to the Senate.

Senate Bill 320 – Senator Stone

AN ACT concerning

**Law Enforcement Officers' Pension System – Membership – Martin State Airport
Law Enforcement Officers**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 776)

The Bill was then returned to the Senate.

Senate Bill 388 – Senator Stone

AN ACT concerning

Baltimore County – Todd's Inheritance Loan of 2000

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 777)

The Bill was then returned to the Senate.

Senate Bill 412 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Compliance with the Federal Pension
Protection Act of 2006**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 778)

The Bill was then returned to the Senate.

Senate Bill 432 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 779)

The Bill was then returned to the Senate.

Senate Bill 455 – Senator Colburn

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick
Douglass Memorial**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 780)

The Bill was then returned to the Senate.

Senate Bill 515 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 781)

The Bill was then returned to the Senate.

Senate Bill 650 – Senator Edwards

AN ACT concerning

**Community Based Regional Initiatives Loan of 2004 – Garrett
County – Fairgrounds Exhibit Hall**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 782)

The Bill was then returned to the Senate.

Senate Bill 680 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bonds

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 783)

The Bill was then returned to the Senate.

Senate Bill 801 – Senator Pugh

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore
Museum of Art**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 784)

The Bill was then returned to the Senate.

Senate Bill 816 – Senator Middleton

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 785)

The Bill was then returned to the Senate.

Senate Bill 905 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 786)

The Bill was then returned to the Senate.

Senate Bill 1001 – Senator Gladden

AN ACT concerning

**Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of
1999**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 787)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #11**Senate Bill 164 – Senators Miller and Dyson**

AN ACT concerning

Business Regulation – Licenses – ~~Application~~ – Calvert County

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 788)

The Bill was then returned to the Senate.

Senate Bill 318 – Senators Exum, Britt, Conway, Currie, Della, Garagiola, Gladden, Jones, Kelley, Klausmeier, McFadden, Middleton, Muse, and Pugh

AN ACT concerning

**Maryland Small Business Development Financing Authority – Financing
Limitations**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 789)

The Bill was then returned to the Senate.

Senate Bill 625 – Senator Garagiola

AN ACT concerning

**Workers' Compensation Commission – Governmental Self-Insurance
Groups – Investment**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 790)

The Bill was then returned to the Senate.

Senate Bill 720 – Senators Middleton, Exum, and Kelley (Unemployment Insurance Oversight Committee)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 791)

The Bill was then returned to the Senate.

Senate Bill 810 – Senator Astle

AN ACT concerning

Public Service Commission – Authorization of Stock and Debt Transactions

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 792)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 39 – Senator Pipkin

AN ACT concerning

Maryland Port Administration – ~~Transfer to Department of Business and Economic Development~~ Strategic Plan and Membership

Delegate McHale moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

Senate Bill 147 – Chair, Anne Arundel County Senators

AN ACT concerning

Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 793)

The Bill was then returned to the Senate.

Senate Bill 217 – Senators Astle, Conway, Dyson, Frosh, Middleton, Pinsky, and Zirkin

AN ACT concerning

Vehicle Laws – Special and Commemorative Registration Plates – ~~Sunset Provisions~~

FLOOR AMENDMENT

(Amendment ID: SB0217/443020/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 217

(Third Reading File Bill)

On page 7, in line 26, strike “398” and substitute “251”; in line 27, strike “2003” and substitute “2000”; and in the same line, after “by” insert “Chapter 398 of the Acts of 2003 and”.

The preceding amendment was read and adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 794)

The Bill was then returned to the Senate.

Senate Bill 220 – Senator Frosh

AN ACT concerning

**Real Property – Release of Mortgage, ~~Security Instrument, or~~ Deed of Trust, or
Lien Instrument**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 795)

The Bill was then returned to the Senate.

Senate Bill 438 – Senator Pugh (By Request) and Senators Conway, Della, Jones, Kasemeyer, ~~and McFadden~~ McFadden, and Garagiola

AN ACT concerning

**Maryland Transit Administration – Continuation of Passenger Railroad Service on
Amtrak and CSX Lines**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 796)

The Bill was then returned to the Senate.

Senate Bill 444 – Senator Colburn

AN ACT concerning

**Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle
Transfer**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 797)

The Bill was then returned to the Senate.

Senate Bill 635 – Senator Raskin

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Notice Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 798)

The Bill was then returned to the Senate.

Senate Bill 682 – Cecil County Senators

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 799)

The Bill was then returned to the Senate.

Senate Bill 777 – Senator Stoltzfus

SECOND PRINTING

AN ACT concerning

Delmarva Advisory Council – Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 800)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 64 – Senator Middleton

AN ACT concerning

Young Farmers Advisory Board – Termination Date – Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 801)

The Bill was then returned to the Senate.

Senate Bill 165 – Senator Astle

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 802)

The Bill was then returned to the Senate.

Senate Bill 237 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 803)

The Bill was then returned to the Senate.

Senate Bill 254 – Senator Conway

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 804)

The Bill was then returned to the Senate.

Senate Bill 282 – Senators Middleton and Dyson

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 805)

The Bill was then returned to the Senate.

Senate Bill 414 – Senators Stoltzfus, Colburn, Dyson, Middleton, Pipkin, ~~and Stone~~
Stone, Hooper, Harris, and Greenip

AN ACT concerning

Working Waterfront Commission

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 806)

The Bill was then returned to the Senate.

Senate Bill 766 – Senator Frosh

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 807)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 57 – Senators Pinsky, Britt, Raskin, and Rosapepe

AN ACT concerning

**Education – Teachers – State and Local Aid Program for Certification by the
National Board for Professional Teaching Standards**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 808)

The Bill was then returned to the Senate.

Senate Bill 274 – Senator Edwards

AN ACT concerning

Garrett County – Property Tax Credit – New or Expanding Businesses

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 809)

The Bill was then returned to the Senate.

Senate Bill 649 – Senator Edwards

AN ACT concerning

Garrett County – Special Property Tax – Volunteer Fire Departments

Read the third time and passed by yeas and nays as follows:

Affirmative – 127 Negative – 12 (See Roll Call No. 810)

The Bill was then returned to the Senate.

Senate Bill 954 – Senator Edwards

AN ACT concerning

**Garrett County – Property Tax Credit – Society for the Preservation of St. Ann
Mission**

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 811)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 91 – Senators Garagiola, Britt, Currie, Forehand, Frosh, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Zirkin

AN ACT concerning

Clean Indoor Air Act of 2007

Read the third time and passed by yeas and nays as follows:

Affirmative – 99 Negative – 39 (See Roll Call No. 812)

The Bill was then returned to the Senate.

CONSENT CALENDAR #10

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1361 – Delegates Robinson, Anderson, Benson, Carter, Glenn, Harrison, Haynes, Jones, McIntosh, Nathan–Pulliam, Oaks, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Health Care and Personal Care Services – Abusive Employee Database

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1438 – Delegates Robinson, Tarrant, Conaway, Anderson, Burns, Cardin, Glenn, Kirk, Nathan–Pulliam, and Vaughn

AN ACT concerning

Creation of a State Debt – Baltimore City – Learning, Inc. Facility

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 9 – Senator Garagiola

AN ACT concerning

~~Education~~ **State Department of Education and Department of Health and Mental Hygiene – Student Surveys – ~~Youth Risk Behavior Surveillance System Survey~~ Workgroup**

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 16 – Senator Della

AN ACT concerning

Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets Corporation and Lexington Market, Inc.

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 63 – Senators Lenett, Frosh, and Madaleno

AN ACT concerning

Election Law – Voter’s Bill of Rights

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations and the Committee on Health and Government Operations:

Senate Bill 101 – The President (By Request – Administration) and Senators Hogan, Middleton, and Miller

AN ACT concerning

Nursing Facilities – Quality Assessment – Medicaid Reimbursement

The Bill was re-referred to the Committee on Appropriations and the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 130 – Senators Peters, Hogan, Britt, Forehand, Garagiola, Klausmeier, Pugh, ~~and Raskin~~ Raskin, Rosapepe, Madaleno, Robey, Munson, and Jones

AN ACT concerning

Public Safety – State Aid for Police Protection Fund – Municipal Sworn Officer Allocation

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 148 – The President (By Request – Administration) and Senators Frosh and Miller

AN ACT concerning

Natural Resources – Chesapeake Bay – Oyster Restoration

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 175 – Senators Zirkin and Muse

AN ACT concerning

Juveniles – Mentoring Program – “Maryland Rising”

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations and the Committee on Appropriations:

Senate Bill 177 – Senator Zirkin

AN ACT concerning

**Residential Child Care Programs – Out-of-Home Placement – Standards for Staff
and System for Outcomes Evaluation**

The Bill was re-referred to the Committee on Health and Government Operations and the
Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 340 – Senators Conway, Britt, Dyson, Lenett, Pinsky, and Rosapepe

AN ACT concerning

**Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists
Act – Revision**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 519 – Senators Peters, Brochin, Jacobs, McFadden, Muse, Pugh, Raskin,
Robey, Simonaire, and Stone

AN ACT concerning

~~Juveniles – School Attendance and Crimes Committed During School Hours –
Penalties and Issuance of a License to Drive~~
Truancy – Prohibition Against Issuance of Learner’s Instructional Permit

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 522 – Senator Rosapepe

AN ACT concerning

Homestead Tax Credit – Eligibility Verification – Application

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 543 – Senators Jones, Britt, Conway, Currie, Exum, Gladden, McFadden, Muse, Pugh, ~~and Rosapepe~~ Rosapepe, Garagiola, Brochin, Frosh, and Madaleno

AN ACT concerning

2007 Darfur Protection Act – Divestiture from the Republic of Sudan

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 565 – Senator Brinkley

AN ACT concerning

Frederick County – Collective Bargaining – Representatives for Correctional Officers

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 583 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

Alternate Contributory Pension Selection – Clarifications

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 595 – Senator Garagiola

AN ACT concerning

**Public Utility Companies – Net Energy Metering – Renewable Portfolio Energy
Standard – Photovoltaic Power**

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 600 – Senator Kittleman

AN ACT concerning

**Workers' Compensation Commission – Authorization for Release of Medical
Information – Work-Related Injury or Occupational Disease**

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 634 – Senators Raskin ~~and Brochin~~, Brochin, Middleton, ~~and Hogan~~ Hogan,
and Pugh

AN ACT concerning

**Presidential Elections – Agreement Among the States to Elect the President by
National Popular Vote**

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 674 – Senators Pinsky, Britt, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Jones, Kelley, Lenett, Pugh, and Zirkin

AN ACT concerning

Maryland Energy Efficiency Standards Act of 2007

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 699 – Senator Stone

AN ACT concerning

**State Highway Administration – Protection of Highway Construction and
Maintenance Workers**

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 708 – Senators McFadden, Gladden, Jones, and Miller

AN ACT concerning

Election Law – County Offices or Baltimore City Municipal Offices – Election Dates

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 733 – Senator Edwards

AN ACT concerning

Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 742 – Senator Klausmeier

AN ACT concerning

Swimming Pools – Automated External Defibrillator Programs

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 744 – Senator Della

AN ACT concerning

Former Governors – Death Benefits – Surviving Spouses

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 746 – Senator Conway

AN ACT concerning

Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 775 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – State’s Attorney – Salary

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 782 – Senators Conway, Jones, McFadden, and Pugh

AN ACT concerning

**Baltimore City Board of School Commissioners – Partially Elected Board – Straw
Ballot**

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 784 – Senators Rosapepe, Britt, ~~and Pinsky~~ Pinsky, Conway, and Raskin

AN ACT concerning

Stormwater Management Act of 2007

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 813 – Senator Colburn

AN ACT concerning

Dorchester County – Appointment of Members of Fire Companies as Deputy Sheriffs

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 817 – Senator Della

AN ACT concerning

Thoroughbred Racing – Restrictions on Night and Sunday Racing – Repeal

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 833 – Senator Stoltzfus

AN ACT concerning

Worcester County – Fire and Explosive Investigators – Authority

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 851 – Senators Lenett, Colburn, Dyson, Klausmeier, Madaleno, ~~and Middleton~~ Middleton, Britt, DeGrange, Hooper, Jones, and McFadden

AN ACT concerning

Physicians – Unauthorized Practice of Medicine – Penalty

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 864 – Senator Middleton

AN ACT concerning

Voice Over Internet Protocol Service ~~and Internet Protocol-Enabled Service~~

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 868 – Senators Haines, Brinkley, and Kittleman

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 873 – Senators Garagiola ~~and Peters~~, Peters, and Dyson

AN ACT concerning

Task Force to Study State Assistance to Veterans

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 874 – Senator Pugh

AN ACT concerning

Baltimore City – New Shiloh Multipurpose Center Loan of 2001

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 883 – Senators Conway, Dyson, Exum, Frosh, Gladden, and Kelley

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 885 – Senator Dyson

AN ACT concerning

~~State Ethics Commission – Regulated Lobbyist – Fees~~
Ethics Law – Miscellaneous Provisions

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 886 – Senator Dyson

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Calvert County – Old
Wallville School**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 889 – Senator Astle

AN ACT concerning

**Anne Arundel County – Alcoholic Beverages – Board of License Commissioners –
Inspectors**

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 891 – Senator Astle

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2004 – Anne Arundel County –
Carrie Weedon Science Center**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 935 – Senators Robey, DeGrange, Hogan, Kasemeyer, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Stoltzfus

AN ACT concerning

Vehicle Laws – Traffic Control Signals – Exit Ramps

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 936 – Senators Klausmeier, Astle, Edwards, Garagiola, Kittleman, Middleton, and Pugh

AN ACT concerning

**Nonprofit Health Service Plans – Boards of Directors – Term Limits and
Compensation**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 937 – Senator Kelley

AN ACT concerning

State Board for Certification of Residential Child Care Program Administrators – Fees

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 945 – Senators Madaleno, Kramer, Della, and Pinsky

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 957 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Public Facilities Bonds

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 970 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Appropriation Permits – Penalties

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 984 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 999 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Oversight

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1006 – Senator Klausmeier

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1008 – Senator Colburn

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1009 – Senator Colburn

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1011 – Senator Colburn

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1014 – Senator Conway

AN ACT concerning

Higher Education – Morgan State University – Board of Regents – ~~Student Member~~ Membership

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1015 – Senator Raskin

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Blair
Baseball Field Improvements**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1016 – Senator Britt

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi-Service Center**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 1022 – ~~Senator Middleton~~ Senators Middleton, Della, Exum, Garagiola,
Kelley, Klausmeier, and Pugh

AN ACT concerning

Group Life Insurance – Additional Insureds – Domestic Partners

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 1025 – The President (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 1027 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race-Based Traffic Stops – Sunset Extension and Reporting Requirements

The Bill was re-referred to the Committee on Environmental Matters.

AMENDED IN THE SENATE

House Bill 220 – Delegates Beidle, Ali, Aumann, Barnes, Bobo, Boteler, Cane, V. Clagett, Costa, Dwyer, Elmore, Frush, George, Glassman, Healey, Hecht, Holmes, Hucker, James, Jameson, Jennings, J. King, Kipke, Kullen, Lafferty, Lawton, Levy, Love, Malone, Mathias, McConkey, McIntosh, O'Donnell, Pena-Melnyk, Riley, Schuh, Shewell, Sophocleus, Sossi, ~~and Weir~~ Weir, Glenn, Niemann, and Stull

AN ACT concerning

Vehicle Laws – Special and Commemorative Registration Plates – Sunset Provisions

Delegate McIntosh moved that the House not concur in the Senate amendments.

(Amendment ID: HB0220/928679/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 220

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “– Sunset Provisions”; in line 4, after “of” insert “repealing the authority of the Motor Vehicle Administration to issue certain special commemorative registration plates for a certain class of vehicles;”; in line 8, after “Plate;” insert “providing for the termination of a certain provision of this Act;”; in line 10, strike “without” and substitute “with”; and in line 12, strike “13–619.2(a)” and substitute “13–619.2”.

AMENDMENT NO. 2

On page 2, strike line 30 in its entirety; and in line 31, strike “(3)” and substitute “(2)”.

On page 3, in lines 1 and 2, strike “(4)” and “(5)”, respectively, and substitute “(3)” and “(4)”, respectively.

AMENDMENT NO. 3

On page 5, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation”;

and after line 19, insert:

“(b) The owner of a vehicle, or a lessee of the vehicle under a lease not intended as security, or a director, officer, employee, or partner of a business entity that owns the vehicle considered eligible by the Administration may apply to the Administration for an original or substitute registration plate under this section if the vehicle is included in one of the following classes:

(1) A Class A (passenger) vehicle;

[(2) A Class B (for hire) vehicle;]

[(3) (2) A Class E (truck) vehicle with a manufacturer’s rated capacity of one ton or less;

[(4)] (3) A Class E (farm truck) vehicle;

[(5)] (4) A Class G (trailer) vehicle; or

[(6)] (5) A Class M (multipurpose) vehicle.

(c) (1) In addition to the annual registration fee otherwise required under this title, an owner of a vehicle assigned a registration plate under this section shall pay:

(i) When initially issued the registration plate, a one-time fee set by the Administration to recover the Administration's costs under this section; and

(ii) When initially issued the registration plate, and each time the registration plate is renewed, an additional fee set by the Administration to benefit the Maryland Agricultural Education Foundation, Inc.

(2) The additional fee collected under this section is not required for special registration of a vehicle that is exempt under § 13-903 of this title.

(3) No portion of the fee collected under this section may be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of this article.

(d) The Administration shall consult with the Maryland Agricultural Education Foundation, Inc. on:

(1) The design of a registration plate to be issued under this section to honor Maryland agriculture;

(2) The setting of the fee to be charged under subsection (c)(1)(ii) of this section at a level intended to encourage the purchase of the registration plate issued under this section while providing a continuous revenue source to benefit the Foundation; and

(3) A schedule under which the Administration will transfer to the Foundation revenue collected on the Foundation's behalf.

(e) The Administration shall adopt regulations to govern the issuance of special registration plates under this section.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

AMENDMENT NO. 4

On page 6, after line 9, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2007. It shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 398 of the Acts of the General Assembly of 2003, as amended by this Act. If that termination provision takes effect, Section 2 of this Act shall be abrogated and of no further force and effect. Section 2 of this Act may not be interpreted to have any effect on that termination provision.”;

in line 10, strike “2.” and substitute “5.”; and in the same line, after “That” insert “, subject to Section 4 of this Act,”.

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0220

SPONSOR: Del Beidle, et al

SUBJECT: Vehicle Laws – Special and Commemorative Registration Plates – Sunset Provisions

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 Delegates Beidle, Chairman, Ali, and Sossi.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 813)

ADJOURNMENT

At 10:50 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 29, 2007, Calendar Day Wednesday, April 4, 2007.

Annapolis, Maryland
Legislative Day: March 29, 2007
Calendar Day: Wednesday, April 4, 2007

The House met at 10:16 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseline A. Pena–Melnik of Anne Arundel and Prince George’s Counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 814)

The Journal of March 28, 2007 was read and approved.

EXCUSES:

Del. Davis – doctor’s appointment

Del. Goldwater – illness

Del. Love – late – personal

Del. Walker – late – traffic

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS
REPORT #16

CONSENT CALENDAR #11

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 3 – Senators DeGrange, Miller, Astle, Currie, Della, Garagiola, Gladden, Hogan, Kasemeyer, Kelley, Kramer, Pugh, Raskin, and Stone

AN ACT concerning

~~Property Protection Act of 2007~~
Real Property – Condemnation – Procedures and Compensation

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 112 – Senators Britt, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Prince George's County – Task Force on the Establishment of Vocational and Technical Education High School Academies

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 256 – Senator Astle

AN ACT concerning

City of Annapolis – Housing Authority – Approval of Commissioners by City Council

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 576 – Senator Jacobs

AN ACT concerning

Maryland Emergency Management Assistance Compact – Emergency Responders

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 582 – Senator Rosapepe

AN ACT concerning

Prince George's County School Facilities Surcharge – Exemption

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

Senate Bill 640 – Senator Raskin

AN ACT concerning

Consumer Protection – Motor Vehicle Manufacturers – Warranty Adjustment Programs

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 693 – Senators Zirkin, Britt, Colburn, Dyson, Harris, and Middleton

AN ACT concerning

HIV Testing – ~~Prohibited~~ Exposure – ~~Victims~~ Forensic Scientist

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 710 – Senators Conway, Dyson, Exum, Frosh, Gladden, Hogan, Kelley, and Pugh

AN ACT concerning

Affordable Housing – Enabling Authority for Counties and Municipalities

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 759 – Senators Dyson, Conway, and Gladden

AN ACT concerning

~~State Board of Pharmacy – Wholesale Drug Distribution – Permit Requirements~~
Wholesale Distributor Permitting and Prescription Drug Integrity Act

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 772 – Senators Britt, Currie, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Prince George's County – State's Attorney's Office – Composition and Salaries

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

Senate Bill 774 – Senators Britt, Currie, Exum, Forehand, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, Muse, Pugh, Raskin, Robey, and Zirkin

AN ACT concerning

~~Task Force on the HPV Vaccine~~
Cervical Cancer Committee – HPV Vaccine Subcommittee

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

Senate Bill 820 – Senator Britt

AN ACT concerning

Prince George's County Board of Education – Repeal of Requirement for a Comprehensive Review

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

Senate Bill 983 – Senator Dyson

AN ACT concerning

St. Mary's County – Board of County Commissioners – Personal Service Contracts

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

Senate Bill 1017 – Senators Muse and Miller

EMERGENCY BILL

AN ACT concerning

Crimes – Tobacco Paraphernalia – Distribution to ~~and Possession by~~ Minors

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

Senate Bill 1032 – Senator Middleton

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

The Bill was re-referred to the Committee on Appropriations.

AMENDED IN THE SENATE

House Bill 51 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2007, and the Maryland Consolidated Capital Bond Loans of 2000, 2001, 2003, 2004, 2005, and 2006

Delegate Conway moved that the House not concur in the Senate amendments.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE MARYLAND SENATE – 2007 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO HOUSE BILL 51 – THE CAPITAL BUDGET

(See Exhibit N of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO HOUSE BILL 51 – THE CAPITAL BUDGET

(See Exhibit O of Appendix II)

The preceding amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0051

SPONSOR: The Spkr (Admin)

SUBJECT: CSD–Maryland Consolidated Capital Bond Loan of 2007

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 Delegates A. Jones, Chairman, Conway, Proctor, James and Stocksdales.

In addition, the House has appointed in advisory capacity: Delegate Bohanan and Delegate Griffith.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

MESSAGE FROM THE CHIEF EXECUTIVE

SUPPLEMENTAL BUDGET NO. 4 – FISCAL YEAR 2008

(See Exhibit P of Appendix II)

Read and referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 702 – Senator Dyson

AN ACT concerning

~~**Natural Resources – Yellow Perch – Harvest Restrictions**~~
Yellow Perch Conservation and Sustainability Act

FOR the purpose of ~~prohibiting a person from installing, setting, operating, or maintaining in certain tributaries of the Chesapeake Bay at certain times certain fishing gear capable of catching yellow perch; establishing a certain exception to the prohibition; establishing a certain exception to the authority of the Department of Natural Resources to regulate a certain fishery resource exclusively through the adoption of a fishery management plan; requiring the Department, in consultation with certain stakeholders, to report annually to the General Assembly on the environmental and economic impact of certain harvest restrictions on or before a certain date~~ requiring the Department of Natural Resources to adopt certain regulations relating to yellow perch by a certain date; requiring the yellow perch management strategy adopted under this Act to be based on certain objectives and measures; requiring the Department to incorporate certain objectives into a certain fishery management plan for yellow perch; requiring the Department in consultation with certain stakeholders, to prepare and submit to certain committees

of the General Assembly a certain report related to fisheries on or before a certain date; and generally relating to fishery management in the State.

~~BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4-215(h)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

BY adding to
Article – Natural Resources
Section ~~4-710(j)~~ 4-215.2
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Senate Bill 1012 – Senator Astle

AN ACT concerning

Natural Resources – Fishery Management Reform Act

FOR the purpose of altering the fees for certain fishing licenses for tidal and nontidal waters; ~~requiring~~ authorizing the Governor to include a certain appropriation in the budget bill beginning with a certain year and each year thereafter for the State Fisheries Management and Protection Fund and the Fisheries Research and Development Fund; ~~requiring the appropriation to be based on a certain percentage of the increase in license fees beginning with a certain fiscal year;~~ stating the findings and intent of the General Assembly relating to fishing resources; establishing the Task Force on Fishery Management; providing for the membership and staffing of the Task Force; requiring the Task Force to review and evaluate the processes for fishery management and make certain recommendations to the Governor and the General Assembly by a certain date; requiring the Task Force to assist the Department of Natural Resources in developing regulations, policies, and suggested legislation to implement certain recommendations; prohibiting a member of the Task Force from receiving certain compensation, but authorizing certain expenses; ~~authorizing the Governor to include certain money for certain funds in a certain supplemental budget;~~ urging the Department to follow a certain provision of law; ~~stating the intent of the General Assembly relating to the increase in fishing license fees;~~ providing for the termination of this Act; and generally relating to fisheries and fishing resources managed by the Department of Natural Resources.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 4–208, 4–209, 4–604(g)(1)(i) and (2)(i), and 4–745(a)(2) and (d)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–745(b)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Natural Resources
Section 4–215.2 and 4–215.3
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER

SPONSOR

HB 10

Del. Haynes

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #13

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 823 – Delegates Rosenberg and James

AN ACT concerning

Maryland Voluntary Employee Accounts Program

(Amendment ID: HB0823/274169/1)

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 823

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Rosenberg and James” and substitute “Rosenberg, James, Aumann, Bates, Eckardt, Heller, Levy, Robinson, and Schuh”; and in line 2, before “Maryland” insert “Task Force to Study a”.

AMENDMENT NO. 2

On page 1, strike beginning with the second “the” in line 3 down through “Program.” in line 24 and substitute “a Task Force to Study a Maryland Voluntary Employee Accounts Program; providing for the membership, chair, duties, and staffing of the Task Force; requiring the Task Force to report to the Joint Committee on Pensions on its findings by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study a Maryland Voluntary Employee Accounts Program.”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 25 on page 1 through line 5 on page 2, inclusive.

AMENDMENT NO. 4

On page 2, in line 7, strike “the Laws of Maryland read as follows”; and after line 7, insert:

“(a) There is a Task Force to Study a Maryland Voluntary Employee Accounts Program.

(b) The Task Force shall consist of the following members:

(1) one member from the House of Delegates, appointed by the Speaker of the House;

(2) one member from the Senate, appointed by the President of the Senate;

- (3) the Treasurer, or the Treasurer's designee;
 - (4) the Comptroller, or the Comptroller's designee;
 - (5) the Executive Director of the Maryland Teachers and State Employees Supplemental Retirement Plans, or the Executive Director's designee; and
 - (6) two members of the public appointed by the Governor, including:
 - (i) one member of the public from the small business community in the State; and
 - (ii) one member of the public with financial expertise in developing employer-sponsored retirement savings plans.
- (c) The chair of the Task Force shall be elected by the members of the Task Force.
- (d) The Task Force shall study:
- (1) the feasibility of participating in a voluntary employee accounts program for private sector employers and employees;
 - (2) the various retirement savings plans that may be offered by a voluntary employee accounts program;
 - (3) the potential liability the State may incur by providing a voluntary employee accounts program and any necessary precautions the State would have to implement to avoid such liability;
 - (4) the cost efficiencies of providing group arrangements that would allow private sector employers the opportunity to achieve economies of scale for pension or retirement savings arrangements; and
 - (5) the issue of oversight and administration of voluntary employee accounts, including which State entity should be provided with the primary oversight and administrative authority of a voluntary employee accounts program.

(e) The Task Force shall be staffed by the Department of Legislative Services.

(f) The Task Force shall issue a final report of its findings and recommendations to the Joint Committee on Pensions on or before December 31, 2007, in accordance with § 2-1246 of the State Government Article.”.

AMENDMENT NO. 5

On pages 2 through 9, strike in their entirety the lines beginning with line 8 on page 2 through line 5 on page 9, inclusive.

AMENDMENT NO. 6

On page 9, in line 6, strike “4.” and substitute “2.”; strike beginning with “, subject” in line 6 down through “Act,” in line 7; and in line 7, after “2007.” insert “It shall remain effective for a period of 1 year and, at the end of June 30, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 143 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Real Property – Electronic Recording Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

Senate Bill 780 – Senators Currie, DeGrange, Hogan, Kasemeyer, ~~and Kramer~~ Kramer, Munson, Jones, and McFadden

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

(Amendment ID: SB0780/524567/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 780

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “circumstances;” insert “authorizing the Board of Trustees of the State Retirement and Pension System to adopt a trust document and regulations;”; and in line 14, strike “making this Act subject to a certain contingency;”.

AMENDMENT NO. 2

On page 2, in line 25, after “**2007**” insert “**AND FISCAL YEAR 2008**”; and in line 26, after “**2006**” insert “**OR CHAPTER OF THE ACTS OF 2007 (H.B. 50)**”.

AMENDMENT NO. 3

On page 5, after line 6, insert:

“(K) THE BOARD OF TRUSTEES MAY ADOPT A TRUST DOCUMENT AND REGULATIONS TO CARRY OUT THIS TITLE.”

AMENDMENT NO. 4

On page 8, in line 25, strike “That, on” and substitute “That:

(a) On”;

and in line 26, strike “determination letter” and substitute “ruling”.

On pages 8 and 9, strike beginning with “SECTION” in line 30 on page 8 down through “effect.” in line 5 on page 9, and substitute:

“(b)”.

On page 9, in line 6, strike “determination letter” and substitute “ruling”; in line 9, strike “4.” and substitute “3.”; and strike beginning with “, subject” in line 9 down through “Act,” in line 10.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #19

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1442 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

Homeowner’s Insurance – Issuance and Renewal of Policies in Certain Geographic Areas

(Amendment ID: HB1442/363891/1)

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1442

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in lines 2 and 3, strike “Homeowner’s Insurance – Issuance and Renewal of Policies in Certain Geographic Areas” and substitute “Task Force on the Availability and Affordability of Property Insurance in Coastal Areas”; strike beginning with “prohibiting” in line 4 down through “measure” in line 8 and substitute “establishing the Task Force on the

Availability and Affordability of Property Insurance in Coastal Areas; providing for the purpose of the Task Force; providing for the composition, co-chair, and staff of the Task Force; providing that the members of the Task Force may not receive compensation, but may be reimbursed for certain expenses; requiring the Task Force to submit a certain report to the Governor and certain committees on or before a certain date; providing for the termination of this Act"; strike beginning with "homeowner's" in line 8 down through "State" in line 9 and substitute "the Task Force on the Availability and Affordability of Property Insurance in Coastal Areas".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 10 through 14, inclusive; in line 16, strike "the Laws of Maryland read as follows".

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 14 on page 2, inclusive, and substitute:

"(a) There is a Task Force on the Availability and Affordability of Property Insurance in Coastal Areas.

(b) The Task Force consists of the following members:

(1) three members of the Senate Finance Committee, appointed by the Chair of the Committee;

(2) three members of the House Economic Matters Committee, appointed by the Chair of the Committee;

(3) the Maryland Insurance Commissioner, or the Commissioner's designee; and

(4) the People's Insurance Counsel, or the Insurance Counsel's designee.

(c) The Chair of the Senate Finance Committee and the Chair of the House Economic Matters Committee jointly shall appoint co-chairs of the Task Force from among the Senate and House members appointed to the Task Force.

(d) The Maryland Insurance Administration shall provide staff for the Task Force.

(e) A member of the Task Force may not receive compensation for serving on the Task Force, but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The purpose of the Task Force is to examine methods to ensure the continued availability and affordability of property insurance in coastal areas of Maryland.

(g) In examining methods to ensure the continued availability and affordability of property insurance in coastal areas of Maryland, the Task Force shall study:

(1) the availability and affordability of homeowner's insurance and other property insurance in coastal areas of the State, including the Eastern Shore and Southern Maryland, and whether there is sufficient competition within those areas;

(2) the current number and types of insurers in the coastal markets, including admitted carriers, excess and surplus lines carriers, residual market mechanisms, captives, and the reinsurance market, and the types of products offered;

(3) the competition and rate adequacy in the coastal markets for storm-related perils;

(4) the impact of coastal markets on the availability and affordability of property insurance in noncoastal areas and the costs associated with spreading property insurance risks among homeowners across the entire State;

(5) the regulatory framework within the State for the pricing and underwriting of property insurance, including the use of named storm deductibles;

(6) the development and evolution of storm modeling and its use by the insurance industry in the assessment of potential losses from significant storms and the need for a regulatory framework in the use of storm modeling;

(7) potential structural protections for properties in coastal areas that would result in the mitigation of storm damage in coastal areas and the extent to which

such mitigation has had a beneficial impact on the availability and affordability of property insurance in other states;

(8) the ability of the State to influence patterns of real estate development in coastal areas in a manner that minimizes future exposure of the State and Maryland residents to severe storm damage to property;

(9) the effectiveness, cost, and long-term viability of alternative market mechanisms, such as limited coverage products, wind pools, the expansion of residual market mechanisms, and catastrophe funds that have been implemented or are being considered in other states or by the federal government;

(10) initiatives adopted in other states to increase availability and affordability of property insurance in coastal areas; and

(11) any other matter the Maryland Insurance Commissioner deems relevant to the availability and affordability of homeowner's insurance in coastal areas of the State.

(h) On or before December 31, 2007, the Task Force shall report on its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act take effect June 1, 2007. It shall remain effective for a period of 1 year and, at the end of May 31, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 741 – Senators Middleton, Astle, Della, Edwards, Exum, Garagiola, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Office of Cemetery Oversight – Sunset Extension and Program Evaluation

(Amendment ID: SB0741/673295/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 741

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “repealing” in line 6 down through “State;” in line 8; strike beginning with “requiring” in line 17 down through “State;” in line 18; in line 23, after “proposal;” insert “requiring the Director, in consultation with the Advisory Council, to study the issue of regulating the preconstruction sale of space in garden crypts and mausoleum crypts and develop a legislative proposal;”; and in line 35, strike “5–205.”

AMENDMENT NO. 2

On pages 6 and 7, strike in their entirety the lines beginning with line 28 on page 6 through line 23 on page 7, inclusive.

On page 16, strike beginning with “That” in line 23 down through “ENACTED,” in line 26; and in line 30, strike “5.” and substitute “4.”

AMENDMENT NO. 3

On page 17, in line 5, strike “6.” and substitute “5.”; and after line 28, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That the Director of Cemetery Oversight, in consultation with the Advisory Council on Cemetery Operations, shall study the issue of regulating the preconstruction sale of space in garden crypts and mausoleum crypts in the State, including: (1) the scope of regulation needed; (2) the need for a preconstruction trust fund or performance bond; (3) penalties for under-funding a preconstruction trust fund; (4) provisions for temporary interment during the preconstruction period; (5) options available to consumers in the event of nonperformance of a preconstruction sales contract; (6) the costs of regulation; and (7)

penalties for noncompliance with regulatory requirements. Based on the study, the Director shall develop a legislative proposal for introduction no later than the 2008 Legislative Session.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 752 – Senator Exum

AN ACT concerning

Workers’ Compensation – Benefits for Dependents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #25

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 35 – Senator Frosh

AN ACT concerning

Transportation – Highways – Federal Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 62 – Senator Stoltzfus

AN ACT concerning

**Somerset County – County Commissioners and Members of the County Roads
Board – Salaries**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 103 – The President (By Request – Administration) and ~~Senator Frosh~~
Senators Frosh, Britt, Brochin, Conway, Garagiola, Gladden, Jones, Kelley,
Kramer, Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and
Zirkin

AN ACT concerning

Maryland Clean Cars Act of 2007

(Amendment ID: SB0103/350617/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 103

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “date;” insert “authorizing a modification concerning the applicability of the program to vehicles of certain model years;”; in line 7, strike “the Administration and”; in line 14, after “circumstances;”, insert “exempting a certain zero-emission vehicle from certain emissions testing and inspection requirements; extending the termination of a certain exemption for qualified hybrid vehicles from certain emissions testing and inspection requirements; requiring the Administration and the Secretary to adopt certain regulations; providing that a qualified hybrid vehicle is not required to submit to a certain exhaust emissions test and emissions equipment and misfueling inspection until a certain time after the vehicle was first registered in the State;”; in line 15, strike “prohibiting” and substitute “authorizing the Department, in consultation with the Administration, to prohibit”; and strike beginning with “authorizing” in line 16 down through “motor” in line 18.

On page 2, in line 1, strike “vehicles on the title of the motor vehicle;”; in line 8, after “terms;” insert “requiring the Department, in consultation with the Administration, to consult with certain stakeholders, consider the implementation of efforts of certain states, and consider the needs of certain individuals in adopting regulations under this Act;”; in line 9, after “extent;” insert “providing for the effective date of certain provisions of this Act;”; in line 20, strike “and 13-406” and substitute “, 13-406, and 23-202(b)”; and after line 22, insert:

“BY repealing and reenacting, without amendments,

Article – Transportation

Section 23-206.3

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Transportation

Section 23-206.4

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 273 of the Acts of the General Assembly of 2003, as amended by Chapter 370 of the Acts of the General Assembly of 2005
Section 2”.

AMENDMENT NO. 2

On page 9, after line 7, insert:

“23-206.3.

(a) In this section, “qualified hybrid vehicle” has the meaning stated in § 13-815(a)(6) of this article.

(b) A qualified hybrid vehicle is exempt from the mandatory tests and inspections required by this subtitle if the vehicle obtains a rating from the U.S. Environmental Protection Agency of at least 50 miles per gallon during city fuel economy tests.

(c) The Administration shall adopt regulations necessary to implement the provisions of this section.

23-206.4.

(A) IN THIS SECTION, "ZERO-EMISSION VEHICLE" MEANS ANY VEHICLE THAT:

(1) IS DETERMINED BY THE SECRETARY TO BE A TYPE OF VEHICLE THAT DOES NOT PRODUCE ANY TAILPIPE OR EVAPORATIVE EMISSIONS; AND

(2) HAS NOT BEEN ALTERED FROM THE MANUFACTURER'S ORIGINAL SPECIFICATIONS.

(B) A ZERO-EMISSION VEHICLE IS EXEMPT FROM THE MANDATORY TESTS AND INSPECTIONS REQUIRED BY THIS SUBTITLE.

(C) THE ADMINISTRATION AND THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO:

(1) PROVIDE FOR THE DETERMINATION OF WHICH VEHICLES ARE ZERO-EMISSION VEHICLES; AND

(2) IMPLEMENT THE PROVISIONS OF THIS SECTION.

Chapter 273 of the Acts of 2003, as amended by Chapter 370 of the Acts of 2005

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003. It shall remain effective for a period of [6] 9 years and, at the end of September 30, [2009] 2012, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That the laws of Maryland read as follows:

Article – Transportation

(b) (1) [The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE emissions program shall provide for a biennial exhaust emissions test and emissions equipment and misfueling inspection for all vehicles of the 1977 model year and each model year thereafter.

(2) The emissions control program may not authorize an exhaust emissions test or emissions equipment and misfueling inspection for any vehicle of a model year earlier than the 1977 model year.

(3) (I) IN THIS PARAGRAPH, “QUALIFIED HYBRID VEHICLE” HAS THE MEANING STATED IN § 13–815(A)(6) OF THIS ARTICLE.

(II) A QUALIFIED HYBRID VEHICLE IS NOT REQUIRED TO SUBMIT TO A FIRST EXHAUST EMISSIONS TEST AND EMISSIONS EQUIPMENT AND MISFUELING INSPECTION UNTIL 3 YEARS AFTER THE DATE ON WHICH THE VEHICLE WAS FIRST REGISTERED IN THE STATE.”;

in line 8, strike “4.” and substitute “5.”; in line 12, strike “5.” and substitute “6.”; in line 21, strike “6.” and substitute “7.”; after line 23, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect on the taking effect of the termination provision specified in Section 2 of Chapter 273 of the Acts of the General Assembly of 2003, as amended by Chapter 370 of the Acts of the General Assembly of 2005 and Section 3 of this Act. Except as provided in Section 3 of this Act, this Act may not be interpreted to have any effect on that termination provision.”;

in line 24, strike “7.” and substitute “9.”; and in the same line, after “That” insert “, subject to the provisions of Section 8 of this Act,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 174 – Senator Edwards

AN ACT concerning

Environment – Mining – Security

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 180 – Senator Stoltzfus

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 202 – Senator Stoltzfus

AN ACT concerning

Somerset County – Treasurer – Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 271 – ~~Senator Edwards~~ Senators Edwards and Colburn, Colburn, Middleton, and Stoltzfus

AN ACT concerning

Hunting – Exemptions from License and Stamp Requirement

(Amendment ID: SB0271/860015/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 271

(Third Reading File Bill)

On page 3, in line 15, after “child” insert “OR CHILD’S SPOUSE”; and in lines 17, 18, and 19, in each instance, after “CHILD” insert “OR CHILD’S SPOUSE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 377 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Parks and Recreation – Appointment of Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 463 – Senator Pugh (By Request) and Senators Della, Dyson, Jones, Kasemeyer, McFadden, Raskin, and Stone

AN ACT concerning

Maryland Transit Administration – Public Hearings

(Amendment ID: SB0463/120511/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 463

(Third Reading File Bill)

On page 3, in line 23, strike “to the Public Service Commission”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 577 – Senator Jacobs

AN ACT concerning

**Harford County – Nuisance Abatement and Local Code Enforcement –
Enforcement Authority**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 979 – Senator Brinkley

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 992 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Aviation Administration – Airport Improvement Program Funds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #15**

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1439 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Adjutant General

(Amendment ID: HB1439/296785/1)

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1439

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “General” insert “and Assistant Adjutants General”; in line 4, after “General” insert “and Assistant Adjutant General; and generally relating to the Adjutant General and Assistant Adjutants General”; and in line 7, after “13–301” insert “and 13–303”.

AMENDMENT NO. 2

On page 2, in line 8, strike “**3**” and substitute “**2**”.

AMENDMENT NO. 3

On page 2, after line 17, insert:

“13–303.

(a) (1) The Governor shall appoint two Assistant Adjutants General for the Maryland Army National Guard and two Assistant Adjutants General for the Maryland Air National Guard.

(2) An Assistant Adjutant General serves at the pleasure of the Governor.

(3) Unless selected for a military position requiring federal recognition as a Major General, an Assistant Adjutant General shall have a commissioned grade not above that of Brigadier General.

(b) To be appointed as an Assistant Adjutant General an individual shall:

(1) have at least [10 years] 1 YEAR of commissioned field grade service in the National Guard; and

(2) have attained at least the rank of colonel.

(c) An Assistant Adjutant General shall perform the military duties that are assigned by the Governor or Adjutant General.

(d) (1) One of the Assistant Adjutants General for the Maryland Army National Guard and one of the Assistant Adjutants General for the Maryland Air National Guard shall be full–time employees of the Department in State active duty status.

(2) The other two Assistant Adjutants General shall be traditional drilling guard members.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 107 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Hogan, Kasemeyer, Klausmeier, Middleton, Miller, Peters, ~~and Rosapepe~~ Rosapepe, Astle, Kelley, and Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement

(Amendment ID: SB0107/636588/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 107
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 19, after “SECRETARY” insert “OF HEALTH AND MENTAL HYGIENE”.

AMENDMENT NO. 2

On page 5, in line 10, strike “AND”; and in line 12, after “NETWORKS” insert “;
AND”

(8) (I) THE PRACTICE BY CERTAIN HEALTH INSURANCE CARRIERS OF REQUIRING HEALTH CARE PROVIDERS WHO JOIN A PROVIDER NETWORK OF A CARRIER TO ALSO SERVE ON A PROVIDER NETWORK OF A DIFFERENT CARRIER; AND

(II) THE EFFECT OF THE PRACTICE DESCRIBED IN ITEM (I) OF THIS ITEM ON HEALTH CARE PROVIDER PAYMENTS AND WILLINGNESS TO SERVE ON PROVIDER NETWORKS OF HEALTH INSURANCE CARRIERS”.

On page 6, in line 3, strike “AND”; and in line 5, after “OUTCOMES” insert “;
AND”

(7) THE NEED TO PROHIBIT A HEALTH INSURANCE CARRIER FROM REQUIRING HEALTH CARE PROVIDERS WHO JOIN A PROVIDER NETWORK OF THE CARRIER TO ALSO SERVE ON A PROVIDER NETWORK OF A DIFFERENT CARRIER”.

AMENDMENT NO. 3

On page 6, after line 16, insert:

“(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, THE TASK FORCE SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS RELATING TO SUBSECTION (F)(7) OF THIS SECTION ON OR BEFORE DECEMBER 31, 2007.”

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 302 – Senators Kelley, Astle, Conway, Currie, Della, Forehand, Garagiola, Hogan, Klausmeier, Middleton, Pinsky, and Pugh

AN ACT concerning

~~**State Residential Centers – Money Follows the Individual Act**~~
Department of Health and Mental Hygiene – Money Follows the Person Grant – Report

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 349 – Senator McFadden

AN ACT concerning

Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 700 – Senator Dyson

AN ACT concerning

The Baby Boomer Initiative Act

(Amendment ID: SB0700/696382/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 700

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike line 2 in its entirety and substitute:

“(9) THE DIRECTOR OF THE JOHNS HOPKINS UNIVERSITY CENTER ON AGING AND HEALTH, OR THE DIRECTOR’S DESIGNEE.”

AMENDMENT NO. 2

On page 4, strike in their entirety lines 9 and 10 and substitute:

“(C) THE REPRESENTATIVES ON THE COUNCIL FROM THE UNIVERSITY OF MARYLAND AND JOHNS HOPKINS INSTITUTIONS JOINTLY SHALL INITIATE A STUDY TO BETTER UNDERSTAND AND DOCUMENT.”;

and in line 16, after “PERFORMANCE” insert “**, IN COOPERATION WITH JOHNS HOPKINS INSTITUTIONS,**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 770 – Senator Colburn

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

(Amendment ID: SB0770/636488/1)

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 770

(Third Reading File Bill)

On page 10, in line 13, strike “50” and substitute “120”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 890 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 953 – Senator Middleton (By Request)

AN ACT concerning

**Department of Health and Mental Hygiene – Maryland Medical Assistance
Program – Information from and Liability of Health Insurance Carriers**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 987 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #16

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 281 – Delegates Hubbard and Rosenberg

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

(Amendment ID: HB0281/782316/1)

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “establishing certain immunity from civil liability for certain persons;”; strike beginning with “requiring” in line 6 down through “date;” in line 11; strike beginning with “an” in line 12 down through “team” in line 14 and substitute “a certain plan to divert certain individuals with a serious mental illness to certain types of services”; strike beginning with “develop” in line 14 down through “requiring” in line 15 and substitute “work with”; in line 15, after “to” insert “develop a plan to”; and in line 22, after “card;” insert “expressing the intent of the General Assembly that the Mental Hygiene Administration expend no more than a certain amount of money in a certain year to implement the provisions of this Act;”.

On page 2, in line 8, strike “and 15–104.1”.

AMENDMENT NO. 2

On page 2, in line 15, strike “**ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE**” and substitute “**THE**”; in line 16, after “INMATE” insert “**WHO HAS BEEN SENTENCED TO A TERM OF INCARCERATION IN THE DIVISION OF CORRECTION AND WHO HAS BEEN DIAGNOSED**”; in line 17, after “ILLNESS” insert “**ON THE RELEASE OF THE INMATE**”; in line 18, strike “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, PART**” and substitute “**PART**”; in line 20, after “PRESCRIPTION” insert “**IF THE INMATE IS PROVIDED SUFFICIENT MEDICATION ON RELEASE THAT ENABLES THE INMATE TO REMAIN MEDICATION-COMPLIANT UNTIL ADDITIONAL MEDICATION BECOMES AVAILABLE FROM FILLING THE PRESCRIPTION**”; strike in their entirety lines 21 through 23, inclusive, and substitute:

“(C) THIS SECTION SHALL APPLY ONLY IF A TREATING PHYSICIAN DETERMINES THAT:

(1) THE RELEASED INMATE’S POSSESSION OF MEDICATION IN THE QUANTITY PRESCRIBED IS IN THE BEST INTEREST OF THE INMATE; AND

(2) POSSESSION OF THE PRESCRIBED MEDICATION WILL NOT CONSTITUTE A DANGER TO THE RELEASED INMATE.

(D) THE DEPARTMENT, AN EMPLOYEE OF THE DEPARTMENT, OR AN AGENT OF THE DEPARTMENT, INCLUDING A PHYSICIAN OR CORPORATE ENTITY PROVIDING MEDICAL SERVICES TO INMATES ON BEHALF OF THE DEPARTMENT, MAY NOT BE HELD LIABLE UNDER THIS SECTION FOR ISSUING MEDICATION OR A PRESCRIPTION FOR

MEDICATION TO AN INMATE ON THE INMATE'S RELEASE NOTWITHSTANDING THAT THE RELEASED INMATE:

(1) IS NO LONGER UNDER THE CARE OR SUPERVISION OF THE PRESCRIBING PHYSICIAN; AND

(2) MAY NOT BE UNDER ANY MEDICAL SUPERVISION FOR THE PERIOD DURING WHICH THE MEDICATION HAS BEEN ADMINISTERED.”;

in line 26, strike “REIMBURSE” and substitute “COMPENSATE”; strike beginning with the first “WITH” in line 28 down through “RELEASE” in line 29 and substitute “OF INMATES WHO ARE:

(1) IDENTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES AS HAVING A SERIOUS MENTAL ILLNESS; AND

(2) EXPECTED TO BE WITHIN 3 MONTHS OF RELEASE”;

and in line 30, strike “15-104.1.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 23, inclusive.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 5 on page 4, inclusive, and substitute:

“(a) (1) The Mental Hygiene Administration shall develop a plan for the State to divert individuals with serious mental illnesses who come in contact with the criminal justice system to inpatient or outpatient mental health services if such services are more appropriate than confinement of the individual in a correctional facility.

(2) If determined to be feasible and appropriate, the plan required under this section shall include:

(i) coordination with and expansion of community mental health crisis response services; and

(ii) the expansion of the Forensic Alternative Services Team or the Maryland Community Criminal Justice Treatment Program, with due consideration given to the unique needs and existing programs operating in local jurisdictions.”.

AMENDMENT NO. 5

On page 4, strike beginning with “develop” in line 12 down through “State” in line 13 and substitute “work with each core service agency to develop a plan”; and in line 18, strike “requires the local detention center to electronically submit” and substitute “implements electronic submission by the local detention center of”.

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 4 on page 5, inclusive, and substitute:

“(4) provides a mechanism for a core service agency, with the arrestee’s consent, to:

(i) share treatment information with the detention center health care provider; and

(ii) make necessary linkages to the community service provider network to ensure that treatment information is available to appropriate detention center staff.”.

On page 5, in line 14, strike “under the federal REAL ID Act of 2005 and complies” and substitute “to comply”; in line 19, strike “of the”; after line 20, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Mental Hygiene Administration expend no more than \$150,000 in fiscal 2008 to implement the provisions of this Act.”;

and in line 21, strike “5.” and substitute “6.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 198 – Senators Forehand, Garagiola, Jacobs, and Rosapepe

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

(Amendment ID: SB0198/292219/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 198

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike in their entirety lines 5 and 6 and substitute:

“(12) the Public Defender of Maryland, or the Public Defender’s designee;”.

AMENDMENT NO. 2

On page 3, in line 8, strike “and”; and after line 8, insert:

“(14) the President of the Maryland Criminal Defense Attorneys’ Association, or the President’s designee; and”.

AMENDMENT NO. 3

On page 3, in line 9, strike “(14)” and substitute “(15)”; in line 11, strike “alcoholic beverage and”; in line 12, after “of” insert “the”; and in line 13, strike “manufacturers” and substitute “industry”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 275 – Senators Middleton and Munson

EMERGENCY BILL

AN ACT concerning

Maryland Tort Claims Act – Employee or Official of the Maryland Agricultural and Resource–Based Industry Development Corporation

(Amendment ID: SB0275/802412/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 275

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Employee” in line 2 down through “Corporation” in line 3 and substitute “State Personnel – Definition and Claims”; in line 6, after “Corporation;” insert “providing that certain restrictions do not apply to actions instituted against certain units of the State or their employees or officials;”; and in line 11, after “12–101(a)(2)” insert “and 12–106”.

AMENDMENT NO. 2

On page 2, after line 15, insert:

“12–106.

(a) This section does not apply to a claim that is asserted by cross–claim, counterclaim, or third–party claim.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(C) THE REQUIREMENTS OF SUBSECTION (B)(1) AND (2) OF THIS SECTION DO NOT APPLY TO AN ACTION AGAINST A UNIT OF THE STATE OR ITS EMPLOYEE OR OFFICIAL DESCRIBED IN § 12-101(A)(2)(VI), (VII), (VIII), OR (X) OF THIS SUBTITLE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Jameson moved to make the Bill a Special Order for Thursday.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 299 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Expungement – Civil Offenses or Infractions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 606 – Senators Forehand, Conway, Kelley, Kramer, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Brochin, Gladden, Haines, Jacobs, Mooney, Muse, Simonaire, Stone, Jones, and Peters

AN ACT concerning

Human Trafficking and Involuntary Servitude

(Amendment ID: SB0606/832715/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 606

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Trafficking” insert “, Extortion,”; strike beginning with “or” in line 3 down through “minor” in line 6 and substitute “certain persons”; in line 6, strike “or a sexually explicit performance” and substitute “; prohibiting a person from obtaining or attempting to obtain labor or services by certain means; establishing that a certain penalty is based on the value of certain labor or services; prohibiting a person from making certain verbal threats with the intent to unlawfully extort labor or services; providing that the District Court has jurisdiction that is concurrent with a circuit court in certain criminal cases involving human trafficking”; strike beginning with the second “establishing” in line 7 down through “terms;” in line 9 and substitute “providing an increased penalty for a certain violation involving a minor victim;”; and in line 9, after “persons” insert “, extortion,”.

On pages 1 and 2, strike in their entirety the lines beginning with line 11 on page 1 through line 3 on page 2, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 4–301(b)(21) and (22) and 4–302(a) and (d)(1)

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Courts and Judicial Proceedings

Section 4–301(b)(23)

Annotated Code of Maryland

(2006 Replacement Volume)”.

On page 2, in line 6, after “3–324” insert “, 3–701, 3–704, 3–705, and 11–303”; and strike in their entirety lines 9 through 14, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 17 on page 2 through line 12 on page 3, inclusive, and substitute:

“Article – Courts and Judicial Proceedings

4–301.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

[or]

(22) Violation of § 3–203(c) of the Criminal Law Article; OR

(23) VIOLATION OF § 11–303(B) OF THE CRIMINAL LAW ARTICLE.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of \$2,500 or more; or

(ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), [and] (22), AND (23) of this subtitle.”.

On page 3, in line 25, after “subtitle” insert “OR § 11-304, § 11-305, OR § 11-306 OF THIS ARTICLE”.

On page 4, in line 2, after “subtitle” insert “OR § 11-304, § 11-305, OR § 11-306 OF THIS ARTICLE”; and strike in their entirety lines 3 through 9, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 17 on page 4 through line 6 on page 6, inclusive, and substitute:

“3-701.

(a) This section does not apply to legitimate efforts by employees or their representatives to obtain certain wages, hours, or working conditions.

(b) A person may not obtain [or], attempt to obtain, OR CONSPIRE TO OBTAIN money, property, LABOR, SERVICES, or anything of value from another person with the person’s consent, if the consent is induced by wrongful use of actual or threatened:

(1) force or violence[, or by];

(2) [wrongful threat of] economic injury; OR

(3) DESTRUCTION, CONCEALMENT, REMOVAL, CONFISCATION, OR POSSESSION OF ANY IMMIGRATION OR GOVERNMENT IDENTIFICATION DOCUMENT WITH INTENT TO HARM THE IMMIGRATION STATUS OF ANOTHER PERSON.

(c) If the value of the property, LABOR, OR SERVICES is \$500 or more, a person who violates this section is guilty of the felony of extortion and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

(d) If the value of the property, LABOR, OR SERVICES is less than \$500, a person who violates this section is guilty of the misdemeanor of extortion and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding \$500 or both.

(e) A prosecution for a felony under this section shall be instituted within 5 years after the crime was committed.

3-704.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not falsely accuse or threaten to falsely accuse another of a crime or of anything that, if the accusation were true, would tend to bring the other into contempt or disrepute.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

3-705.

(a) A person, with the intent to unlawfully extort money, property, LABOR, SERVICES, or anything of value from another, may not verbally threaten to:

(1) accuse any person of a crime or of anything that, if true, would bring the person into contempt or disrepute; or

(2) (i) cause physical injury to a person;

(ii) inflict emotional distress on a person;

(iii) cause economic damage to a person; or

(iv) cause damage to the property of a person.

(b) A person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

11-303.

(a) (1) A person may not knowingly:

[(1)] (I) take or cause another to be taken to any place for prostitution;

[(2)] (II) place, cause to be placed, or harbor another in any place for prostitution;

[(3)] (III) persuade or encourage by threat or promise another to be taken to or placed in any place for prostitution;

[(4)] (IV) unlawfully take or detain another with the intent to use force, threat, or persuasion to compel the other to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or

[(5)] (V) receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation.

[(b)] (2) A parent, guardian, or person who has permanent or temporary care or custody or responsibility for supervision of another may not consent to the taking or detention of the other for prostitution.

(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION INVOLVING A VICTIM WHO IS A MINOR.

(c) (1) (I) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates SUBSECTION (A) OF this section is guilty of the misdemeanor of [pandering] HUMAN TRAFFICKING and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both.

[(d)] (II) A person who violates SUBSECTION (A) OF this section is subject to § 5-106(b) of the Courts Article.

(2) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF THE FELONY OF HUMAN TRAFFICKING AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 25 YEARS OR A FINE NOT EXCEEDING \$15,000 OR BOTH.

[(e)] (D) A person who violates this section may be charged, tried, and sentenced in any county in or through which the person transported or attempted to transport the other.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 662 – Senators McFadden and Gladden (By Request – Baltimore City Administration)

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

(Amendment ID: SB0662/762115/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 662

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “made” insert a comma; and strike beginning with “requiring” in line 11 down through “entities;” in line 14.

AMENDMENT NO. 2

On page 2, in line 13, after “(B)” insert “(1)”; and after line 15, insert:

“(2) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY RETAINED BY A LOCAL LAW ENFORCEMENT AGENCY FOR USE AS EVIDENCE IN A CRIMINAL PROSECUTION.

(3) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS FOR SEIZURE AND FORFEITURE CONTAINED IN TITLES 12 AND 13 OF THE CRIMINAL PROCEDURE ARTICLE.

AMENDMENT NO. 3

On page 4, in line 11, strike “(2), (3), AND (4)” and substitute “(2) AND (3)”; strike in their entirety lines 13 through 20, inclusive; in line 21, strike “(3)” and substitute “(2)”; strike beginning with the colon in line 24 down through “(I)” in line 25; and strike beginning with “; OR” in line 26 down through “SUBSECTION” in line 28.

On page 5, in line 1, strike “(4)” and substitute “(3)”; and in the same line, 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.

AMENDED IN THE SENATE

House Bill 387 – Delegates Smigiel, Anderson, Carter, Dumais, Elmore, Kelly, Lee, Manno, Schuler, and Simmons

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

Delegate Vallario moved that the House not concur in the Senate amendments.

(Amendment ID: HB0387/598771/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 387

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “voidable;” insert “altering the circumstances under which a release of a claim for certain damages is voidable;”.

AMENDMENT NO. 2

On page 2, in line 5, after “injuries” insert “WITHOUT THE ASSISTANCE OR GUIDANCE OF AN ATTORNEY AT LAW”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: HB 0387

SPONSOR: Del Smigiel, et al

SUBJECT: Torts – Release of Claim for Damages – Voidable

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 Delegates Anderson, Chairman, Conaway, and McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 1067 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Conaway, Krysiak, Oaks, Rosenberg, and Stukes

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

Delegate Vallario moved that the House not concur in the Senate amendments.

(Amendment ID: HB1067/528171/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1067

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “entities;” insert “requiring that a certain remaining amount from the sale of personal property that was in the possession of the Baltimore Police Department be divided equally among certain entities;”.

AMENDMENT NO. 2

On page 2, in line 13, strike “(1)”; and strike in their entirety lines 16 through 21, inclusive.

On page 4, in line 18, strike “AND” and substitute a comma; in line 19, after “(3)” insert “, AND (4)”; after line 27, insert:

“(2) AFTER DISTRIBUTION OF THE AMOUNT RECEIVED FROM THE SALE OF PERSONAL PROPERTY THAT WAS IN THE POSSESSION OF THE BALTIMORE POLICE DEPARTMENT UNDER PARAGRAPH (1)(I) AND (II) OF THIS SUBSECTION, ANY REMAINING AMOUNT SHALL BE DIVIDED EQUALLY AMONG:

(I) THE POLICE ATHLETIC LEAGUE OF BALTIMORE CITY;

(II) THE BALTIMORE POLICE DEPARTMENT FOR EQUIPMENT AND EXPENDITURES; AND

(III) THE BALTIMORE CITY GENERAL FUND.”;

and in line 28, strike “(2)” and substitute “(3)”.

On page 5, in line 2, after “TO” insert a colon; in line 3, before the first “THE” insert “(I)”; in line 4, after “SUBSECTION” insert “; OR

(II) THE BALTIMORE CITY GENERAL FUND UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.”;

in line 7, strike “(3)” and substitute “(4)”; and in the same line, strike “(2)” and substitute “(3)”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 1067**

SPONSOR: Del Anderson (BCA), et al

SUBJECT: Local Law Enforcement Agencies – Disposal of Personal Property

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 Delegates Carter, Chairman, Valderrama, and Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Delegate Holmes moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

Senate Bill 39 – Senator Pipkin

AN ACT concerning

Maryland Port Administration – ~~Transfer to Department of Business and Economic Development~~ Strategic Plan and Membership

STATUS OF BILL: BILL ON 3RD READING.

Delegate McHale moved to make the Bill a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 815)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #71

House Bill 1004 – ~~Delegate Donoghue~~ Delegates Donoghue, Hammen, Costa, Elliott, Hubbard, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Riley, V. Turner, and Weldon

AN ACT concerning

~~Department of Health and Mental Hygiene – Family Health Administration –~~
Maryland Medbank Program – Funding

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 816)

The Bill was then sent to the Senate.

House Bill 1214 – ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Costa, Elliott, Kach, Kipke, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

~~Children's Health~~ – **Lead-Containing Products – Prohibition**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 817)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 483 – Senator Forehand

AN ACT concerning

Professional Corporations – Physical Therapists

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 818)

The Bill was then returned to the Senate.

Senate Bill 745 – Howard County Senators

AN ACT concerning

Officer Pieter Lucas Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 819)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 69 – Senators Jones, Conway, Exum, Gladden, and Kelley

SECOND PRINTING

AN ACT concerning

Task Force to Study Prison Violence in Maryland

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 820)

The Bill was then returned to the Senate.

Senate Bill 154 – Senators Forehand, Brochin, Jacobs, Muse, and Raskin

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 821)

The Bill was then returned to the Senate.

Senate Bill 303 – ~~Senator Forehand~~ Senators Forehand and Middleton

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 822)

The Bill was then returned to the Senate.

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 823)

The Bill was then returned to the Senate.

Senate Bill 686 – Senators Pugh and Kelley

AN ACT concerning

Drug–Exposed Infants – Methamphetamine

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 824)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 119 – Senator Munson

AN ACT concerning

Deputy Medical Examiners – Investigative Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 825)

The Bill was then returned to the Senate.

Senate Bill 236 – Senators Kelley, Astle, Garagiola, and Klausmeier

AN ACT concerning

Life Insurance – Investment Accounts

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 826)

The Bill was then returned to the Senate.

Senate Bill 263 – Senators Klausmeier, Astle, Exum, and Pinsky

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 827)

The Bill was then returned to the Senate.

Senate Bill 269 – ~~Senator Conway~~ Senators Conway, Exum, Garagiola, Kelley, Middleton, and Pugh

AN ACT concerning

~~**Maryland Health Care Commission – Racial and Ethnic Variations Data –
Nondiscrimination in Health Insurance**~~
Health Insurance – Collection of Racial and Ethnic Data – Nondiscrimination

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 828)

The Bill was then returned to the Senate.

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

**Health Insurance – Authorization of Additional Products and Small Group
Administrative Discounts and Study**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 829)

The Bill was then returned to the Senate.

Senate Bill 557 – Senator Garagiola

AN ACT concerning

**Health Insurance – Credentialing Intermediaries – ~~Exemptions~~ and Uniform
Credentialing Form**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 830)

The Bill was then returned to the Senate.

Senate Bill 596 – Senator Klausmeier

AN ACT concerning

**Discount Medical Plan Organizations and Discount Drug Plan Organizations –
Registration and Regulation**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 831)

The Bill was then returned to the Senate.

Senate Bill 601 – Senator Kittleman

AN ACT concerning

**Health Insurance – Health Care Providers – Reimbursement by ~~Carriers~~ and
Charges**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 832)

The Bill was then returned to the Senate.

Senate Bill 714 – Senator Astle

AN ACT concerning

Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 833)

The Bill was then returned to the Senate.

Senate Bill 750 – Senators Pipkin, Della, Edwards, Hogan, Jacobs, and Kittleman

EMERGENCY BILL

AN ACT concerning

Queen Anne’s County – Health Care Facilities Regulation – Licensing of Freestanding Medical Facilities

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 834)

The Bill was then returned to the Senate.

Senate Bill 824 – Senator Middleton

AN ACT concerning

Senior Prescription Drug Assistance Program – Modifications and Sunset Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 835)

The Bill was then returned to the Senate.

Senate Bill 879 – Senator Pinsky

AN ACT concerning

Hospitals – Safe Patient Lifting

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 836)

The Bill was then returned to the Senate.

Senate Bill 882 – ~~Senator Della~~ Senators Della and Exum

AN ACT concerning

Medical System Corporation – Board of Directors – Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 837)

The Bill was then returned to the Senate.

Senate Bill 952 – ~~Senator Middleton~~ Senators Middleton and Madaleno

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 838)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 839)

ADJOURNMENT

At 11:06 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 30, 2007, Calendar Day Thursday, April 5, 2007.