

JOURNAL
of
PROCEEDINGS
of the
SENATE
of
MARYLAND
REGULAR SESSION, 2007
VOLUME IV

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2007 SENATE JOURNAL

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Annapolis, Maryland
Legislative Day: April 1, 2007
Calendar Day: Thursday, April 5, 2007
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Father David Lupo, St. Margaret of Scotland Catholic Church, guest of Senator Currie.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 31, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 814)

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #38**

CONSENT CALENDAR #61

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

BILL NO.	REPORT	SPONSOR	CONTENT
SB 372	FAV	Sen Stoltzfus	Somerset County – Sale of Property to City of Crisfield
HB 13	FAV	Del Elmore	Somerset County – County Commissioners and Members of the County Roads Board – Salaries
HB 79	FAV	Del Cane, et al	Wicomico County – Board of License Commissioners – Attorney’s Salary
HB 80	FAV	Del Cane, et	Wicomico County – Alcoholic

		al	Beverages – Minimum Seating Capacity for Licensed Restaurants
HB 112	FAV	Del Cane, et al	Wicomico County – Liquor Control Board – Salaries
HB 121	FAV	Del Elmore	Somerset County – Alcoholic Beverages – License Fees
HB 145	FAV	Del Elmore	Somerset County – Treasurer – Salary
HB 191	FAV	Cecil County Delegation	Cecil County – Board of Parks and Recreation – Appointment of Members
HB 197	FAV	Del Elmore	Somerset County – Sale of Property – Whittington Elementary School
HB 254	FAV	Del Elmore	Somerset County – Sale of Property to City of Crisfield
HB 296	FAV	Harford County Delegation	Harford County – Liquor Control Board – Salaries
HB 297	FAV	Harford County Delegation	Harford County – Alcoholic Beverages Licensees – Age of Employees
HB 299	FAV	Harford County Delegation	Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions
HB 907	FAV	Cecil County Delegation	Cecil County – Bridge or Road Construction or Repair Contracts
HB 1362	FAV	Dor Co Deleg (By Request)	Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance
HB 1364	FAV	Dor Co Deleg (By Request)	Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance
HB 1365	FAV	Dor Co Deleg (By Request)	Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance
HB 1366	FAV	Dor Co Deleg (By Request)	Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

CONSENT CALENDAR #62

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

House Bill 217 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Alcoholic Beverages – Maximum Fine for Sales Violations

(Amendment ID: HB0217/384337/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 217

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Beverages –” insert “Election of Board Chair –”; in line 3, after the first “of” insert “altering the manner in which the chair of the Alcohol Beverage Board of St. Mary’s County is selected;”; after line 6, insert:

“BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 15-102(a)(1) and (2)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)”;

and in line 9, after “Section” insert “15-102(b) and (d) and”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“15–102.

(a) (1) There is a Board of License Commissioners in St. Mary’s County known as the Alcohol Beverage Board of St. Mary’s County.

(2) The Board consists of 5 members.

(b) [The member who is appointed at large is the Chairman.] **THE BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.**

(d) The County Commissioners:

(1) Shall set the annual salary for the [Chairman] **CHAIR** and each member of the [Alcoholic Beverage] Board; and

(2) Shall provide for the reasonable and necessary expenses of the [Alcoholic Beverage] Board.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 373 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Protest Against License Renewal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 379 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Drinking on Public Property and in Other Areas

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 381 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Sales to Underage Persons

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 382 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Licenses – Penalty for Late Renewal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 394 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Review of County Plans – Water Supply Systems and Designees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 483 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Alcoholic Beverages Licenses – Advisory Commission to Study Luxury Type Restaurants
PG 313–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 513 – Howard County Delegation

AN ACT concerning

**Howard County – Board of Education – Qualifications and Election of Student Member
Ho. Co. 12–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 602 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Real Property – Transfer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 603 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Subdivision Regulations – Exemptions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 614 – Montgomery County Delegation

EMERGENCY BILL

AN ACT concerning

**Montgomery County – Alcoholic Beverages – Direct Sales by Holders of Class 6
Limited Wine Wholesaler’s Licenses or Nonresident Winery Permits
MC 703–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 618 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Damascus – Alcoholic Beverages – Special Class C Licenses

MC 708–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 763 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Town of Kensington – Alcoholic Beverages – Special
B–K Licenses and Restaurant Licenses**

MC 702–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 969 – St. Mary’s County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission – Fee Schedule

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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.

House Bill 233 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Metropolitan Commission – Terms of Voting Members

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

The motion was adopted.

House Bill 664 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Reciprocal Plumber/Gasfitter
Licenses
MC/PG 109–07**

Senator Exum moved, duly seconded, to make the Bill a Special Order for April 6, 2007.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III – Full Text of 2007 Resolutions)

Recipient	Sponsor	Resolution No.
Chimes International, Maryland and D. C.	Senator Gladden	576

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 815)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #40

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

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–Melnyk, Proctor, Riley, Shewell, and Waldstreicher

AN ACT concerning

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

(Amendment ID: HB0274/334131/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 274
(Third Reading File Bill)

On page 4, in line 2, after the first “therapists,” insert “school”; and in line 10, after the second “therapists,” insert “school”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 538 – Delegates Kaiser, Barkley, N. King, Lawton, Montgomery, Pena–Melnik, F. Turner, and Waldstreicher

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

(Amendment ID: HB0538/934331/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 538
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, after “audit;” insert “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;”.

AMENDMENT NO. 2

On page 3, in line 21, after “(1)” insert “(I)”; and in the same line, after “STATE;” insert “OR

(II) A PROGRAM OF SECONDARY SCHOOL INSTRUCTION IN THE STATE;”.

AMENDMENT NO. 3

On page 5, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before November 1, 2007, the Maryland Partnership for Teaching and Learning PreK – 16 Council shall provide the Governor and, in accordance with § 2–1246 of the State Government Article the General Assembly, a comprehensive list of recommendations that will surmount barriers to dual-enrollment and will facilitate dual-enrollment opportunities.”;

in line 4, strike “2.” and substitute “3.”; and in line 12, after “2007.” insert “It shall remain effective for a period of 1 year and 1 month 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

(Amendment ID: HB0610/884635/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 610
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before the first “Department” insert “State”; in line 15, strike “to”; in line 16, after “jointly” insert “to”; and strike beginning with “in” in line 20 down through “year” in line 21 and substitute “; providing for the termination of this Act”.

On page 2, in line 3, strike “Workgroup” and substitute “workgroup”; and after line 3, insert:

“BY repealing and reenacting, without amendments,

Article – Education

Section 7–420

Annotated Code of Maryland

(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 3, after line 14, insert:

“7–420.

(a) The Department shall establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey.

(b) The Department may omit up to a maximum of one-third of the survey questions if the Department considers the content of the questions inappropriate.

(c) (1) The Department shall require a local school system to obtain parental consent using a parental consent form before administering the survey.

(2) The parental consent form shall include a statement that explains how a parent can obtain a copy of the survey questions that will be administered and more information regarding the survey, including the mailing address, telephone number, and website address of the Centers for Disease Control and Prevention.”.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 15 and 16.

On page 7 in lines 17, 19, and 21, and on page 8 in lines 1 and 4, strike “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively.

On page 8, in line 7, strike “GROUPS” and substitute “ENTITIES, GROUPS,”.

AMENDMENT NO. 4

On page 9, in lines 1 and 2, strike “OF EACH EVEN-NUMBERED YEAR” and substitute “,2008”.

On page 11, strike in their entirety lines 6 through 9, inclusive; in line 10, strike “3.” and substitute “2.”; and in line 11, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of June 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 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1056 – Delegates Heller, Ali, Anderson, Aumann, Barkley, Bates, Bobo, Boteler, Braveboy, Bromwell, Bronrott, G. Clagett, V. Clagett, Conway, 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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~~ Wood, Hammen, Beitzel, Benson, Bromwell, Donoghue, Hubbard, Kach, Kipke, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Task Force to Study State Assistance to Veterans

(Amendment ID: HB1181/164236/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1181

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering the process for the appointment of certain members of the Task Force to Study State Assistance to Veterans;”; and strike beginning with “to” in line 3 down through “Veterans” in line 4.

AMENDMENT NO. 2

On page 2, in line 16, strike “jointly”; and strike beginning with “President” in line 16 down through “House” in line 17 and substitute “**GOVERNOR**”.

On page 3, in line 5, strike “and” and substitute a comma; and in the same line, after “House” insert “**, AND THE GOVERNOR**”.

On page 4, in line 12, after “and” insert “**, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1434 – The Speaker (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 664 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

**Washington Suburban Sanitary Commission – Reciprocal Plumber/Gasfitter
Licenses
MC/PG 109–07**

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #41**

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

Senate Bill 240 – Senators Exum, Conway, Currie, Gladden, Jones, Muse, and Rosapepe

AN ACT concerning

State Government – Commemorative Months – Black History Months

(Amendment ID: SB0240/484231/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 240

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Months” and substitute “Month”; in line 3, strike “months of January and” and substitute “month of”; in line 4, strike “Months” and substitute “Month”; and strike in their entirety lines 12 through 19, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 3, inclusive; in line 8, strike “months of January and” and substitute “month of”; in line 9, strike “the”; in the same line, strike “Months” and substitute “Month”; in line 17, strike “MONTHS OF JANUARY

AND” and substitute “MONTH OF”; and in lines 18 and 20, in each instance, strike “MONTHS” and substitute “MONTH”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 19 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

**Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance
Education – Membership**

(Amendment ID: HB0019/914036/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 19

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 5 down through “Education” in line 9.

AMENDMENT NO. 2

On page 2, in lines 4 and 10, in each instance, strike the bracket; in line 4, strike “two members” and substitute “ONE MEMBER”; strike beginning with “THE” in line 4 down through “MEMBERS” in line 5; in line 5, strike the colon and substitute a semicolon; strike in their entirety lines 6 through 9, inclusive; in line 10, strike “two members” and substitute “ONE MEMBER”; strike beginning with “THE” in line 10 down through “MEMBERS” in line 11; in line 11, strike the colon and substitute a semicolon;

strike in their entirety lines 12 through 15, inclusive; and in line 25, strike “five” and substitute “SEVEN”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 119 – Delegates Eckardt and Haddaway

AN ACT concerning

Health – Laboratory Examination Reports – Invasive Diseases

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 140 – The Speaker (By Request – Administration) and Delegates Barnes, Busch, Haynes, and Morhaim

AN ACT concerning

Statewide Advisory Commission on Immunization – ~~Universal Vaccine Purchasing System~~ Duties and Sunset Extension

(Amendment ID: HB0140/724432/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 140
(Third Reading File Bill)

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 141 – Delegate Elliott

AN ACT concerning

State Board of Pharmacy – Sending Renewal Notices by Electronic Means

(Amendment ID: HB0141/774131/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 141

(Third Reading File Bill)

On page 3, in line 19, strike “permits expire” and substitute “PERMIT EXPIRES”.

On page 5, in line 8, after “TO” insert “THE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 236 – Delegates Nathan–Pulliam, Benson, Eckardt, Hubbard, Morhaim, and Oaks

AN ACT concerning

Health Occupations – ~~Registered~~ Nurses – Dispensing Methadone

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 401 – Delegates Barnes, Malone, Ali, Conway, Costa, DeBoy, Frush, Glassman, Hubbard, Jennings, Kipke, Levi, Mathias, Morhaim, Niemann, Pena–Melnyk, Ross, Stein, Stull, Weir, and Weldon

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

(Amendment ID: HB0401/534637/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 401

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “alarms;” insert “requiring that a certain disclosure form include certain information about a carbon monoxide alarm under certain circumstances;”; and in line 13, strike “providing for the application of this Act;”.

On page 2, after line 2, insert:

“BY repealing and reenacting, without amendments,

Article – Real Property

Section 10–702(c)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 10–702(e)(2)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 20, strike “**OR**” and substitute “**AND**”; and strike line 21 in its entirety and substitute:

“(2) IS A NEWLY CONSTRUCTED DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED ON OR AFTER JANUARY 1, 2008.”.

AMENDMENT NO. 3

On page 5, after line 13, insert:

“Article – Real Property

10–702.

(c) (1) A vendor of single family residential real property shall complete and deliver to each purchaser:

(i) A written residential property condition disclosure statement on a form provided by the State Real Estate Commission; or

(ii) A written residential property disclaimer statement on a form provided by the State Real Estate Commission.

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

(e) (2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

(i) Water and sewer systems, including the source of household water, water treatment systems, and sprinkler systems;

(ii) Insulation;

(iii) Structural systems, including the roof, walls, floors, foundation, and any basement;

(iv) Plumbing, electrical, heating, and air conditioning systems;

(v) Infestation of wood-destroying insects;

(vi) Land use matters;

(vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;

(viii) Any other material defects of which the vendor has actual knowledge; [and]

(ix) Whether the smoke detectors will provide an alarm in the event of a power outage; AND

(X) IF THE PROPERTY RELIES ON THE COMBUSTION OF A FOSSIL FUEL FOR HEAT, VENTILATION, HOT WATER, OR CLOTHES DRYER OPERATION, WHETHER A CARBON MONOXIDE ALARM IS INSTALLED ON THE PROPERTY.”;

strike in their entirety lines 14 through 17, inclusive; and in line 18, 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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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: HB1288/644333/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1288
(Third Reading File Bill)

On page 1, in line 10, after “17–207,” insert “17–301,”; and in line 16, strike “and 17–301”.

On page 4, in line 1, strike the brackets.

The preceding amendment was read only.

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

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #42**

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

House Bill 279 – Delegates Kaiser, Barkley, Cane, Donoghue, George, Gutierrez, Howard, Hubbard, Hucker, Kipke, Krebs, Kullen, Manno, Mizeur, Pena–Melnik, Proctor, Riley, Ross, and Shewell

AN ACT concerning

Higher Education – Workforce Shortage Student Assistance Grants ~~– Eligibility~~

(Amendment ID: HB0279/164139/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “determination;” in line 9; and strike in their entirety lines 17 through 19, inclusive.

On page 2, strike beginning with “Commission” in line 1 down through “met;” in line 2; in line 7, strike “(e)(3),”; and in line 12, strike “and (e)(2)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 13 through 28, inclusive.

On page 5, strike in their entirety lines 19 through 28, inclusive; and in line 29, strike “4.” 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.

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

House Bill 318 – Delegates McHale and Hammen

AN ACT concerning

Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 637 – Prince George’s County Delegation

AN ACT concerning

**Election Law – Compensation for Election Judges – Prince George’s County
PG 404–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 670 – Delegates McComas, Aumann, Bartlett, Beitzel, Benson, Braveboy, Bronrott, Dwyer, Eckardt, Elliott, Frank, George, Glassman, Haddaway, Impallaria, Krebs, McConkey, McDonough, Montgomery, Myers, Shank, Shewell, Sossi, Stocksdale, Stull, Walkup, and Weldon

AN ACT concerning

Alcohol Without Liquid Machines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1041 – Delegate Rudolph

AN ACT concerning

Maryland Agricultural Land Preservation Fund – Foundation Grants ~~to Counties~~

(Amendment ID: HB1041/764638/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1041
(Third Reading File Bill)

On page 4, in line 14, strike “§ 2-505(C)” and substitute “SUBSECTION (C)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1158 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Shellfish Dealers – Licensure

(Amendment ID: HB1158/944137/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1158

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Resources;” insert “providing for certain exceptions to the licensure requirement for a person who deals in shellfish; requiring the Department to adopt certain regulations;”.

AMENDMENT NO. 2

On page 2, in lines 6, 7, 9, and 10, in each instance, after “finfish” insert “OR SHELLFISH”; in line 12, after “finfish” insert “AND SHELLFISH”; and in line 15, strike “SUBSECTION (A) OF”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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 EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #43**

CONSENT CALENDAR #60

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

House Bill 45 – Calvert County Delegation

AN ACT concerning

Calvert County Board of Education – Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 53 – Delegates Morhaim, Cardin, Elliott, Frank, Hammen, Nathan-Pulliam, and Stein

AN ACT concerning

Residential Child Care Programs – Out-of-Home Placement – Standards for Staff and System for Outcomes Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 179 – Frederick County Delegation

AN ACT concerning

Frederick County – Board of Education – Nonvoting Student Member

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 275 – 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, 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.

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

House Bill 315 – Delegates Goldwater, Benson, Eckardt, Lee, Montgomery, Nathan–Pulliam, and Pendergrass

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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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: HB0326/244639/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 326
(Third Reading File Bill)

On page 15, in line 13, strike “(a)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 445 – Delegates Kullen, Levy, Bartlett, Bromwell, Davis, DeBoy, Donoghue, Eckardt, Hubbard, Kipke, Oaks, ~~and Taylor~~ Taylor, Hammen, Beitzel, Benson, Costa, Elliott, Kach, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

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.

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

House Bill 457 – Delegates Rosenberg ~~and Ali~~, Ali, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and Weldon

AN ACT concerning

Health Occupations – ~~Morticians – Exemption and Permit~~ Funeral Director Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 751 – ~~Delegate Oaks~~ Delegates Oaks, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Riley, Tarrant, and Weldon

AN ACT concerning

Health Occupations – Supervised Practice – Dental Hygienist

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 781 – Delegate Hubbard

AN ACT concerning

Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 1270 – Delegates Hubbard, Bohanan, Frush, Hammen, Hecht, James, McHale, Pena–Melnik, ~~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

(Amendment ID: HB1270/264737/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1270

(Third Reading File Bill)

On page 9, in line 21, after “**18-201.1**,” insert “**§**”.

On page 11, in line 27, after “18-201.1,” insert “**§**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 816)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

**THIRD READING CALENDAR (HOUSE BILLS) #16
CONSENT CALENDAR #17**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 143	Queen Anne's Co. Del.	Queen Anne's County – Property Tax Credits – Commercial Investment and Economic Development	B&T
HB 167	Howard County Del.	How Co – Prop Tax Cr – Residence Jointly Owned by an Indiv and the How Co Hous Comm Ho. Co. 6-07	B&T
HB 183	Del. McConkey	Real Property – Md Homeowners Assn Act – Enforc Authority of Div of Consumer Protection	JPR
HB 200	Frederick County Del.	Frederick County – Road Projects – Repeal of State Match Requirement	B&T
HB 325	Del. Hubbard	Department of Health and Mental Hygiene – Money Follows the Person Grant – Report	FIN
HB 352 (AMENDED)	Washington County Del.	Washington County – Public Facilities Bonds	B&T
HB 465	Del. James	Real Property – Sale of Property Encumbered by a Conservation Easement	JPR
HB 575	Del. Murphy	St Empl and Retiree Hlth and Welfare Benefits Pgm – Eligibility for Enrollment	FIN

and Participation

HB 865	Del. Haddaway	Milk Products – Farmstead Cheese Production – Pilot Study	FIN
HB 990	Frederick County Del.	Frederick County – Employees’ Pension System – Alternate Contributory Pension Selection	B&T
HB 1160	Del. Hubbard	Qualified State Long–Term Care Insurance Partnership – Revisions	FIN
HB 1216	Ch., Envir. Mat. Com.	Abandoned Land – Certificates of Reservation for Public Use	JPR
HB 1243	Anne Arundel Co. Del.	Anne Arundel County – Mental Health Advisory Committee	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 817)

The Bills were then sent to the House of Delegates.

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 – 45 Negative – 2 (See Roll Call No. 818)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

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 – 40 Negative – 7 (See Roll Call No. 819)

The Bill was then sent to the House of Delegates.

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 – 33 Negative – 14 (See Roll Call No. 820)

The Bill was then sent to the House of Delegates.

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–Melnik

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 – 46 Negative – 0 (See Roll Call No. 821)

The Bill was then sent to the House of Delegates.

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 – 38 Negative – 8 (See Roll Call No. 822)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 823)

The Bill was then sent to the House of Delegates.

House Bill 850 – Delegates Hammen, Oaks, Ross, ~~and Tarrant~~ Tarrant, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnik, Pendergrass, V. Turner, and Weldon

AN ACT concerning

**Alcohol and Drug Abuse Administration – ~~State Drug and Alcohol Abuse Council~~
Needs Assessment**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 824)

The Bill was then sent to the House of Delegates.

House Bill 879 – Delegates Anderson, Ali, Barnes, Carter, Conaway, Dumais, Glenn, Hammen, Healey, Howard, Hucker, Kirk, Krysiak, Lee, Manno, Mizeur, Oaks, Pena–Melnik, 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 – 47 Negative – 0 (See Roll Call No. 825)

The Bill was then sent to the House of Delegates.

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**

FLOOR AMENDMENT

(Amendment ID: HB0971/533120/1)

BY: Senator Kittleman

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “altering the circumstances under which certain employers may provide certain information to certain exclusive representatives;”; in line 9, after the second “to” insert “and obtain a certain consent from”; and strike beginning with “authorizing” in line 15 down through “notice;” in line 19.

AMENDMENT NO. 2

On page 3, in line 4, strike “Thirty days before” and substitute “**BEFORE**”; in line 6, after “shall” insert “**;**”

(I)”;

in the same line, after “section” insert “**;**”

(II) NOTIFY THE EMPLOYEE OF THE REQUEST FOR INFORMATION MADE BY AN EXCLUSIVE REPRESENTATIVE; AND

(III) OBTAIN THE EMPLOYEE’S WRITTEN CONSENT TO THE RELEASE OF THE REQUESTED INFORMATION”;

after line 6, insert:

“(2) AN EMPLOYER SHALL OBTAIN A WRITTEN CONSENT FROM AN EMPLOYEE FOR EACH REQUEST FOR INFORMATION MADE BY AN EXCLUSIVE REPRESENTATIVE.”;

and strike in their entirety lines 7 through 16, inclusive.

AMENDMENT NO. 3

On page 4, in line 22, strike “**THIRTY DAYS BEFORE**” and substitute “**BEFORE**”; in line 24, after “**SHALL**” insert “**;**”

(I)”;

in line 25, after “**SECTION**” insert “**;**”

(II) NOTIFY THE EMPLOYEE OF THE REQUEST FOR INFORMATION MADE BY AN EXCLUSIVE REPRESENTATIVE; AND

(III) OBTAIN THE EMPLOYEE’S WRITTEN CONSENT TO THE RELEASE OF THE REQUESTED INFORMATION”;

and after line 25, insert:

“(2) AN EMPLOYER SHALL OBTAIN A WRITTEN CONSENT FROM AN EMPLOYEE FOR EACH REQUEST FOR INFORMATION MADE BY AN EXCLUSIVE REPRESENTATIVE.”.

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 9 on page 5, inclusive.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 34 (See Roll Call No. 826)

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

Affirmative – 35 Negative – 11 (See Roll Call No. 827)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 337 – ~~Cecil County Delegation~~ Delegate Smigiel

AN ACT concerning

~~Cecil County Criminal Procedure – Pretrial Release – Use of Technology to Facilitate Pretrial Release Process~~ Posting of Bond Without Appearance of Defendant

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

Affirmative – 47 Negative – 0 (See Roll Call No. 828)

The Bill was then sent to the House of Delegates.

House Bill 491 – Delegates Anderson, Barkley, Dwyer, Kelly, McConkey, and Rosenberg

AN ACT concerning

Civil Liability – AMBER Alert Dissemination – Immunity for Media and Commercial Mobile Radio Service Providers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 829)

The Bill was then sent to the House of Delegates.

House Bill 571 – Delegates Levi, Ali, Anderson, Barkley, Barnes, Beidle, Benson, Carter, Conaway, Conway, Davis, DeBoy, Dumais, Elmore, Glenn, Haynes, Healey, Holmes, Hucker, Ivey, Jones, Kirk, Kullen, Lee, Manno, McComas, Montgomery, Oaks, Rice, Robinson, Ross, Schuh, Schuler, Smigiel, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

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**

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

Affirmative – 39 Negative – 8 (See Roll Call No. 830)

The Bill was then sent to the House of Delegates.

House Bill 760 – Delegates V. Clagett, Ali, Barnes, Bartlett, Barve, Beidle, Bobo, Boteler, Bronrott, Dumais, Frush, Gilchrist, Hammen, Haynes, Healey, Hecht, Holmes, Hucker, Ivey, Kach, N. King, Lafferty, Lawton, Mathias, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Rosenberg, Shewell, Stein, Stukes, ~~and Waldstreicher~~ Waldstreicher, Glassman, Glenn, Kipke, Niemann, Stull, and Weir

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

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

Affirmative – 46 Negative – 1 (See Roll Call No. 831)

The Bill was then sent to the House of Delegates.

House Bill 792 – Delegates Barkley, Ali, and Dumais

AN ACT concerning

Family Law – Child Support – Suspension of Attorney Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 832)

The Bill was then sent to the House of Delegates.

House Bill 1194 – ~~Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)~~ Delegates Sophocleus, Barkley, Beidle, Benson, Cane, V. Clagett, DeBoy, Dumais, Dwyer, Elmore, George, Holmes, J. King, Kipke, Lee, Mathias, McComas, McConkey, McDonough, McHale, Minnick, Niemann, O’Donnell, Rosenberg, Schuh, and Smigiel

AN ACT concerning

Criminal Law – Unauthorized Possession of Contraband – Places of Confinement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 833)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 834)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 835)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

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

(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 not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0368
SPONSOR: Sen Muse
SUBJECT: Torts – Release of Claim for Damages – Voidable

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Muse, Chairman, Stone, and Gladden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE**Senate Bill 766** – Senator Frosh

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

(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 not concurred in.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0766**SPONSOR:** Sen Frosh**SUBJECT:** Environment – Phosphorus – Dishwashing Detergent

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Pinsky, Chairman, Rosapepe, and Greenip.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

Senate Bill 69 – Senators Jones, Conway, Exum, Gladden, and Kelley

SECOND PRINTING

AN ACT concerning

Task Force to Study Prison Violence in Maryland

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

(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 not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0069
SPONSOR: Sen Jones, et al
SUBJECT: Task Force to Study Prison Violence in Maryland

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Gladden, Chairman, Stone, and Haines.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0387
SPONSOR: Del Smigiel, et al
SUBJECT: Torts – Release of Claim for Damages – Voidable

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 Anderson, Chair, Conaway, and McConkey.
The Senate appoints: Senators Muse, Chairman, Stone, and Gladden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1067
SPONSOR: Del Anderson (BCA), et al
SUBJECT: Local Law Enforcement Agencies – Disposal of Personal Property

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 Carter, Chair, Valderrama, and Frank.
The Senate appoints: Senators Gladden, Chairman, Muse, and Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

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 Delegate A. Jones, Chairman, Delegate Conway, Delegate Proctor, Delegate Stocksdale.

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 ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0051

SPONSOR: The Spkr (Admin)

SUBJECT: CSD–Maryland Consolidated Capital Bond Loan of 2007

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 Jones, Chair, Conway, Proctor, James and Stocksdale

In addition, the house has appointed in advisory capacity: Delegates Bohanan and Griffith.

The Senate appoints: Senator DeGrange, Chairman Senator Currie, Senator McFadden, Senator Kasemeyer, and Senator Munson.

In addition, the Senate has appointed in advisory capacity: Senators Hogan and Kramer.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0091

SPONSOR: Sen Garagiola, et al

SUBJECT: Clean Indoor Air Act of 2007

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Garagiola, Chair, Exum, and Astle.

The House appoints: Delegates D. Davis, Chairman, Krysiak, and Vaughn.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #33**House Bill 281** – Delegates Hubbard and Rosenberg

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

FOR the purpose of requiring the Mental Hygiene Administration to reimburse certain mental health providers for certain services; requiring the Department of Public Safety and Correctional Services to provide certain access to a certain amount of medication to certain individuals under certain circumstances; establishing certain immunity from civil liability for certain persons; ~~requiring the Governor to provide a certain appropriation in a certain fiscal year for hiring and training certain individuals for certain purposes~~; ~~requiring the Department of Human Resources and the Department of Public Safety and Correctional Services to submit a certain report to certain committees of the General Assembly on or before a certain date~~; requiring the Mental Hygiene Administration to develop an implementation plan to require each core service agency in the State to develop a certain forensic alternative services team a certain plan to divert certain individuals with a serious mental illness to certain types of services; requiring the Mental Hygiene Administration to ~~develop an implementation plan requiring work with~~ each core service agency in the State to develop a plan to enter into memoranda of understanding with local detention centers to establish a certain data sharing initiative; requiring the Mental Hygiene Administration to submit certain reports to certain committees of the General Assembly and to a certain workgroup on or before a certain date; requiring the Department of Public Safety and Correctional Services, in collaboration with the Motor Vehicle Administration, to develop a plan to provide departing inmates with a certain identification card; 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; requiring the Department of Public Safety and Correctional Services to submit a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to mental health treatment for incarcerated individuals.

BY adding to

Article – Correctional Services

Section 9-612

Annotated Code of Maryland

(1999 Volume and 2006 Supplement)

BY adding to

Article – Health – General

Section 10-814 ~~and 15-104.1~~

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

House Bill 823 – Delegates ~~Rosenberg and James~~ Rosenberg, James, Aumann, Bates, Eckardt, Heller, Levy, Robinson, and Schuh

AN ACT concerning

Task Force to Study a Maryland Voluntary Employee Accounts Program

FOR the purpose of establishing ~~the Maryland Voluntary Employee Accounts Program; requiring the State Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans to implement, maintain, and administer the Program and certain supplemental retirement plans for certain employees; requiring the Board of Trustees to submit certain information to certain employers and employees; authorizing the Board of Trustees to employ certain individuals; providing that certain individuals employed by the Board of Trustees are subject to certain provisions of the State Personnel and Pensions Article; providing for the method of payment of certain expenses incurred by the Board of Trustees as a result of administering the Program; establishing the fiduciary duties and responsibilities of certain individuals with certain authority or control over the Program or certain supplemental retirement plans; requiring the Governor to include certain funds in the State budget; authorizing certain assets to be deposited and invested in a certain manner; authorizing the Board of Trustees to establish certain supplemental retirement plans; providing for participation in a certain supplemental retirement plan; requiring the Board of Trustees to obtain certain approvals, rulings, opinions, and confirmations from certain federal authorities or agencies; making certain provisions of this Act contingent on receipt of certain approvals, rulings, opinions, and confirmations from certain federal authorities or agencies; defining certain terms; and generally relating to the Maryland Voluntary Employee Accounts Program.~~ 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.

~~BY adding to~~

~~Article State Personnel and Pensions~~

~~Section 41-101 through 41-401 to be under the new title “Title 41. Maryland Voluntary Employee Accounts Program”~~

~~Annotated Code of Maryland~~

~~(2004 Replacement Volume and 2006 Supplement)~~

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

House Bill 1439 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Adjutant General and Assistant Adjutants General

FOR the purpose of altering the number of years of a certain type of service in the National Guard required to meet the qualifications for the Adjutant General and Assistant Adjutant General; and generally relating to the Adjutant General and Assistant Adjutants General.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 13–301 and 13–303
 Annotated Code of Maryland
 (2003 Volume and 2006 Supplement)

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

House Bill 1442 – Delegate Rudolph

~~EMERGENCY BILL~~

AN ACT concerning

~~**Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas**~~

Task Force on the Availability and Affordability of Property Insurance in Coastal 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~~ 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; and generally relating to ~~homeowner's insurance and the issuance and renewal of contracts in certain geographic areas in the State~~ the Task Force on the Availability and Affordability of Property Insurance in Coastal Areas.

~~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 Rules.

YEAS AND NAYS #9

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 35	Sen. Frosh	Transportation – Highways – Federal Property
SB 39	Sen. Pipkin	Maryland Port Administration – Strategic Plan and Membership
SB 62	Sen. Stoltzfus	Somerset County – County Commissioners and Members of the County Roads Board – Salaries
SB 143	Ch., Jud. Proceed.	Real Property – Electronic Recording Pilot Program
SB 174	Sen. Edwards	Environment – Mining – Security
SB 180	Sen. Stoltzfus	Somerset County – Sale of Property – Whittington Elementary School
SB 202	Sen. Stoltzfus	Somerset County – Treasurer – Salary
SB 299	Ch., Jud. Proceed.	Expungement – Civil Offenses or Infractions
SB 302	Sen. Kelley	Department of Health and

		Mental Hygiene – Money Follows the Person Grant – Report
SB 349	Sen. McFadden	Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program
SB 377	Cecil Co. Senators	Cecil County – Board of Parks and Recreation – Appointment of Members
SB 577	Sen. Jacobs	Harford County – Nuisance Abatement and Local Code Enforcement – Enforcement Authority
SB 752	Sen. Exum	Workers’ Compensation – Benefits for Dependents
SB 890	Anne Arundel Co. Sen	Anne Arundel County – Mental Health Advisory Committee
SB 953	Sen. Middleton	Dept of Hlth and Mental Hyg – Md Med Assistance Pgm – Info from and Liab of Hlth Ins Carriers
SB 979	Sen. Brinkley	Frederick County Commissioners – Zoning and Planning – Public Ethics
SB 987 (Emergency Bill)	Sen. Conway	Maryland HIV/AIDS Reporting Act
SB 992	Ch., Finance Com.	Maryland Aviation Administration – Airport Improvement Program Funds

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

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 836)

AMENDED IN THE HOUSE

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

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

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 837)

AMENDED IN THE HOUSE

Senate Bill 596 – Senator Klausmeier

AN ACT concerning

**Discount Medical Plan Organizations and Discount Drug Plan
Organizations – Registration and Regulation**

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 838)

MOTION

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

Senator Brinkley moved, duly seconded, pursuant to Rule 68C to instruct the Conference Committee conferees to protect language that exempts retail tobacco businesses and clubs as defined by the amended **Senate Bill 91**.

The motion was rejected by roll call vote as follows:

Affirmative – 18 Negative –29 (See Roll Call No. 839)

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 840)

RECESS

At 12:49 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 4:00 P.M. on Legislative Day, April 1, 2007, Calendar Day, Thursday, April 5, 2007 in memory of Murray Schmoke.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 1, 2007
Calendar Day: Thursday, April 5, 2007
4:00 P.M. Session

At 4:21 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 843)

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER

01.01.2007.05

Proclaiming an Extended Session
of the Maryland General Assembly

WHEREAS, I, Martin O'Malley, Governor of the State of Maryland, being advised that the Budget Bill has not been finally acted upon by the General Assembly seven days before the expiration of the 2007 regular Session of the General Assembly;

WHEREAS, Article III, Section 52 (10) of the Maryland Constitution provides that under these circumstances the Governor shall issue a proclamation extending the Session for a period as may, in the Governor's judgment, be necessary to allow for the passage of the Budget Bill; and

WHEREAS, Other matters may not be considered during such extended Session except a provision for the cost thereof.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY PROCLAIM THAT THE 2007 REGULAR SESSION OF THE MARYLAND GENERAL ASSEMBLY IS HEREBY EXTENDED, COMMENCING AT MIDNIGHT ON MONDAY, APRIL 9TH, 2007, IN THE STATE CAPITAL IN THE CITY OF ANNAPOLIS FOR THE PURPOSE OF PASSING THE STATE BUDGET BILL. THIS EXTENSION

MAY NOT EXCEED TEN DAYS, OR SUCH OTHER PERIOD AS SPECIFIED BY AMENDMENT TO THIS EXECUTIVE ORDER.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 2nd day of April, 2007.

Martin O'Malley
Governor

ATTEST:

Dennis Schnepfe
Acting Secretary of State

Read and ordered journalized.

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

Senate Bill 23 – Senators Conway, Britt, and Kelley

AN ACT concerning

Procurement – Small Business Reserve Program – ~~Sunset Extension~~ Modifications

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

(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 concurred in.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 844)

AMENDED IN THE HOUSE

Senate Bill 110 – The President (By Request – Administration) and Senators Middleton, Dyson, Miller, Hogan, and Rosapepe

AN ACT concerning

Base Realignment and Closure Subcabinet

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

(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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 845)

AMENDED IN THE HOUSE

Senate Bill 147 – Chair, Anne Arundel County Senators

AN ACT concerning

Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal

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

(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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 846)

AMENDED IN THE HOUSE

Senate Bill 237 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

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

(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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 847)

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 40 Negative – 5 (See Roll Call No. 848)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #44

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

Senate Bill 206 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

(Amendment ID: SB0206/214833/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 206

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after “of” insert “requiring certain regulations adopted by the Department of Natural”

Resources to establish a permissible bycatch for soft crabs to be no more restrictive than the permissible bycatch for hard crabs and peeler crabs;”; and in line 4, after “crabs” insert “; requiring the Department of Natural Resources to adopt certain regulations relating to a bycatch for soft crabs; making this Act an emergency measure; providing for the termination of this Act”.

AMENDMENT NO. 2

On page 2, strike beginning with “IF” in line 13 down through “POSSESSED” in line 14 and substitute “IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT”; and after line 14, insert:

“(3) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AND GOVERNING A PERMISSIBLE BYCATCH FOR SOFT CRABS UNDER THIS SUBSECTION.

(II) THE REGULATIONS THAT THE DEPARTMENT ADOPTS UNDER THIS PARAGRAPH MAY NOT BE MORE RESTRICTIVE THAN THE APPLICABLE RESTRICTIONS ON THE PERMISSIBLE BYCATCH FOR HARD CRABS AND PEELER CRABS.”.

AMENDMENT NO. 3

On page 2, strike beginning with “this” in line 24 down through “2007” in line 25 and substitute “on or before October 1, 2007, the Department of Natural Resources shall adopt regulations establishing and governing a permissible bycatch for soft crabs under § 4-809(c) of the Natural Resources Article as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this 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. It shall remain effective through June 30, 2009 and, at the end of June 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.

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

The motion was adopted.

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

Senate Bill 359 – Senator Zirkin

AN ACT concerning

Department of Juvenile Services – Reorganization and Regionalization

(Amendment ID: SB0359/474236/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 359

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “programming” insert “that delivers services on a regional basis”; strike beginning with “establishing” in line 4 down through “State;” in line 5; in line 7, strike “sufficient” and substitute “certain”; in line 8, after “children” insert “under certain circumstances”; in line 12, after “Management” insert “on or before a certain date”; strike in their entirety lines 13 through 17, inclusive; and after line 17, insert:

“BY adding to

Article – Human Services

Section 9–238.1

Annotated Code of Maryland

(As enacted by Chapter 3 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 20 and 21; and after line 21, insert:

“Article – Human Services

9-238.1.

On page 2, in line 1, strike “(C)” and substitute “(A)”; in line 9, strike “SIX” and substitute “AT LEAST FOUR”; strike beginning with “OR” in line 11 down through “USED” in line 12; in line 15, strike “GEOGRAPHICALLY, PHYSICALLY, AND”; in line 16, strike “AREAS” and substitute “PROGRAM SPACE”; strike beginning with “ADMINISTRATIVE” in line 16 down through “BUILDINGS,” in line 17; and in line 17, strike “HALLS, AND MEDICAL, EDUCATIONAL,” and substitute “HALLS AND EDUCATIONAL”.

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 10 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in lines 11, 12, 15, 19, 21, 24, and 27, strike “(3)”, “(I)”, “(II)”, “(III)”, “1.”, “2.”, and “(B)”, respectively, and substitute “(B)”, “(1)”, “(2)”, “(3)”, “(I)”, “(II)”, and “(C)”, respectively; in line 15, strike “INCLUDE” and substitute “EXCEPT FOR SPECIALIZED SERVICES AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, INCLUDE”; in the same line, strike “SUFFICIENT”; and in line 16, after “FACILITIES” insert “ESTIMATED TO BE”.

AMENDMENT NO. 4

On page 4, in line 3, after “That” insert “, on or before November 1, 2007,”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 392 – Senators Kasemeyer, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Haines, Hogan, Hooper, Jones, Kelley, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Voter-Verified Records

(Amendment ID: SB0392/954034/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 392

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Dyson, Britt, Harris, and Greenip”; in line 2, strike “Voter-Verified” and substitute “Voter-Verifiable Paper”; strike beginning with “requiring” in line 3 down through “systems” in line 16 and substitute “prohibiting the State Board of Elections from certifying a voting system unless the State Board determines that the voting system provides voter-verifiable paper records; defining a certain term; clarifying the standard to be considered by the State Board when evaluating whether a voting system is accessible to voters with disabilities; requiring the Attorney General to make a certain determination and to provide notice of the determination in writing to the Department of Legislative Services; making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and provide a certain notification by a certain time; providing for the application of this Act; and generally relating to voting systems and voter-verifiable paper records”; and strike in their entirety lines 17 through 21, inclusive.

On page 2, strike line 1 in its entirety; and in line 4, strike “1-101(xx)” and substitute “9-102”.

AMENDMENT NO. 2

On pages 2 through 11, strike beginning with line 7 on page 2 through line 23 on page 11, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

9-102.

(A) IN THIS SECTION, A “VOTER-VERIFIABLE PAPER RECORD” INCLUDES:

(1) A PAPER BALLOT PREPARED BY THE VOTER FOR THE PURPOSE OF BEING READ BY A PRECINCT-BASED OPTICAL SCANNER;

(2) A PAPER BALLOT PREPARED BY THE VOTER TO BE MAILED TO THE APPLICABLE LOCAL BOARD, WHETHER MAILED FROM A DOMESTIC OR AN OVERSEAS LOCATION; AND

(3) A PAPER BALLOT CREATED THROUGH THE USE OF A BALLOT MARKING DEVICE.

[(a) (B) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

[(b) (C) The State Board shall periodically review and evaluate alternative voting systems.

[(c) (D) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates; [and]

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, INCLUDING A MANUAL RECOUNT; AND

(VII) PROVIDE A VOTER-VERIFIABLE PAPER RECORD THAT:

1. IS AN INDIVIDUAL DOCUMENT THAT IS PHYSICALLY SEPARATED FROM ANY OTHER SIMILAR DOCUMENT AND NOT PART OF A CONTINUOUS ROLL;

2. IS SUFFICIENTLY DURABLE TO WITHSTAND REPEATED HANDLING FOR THE PURPOSES OF MANDATORY RANDOM AUDITS AND RECOUNTS; AND

3. USES INK THAT DOES NOT FADE, SMEAR, OR OTHERWISE DEGRADE AND OBSCURE OR OBLITERATE THE PAPER RECORD OVER TIME;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the [National Association of State Election Directors] U.S. ELECTION ASSISTANCE COMMISSION; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission OR THE U.S. ELECTION ASSISTANCE COMMISSION; and

(3) the public interest will be served by the certification of the voting system.

[(d)] (E) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

- (3) the cost of implementing the system;
- (4) the efficiency of the system;
- (5) the likelihood that the system will malfunction;
- (6) the system's ease of understanding for the voter;
- (7) the convenience of voting afforded by the system;
- (8) the timeliness of the tabulation and reporting of election returns;
- (9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act, INCLUDING FEATURES WHICH:

(I) ENSURE THAT ACCESSIBILITY FOR VOTERS WITH DISABILITIES IS EQUIVALENT TO THAT AFFORDED TO VOTERS WITHOUT DISABILITIES;

(II) DO NOT REQUIRE THE CREATION OF A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES; AND

(III) ALLOW FOR THE INDEPENDENT AND PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF THE BALLOT BY VOTERS WITH DISABILITIES; and

- (11) any other factor that the State Board considers relevant.

[(e)] (F) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

- (i) a description of the voting system;**

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.”.

AMENDMENT NO. 3

On page 11, in line 24, strike “3.” and substitute “2.”; and in line 25, strike “2008” and substitute “2010”.

AMENDMENT NO. 4

On page 12, strike in their entirety lines 1 through 12, inclusive, and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That, if the Attorney General determines on or after the effective date of this Act that any provision of this Act is in conflict with any law of the United States or a rule, regulation, or policy of the U.S. Election Assistance Commission, the conflicting provision of this Act shall be abrogated and of no force or effect. The Attorney General, within 5 days after determining the existence of a conflict, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, MD 21401.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on the appropriation of sufficient general, special, or federal funds in the State budget no later than fiscal year 2009 for the State Board of Elections to perform the functions set forth in Section 1 of this Act, and if sufficient funds are not appropriated in the State budget to the State Board of Elections by fiscal year 2009 to perform the functions set forth in Section 1 of this Act, this Act shall be null and void without the necessity of further action by the General Assembly. Within 10 days after the fiscal year 2009 budget has been enacted by the General Assembly, the Department of Budget and Management shall determine and notify the Department of Legislative Services whether sufficient general, special, or federal funds have been appropriated in the fiscal year 2009 budget for the State Board of Elections to perform the functions set forth in Section 1 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 2 through 4 of this Act, this Act shall take effect October 1, 2007.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 866 – Senator Conway

AN ACT concerning

Professional Counselors and Therapists – Definition of Appraisal

(Amendment ID: SB0866/214530/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 866
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “by” in line 4 down through “training” in line 7.

AMENDMENT NO. 2

On page 1, in line 19, strike the brackets.

On page 2, in lines 1, 4, 7, and 12, in each instance, strike the bracket; in line 1, strike “(1)”; in line 4, strike “(2)”; and strike beginning with “deemed” in line 9 down through “instruments” in line 12 and substitute “THAT INCLUDES:”

(1) A DOCTORAL OR MASTERS DEGREE THAT INCLUDES A MINIMUM OF NINE GRADUATE COURSES, AS VERIFIED TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES, OF AT LEAST 3 SEMESTER HOURS IN:

1. PSYCHOPATHOLOGY;
2. BIOLOGICAL BASES OF BEHAVIOR;
3. RESEARCH METHODS;
4. ADVANCED STATISTICS;
5. TESTS AND MEASURES;

6. INTELLECTUAL ASSESSMENT;

7. PERSONALITY ASSESSMENT;

8. ETHICS; AND

9. PRACTICUM IN PSYCHOLOGICAL TESTING;

(II) COMPLETION OF 3,500 HOURS OF SUPERVISED EXPERIENCE COMPLETED OVER THE COURSE OF NO LESS THAN 2 YEARS FOLLOWING THE COMPLETION OF A MASTERS DEGREE, OF WHICH:

1. 1,000 HOURS MAY BE COMPLETED THROUGH FIELD EXPERIENCE; AND

2. A MINIMUM OF 100 HOURS SHALL INCLUDE FACE-TO-FACE SUPERVISION OF ASSESSMENT-RELATED ACTIVITIES WITH A SUPERVISOR PROFICIENT IN THE USE OF PSYCHOLOGICAL TESTS; AND

(III) PASSAGE OF A NATIONAL EXAMINATION UNLESS THE INDIVIDUAL HAS EARNED A DOCTORAL DEGREE IN AN AREA OF MENTAL HEALTH THAT INCLUDES THE COURSES SET FORTH IN ITEM (I) OF THIS PARAGRAPH”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 282 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

(Amendment ID: HB0282/194138/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 282
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “circumstances;” insert “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;”.

On page 2, in line 5, after “penalty” insert “in lieu of certain sanctions”; in line 19, after “circumstances;” insert “prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings;”; and strike beginning with “modifying” in line 33 down through “profiles” in line 35 and substitute “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”.

On page 3, strike beginning with “requiring” in line 5 down through “circumstances;” in line 7; in line 23, after “date;” insert “requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings;”; in line 26, after “date;” insert “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;”; in line 32, strike “14-405;”; in line 33, strike “14-411(b) and (c)” and substitute “14-411(c)”; in the same line, strike “14-411.1(b)(4),” and substitute “14-411.1(b), (c), and (d);”; in line 39, after “14-411(a)” insert “and (b)”; and in the same line, strike “14-411.1(b)(3),”.

AMENDMENT NO. 2

On page 7, in line 26, after the second “the” insert “JANET L. HOFFMAN”.

On page 8, in line 1, strike “14” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10”; after line 13, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 14, strike “(ii)” and substitute “(III)”; and in line 16, after the second “the” insert “JANET L. HOFFMAN”.

AMENDMENT NO. 3

On page 11, in line 26, after “CREDIT” insert “IN LIEU OF A SANCTION UNDER § 14-404 OF THIS TITLE”.

AMENDMENT NO. 4

On page 15, in line 5, strike “their own licenses” and substitute “THE PEER REVIEWER’S OWN LICENSE”; and in line 8, after “LICENSED” insert “AND ENGAGED IN THE PRACTICE OF MEDICINE WITHIN THE PAST YEAR”.

AMENDMENT NO. 5

On pages 19 and 20, strike in their entirety the lines beginning with line 13 on page 19 through line 2 on page 20, inclusive.

AMENDMENT NO. 6

On page 20, after line 23, insert:

“(1) A description of any disciplinary action taken by the Board against the licensee within the most recent 10-year period that includes a copy of the public order;

(2) A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10-year period;”;

and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(5) (4) A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14-413(b) of this subtitle; and

[(6) (5) Medical education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(ii) A description of any internship and residency training;

(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;

(iv) The name of any hospital where the licensee has medical privileges as reported to the Board under § 14-413 of this subtitle;

(v) The location of the licensee’s primary practice setting; and

(vi) Whether the licensee participates in the Maryland Medical Assistance Program.

(c) In addition to the requirements of subsection (b) of this section, the Board shall:

(1) Provide appropriate and accessible Internet links from the Board’s Internet site:

(i) To the extent available, to the appropriate portion of the Internet site of each health maintenance organization licensed in this State which will

allow the public to ascertain the names of the physicians affiliated with the health maintenance organization; and

(ii) To the appropriate portion of the Internet site of the American Medical Association; [and]

(2) Include a statement on each licensee's profile of information to be taken into consideration by a consumer when viewing a licensee's profile, including factors to consider when evaluating a licensee's malpractice data; AND

(3) PROVIDE ON THE BOARD'S INTERNET SITE:

(I) NOTIFICATION THAT A PERSON MAY CONTACT THE BOARD BY TELEPHONE, ELECTRONIC MAIL, OR WRITTEN REQUEST TO FIND OUT WHETHER THE NUMBER OF MEDICAL MALPRACTICE SETTLEMENTS INVOLVING A PARTICULAR LICENSEE TOTALS THREE OR MORE WITH A SETTLEMENT AMOUNT OF \$150,000 OR GREATER WITHIN THE MOST RECENT 10-YEAR PERIOD AS REPORTED TO THE BOARD; AND

(II) A TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, AND PHYSICAL ADDRESS THROUGH WHICH A PERSON MAY CONTACT THE BOARD TO REQUEST THE INFORMATION REQUIRED TO BE PROVIDED UNDER ITEM (I) OF THIS ITEM.

(d) The Board:

(1) On receipt of a written request for a licensee's profile from any person, shall forward a written copy of the profile to the person; [and]

(2) Shall maintain a website that serves as a single point of entry where all physician profile information is available to the public on the Internet; AND

(3) ON RECEIPT OF A VERBAL, ELECTRONIC, OR WRITTEN REQUEST IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION, SHALL PROVIDE THE INFORMATION WITHIN 2 BUSINESS DAYS OF THE REQUEST."

AMENDMENT NO. 7

On page 24, in line 30, after "THE" insert "JANET L. HOFFMAN".

On page 25, in line 4, strike “14” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10”; after line 19, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 20, strike “(II)” and substitute “(III)”; and in line 23, after “THE” insert “JANET L. HOFFMAN”.

AMENDMENT NO. 8

On page 29, after line 16, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Chief Administrative Law Judge shall designate a pool of administrative law judges in the Office of Administrative Hearings to hear cases referred to it by the State Board of Physicians.

SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall provide training at least annually to the personnel of the Office of Administrative Hearings in order to improve the quality and efficiency of the hearings in physician discipline cases. The training shall include medical terminology, medical ethics, and, to the extent practicable, descriptions of basic medical and surgical procedures currently in use.”;

in lines 17 and 30, strike “4.” and “5.”, respectively, and substitute “6.” and “9.”, respectively; and after line 29, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall submit a report to the Governor and, in accordance with § 2-1246 of the

State Government Article, to the General Assembly, on or before December 31, 2008, regarding:

(1) how many complaints reviewed by two peer reviewers resulted in disagreement between the peer reviewers; and

(2) of these complaints, how many resulted in charges being brought against a licensee.

SECTION 8. AND BE IT FURTHER ENACTED, That for fiscal 2009, the Governor shall include in the annual budget bill funding for an additional 7 new regular positions as compliance analysts for the State Board of Physicians, to be fully funded by the Board of Physicians Fund established under § 14-207 of the Health Occupations Article, in order to efficiently investigate complaints and protect the health, safety, and welfare of the public.”.

On page 30, in line 1, strike “6.” and substitute “10.”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 473 – Delegates Elmore, Cane, Eckardt, Haddaway, Mathias, Smigiel, and Walkup

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 849)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 35 – Delegate Hixson

AN ACT concerning

Income Tax – Expensing of Section 179 Property

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

The motion was adopted.

House Bill 137 – The Speaker (By Request – Administration) and Delegates Busch and Haynes

AN ACT concerning

State Agencies – StateStat

FLOOR AMENDMENT

(Amendment ID: HB0137/463423/1)

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 137

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert “requiring certain agencies to place a certain strategic plan and performance measurement report on the agencies’ websites;”.

AMENDMENT NO. 2

On page 6, after line 17, insert:

“(3) EACH AGENCY THAT PARTICIPATES IN THE STATESTAT PROCESS SHALL PLACE THE STRATEGIC PLAN AND PERFORMANCE MEASUREMENT REPORT ON THE AGENCY’S WEBSITE.”

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

Affirmative – 18 Negative – 29 (See Roll Call No. 850)

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

Affirmative – 47 Negative – 0 (See Roll Call No. 851)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 852)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 853)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 854)

The Bill was then sent to the House of Delegates.

House Bill 621 – Delegates Stull, Bartlett, Bates, Beidle, Beitzel, Boteler, Cane, G. Clagett, Conway, Elliott, Hecht, Holmes, Jameson, Kelly, Kullen, Lafferty, McComas, McKee, Miller, Myers, Riley, Rudolph, Shank, Shewell, Sossi, Stifler, Stocksdale, Weldon, ~~and Wood~~ Wood, Elmore, Jennings, Krebs, Murphy, Rice, and Stukes

AN ACT concerning

Admissions and Amusement Tax – Exemption for Activities Related to Agricultural Tourism

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

Affirmative – 47 Negative – 0 (See Roll Call No. 855)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 856)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 857)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 858)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #10**AMENDED IN THE HOUSE**

Senate Bill 515 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

(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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 859)

AMENDED IN THE HOUSE

Senate Bill 780 – Senators Currie, DeGrange, Hogan, Kasemeyer, ~~and Kramer~~ Kramer, Munson, Jones, and McFadden

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 860)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #34

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

House Bill 452 – Delegate Rosenberg and The Speaker (By Request – Administration) and Delegates Anderson, Branch, Bromwell, Carter, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, McHale, McIntosh, Oaks, Robinson, Schuler, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 458 – Delegate Tarrant and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Robinson, Schuler, Sophocleus, Stein, and Stukes

AN ACT concerning

Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses – Notices

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 463 – Delegate Rosenberg and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

(Amendment ID: HB0463/758178/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 463

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Remedy” and substitute “Remedies”; in line 3, strike “repealing” and substitute “applying”; in line 4, after “rent” insert “to certain property”; in line 8, after “rent” insert “on certain residential property”; in line 15, after “application” insert “, effect,”; and in the same line, after “Act,” insert “clarifying the application of certain provisions of law prohibiting the creation of certain reversionary interests under certain ground leases or subleases; providing that certain provisions of law authorizing a certain action for possession do not apply to certain actions for nonpayment of ground rent;”.

On page 2, in line 3, strike “8-402.2 and”; in line 8, strike “8-402.2” and substitute “8-402.3”; in line 13, after “Section” insert “8-402.2,”; in the same line, after “8-111.1” insert a comma; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Article – Real Property

Section 8-111.2

Annotated Code of Maryland

(As enacted by Chapter 1 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 2, in line 19, strike the bracket; and after line 19, insert:

“(A) (1) THIS SECTION APPLIES TO PROPERTY:

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(2) THIS SECTION DOES NOT APPLY TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.”.

On page 2 in lines 20 and 31, and on page 3 in line 23, strike “(a)”, “(b)”, and “(c)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively.

On page 3, in line 15, strike “(b)” and substitute “(C)”; and in line 28, before “(d)” insert an opening bracket.

On page 5, in line 22, strike “~~8-402.2.~~” and substitute “8-402.3.”.

On page 12, in line 19, strike “§ ~~8-402.2~~” and substitute “§ 8-402.3”; and in line 23, strike “§ ~~8-402.2(E)~~” and substitute “§ 8-402.3(E)”.

On page 14, strike in their entirety lines 3 through 6, inclusive; and in line 12, after “RENT” insert “UNDER A GROUND LEASE ON RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS”.

AMENDMENT NO. 3

On page 11, in line 12, strike “ENTRY OF THE JUDGMENT” and substitute “THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS”.

AMENDMENT NO. 4

On page 13, in line 14, before the third “THE” insert “;”

(I) FOR A REDEEMABLE GROUND RENT;

in line 17, after “LEASE” insert “; AND”

(II) FOR AN IRREDEEMABLE GROUND RENT, THE AMOUNT OF THE LIEN AND THE PURCHASER SHALL TAKE TITLE TO THE PROPERTY SUBJECT TO THE GROUND LEASE;

and in line 19, after “THE” insert “REDEEMABLE”.

AMENDMENT NO. 5

On page 14, after line 6, insert:

“8-111.2.

(A) THIS SECTION DOES NOT APPLY TO PROPERTY:

(1) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(2) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(3) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(B) On or after January 22, 2007, the owner of a fee simple or leasehold estate in residential property that is OR WAS used, intended to be used, or authorized to be used for four or fewer dwelling units may not create a reversionary interest in the property

under a ground lease or a ground sublease for a term of years renewable forever subject to the payment of a periodic ground rent.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 489 – Delegate Glenn and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Beitzel, Benson, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Hammen, Harrison, Haynes, Ivey, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Nathan–Pulliam, Oaks, Olszewski, Pena–Melnik, Robinson, Schuler, Sophocleus, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Redemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 502 – Delegate Stein and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Cardin, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Oaks, Olszewski, Robinson, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Notices Regarding Ground Leases on Residential Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 580 – Delegate McIntosh and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – ~~Limitation of Actions~~ – Registry of Properties Subject to Ground Leases

(Amendment ID: HB0580/878773/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 580

(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, strike beginning with the colon in line 20 down through “**AN**” in line 21 and substitute “**AN**”; and strike beginning with the semicolon in line 21 down through “**LEASES**” in line 23.

AMENDMENT NO. 2

On page 11, in line 4, strike “**MAY**” and substitute “**ONCE THE GROUND LEASE EXTINGUISHMENT CERTIFICATE HAS BEEN FILED, MAY**”.

AMENDMENT NO. 3

On page 11, in line 14, after “**FUND**” insert “**AND SHALL HELP DEFRAY THE COSTS OF THE REGISTRY CREATED UNDER THIS SUBTITLE**”.

AMENDMENT NO. 4

On page 11, in line 20, strike “**semiannual**” and substitute “**annual**”.

On page 11 in line 27, and on page 12 in line 1, in each instance, after “**notification**” insert “**, by electronic and other means,**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #35

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

Senate Bill 722 – Senators Conway, Della, Jones, McFadden, and Pugh

AN ACT concerning

Baltimore City – Sheriff’s Office – Compensation

(Amendment ID: SB0722/508379/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 722

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Office” insert “and Police Department”; in the same line, after “Compensation” insert “– Study and Report”; strike beginning with “altering” in line 3 down through “time” in line 7 and substitute “requiring the Baltimore City Department of Finance, in consultation with the Baltimore City Sheriff’s Office and the Baltimore City Police Department, to study any disparity in the compensation of sworn officers of the Baltimore City Sheriff’s Office and the Baltimore City Police Department, the feasibility of providing enhanced workers’ compensation benefits to certain sworn officers of the Baltimore City Sheriff’s Office, and the feasibility of implementing a certain increase in workers’ compensation benefits for sworn officers of the Baltimore City Sheriff’s Office in a certain manner; requiring a certain report”; strike beginning with the first “deputy” in line 8 down through “the” in line 9 and substitute “sworn officers employed by the”; and in line 9, after “Office” insert “and the Baltimore City Police Department”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 10 on page 1 through line 19 on page 3, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Baltimore City Department of Finance, in consultation with the Baltimore City Sheriff’s Office and the Baltimore City Police Department, shall conduct a study of:

(1) any disparity in the compensation of sworn officers of the Baltimore City Sheriff’s Office and the Baltimore City Police Department with equal service time and comparable ranking, including any disparity in the salary rate and employee benefits;

(2) the feasibility of providing enhanced workers’ compensation benefits under § 9-628 of the Labor and Employment Article for sworn officers of the Baltimore City Sheriff’s Office by including the sworn officers in the definition of “public safety employee” under § 9-628 of the Labor and Employment Article; and

(3) the feasibility of implementing a 33% increase in workers’ compensation benefits for sworn officers of the Baltimore City Sheriff’s Office during a 3-year phase-in of an annual 11% increase in benefits.

(b) The study shall include:

(1) a detailed cost estimate; and

(2) an analysis of the need for enhanced benefits.

(c) On or before December 31, 2007, the Baltimore City Department of Finance shall report to the Governor, and, subject to § 2–1246 of the State Government Article, to the Baltimore City Senators and the Baltimore City House Delegation, on the findings of the study.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 188 – Delegate Rosenberg

AN ACT concerning

Estates, Trusts, and Real Property – Rule Against Perpetuities

(Amendment ID: HB0188/238671/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 188

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “land,” insert “rights or privileges to acquire interests in certain business entities.”; and in line 7, after “unless” insert “the interests are not subject to the common-law rules against perpetuities or”.

AMENDMENT NO. 2

On page 3, in line 24, strike “OR”; after line 24, insert:

“(10) A RIGHT OR PRIVILEGE, INCLUDING AN OPTION, WARRANT, PRE-EMPTIVE RIGHT, RIGHT OF FIRST REFUSAL, RIGHT OF FIRST OPTION, RIGHT OF FIRST NEGOTIATION, CALL RIGHT, EXCHANGE RIGHT, OR CONVERSION RIGHT, TO ACQUIRE AN INTEREST IN A DOMESTIC OR FOREIGN JOINT VENTURE, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY LIMITED PARTNERSHIP, CORPORATION, COOPERATIVE, LIMITED LIABILITY COMPANY, BUSINESS TRUST, OR SIMILAR ENTERPRISE, WHETHER THE INTEREST IS CHARACTERIZED AS A JOINT VENTURE INTEREST, PARTNERSHIP INTEREST, LIMITED PARTNERSHIP INTEREST, MEMBERSHIP INTEREST, SECURITY, STOCK, OR OTHERWISE; OR”;

and in line 25, strike “**(10)**” and substitute “**(11)**”.

AMENDMENT NO. 3

On page 5, in line 16, after “UNLESS” insert “THE NONDONATIVE PROPERTY INTEREST:

(I) IS NOT SUBJECT TO THE RULE AGAINST PERPETUITIES UNDER § 11-102 OF THIS SUBTITLE; OR

(II) IS”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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–Melnik, Pendergrass, Riley, V. Turner, and Weldon

AN ACT concerning

Maryland Service Animal Reform Act – “Gretchen’s Law”

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 536 – Delegates Dumais, Feldman, Frush, Hecht, Hucker, Kaiser, Krysiak, Lawton, Lee, Manno, Mizeur, Pena–Melnik, and Rice

AN ACT concerning

Family Law – Paternity – Dependent Disabled Child

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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**

(Amendment ID: HB0636/208373/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 636

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 9 down through “enforcement;” in line 11.

AMENDMENT NO. 2

On page 2, in line 23, after “Governor;” insert “and”; and strike beginning with “One” in line 24 down through “(11)” in line 26.

On page 3, strike beginning with “The” in line 14 down through “(h)” in line 19.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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, Stocksdale, 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.

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

House Bill 1165 – Delegate Feldman

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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.

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

House Bill 1207 – ~~Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)~~ Delegates Dumais, Ali, Barkley, Barve, Bronrott, Elmore, Feldman, Gilchrist, Gutierrez, Heller, Hixson, Hucker, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, Levi, Manno, Mizeur, Montgomery, Rice, Rosenberg, Simmons, Smigiel, Sophocleus, Taylor, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Criminal Law – Sexual Acts ~~Acts~~ Contact with Inmates in Correctional and Juvenile Facilities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1221 – Delegate Gutierrez

EMERGENCY BILL

AN ACT concerning

Delinquency Prevention and Diversion Services Task Force – Extension of Sunset

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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 JUDICIAL PROCEEDINGS REPORT #36

CONSENT CALENDAR #64

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

<u>BILL NO.</u>	<u>REPORT</u>	<u>SPONSOR</u>	<u>CONTENT</u>
HB 222	FAV	Del Beitzel	Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity
HB 403	FAV	Allegany County Delegation	Allegany County – Junkyard Ordinance – Appearances at Trial
HB 501	FAV	Prince George's County Delegation	Prince George's County – Commercial Vehicles Parked in Residential Areas – Citation PG 301–07
HB 508	FAV	Prince George's County Delegation	Prince George's County – Fire and Explosive Investigators – Authority PG 319–07
HB 680	FAV	Prince George's County Delegation	Prince George's County – Sheriff and Sheriff's Deputies – Alteration of Duties PG 310–07
HB 726	FAV	Washington County Delegation	Washington County – Fire Police Appointments
HB 753	FAV	Washington	Washington County Board of County

		County	Commissioners – Violations of Civil
		Delegation	Offenses – Authority
HB 1225	FAV	Carroll County	Carroll County – Abatement of
		Delegation	Nuisances – Ongoing Violations
HB 1227	FAV	Carroll County	Carroll County – Pretrial and Work
		Delegation	Release Programs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #37

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

House Bill 285 – Delegates Stifler, Bates, Bromwell, Eckardt, Elliott, Frank, George, Glassman, Kelly, Krebs, McComas, O’Donnell, Olszewski, Schuler, Shank, Shewell, Smigiel, Sossi, and Valderrama

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalty

(Amendment ID: HB0285/958478/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 285

(Third Reading File Bill)

On page 1, in line 5, strike “a certain depiction of”; in lines 7 and 8, strike “a certain depiction of”; and in line 8, after “age;” insert “providing for a certain affirmative defense to a charge under this Act;”.

On page 2, in line 3, after “possess” insert “AND INTENTIONALLY RETAIN”; in line 4, strike “depicting” and substitute “SHOWING”; in line 17, strike “depict” and substitute “SHOW”; and after line 19, insert:

“(D) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF VIOLATING THIS SECTION THAT THE PERSON PROMPTLY AND IN GOOD FAITH:

(1) TOOK REASONABLE STEPS TO DESTROY EACH VISUAL REPRESENTATION; OR

(2) REPORTED THE MATTER TO A LAW ENFORCEMENT AGENCY.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

(Amendment ID: HB0619/608574/1)

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 619

(Third Reading File Bill)

On page 3, in line 15, after “CHARGES” insert “THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0619/833729/1)

BY: Senator Greenip

AMENDMENTS TO HOUSE BILL 619

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the second “Schools” insert “and Principals”.

On page 2, in line 1, after “superintendent” insert “or a principal”; in line 5, after “superintendents” insert “and principals”; and in line 8, after “4-201(e)” insert “and 6-202”.

AMENDMENT NO. 2

On page 3, after line 23, insert:

“6-202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the individual requests a hearing within the 10-day period:

(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4-313 of this article.

(6) ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST A PRINCIPAL AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE COUNTY BOARD MAY SUSPEND THE PRINCIPAL WITH PAY UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.

(b) (1) Except as provided in paragraph (2) of this subsection, the probationary period of employment of a certificated employee in a public school system

shall cover a period of 2 years from the date of employment and shall consist of a 1-year employment contract that may be renewed by the county board.

(2) (i) A probationary period for a certificated employee in a public school system may be extended for a third year from the date of employment if the certificated employee does not qualify for tenure at the end of the second year based on established performance evaluation criteria and the employee demonstrates a strong potential for improvement.

(ii) If the probationary period of a certificated employee is extended as provided in this paragraph, a mentor shall be assigned to the employee and the employee shall be evaluated at the end of the third year based on established performance evaluation criteria.

(3) The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a mentoring program that will be aligned with the 2-year probationary period and the 1-year extension as provided in paragraph (2) of this subsection.

(C) (1) A PRINCIPAL SHALL IMMEDIATELY NOTIFY THE COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE PRINCIPAL.

(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A COPY OF ALL CHARGING DOCUMENTS SERVED ON THE PRINCIPAL OR THE PRINCIPAL'S COUNSEL.

(3) ANY PRINCIPAL WHO VIOLATES PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 AND REVOCATION OF ANY PROFESSIONAL CERTIFICATION ISSUED BY THE DEPARTMENT."

The preceding 2 amendments were read only.

Senator Greenip moved, duly seconded, to make the Bill and Amendments a Special Order for April 6, 2007.

The motion was adopted.

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

House Bill 910 – Delegates Barkley, Ali, Aumann, Bates, Bohanan, Branch, Bronrott, Carter, G. Clagett, Conway, DeBoy, Dumais, Dwyer, Frank, Gutierrez, Guzzone, Heller, Jones, N. King, Kramer, Lee, McComas, McConkey, Montgomery, Proctor, Ramirez, Robinson, Schuler, Shank, Sophocleus, Stocksdale, Valderrama, Waldstreicher, and Wood

AN ACT concerning

Public Safety – Correctional Officers – Minimum Age

(Amendment ID: HB0910/188472/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 910
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “veteran” insert “or reserve member”.

AMENDMENT NO. 2

On page 2, in line 19, strike “, **BEGINNING OCTOBER 1, 2007,**”; in line 20, after “**HIRED**” insert “**ON OR AFTER OCTOBER 1, 2007,**”; and in line 24, after “**VETERAN**” insert “**OR RESERVE MEMBER**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #21

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 613 – Senators Jones, Astle, Currie, DeGrange, Gladden, and McFadden

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit Program

(Amendment ID: SB0613/209630/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 613

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “exempting” in line 6 down through “repealing” in line 7 and substitute “altering”; in line 10, after “rehabilitations;” insert “altering a certain limit on the amount of initial credit certificates that may be issued within a fiscal year;”; strike beginning with “providing” in line 13 down through “conditions;” in line 14; and strike beginning with “exempting” in line 16 down through “fund;” in line 20 and substitute “authorizing the Governor to include certain appropriations to a certain fund in the annual budget bill;”.

AMENDMENT NO. 2

On page 5, strike beginning with “WITH” in line 3 down through “**\$500,000**” in line 4; in lines 11 and 12, strike “**NATIONAL REGISTER**” and substitute “NATIONAL”

REGISTER"; in line 16, strike the bracket; and strike beginning with the bracket in line 22 down through "AWARDED" in line 31.

AMENDMENT NO. 3

On page 6, in lines 14 and 26, in each instance, strike the bracket; in line 14, strike "Not" and substitute "EXCEPT AS PROVIDED IN SUBSECTION (D)(3)(III) OF THIS SECTION, NOT"; in the same line, strike "50%" and substitute "75%"; and strike beginning with "(i)" in line 17 down through "(7)" in line 26.

AMENDMENT NO. 4

On page 8, strike beginning with "EXCEPT" in line 3 down through "PARAGRAPH," in line 4; and strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 5

On page 9, in line 5, strike "(B)(5)(V)" and substitute "(B)(6)(V)"; after line 8, 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 9, strike "2." and substitute "3."; in the same line, strike "If" and substitute "SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, IF"; in line 13, strike "3." and substitute "4."; and strike in their entirety lines 17 through 19, inclusive.

AMENDMENT NO. 6

On page 9, in line 25, strike beginning with "in" through "\$30,000,000".

AMENDMENT NO. 7

On page 9, in line 24, strike "THROUGH 2012" and substitute "AND 2010"; and in line 30, strike "2012" and substitute "2010".

On page 14, in lines 22, 23, and 28, in each instance, strike "2012" and substitute "2010".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 231 – St. Mary’s County Delegation

AN ACT concerning

Recordation Tax – Exemption for Transfers from a Government or Public Agency

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #22

CONSENT CALENDAR #63

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 693	FAV	Mont Co Deleg and PG Co Deleg	Washington Suburban Sanitary Commission – Bonds – Issuance and Advertising MC/PG 111–07
HB 1295	FAV	Harford County Delegation	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.

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

House Bill 1355 – Washington County Delegation

AN ACT concerning

Washington County – Building Excise Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

House Bill 184 – Delegates Krysiak, Kirk, and McHale

AN ACT concerning

**Joint Committee on Workers' Compensation Benefit and Insurance Oversight –
Membership**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 271 – Delegates Stifler, George, Glassman, Shewell, and Taylor

AN ACT concerning

Workers' Compensation – Unpaid Work–Based Learning Experiences – Coverage

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 494 – Delegates ~~Feldman, Stifler~~ Stifler, Feldman, and Krysiak

AN ACT concerning

Elevator Safety – Third–Party Qualified Elevator Inspectors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 519 – Delegates Bromwell, Cardin, DeBoy, Donoghue, Hubbard, Malone, Oaks, and Schuler

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

Senator Harris moved, duly seconded, to make the Bill and Report a Special Order for April 6, 2007.

The motion was adopted.

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

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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB0599/557075/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 599

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike line 5 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 13 and 14 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 20, 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.

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

House Bill 640 – Delegates Kullen, Benson, Costa, Hubbard, Kipke, Nathan–Pulliam, Pena–Melnyk, and Rosenberg

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 783 – Montgomery County Delegation

AN ACT concerning

**Workers’ Compensation – Montgomery County Correctional Officers
MC 705–07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

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~~ Center – Plan for Services to Residents

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: HB0970/173120/1)

BY: Senator Klausmeier

AMENDMENT TO HOUSE BILL 970
(Third Reading File Bill)

On page 12, in line 3, strike “and,” and substitute “, consistent with the Department of Health and Mental Hygiene’s Phase II Facility Review issued in January, 2007, and”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1006/227079/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1006
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “employers” insert “, counties, and municipal corporations”.

AMENDMENT NO. 2

On page 3, in line 20, after “TO” insert “:

(1)”;

in line 21, after “EMPLOYEE” insert “:

(2) A COUNTY; AND

(3) A MUNICIPAL CORPORATION”;

and in line 27, after “UNIT” insert “, A COUNTY, OR A MUNICIPAL CORPORATION”.

On page 4, in line 3, after “EMPLOYER” insert “, COUNTY, OR MUNICIPAL CORPORATION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance 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: HB1071/557272/1)

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1071

(Third Reading File Bill)

On page 3, in line 7, after “CHILD” insert “CONVICTED OF A CRIME OR”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 1370 – Delegate Mizeur

AN ACT concerning

~~Maryland Health Insurance Plan~~ – **Senior Prescription Drug Assistance Program –
Modifications and Sunset Extension**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

Senator Middleton, Chair, for the Committee on Finance 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.

Senator Middleton, Chair, for the Committee on Finance 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 FINANCE REPORT #33

Senator Middleton, Chair, for the Committee on Finance and Senator Currie, Chair, for the Committee on Budget and Taxation 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–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

(Amendment ID: HB1016/817371/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1016

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Renewable” insert “Electricity – Net Energy Metering –”; in line 3, after “of” insert “increasing a certain limit used to determine the availability of net energy metering to eligible customer–generators; increasing the amount of generating capacity of an electric generating system that may be used by an eligible customer–generator for net metering; requiring the Public Service Commission to make a certain determination concerning dual metering for certain eligible customer-generators; providing that an eligible customer–generator has a title to certain attributes or credits associated with certain electricity produced; requiring the Commission on or before a certain date each year to report to the General Assembly on the status of the net metering program in the State;”; in line 7, after “standard” insert “in certain manners during certain periods; requiring certain credits to be offered for certain purposes in a certain manner”; and strike beginning with “requiring” in line 10 down through “Commission” in line 14 and substitute “allowing certain renewable on–site generators to retain or transfer certain credits in a certain manner; requiring certain electricity suppliers to submit a certain report”.

On page 2, strike beginning with “requiring” in line 3 down through “request;” in line 4; in line 5, after “fund;” insert “requiring certain fees to be accounted for and used in a certain manner; requiring the Maryland Energy Administration to report each year on certain matters; requiring certain electricity suppliers to enter into certain contracts for not less than a certain term of years; requiring the Commission to set a maximum price for a solar renewable energy credit each year by taking into consideration certain market prices; prohibiting certain credits from being sold above a certain price; requiring the purchase of certain credits from certain systems to be made based on certain market prices determined by the Commission;”; strike beginning with “altering” in line 6 down through “circumstances;” in line 7; in line 9, in each instance, after “standards” insert “and procedures”; strike beginning with “altering” in line 10 down through “certificate;” in line 15; in line 17, after “report” insert “due on a certain date”; strike beginning with “requiring” in line 17 down through “purposes” in line 18 and substitute “altering certain definitions; making stylistic changes”; in line 18, after “application” insert “and construction”; in the same line, after “of” insert “certain provisions of”; in line 19, after “to” insert “net energy metering,”; in the same line, strike “use of”; in the same line, after

“energy” insert “portfolio standard,”; in line 23, after “7-306,” insert “7-701(h)(2) and (m),”; in the same line, strike “7-704(a),” and substitute “7-704,”; in the same line, after “7-705,” insert “7-706(c)(1),”; in the same line, after “7-707(f),” insert “7-709,”; strike in their entirety lines 26 through 30, inclusive; and in line 33, strike “7-704(c)” and substitute “7-707(h)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 36 on page 2 through line 1 on page 3, inclusive.

AMENDMENT NO. 2

On page 9, strike beginning with “STARTING” in line 15 down through “LATER:” in line 16; in line 17, after “(I)” insert “1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,”; in lines 20 and 21, strike “; AND” and substitute a period; after line 21, insert:

“2. ON OR BEFORE DECEMBER 31, 2011, ENERGY FROM A TIER 1 RENEWABLE SOURCE UNDER § 7-701(L)(1) OF THIS SUBTITLE THAT IS NOT CONNECTED WITH THE ELECTRIC DISTRIBUTION GRID SERVING MARYLAND IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD ONLY IF OFFERS FOR SOLAR CREDITS FROM MARYLAND GRID SOURCES ARE NOT MADE TO THE ELECTRICITY SUPPLIER THAT WOULD SATISFY REQUIREMENTS UNDER THE STANDARD AND ONLY TO THE EXTENT THAT SUCH OFFERS ARE NOT MADE.”;

and in line 22, strike “IF” and substitute “IF”.

AMENDMENT NO. 3

On page 7, after line 10, insert:

“7-701.

(h) (2) “Qualifying biomass” includes biomass listed in paragraph (1) of this section that is used for co-firing, subject to [§ 7-704(e)] § 7-704(D) of this subtitle.

(m) “Tier 2 renewable source” means one or more of the following types of energy sources:

(1) hydroelectric power other than pump storage generation;

(2) incineration of poultry litter[, if the Maryland Energy Administration and the Maryland Department of Agriculture determine that there is a sufficient quantity of poultry litter available for the economic viability of any existing and operating entity that is sited on the Delmarva Peninsula and that, as of July 1, 2004, processes and pasteurizes chicken litter as fertilizer]; and

(3) waste-to-energy.”.

On page 8, in line 28, strike “9.5%” and substitute “9.35%”.

On page 10, in line 8, after “standard” insert a comma; in the same line, after “service” insert “, IF THE MARYLAND ENERGY ADMINISTRATION AND THE MARYLAND DEPARTMENT OF AGRICULTURE DETERMINE THAT THERE IS A SUFFICIENT QUANTITY OF POULTRY LITTER AVAILABLE FOR THE ECONOMIC VIABILITY OF ANY EXISTING AND OPERATING ENTITY THAT IS SITED ON THE DELMARVA PENINSULA AND THAT, AS OF JULY 1, 2004, PROCESSED AND PASTEURIZED CHICKEN LITTER AS FERTILIZER”; after line 8, insert:

“(b) On or after January 1, 2004, an electricity supplier may:

(1) receive renewable energy credits; and

(2) accumulate renewable energy credits under this subtitle.”;

and strike in their entirety lines 11 through 31, inclusive, and substitute:

“~~[(d)]~~ (c) (1) This subsection applies only to a generating facility that is placed in service on or after January 1, 2004.

(2) (i) On or before December 31, 2005, an electricity supplier shall receive 120% credit toward meeting the renewable energy portfolio standard for energy derived from wind.

(ii) After December 31, 2005, and on or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from wind.

(3) On or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from methane under § 7-701(1)(4) of this subtitle.

~~[(e)]~~ **(D)** An electricity supplier shall receive credit toward meeting the renewable energy portfolio standard for electricity derived from the biomass fraction of biomass co-fired with other fuels.

~~[(f)]~~ **(E)** (1) In this subsection, “customer” means:

(i) an industrial electric customer that is not on standard offer service; or

(ii) a renewable on-site generator.

(2) (i) A customer may independently acquire renewable energy credits to satisfy the standards applicable to the customer’s load, including credits created by a renewable on-site generator.

(ii) [Except as provided in subparagraph (iii)1 of this paragraph, the customer shall surrender the credits necessary to meet the standard to its electricity supplier for inclusion in the electricity supplier’s compliance report under § 7-705 of this subtitle.

(iii) 1.] Credits that a customer [surrenders] TRANSFERS to its electricity supplier to meet the standard and that the electricity supplier relies on in submitting its compliance report may not be resold or retransferred by the customer or by the electricity supplier.

[2. The customer may retain or transfer any credits in excess of the amount needed to satisfy the standard for the customer’s load.

(iv) A customer who surrenders credits under this subsection retains all rights and title to any environmental or other attributes associated with the credits, including emission reductions or related allowances.]

(3) A renewable on-site generator [shall receive credit] **MAY RETAIN OR TRANSFER AT ITS SOLE OPTION ANY CREDITS CREATED BY THE RENEWABLE ON-SITE**

GENERATOR, INCLUDING CREDITS for the portion of its on-site generation from a Tier 1 renewable source or a Tier 2 renewable source that displaces the purchase of electricity by the renewable on-site generator from the grid.

(4) A customer that satisfies the standard applicable to the customer's load under this subsection may not be required to contribute to a compliance fee recovered under § 7-706 of this subtitle.

(5) The Commission shall adopt regulations governing the application and transfer of credits under this subsection consistent with federal law.

~~[(g)]~~ **(F)** (1) In order to create a renewable energy credit, a Tier 1 renewable source or Tier 2 renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right-to-know provisions, permit conditions, and administrative orders.

(2) (i) This paragraph applies to Tier 2 renewable sources that incinerate solid waste.

(ii) At least 80% of the solid waste incinerated at a Tier 2 renewable source facility shall be collected from:

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9-505 of the Environment Article; and

2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9-505 of the Environment Article, in accordance with regulations of the Commission.

(iii) An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.”.

On page 11, in line 11, strike “paragraph” and substitute “**ITEM**”.

On page 14, after line 11, insert:

“7-706.

(c) Any cost recovery under this section:

(1) for all electricity suppliers, may be in the form of a generation surcharge payable by all current electricity supply customers, except as otherwise provided in [§ 7-704(f)] § 7-704(E) of this subtitle;”;

in line 15, strike “energy”; and after line 30, insert:

“(H) (1) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSION, SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE FUND.

(2) THE REPORT SHALL INCLUDE:

(I) ALL AMOUNTS RECEIVED BY AND DISBURSED FROM THE FUND;

(II) ALL AMOUNTS USED BY THE ADMINISTRATION AND THE COMMISSION FOR ADMINISTRATIVE PURPOSES;

(III) THE EVALUATION CRITERIA USED BY THE ADMINISTRATION IN MAKING LOANS AND GRANTS FROM THE FUND AND IN SELECTING RECIPIENTS OF THOSE LOANS AND GRANTS;

(IV) THE NUMBER AND AMOUNTS OF LOANS AND GRANTS MADE IN THE PRECEDING CALENDAR YEAR;

(V) THE STATUS OF LOANS PENDING AS OF THE END OF THE PRECEDING CALENDAR YEAR;

(VI) THE ALLOCATION OF DISBURSEMENTS FOR DEVELOPMENT OF NEW SOLAR AND OTHER TIER 1 RENEWABLE SOURCES;

(VII) THE PROJECTED RECEIPTS OF THE FUND IN THE CURRENT CALENDAR YEAR; AND

(VIII) PLANS FOR THE USE OF RESOURCES OF THE FUND IN THE CURRENT CALENDAR YEAR.

7-709.

(a) An electricity supplier may use accumulated renewable energy credits to meet the renewable energy portfolio standard, including credits created by a renewable on-site generator.

(b) A renewable energy credit may be sold or otherwise transferred.

(c) (1) (i) IF AN ELECTRICITY SUPPLIER PURCHASES SOLAR RENEWABLE ENERGY CREDITS DIRECTLY FROM A RENEWABLE ON-SITE GENERATOR TO MEET THE SOLAR COMPONENT OF THE TIER 1 RENEWABLE ENERGY PORTFOLIO STANDARD, THE DURATION OF THE CONTRACT TERM FOR THE SOLAR RENEWABLE ENERGY CREDITS MAY NOT BE LESS THAN 15 YEARS.

(ii) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, 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.

(iii) THE COMMISSION SHALL SET A MAXIMUM PRICE FOR A SOLAR RENEWABLE ENERGY CREDIT EACH YEAR BY TAKING INTO CONSIDERATION THE MARKET PRICES FOR SOLAR RENEWABLE ENERGY CREDITS IN ALL THE STATES THAT ARE WITHIN THE PJM REGION.

(iv) A SOLAR RENEWABLE ENERGY CREDIT MAY NOT BE SOLD FOR MORE THAN THE MAXIMUM PRICE ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(2) AN ELECTRICITY SUPPLIER THAT PURCHASES SOLAR RENEWABLE ENERGY CREDITS FROM A RENEWABLE ON-SITE GENERATOR WITH A CAPACITY NOT EXCEEDING 10 KILOWATTS SHALL PAY THE ON-SITE GENERATOR THE MAXIMUM PRICE ESTABLISHED EACH YEAR BY THE COMMISSION UNDER PARAGRAPH (1)(III) OF

THIS SUBSECTION.

[(c)] (D) (1) Except as authorized under paragraph (2) of this subsection, a renewable energy credit shall exist for 3 years from the date created.

(2) A renewable energy credit may be diminished or extinguished before the expiration of 3 years by:

(i) the electricity supplier that received the credit;

(ii) a nonaffiliated entity of the electricity supplier:

1. that purchased the credit from the electricity supplier receiving the credit; or

2. to whom the electricity supplier otherwise transferred the credit; or

(iii) demonstrated noncompliance by the generating facility with the requirements of [§ 7-704(g)] § 7-704(F) of this subtitle.

[(d)] (E) Notwithstanding subsection [(c)(2)(iii)] (D)(2)(III) of this section, and only if the demonstrated noncompliance does not result in environmental degradation, an electricity supplier that reasonably includes in its annual report under § 7-705 of this subtitle a renewable energy credit that is extinguished for noncompliance with [§ 7-704(g)(1)] § 7-704(F)(1) or (2) of this subtitle:

(1) may continue to rely on that credit for that year; but

(2) for later years must:

(i) demonstrate a return to compliance of the generating facility under [§ 7-704(g)] § 7-704(F) of this subtitle; or

(ii) replace the credit with a renewable energy credit from another source.

[(e)] (F) The Commission by regulation shall establish requirements for documentation and verification of renewable energy credits by licensed electricity suppliers and other generators that create and receive credits for compliance with the standards for Tier 1 renewable sources and Tier 2 renewable sources.”.

On page 15, in line 8, strike “ENERGY”; and in line 13, strike the first “ENERGY”.

AMENDMENT NO. 4

On pages 15 through 18, strike in their entirety the lines beginning with line 22 on page 15 through line 22 on page 18, inclusive.

On page 19, in line 33, strike “provisions”.

On page 20, in line 2, strike “and”; and in line 4, after “2014” insert “;

(5) determine the realized and projected availability of solar renewable energy credits in Maryland;

(6) consider the ability of a regional market to lower the cost impact of the solar requirements of the renewable energy portfolio standard on customers;

(7) consider the ability of a regional market, in complying with the solar requirements, to develop solar energy in Maryland; and

(8) determine the appropriate use of the funds that are paid into the Maryland Renewable Energy Fund from compliance fees, including specific criteria for making loans and grants, to achieve the intended goals of the renewable energy portfolio standard”.

On pages 20 and 21, strike in their entirety the lines beginning with line 5 on page 20 through line 4 on page 21, inclusive.

On page 21, in lines 5 and 9, strike “7.” and “8.”, respectively, and substitute “6.” and “7.”, respectively; strike beginning with “The” in line 6 down through “2007.” in line 8; and in line 10, strike “7” 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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #34

House Bill 424 – Delegates Weir, Aumann, Boteler, McConkey, and Stull

AN ACT concerning

Lead Risk Reduction – Acquisition of Property – Compliance Requirements

FOR the purpose of authorizing a person who intends to acquire a property that is considered to be affected under certain lead risk reduction provisions to submit a compliance plan to the Department of the Environment; ~~authorizing~~ requiring a person who has acquired, or will acquire, an affected property to give certain notice and information at a certain time; establishing a process and a fee for submitting an application for a compliance plan; requiring the Department to approve or deny the plan, or request additional information, within a certain number of days after the plan is submitted; authorizing the Department to deny certain applications under certain circumstances; requiring either certain proof that a certain risk reduction standard has been ~~met~~ satisfied or a certain inspection report to be filed with the Department under certain circumstances; providing that a compliance plan is void under certain circumstances; providing certain protections for an owner after a plan is approved; providing that if the owner fails to comply with the compliance plan, the owner shall be considered noncompliant as of a certain date; authorizing the Department to adopt certain regulations; ~~providing for the application of this Act;~~ and generally relating to acquiring property with lead risks.

BY repealing and reenacting, with amendments,

Article – Environment

Section 6–820 and 6–823

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 6–824 and 6–836

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY adding to

Article – Environment

Section 6–825

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

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

House Bill 1020 – Delegates Oaks, Glenn, Hubbard, Morhaim, and Rosenberg

AN ACT concerning

Lead Poisoning Prevention Act of 2007

FOR the purpose of requiring ~~an applicant for a contractor license to meet a certain accreditation or training requirement under certain circumstances~~ a certain application form for a contractor license to require a certain lead paint abatement accreditation number and accreditation expiration date if the applicant provides certain lead paint abatement services; requiring a certain licensee applying for a license renewal to submit to the Maryland Home Improvement Commission ~~proof of compliance with certain lead training requirements~~ a certain lead paint abatement accreditation number and expiration date if the licensee performs certain lead paint abatement services; prohibiting a certain licensee from violating certain lead paint abatement accreditation requirements; ~~clarifying the requirements of certain lead risk reduction standards relating to certain changes in occupancy~~; ~~requiring a person who intends to use certain funds to purchase a house to complete certain counseling~~; ~~providing that a qualified offer made under certain provisions of law that relate to the reduction of lead risk in housing may provide a housing subsidy and other relocation expenses for the permanent relocation of the household~~; requiring an owner of a certain property who fails to comply with certain standards, on written request of a tenant, under certain circumstances to release a tenant from a certain lease and pay to the tenant certain relocation expenses not to exceed a certain amount; providing that an owner may provide certain information to a tenant in response to a certain request; providing a tenant with a certain action in district court under certain circumstances; providing that certain actions, inaction, or findings may not be construed to have any effect on any civil action or any administrative proceeding brought under certain provision of law; altering certain definitions; and generally relating to eliminating lead risk in housing.

BY repealing and reenacting, without amendments,

Article – Business Regulation

Section 8–301 and 8–620

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article – Business Regulation
 Section ~~8-302.2~~ 8-303(a) and (b), 8-308, and 8-611
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 6-801(m), ~~(r), and (s), 6-815(a) and (b), 6-839, and 6-840~~
 Annotated Code of Maryland
 (1996 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Environment
 Section 6-1002
 Annotated Code of Maryland
 (1996 Replacement Volume and 2006 Supplement)~~

BY adding to
 Article – Real Property
 Section 8-215
 Annotated Code of Maryland
 (2003 Replacement Volume and 2006 Supplement)

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

House Bill 1175 – Delegate Davis

AN ACT concerning

**~~Charter Counties – Express Powers – Agreements to Purchase Easements to~~
Restrict of Development Rights**

FOR the purpose of authorizing a ~~charter~~ county to enter into ~~a certain an~~ agreement to purchase ~~an easement to restrict~~ development rights under certain circumstances; authorizing ~~the county council of a charter~~ a county to determine, by resolution, certain provisions, terms, conditions, and the duration of a certain agreement; providing that a certain payment obligation in a certain agreement shall be a general obligation of the county and may not be subject to a certain annual appropriation; authorizing a ~~certain~~ county to undertake a certain payment obligation without regard to certain limitations and without complying with certain procedures; providing that the exercise of certain authority constitutes the exercise of certain borrowing authority; providing that a certain agreement, the transfer or assignment of a certain agreement, and the payment required by a certain

agreement is exempt from certain taxes; providing ~~that a certain provision of law does not apply to a county that adopts code home rule~~ for the application of this Act; and generally relating to ~~agreements to the purchase easements to restrict of development entered into by charter~~ rights by counties.

BY adding to

~~Article 25A – Chartered Counties of Maryland~~ 24 – Political Subdivisions – Miscellaneous Provisions
 Section ~~5(GG)~~ 20–101 and 20–102 to be under the new title “Title 20. Purchase of Development Rights”
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article 25B – Home Rule for Code Counties~~
~~Section 13~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

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

House Bill 1356 – Allegany County Delegation

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.

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

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

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

(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

23–202.

(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 concurred in.

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

Affirmative – 37 Negative – 10 (See Roll Call No. 861)

SPECIAL ORDERS

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

House Bill 672 – Delegates McComas, Aumann, Bartlett, Braveboy, Elmore, McConkey, Shewell, Sossi, Stocksdale, Stull, and Walkup

AN ACT concerning

Petition for Guardianship of Disabled Person – Certificate of Competency by Licensed Certified Social Worker–Clinical

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: HB0672/353829/1)

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 672

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert “altering a certain provision of law so as to limit to certain licensed physicians those individuals who are required to examine or evaluate, within a 21-day period, a disabled person in connection with a petition for guardianship of that person;”.

AMENDMENT NO. 2

On page 2, strike beginning with “at” in line 22 down through “professionals” in line 23 and substitute “ONE OF THE PHYSICIANS”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

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

(Amendment ID: HB1288/644333/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1288
(Third Reading File Bill)

On page 1, in line 10, after “17–207,” insert “17–301,”; and in line 16, strike “and 17–301”.

On page 4, in line 1, strike the brackets.

The preceding amendment was read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for April 6, 2007.

The motion was adopted.

Senate Bill 206 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

FLOOR AMENDMENT

(Amendment ID: SB0206/443426/2)

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 206, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0206/214833/1), in line 7 of Amendment No. 1, strike “; providing for the termination of this Act”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment No. 2 in its entirety.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “It” in line 7 down through “effect” in line 9.

On page 2 of the bill, in line 11, after “(2)” insert:

“(I) THIS PARAGRAPH APPLIES UNTIL THE DEPARTMENT ADOPTS REGULATIONS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

(II)”.

On page 2 of the bill, after line 14, insert:

“(3) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AND GOVERNING A PERMISSIBLE BYCATCH FOR SOFT CRABS UNDER THIS SUBSECTION.

“(II) THE REGULATIONS THAT THE DEPARTMENT ADOPTS UNDER THIS PARAGRAPH MAY NOT BE MORE RESTRICTIVE THAN THE APPLICABLE RESTRICTIONS ON THE PERMISSIBLE BYCATCH FOR HARD CRABS AND PEELER CRABS.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 473 – Delegates Elmore, Cane, Eckardt, Haddaway, Mathias, Smigiel, and Walkup

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

FLOOR AMENDMENT

(Amendment ID: HB0473/173627/2)

BY: Senator Stoltzfus

AMENDMENTS TO HOUSE BILL 473

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 3, after “of” insert “requiring certain regulations adopted by the Department of Natural Resources to establish a permissible bycatch for soft crabs to be no more restrictive than the permissible bycatch for hard crabs and peeler crabs;”; and in line 5, after “crabs;” insert “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 2, in line 17, after “(2)” insert “(I) THIS PARAGRAPH APPLIES UNTIL THE DEPARTMENT ADOPTS REGULATIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.”

(II)”;

strike beginning with “IN” in line 20 down through “DEPARTMENT” in line 21 and substitute “IF THE BYCATCH IS NOT GREATER THAN ONE UNDERSIZED SOFT CRAB PER DOZEN SOFT CRABS POSSESSED”; and after line 21, insert:

“(3) (I) THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING AND GOVERNING A PERMISSIBLE BYCATCH FOR SOFT CRABS UNDER THIS SUBSECTION.”

(II) THE REGULATIONS THAT THE DEPARTMENT ADOPTS UNDER THIS PARAGRAPH MAY NOT BE MORE RESTRICTIVE THAN THE APPLICABLE RESTRICTIONS ON THE PERMISSIBLE BYCATCH FOR HARD CRABS AND PEELER CRABS.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 5 and 6 and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That this 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 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS #10

SENATE BILLS PASSED IN THE HOUSE

NUMBER SPONSOR CONTENT

SB 100 Sen. Miller Motor Vehicle Excise Tax –

		Active Duty Military Personnel Who Become Maryland Residents
SB 115	Sen. Britt	Prince George's County – Alcoholic Beverages – Class B-DD (Development District) License
SB 128	Sen. Raskin	Ed – Public Schs – Constitution Day and Citizenship Day and Civic Responsibility for Stdts
SB 148	The President	Natural Resources – Chesapeake Bay – Oyster Restoration
SB 153	Sen. Mooney	Frederick County – Board of Education – Nonvoting Student Member
SB 247	Sen. Currie	Prince George's County – Board of License Commissioners – Attorney Compensation
SB 326	Cecil Co. Senators	Cecil County – Bridge or Road Construction or Repair Contracts
SB 376	Sen. Klausmeier	Baltimore County – Election Law – Compensation for Election Judges
SB 397	Sen. Gladden	Ground Rents – Conversion of Irredeemable Ground Rents
SB 398	Sen. Gladden	Ground Rents – Notices Regarding Ground Leases on Residential Property
SB 413	Sen. Jacobs	Jessica's Law – Sexual Offenses – Parole Eligibility and Mandatory Minimum Sentences
SB 440	Sen. Colburn	Mid-Shore Regional Council – Membership
SB 441	Sen. Colburn	Tri-County Council for the Lower Eastern Shore of Maryland – Membership
SB 543	Sen. Jones	2007 Darfur Protection Act – Divestiture from the Republic of Sudan
SB 568	Sen. Stoltzfus	Health Occupations –

		Supervised Practice – Dental Hygienist
SB 573	Sen. Peters	Natural Resources – Forest Conservation – Net Tract Area
SB 579	Sen. Jacobs	Children with Disabilities – Voluntary Placement Agreements
SB 623	Sen. Gladden	Ground Rents – Redemption
SB 699	Sen. Stone	State Highway Administration – Protection of Highway Construction and Maintenance Workers
SB 701	Sen. Dyson	Public Safety – Maryland State Firemen’s Association – Uses of Appropriation
SB 717	Sen. Colburn	Somerset County, Wicomico County, and Worcester County – Deer Hunting on Private Lands – Sundays
SB 733	Sen. Edwards	Vehicle Laws – Exceptional Milk Hauling Permit – Raw Liquid Milk
SB 755	Sen. Gladden	Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses – Notices
SB 756	Sen. Gladden	Health Occupations – Funeral Director Licenses
SB 765 (Emergency Bill)	Sen. Exum	Workers’ Compensation Insurance – Notice – Premiums
SB 844	Carroll Co. Senators	Carroll County – Regulation of Pawnbrokers and Secondhand Dealers
SB 960	Sen. Brinkley	Frederick County – Procurement Contracts – Architectural and Engineering Services
SB 984 (Emergency Bill)	Sen. Edwards	Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval
SB 1006	Sen. Klausmeier	Redhouse Run Stormwater Systems Loan of 1984
SB 1015	Sen. Raskin	Md Consolidated Capital Bond Loan of 2006 – Montgomery Co – Blair Baseball Field

SB 1016	Sen. Britt	Improvements Md Consolidated Capital Bond Loan of 2005 – Prince George’s Co – Langley Park Multi–Service Center
SB 1032	Sen. Middleton	Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre
SB 1034 (Emergency Bill)	Sen. Hogan	Silver Spring District Courthouse – Renaming

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

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 862)

ADJOURNMENT

At 7:09 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 2, 2007, Calendar Day, Friday, April 6, 2007, in memory of Coach Eddie Robinson.

Annapolis, Maryland
Legislative Day: April 2, 2007
Calendar Day: Friday, April 6, 2007
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by The Reverend Howard Kinney.

The Journal of April 1, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 864)

SPECIAL ORDERS

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

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

(Amendment ID: HB1288/644333/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1288
(Third Reading File Bill)

On page 1, in line 10, after “17–207,” insert “17–301,”; and in line 16, strike “and 17–301”.

On page 4, in line 1, strike the brackets.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 865)

Read the second time and ordered prepared for Third Reading.

House Bill 35 – Delegate Hixson

AN ACT concerning

Income Tax – Expensing of Section 179 Property

STATUS OF BILL: BILL IS ON THIRD READING AND OPEN TO AMENDMENTS

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

Affirmative – 31 Negative – 16 (See Roll Call No. 866)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 662 – Senators McFadden and Gladden (By Request – Baltimore City Administration)

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

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

(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 not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0662

SPONSOR: Sens McFadden and Gladden (BCA)

SUBJECT: Local Law Enforcement Agencies – Disposal of Personal Property

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Gladden, Chairman, Muse, and Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 867)

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 868)

AMENDED IN THE HOUSE

Senate Bill 700 – Senator Dyson

AN ACT concerning

The Baby Boomer Initiative Act

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

(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 concurred in.

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

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

AMENDED IN THE HOUSE

Senate Bill 770 – Senator Colburn

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

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

(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 concurred in.

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

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

THE COMMITTEE ON RULES REPORT #10

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

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-Melnyk, Ramirez, Ross, Shank, Shewell, Simmons, Stein, Tarrant, Valderrama, and Waldstreicher

AN ACT concerning

Human Trafficking, Extortion, and Involuntary Servitude

The bill was re-referred to the Committee on Judicial Proceedings.

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

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

The bill was re-referred to the Committee on Finance.

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

House Bill 1183 – Delegates Branch, Barve, and Jones

AN ACT concerning

**Residential Real Property – ~~Inspection and Disclosure~~ – Mold Assessment
Standards – Task Force**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

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**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

House Bill 1441 – Charles County Delegation

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box
Theatre**

The bill was re-referred to the Committee on Budget and Taxation.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #52

Senate Bill 206 – Senators Stoltzfus and Colburn

EMERGENCY BILL

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

Affirmative – 47 Negative – 0 (See Roll Call No. 871)

The Bill was then sent to the House of Delegates.

Senate Bill 240 – Senators Exum, Conway, Currie, Gladden, Jones, Muse, and Rosapepe

AN ACT concerning

State Government – Commemorative ~~Months~~ Month – Black History ~~Months~~ Month

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

Affirmative – 47 Negative – 0 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

Senate Bill 359 – Senator Zirkin

AN ACT concerning

Department of Juvenile Services – Reorganization and Regionalization

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

Affirmative – 47 Negative – 0 (See Roll Call No. 873)

The Bill was then sent to the House of Delegates.

Senate Bill 372 – Senator Stoltzfus

AN ACT concerning

Somerset County – Sale of Property to City of Crisfield

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 392 – Senators Kasemeyer, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Haines, Hogan, Hooper, Jones, Kelley, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, Dyson, Britt, Harris, and Greenip

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – ~~Voter-Verified~~ Voter-Verifiable Paper Records

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

Affirmative – 47 Negative – 0 (See Roll Call No. 875)

The Bill was then sent to the House of Delegates.

Senate Bill 613 – Senators Jones, Astle, Currie, DeGrange, Gladden, and McFadden

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 876)

The Bill was then sent to the House of Delegates.

Senate Bill 722 – Senators Conway, Della, Jones, McFadden, and Pugh

AN ACT concerning

Baltimore City – Sheriff’s Office and Police Department – Compensation – Study and Report

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 866 – Senator Conway

AN ACT concerning

Professional Counselors and Therapists – Definition of Appraisal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 878)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #20

CONSENT CALENDAR #18

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 13	Del. Elmore	Somerset County – County Commissioners and Members of the County Roads Board – Salaries	EHE
HB 79	Del. Cane	Wicomico County – Board of License Commissioners – Attorney’s Salary	EHE
HB 80	Del. Cane	Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants	EHE
HB 112	Del. Cane	Wicomico County – Liquor Control Board – Salaries	EHE
HB 121	Del. Elmore	Somerset County – Alcoholic Beverages – License Fees	EHE
HB 145	Del. Elmore	Somerset County – Treasurer – Salary	EHE

HB 191	Cecil County Del.	Cecil County – Board of Parks and Recreation – Appointment of Members	EHE
HB 197	Del. Elmore	Somerset County – Sale of Property – Whittington Elementary School	EHE
HB 254	Del. Elmore	Somerset County – Sale of Property to City of Crisfield	EHE
HB 296	Harford County Del.	Harford County – Liquor Control Board – Salaries	EHE
HB 297	Harford County Del.	Harford County – Alcoholic Beverages Licensees – Age of Employees	EHE
HB 299	Harford County Del.	Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions	EHE
HB 907	Cecil County Del.	Cecil County – Bridge or Road Construction or Repair Contracts	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 18 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 879)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21

CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 217 (AMENDED)	St. Mary's County Del.	St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations	EHE

HB 373	Charles County Del.	Charles County – Alcoholic Beverages – Protest Against License Renewal	EHE
HB 379	Charles County Del.	Charles County – Alcoholic Beverages – Drinking on Public Property and in Other Areas	EHE
HB 381	Charles County Del.	Charles County – Alcoholic Beverages – Sales to Underage Persons	EHE
HB 382	Charles County Del.	Charles County – Alcoholic Beverages Licenses – Penalty for Late Renewal	EHE
HB 394	St. Mary’s County Del.	St. Mary’s County – Review of County Plans – County Plans – Water Supply Systems and Designees	EHE
HB 483	Prince George’s Del.	Prince George’s Co – Alc Bevs Licenses – Advry Comm to Stdy Luxury Type Restaurants PG 313–07	EHE
HB 602	St. Mary’s County Del.	St. Mary’s County – Real Property – Transfer	EHE
HB 603	St. Mary’s County Del.	St. Mary’s County – Subdivision Regulations – Exemptions	EHE
HB 614 (Emergency Bill)	Montgomery Co. Del.	Mont Co – Alc Bev – Direct Sales by Holders of Wine Lics or Winery Permits MC 703–07	EHE
HB 618	Montgomery Co. Del.	Montgomery County – Damascus – Alcoholic Beverages – Special Class C Licenses MC 708–07	EHE
HB 763	Montgomery Co. Del.	Montgomery Co – Town of	EHE

		Kensington – Alc Bevs – Sp B–K Lics and Restr Lics MC 702–07	
HB 969	St. Mary’s County Del.	St. Mary’s County Metropolitan Commission – Fee Schedule	EHE
HB 1089	Howard County Del.	Howard County – Alcoholic Beverages – Beer Tasting Ho. Co. 19–07	EHE
HB 1266	Del. Beitzel	Garrett County – Alcoholic Beverages – Class BDR (Deluxe Restaurant) License	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 880)

The Bills were then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #22
CONSENT CALENDAR #20**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 45	Calvert County Del.	Calvert County Board of Education – Compensation	EHE
HB 53	Del. Morhaim	Resid Cld Care Pgms – Out-of-Home Plcmnt – Stds for Staff and Sys for Outcomes Eval	EHE
HB 179	Frederick County Del.	Frederick County – Board of Education – Nonvoting Student Member	EHE
HB 181	Del. Bromwell	Baltimore County – Election Law – Compensation for Election Judges	EHE

HB 315	Del. Goldwater	State Board of Nursing – Licensing, Certification, and Reinstatement Requirements	EHE
HB 457	Del. Rosenberg	Health Occupations – Funeral Director Licenses	EHE
HB 751	Del. Oaks	Health Occupations – Supervised Practice – Dental Hygienist	EHE
HB 781	Del. Hubbard	Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review	EHE
HB 1078	Del. Conway	Public Safety – Maryland State Firemen’s Association – Uses of Appropriation	EHE
HB 1177	Del. A. Jones	State Board for Certification of Residential Child Care Program Administrators – Fees	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 20 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 881)

The Bills were then sent to the House of Delegates.

House Bill 326 – Delegate Hubbard

AN ACT concerning

**Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language
Pathologists Act – Revision**

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

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #23

House Bill 19 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

**Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance
Education – Membership**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 882)

The Bill was then sent to the House of Delegates.

House Bill 140 – The Speaker (By Request – Administration) and Delegates Barnes, Busch, Haynes, and Morhaim

AN ACT concerning

Statewide Advisory Commission on Immunization – ~~Universal Vaccine Purchasing System~~ Duties and Sunset Extension

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

Affirmative – 45 Negative – 2 (See Roll Call No. 883)

The Bill was then sent to the House of Delegates.

House Bill 141 – Delegate Elliott

AN ACT concerning

State Board of Pharmacy – Sending Renewal Notices by Electronic Means

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

Affirmative – 47 Negative – 0 (See Roll Call No. 884)

The Bill was then sent to the House of Delegates.

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–Melnyk, 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 – 47 Negative – 0 (See Roll Call No. 885)

The Bill was then sent to the House of Delegates.

House Bill 279 – Delegates Kaiser, Barkley, Cane, Donoghue, George, Gutierrez, Howard, Hubbard, Huckler, Kipke, Krebs, Kullen, Manno, Mizeur, Pena–Melnik, Proctor, Riley, Ross, and Shewell

AN ACT concerning

Higher Education – Workforce Shortage Student Assistance Grants – ~~Eligibility~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 886)

The Bill was then sent to the House of Delegates.

House Bill 401 – Delegates Barnes, Malone, Ali, Conway, Costa, DeBoy, Frush, Glassman, Hubbard, Jennings, Kipke, Levi, Mathias, Morhaim, Niemann, Pena–Melnik, Ross, Stein, Stull, Weir, and Weldon

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

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

The motion was adopted.

House Bill 538 – Delegates Kaiser, Barkley, N. King, Lawton, Montgomery, Pena–Melnik, F. Turner, and Waldstreicher

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 887)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 888)

The Bill was then sent to the House of Delegates.

House Bill 1041 – Delegate Rudolph

AN ACT concerning

Maryland Agricultural Land Preservation Fund – Foundation Grants ~~to Counties~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 889)

The Bill was then sent to the House of Delegates.

House Bill 1158 – Chair, Environmental Matters Committee (By Request – Departmental
– Natural Resources)

AN ACT concerning

Shellfish Dealers – Licensure

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

Affirmative – 47 Negative – 0 (See Roll Call No. 890)

The Bill was then sent to the House of Delegates.

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~~ 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 – 47 Negative – 0 (See Roll Call No. 891)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 892)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 119 – Delegates Eckardt and Haddaway

AN ACT concerning

Health – Laboratory Examination Reports – Invasive Diseases

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

Affirmative – 47 Negative – 0 (See Roll Call No. 893)

The Bill was then sent to the House of Delegates.

House Bill 236 – Delegates Nathan–Pulliam, Benson, Eckardt, Hubbard, Morhaim, and Oaks

AN ACT concerning

Health Occupations – ~~Registered~~ Nurses – Dispensing Methadone

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

Affirmative – 46 Negative – 0 (See Roll Call No. 894)

The Bill was then sent to the House of Delegates.

House Bill 318 – Delegates McHale and Hammen

AN ACT concerning

Higher Education – Edward T. Conroy Memorial Scholarship Program – Eligibility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 895)

The Bill was then sent to the House of Delegates.

House Bill 637 – Prince George’s County Delegation

AN ACT concerning

Election Law – Compensation for Election Judges – Prince George’s County

PG 404–07

FLOOR AMENDMENT

(Amendment ID: HB0637/623126/1)

BY: Senator Pinsky

(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “Compensation” in line 2 on page 1 down through “2007.” in line 13 on page 2 and substitute:

“Public Campaign Financing Act for Candidates for the General Assembly

FOR the purpose of establishing a system of public financing of campaigns for certain candidates for the General Assembly; establishing an Election Financing Commission to administer the system of public financing of campaigns; providing for the membership of the Commission and specifying its powers and duties; creating the Public Election Fund and providing for the inclusion of certain money in the Fund; defining certain terms; requiring the Comptroller to distribute certain proceeds from the sale of abandoned property to the Public Election Fund for certain purposes; specifying certain procedures, requirements, and conditions participating candidates must meet to receive a distribution from the Fund; requiring that participating candidates adhere to certain campaign expenditure limits, subject to certain exceptions; requiring the Comptroller to perform certain duties in connection with the establishment, maintenance, and administration of the Fund; regulating contributions and expenditures made by political parties on behalf of participating candidates; regulating coordinated expenditures made by or on behalf of participating candidates; specifying certain additional campaign finance reporting requirements for certain candidates and political organizations; authorizing a citizen to bring civil action in court against certain candidates under certain circumstances; providing for judicial review of certain actions by the Commission; providing for certain penalties; specifying the terms of the initial members of the Commission; providing that certain catchlines are not law and may not be considered to have been enacted as part of this Act; requiring the Commission to request a certain determination from the State Comptroller on or before a certain date; requiring the Commission to adopt certain regulations; making provisions of this Act severable; requiring the Election Financing Commission to report to the General Assembly on or before a certain date; providing for a delayed effective date; making this Act subject to a certain contingency; and generally relating to the Public Campaign Financing Act for Candidates for the General Assembly.

BY repealing and reenacting, with amendments,

Article – Commercial Law
Section 17–317
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 13–235(d)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY adding to

Article – Election Law
Section 15.5–101 through 15.5–121 to be under the new title “Title 15.5. Public
Campaign Financing Act for Candidates for the General Assembly”
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:

Article – Commercial Law

17–317.

(a) (1) All funds received under this title, including the proceeds of the sale
of abandoned property under § 17–316 of this subtitle, shall be credited by the
Administrator to a special fund. The Administrator shall retain in the special fund at the
end of each fiscal year, from the proceeds received, an amount not to exceed \$50,000,
from which sum the Administrator shall pay any claim allowed under this title.

(2) After deducting all costs incurred in administering this title from the
remaining net funds the Administrator shall distribute:

(i) \$500,000 to the Maryland Legal Services Corporation to
support the activities of the corporation; AND

(II) \$7,500,000 TO THE PUBLIC ELECTION FUND TO SUPPORT THE PUBLIC FINANCING OF CAMPAIGNS FOR THE GENERAL ASSEMBLY, AS PROVIDED IN TITLE 15.5 OF THE ELECTION LAW ARTICLE.

(3) After making the distribution required under paragraph (2) of this subsection, the Administrator shall distribute the remaining net funds not retained under paragraph (1) of this subsection to the General Fund of the State.

(b) Before making the distribution, the Administrator shall record the name and last known address, if any, of the owners of funds so distributed and the type of property which the funds distributed represent. The record shall be available for public inspection during reasonable business hours by any person who claims a legal interest in any property held by the Administrator, provided that the person gives prior notice to the Administrator.

Article – Election Law

13–235.

(d) (1) Under the Public Financing Act, a gubernatorial ticket, during the year of the election only, may accept eligible private contributions and any disbursement of funds by the State Board that is based on the eligible private contributions.

(2) UNDER THE PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL ASSEMBLY, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND ANY DISBURSEMENT OF FUNDS BY THE ELECTION FINANCING COMMISSION THAT IS BASED ON THE SEED MONEY OR QUALIFYING CONTRIBUTIONS.

TITLE 15.5. PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL ASSEMBLY.

15.5–101. DEFINITIONS.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED UNLESS OTHERWISE PROVIDED.

(B) “COMMISSION” MEANS THE ELECTION FINANCING COMMISSION.

(C) “COMPTROLLER” MEANS THE STATE COMPTROLLER OF THE TREASURY.

(D) “ELECTIONEERING COMMUNICATIONS” MEANS CAMPAIGN MATERIAL THAT INCLUDES THE NAME OF A CANDIDATE BUT THAT DOES NOT EXPRESSLY ADVOCATE A VOTE FOR OR AGAINST THE CANDIDATE.

(E) (1) “EXPRESS ADVOCACY INDEPENDENT EXPENDITURE” MEANS ANY INDEPENDENT EXPENDITURE THAT EXPRESSLY ADVOCATES THE ELECTION OR DEFEAT OF ANY CANDIDATE FOR A STATE LEGISLATIVE OFFICE MADE:

(I) TO THE PUBLIC; AND

(II) WITH A CUMULATIVE VALUE OF \$250.

(2) “EXPRESS ADVOCACY INDEPENDENT EXPENDITURE” DOES NOT INCLUDE AN EXPENDITURE FOR AN ELECTIONEERING MESSAGE DISTRIBUTED BY AN ORGANIZATION TO ITS OWN MEMBERS ALONE.

(F) “FUND” MEANS THE PUBLIC ELECTION FUND.

(G) “PARTICIPATING CANDIDATE” MEANS A CANDIDATE WHO QUALIFIES TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE FOR ELECTION AS A MEMBER OF THE GENERAL ASSEMBLY.

(H) “PUBLIC CONTRIBUTION” MEANS A SUM DISBURSED FROM THE FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(I) “QUALIFYING CONTRIBUTION” MEANS A CONTRIBUTION:

(1) FROM A REGISTERED VOTER WHO RESIDES IN THE LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY; AND

(2) THAT IS AT LEAST \$5.

(J) "SEED MONEY" MEANS A SUM OF LAWFULLY RAISED ELIGIBLE PRIVATE CONTRIBUTIONS THAT:

(1) IS RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY;

(2) IS NOT MORE THAN \$250 FOR EACH DONOR; AND

(3) IS RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE A CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE PRIMARY ELECTION FOR THAT OFFICE.

15.5-102. COMMISSION – IN GENERAL.

(A) THERE IS AN ELECTION FINANCING COMMISSION CONSISTING OF FIVE MEMBERS.

(B) (1) THE COMMISSION SHALL MAINTAIN ITS PRINCIPAL OFFICE IN ANNAPOLIS AND HAVE STAFF, SUBJECT TO THE STATE PERSONNEL AND PENSIONS ARTICLE, AS PROVIDED IN THE STATE BUDGET.

(2) THE COMMISSION SHALL MEET AT LEAST ONCE EACH QUARTER.

(C) EACH MEMBER OF THE COMMISSION:

(1) SHALL BE A REGISTERED VOTER IN THE STATE FOR THE 2 YEARS IMMEDIATELY PRECEDING THE APPOINTMENT;

(2) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, SHALL BE ELIGIBLE FOR REAPPOINTMENT;

(3) SHALL CONFORM TO THE RESTRICTIONS UNDER § 2-301 OF THIS ARTICLE;

(4) SHALL BE SUBJECT TO REMOVAL BY THE GOVERNOR FOR INCOMPETENCE, MISCONDUCT, OR OTHER GOOD CAUSE, ON WRITTEN CHARGES FILED

BY THE GOVERNOR WITH THE COMMISSION AND AFTER HAVING BEEN AFFORDED AMPLE OPPORTUNITY TO BE HEARD; AND

(5) MAY NOT BE:

(I) A REGULATED LOBBYIST WHO IS REQUIRED TO REGISTER WITH THE STATE ETHICS COMMISSION UNDER TITLE 15, SUBTITLE 7 OF THE STATE GOVERNMENT ARTICLE;

(II) EMPLOYED BY A REGULATED LOBBYIST;

(III) A MEMBER OF THE GENERAL ASSEMBLY;

(IV) AN OFFICER OF A POLITICAL PARTY; OR

(V) A CURRENT OFFICER OR STAFF MEMBER OF A POLITICAL CAMPAIGN.

(D) SUBJECT TO SUBSECTION (G)(2) OF THIS SECTION, FOUR MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, WHO SHALL THEN ELECT THE FIFTH MEMBER.

(E) AT LEAST TWO MEMBERS OF THE COMMISSION SHALL BE OF THE MAJORITY PARTY, AND AT LEAST TWO MEMBERS OF THE COMMISSION SHALL BE OF THE PRINCIPAL MINORITY PARTY.

(F) BEFORE TAKING OFFICE, EACH APPOINTEE SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

(G) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

(2) A MEMBER MAY NOT SERVE MORE THAN THREE CONSECUTIVE TERMS.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(H) (1) IF A VACANCY OCCURS ON THE COMMISSION, IT SHALL BE FILLED FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) AN APPOINTMENT MADE WHILE THE SENATE OF MARYLAND IS NOT IN SESSION SHALL BE CONSIDERED TEMPORARY UNTIL THE APPOINTEE IS CONFIRMED BY THE SENATE.

(I) NOT LATER THAN AUGUST 1 EACH YEAR, THE COMMISSION SHALL ELECT ONE OF ITS MEMBERS AS CHAIR.

(J) EACH MEMBER SHALL RECEIVE PER DIEM COMPENSATION OF \$100 FOR ATTENDANCE AT:

(1) EACH REGULARLY SCHEDULED QUARTERLY MEETING; AND

(2) EACH ADDITIONAL MEETING, TO A MAXIMUM OF THREE, CALLED BY THE CHAIR DURING A CALENDAR YEAR.

15.5-103. SAME – DUTIES.

(A) THE COMMISSION SHALL MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC FUNDING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

(B) IN EXERCISING ITS AUTHORITY, THE COMMISSION SHALL:

(1) DEVELOP AND ADOPT REGULATIONS THAT:

(I) ESTABLISH AN INITIAL LIMIT ON THE NUMBER OF PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

(II) ALLOW FOR AN INCREASE OR DECREASE IN THE NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

(2) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:

(I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN FINANCE ENTITIES; AND

(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE DISBURSED TO PARTICIPATING CANDIDATES;

(3) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS ACT;

(4) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY AFTER EACH ELECTION CYCLE THAT INCLUDES:

(I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON PARTICIPATING CANDIDATES;

(II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

(III) A DETAILED SUMMARY REGARDING SEED MONEY, QUALIFYING CONTRIBUTIONS, AND ANY BENEFITS RECEIVED OR EXPERIENCED BY PARTICIPATING CANDIDATES;

(IV) EXPENDITURES MADE BY PARTICIPATING AND NONPARTICIPATING CANDIDATES; AND

(V) ANY OTHER INFORMATION THE COMMISSION DETERMINES TO BE APPROPRIATE;

(5) HAVE ITS BOOKS AND ACTIVITIES AUDITED AT LEAST ONCE EACH YEAR BY A CERTIFIED PUBLIC ACCOUNTANT; AND

(6) DEVELOP AN OFFICIAL SEAL, LOGO, OR OTHER DESIGNATION THAT A PARTICIPATING CANDIDATE MAY USE VOLUNTARILY ON CAMPAIGN MATERIAL.

15.5-104. SAME – DISCRETIONARY POWERS.

THE COMMISSION MAY:

- (1) EMPLOY STAFF, INCLUDING AN EXECUTIVE DIRECTOR AND LEGAL COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS;
- (2) INVESTIGATE MATTERS RELATING TO THE PERFORMANCE OF ITS FUNCTIONS AND ANY OTHER MATTER CONCERNING THE ENFORCEMENT OF THIS TITLE;
- (3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR ELECTION TO A LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;
- (4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE ENTITY, OR THE PUBLIC, RENDER A WRITTEN PUBLIC ADVISORY OPINION REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;
- (5) ADOPT REGULATIONS AND PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;
- (6) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO ENSURE COMPLIANCE WITH THIS TITLE;
- (7) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN FINANCE ENTITY SUBJECT TO THIS ARTICLE;
- (8) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS TITLE;
- (9) IMPLEMENT A DEBIT CARD SYSTEM TO ALLOW A PARTICIPATING CANDIDATE TO ACCESS THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT THAT IS ESTABLISHED UNDER THIS TITLE;
- (10) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND
- (11) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

(I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL VIOLATION;

(III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM OR PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND

(IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE ISSUANCE OF THE INJUNCTION.

15.5-105. THE FUND.

(A) (1) THERE IS A PUBLIC ELECTION FUND.

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

(3) THE FUND SHALL BE USED TO:

(I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT BEGINS ON JANUARY 1, 2007, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF CERTIFIED PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL ELECTION AS CERTIFIED BY THE COMMISSION UNDER THIS TITLE; AND

(II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF THE COMMISSION RELATED TO THIS TITLE.

(4) THE COMPTROLLER SHALL:

(I) ADMINISTER THE FUND IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE; AND

(II) CREDIT TO THE FUND ALL MONEY COLLECTED IN ACCORDANCE WITH THIS TITLE.

(B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECK-OFF SYSTEM THAT ALLOWS THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT \$5 OF THE TAXPAYER'S TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION FUND.

(2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.

(C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECK-OFF SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, AND THE APPROPRIATION UNDER SUBSECTION (D) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING MONEY:

(1) QUALIFYING CONTRIBUTIONS REQUIRED OF CANDIDATES WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

(2) EXCESS QUALIFYING CONTRIBUTIONS RAISED BY CANDIDATES WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

(3) EXCESS SEED MONEY CONTRIBUTIONS OF CANDIDATES WHO SEEK TO BECOME CERTIFIED AS PARTICIPATING CANDIDATES UNDER THIS TITLE;

(4) UNSPENT MONEY THAT:

(I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED; OR

(II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

(5) FINES LEVIED BY THE COMMISSION AGAINST CANDIDATES FOR VIOLATIONS OF THE ELECTION LAW;

(6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

(7) INTEREST GENERATED BY THE FUND;

(8) AT LEAST \$7,500,000 EACH FISCAL YEAR FROM THE DISPOSITION OF ABANDONED PROPERTY IN THE STATE AS PROVIDED UNDER TITLE 17 OF THE COMMERCIAL LAW ARTICLE; AND

(9) ANY OTHER SOURCES OF REVENUE AUTHORIZED BY THE GENERAL ASSEMBLY.

(D) (1) THE GOVERNOR MAY INCLUDE IN THE ANNUAL STATE BUDGET, AND THE GENERAL ASSEMBLY MAY APPROPRIATE, MONEY TO THE FUND TO HELP CARRY OUT THIS TITLE.

(2) IF THE FUND DOES NOT ACCUMULATE SUFFICIENT MONEY BY JUNE 1, 2008, TO CARRY OUT THE REQUIREMENTS OF THIS TITLE, THE GOVERNOR SHALL INCLUDE AN AMOUNT IN THE FISCAL 2009 BUDGET THAT, WHEN COMBINED WITH THE MONEY IN THE FUND, WILL BE SUFFICIENT TO CARRY OUT THIS TITLE.

15.5-106. PARTICIPATING CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY – ALLOWABLE CONTRIBUTIONS.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY ACCEPT PRIVATE CONTRIBUTIONS FROM A PERSON ONLY AS SPECIFIED IN THIS SECTION, INCLUDING:

(1) SEED MONEY OF NO MORE THAN:

(i) \$3,500 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND; OR

(ii) \$2,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES;

(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE CANDIDATE'S SPOUSE OF NO MORE THAN \$500 EACH, WHETHER CONTRIBUTED AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION; AND

(3) CONTRIBUTIONS OF MONEY OR IN-KIND CONTRIBUTIONS FROM A STATE OR LOCAL CENTRAL COMMITTEE, NOT TO EXCEED 2.5% OF THE PUBLIC CONTRIBUTION AMOUNT AUTHORIZED FOR THAT CONTEST UNDER THIS TITLE.

(B) A PARTICIPATING CANDIDATE MAY RETAIN ANY PRIVATE CONTRIBUTIONS, BUT MAY NOT SPEND PRIVATE MONEY DURING THE PRIMARY ELECTION PERIOD OR THE GENERAL ELECTION PERIOD EXCEPT ALLOWABLE PARTY CONTRIBUTIONS AND THE ALLOWABLE PRO RATA SLATE CONTRIBUTION UNDER §§ 15.5-114(A) AND 15.5-115(F) OF THIS TITLE.

(C) A PARTICIPATING CANDIDATE MAY NOT RECEIVE CONTRIBUTIONS OR ESTABLISH A CAMPAIGN ACCOUNT OTHER THAN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED UNDER THIS TITLE.

15.5-107. SAME – RESTRICTIONS ON SPENDING OF CONTRIBUTIONS RECEIVED.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY:

(1) MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER § 15.5-106 OF THIS TITLE, ONLY FOR THE PURPOSE OF OBTAINING QUALIFYING CONTRIBUTIONS DURING THE QUALIFYING CONTRIBUTION PERIOD; AND

(2) SHALL DELIVER EACH QUALIFYING CONTRIBUTION RECEIVED TO THE COMMISSION FOR DEPOSIT IN THE FUND.

(B) EXCEPT FOR A DISBURSEMENT FROM A PETTY CASH FUND IN ACCORDANCE WITH § 15.5-109(C) OF THIS TITLE, A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY CAUSE AN EXPENDITURE TO BE MADE DURING THE PRIMARY ELECTION DISBURSEMENT PERIOD OR THE GENERAL ELECTION DISBURSEMENT PERIOD ONLY FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15.5-108. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A PUBLIC CONTRIBUTION FROM THE FUND:

(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND SHALL SUBMIT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$6,750;

(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES SHALL SUBMIT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST \$6,750;

AND

(3) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS SET UNDER REGULATIONS ADOPTED BY THE COMMISSION.

(B) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION TO A CANDIDATE BY CASH OR BY A CHECK OR MONEY ORDER MADE PAYABLE TO THE FUND.

(C) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE COMMISSION FOR DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:

(1) THE PRINTED NAME OF THE CONTRIBUTOR;

(2) THE ADDRESS OF THE CONTRIBUTOR; AND

(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

(D) (1) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY DURING THE PERIOD THAT:

(I) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

(II) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

(2) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER § 13-235 OF THIS ARTICLE.

(E) QUALIFYING CONTRIBUTIONS SHALL COUNT TOWARDS SATISFYING THE FUNDRAISING REQUIREMENT UNDER THIS SECTION.

15.5-109. PUBLICLY FUNDED CAMPAIGN ACCOUNTS.

(A) AFTER IT DETERMINES THAT A CANDIDATE HAS SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE COMMISSION SHALL:

(1) IN CONJUNCTION WITH THE PARTICIPATING CANDIDATE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE; AND

(2) IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE, AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND FOR DEPOSIT IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING CANDIDATE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(C) A PARTICIPATING CANDIDATE MAY:

(1) MAINTAIN A PETTY CASH FUND IN ACCORDANCE WITH § 13-220(C) OF THIS ARTICLE; AND

(2) MAKE A CAMPAIGN EXPENDITURE FROM PARTY CONTRIBUTIONS OR SEED MONEY.

(D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS TITLE.

(2) AT ITS DISCRETION, THE COMMISSION MAY GAIN ACCESS AT ANY TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE’S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(3) IN ACCORDANCE WITH ITS REGULATIONS AND GUIDELINES, THE COMMISSION MAY TERMINATE A PARTICIPATING CANDIDATE’S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15.5–110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL ASSEMBLY.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMIT SPECIFIED IN THIS SUBSECTION.

	<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>
<u>CONTESTED SENATE</u>	<u>\$50,000</u>	<u>\$50,000</u>	<u>\$100,000</u>
<u>UNCONTESTED SENATE</u>	<u>10,000</u>	<u>6,000</u>	<u>16,000</u>

(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE AMOUNTS SPECIFIED IN THIS SUBSECTION.

	<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>
<u>CONTESTED HOUSE</u>			
<u>(THREE MEMBER)</u>	<u>\$40,000</u>	<u>\$40,000</u>	<u>\$80,000</u>
<u>(TWO MEMBER)</u>	<u>35,000</u>	<u>35,000</u>	<u>70,000</u>
<u>(SINGLE MEMBER)</u>	<u>20,000</u>	<u>20,000</u>	<u>40,000</u>
<u>UNCONTESTED HOUSE</u>			
<u>(THREE MEMBER)</u>	<u>\$10,000</u>	<u>\$6,000</u>	<u>\$16,000</u>
<u>(TWO MEMBER)</u>	<u>8,000</u>	<u>5,000</u>	<u>13,000</u>

(SINGLE MEMBER)

6,000

4,000

10,000

(C) IN ADDITION TO THE AMOUNT SPECIFIED UNDER SUBSECTION (A) OR (B) OF THIS SECTION, A PARTICIPATING CANDIDATE MAY RECEIVE A DISTRIBUTION FROM THE FUND FOR NOT MORE THAN ONE-HALF OF THE EXPENDITURES INCURRED BY THE PARTICIPATING CANDIDATE FOR ELECTIONEERING COMMUNICATIONS WITHIN THE 60 DAYS IMMEDIATELY PRECEDING THE ELECTION.

(D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE IN:

(I) A CONTESTED PRIMARY AND GENERAL ELECTION; OR

(II) AN UNCONTESTED PRIMARY ELECTION.

(2) A CANDIDATE IN A CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT:

(I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

(II) FOR THE GENERAL ELECTION, THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

(3) A CANDIDATE IN AN UNCONTESTED PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE COMBINED PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

15.5-111. PARTICIPATING CANDIDATES – SUPPLEMENTAL PUBLIC DISTRIBUTIONS AUTHORIZED.

(A) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING FUNDS FROM THE FUND IF:

(1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL ELECTION; AND

(2) THE NONPARTICIPATING CANDIDATE RECEIVES CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING CANDIDATE.

(B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY RECEIVE UNDER THIS SECTION MAY NOT EXCEED 200% OF THE PUBLIC CONTRIBUTION AMOUNT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTIONS UNDER THIS TITLE FOR THAT CANDIDATE.

15.5-112. PARTICIPATING CANDIDATES – ELIGIBILITY REQUIREMENTS FOR DISBURSEMENTS FROM THE FUND.

(A) TO BE CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE AND QUALIFY FOR A PUBLIC CONTRIBUTION, A CANDIDATE SHALL SUBMIT TO THE COMMISSION:

(1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE COMMISSION'S REGULATIONS AND POLICIES;

(2) A CAMPAIGN FINANCE REPORT THAT LISTS ALL OF THE SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BY THE CANDIDATE;

(3) A CAMPAIGN FINANCE REPORT THAT LISTS ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE DURING THE QUALIFYING PERIOD;

(4) ANY UNSPENT SEED MONEY THAT THE CANDIDATE RETAINS; AND

(5) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE AND THE ACCOMPANYING RECEIPTS FOR THOSE CONTRIBUTIONS.

(B) A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO IS CERTIFIED BY THE COMMISSION AS A PARTICIPATING CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION AMOUNT SPECIFIED UNDER THIS TITLE FOR THAT LEGISLATIVE OFFICE.

15.5-113. DISBURSEMENTS BY THE COMPTROLLER.

(A) (1) ON MAY 1 OF THE YEAR OF THE ELECTION, THE COMMISSION SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO THE COMMISSION HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

(2) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE PRIMARY ELECTION.

(3) SUBJECT TO § 15.5-110 OF THIS TITLE, THE COMMISSION MAY DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

(4) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE COMMISSION ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

(B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE RESULTS OF THE PRIMARY ELECTION, THE COMMISSION SHALL AUTHORIZE THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY WHO HAS BEEN CERTIFIED BY THE COMMISSION TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION.

(2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE COMMISSION ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL ELECTION.

(C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION FOR ELECTION TO THE GENERAL ASSEMBLY IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION, IF:

(1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE STATE BOARD; AND

(2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY ELECTION.

(D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO LATER THAN 5 DAYS AFTER THE COMMISSION DIRECTS THAT THE DISBURSEMENT BE MADE.

15.5-114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

(A) (1) A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL COMMITTEE IF THE AGGREGATE AMOUNT OF THE CONTRIBUTIONS FROM ALL POLITICAL PARTY CENTRAL COMMITTEES TO THE PARTICIPATING CANDIDATE DOES NOT EXCEED 2.5% OF THE PUBLIC FINANCING AMOUNT FOR THAT OFFICE.

(2) A PARTICIPATING CANDIDATE WHO RECEIVES A MONETARY CONTRIBUTION UNDER THIS SUBSECTION SHALL DEPOSIT THE CONTRIBUTION IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(B) IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION, A POLITICAL PARTY SHALL REPORT TO THE COMMISSION EACH CONTRIBUTION MADE TO, AND EACH EXPENDITURE MADE ON BEHALF OF, A PARTICIPATING CANDIDATE DURING A PRIMARY OR GENERAL ELECTION.

(C) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY FROM USING ITS FUNDS FOR EXPENSES FOR:

- (1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;**
- (2) A POLITICAL PARTY CONVENTION;**
- (3) NOMINATING AND ENDORSING CANDIDATES;**
- (4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S POSITIONS ON ISSUES;**
- (5) PARTY PLATFORM ACTIVITIES;**
- (6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT CANDIDATE-SPECIFIC;**
- (7) GET-OUT-THE-VOTE ACTIVITIES THAT ARE NOT CANDIDATE-SPECIFIC;**
- (8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL PARTY WHO ARE NOT CANDIDATES; OR**
- (9) OTHER PARTY-BUILDING ACTIVITIES THAT ARE NOT CANDIDATE-SPECIFIC.**

15.5-115. COORDINATED EXPENDITURES.

(A) A COORDINATED EXPENDITURE MADE BY OR ON BEHALF OF A PARTICIPATING CANDIDATE FOR ELECTION TO A STATE LEGISLATIVE OFFICE SHALL BE MADE ONLY WITH PUBLIC FUNDS.

(B) A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD EACH COORDINATED EXPENDITURE IN A CUMULATIVE AMOUNT OF MORE THAN \$250 THAT IS MADE ON BEHALF OF A PARTICIPATING CANDIDATE.

(C) IN ADDITION TO THE REPORTING REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION, DURING THE 30 DAYS IMMEDIATELY PRECEDING AN ELECTION, A NONPARTICIPATING CANDIDATE SHALL REPORT TO THE STATE BOARD WITHIN 48

HOURS AFTER THE EXPENDITURE IS MADE, OR OBLIGATED TO BE MADE, EACH INDIVIDUAL COORDINATED EXPENDITURE OF MORE THAN \$250.

(D) IN ACCORDANCE WITH THE REGULATIONS OR GUIDELINES ADOPTED BY THE STATE BOARD, THE STATE BOARD MAY MAKE A DETERMINATION WHETHER A COORDINATED EXPENDITURE HAS BEEN MADE BY A PARTICIPATING CANDIDATE OR A NONPARTICIPATING CANDIDATE.

(E) (1) IF, ON RECEIPT OF A COORDINATED EXPENDITURE REPORT FROM A NONPARTICIPATING CANDIDATE, THE STATE BOARD DETERMINES THAT THE EXPENDITURE CAUSES THE NONPARTICIPATING CANDIDATE'S EXPENDITURES TO EXCEED THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE FOR THAT SAME OFFICE, THE STATE BOARD SHALL CAUSE AN IMMEDIATE RELEASE FROM THE FUND OF A SUPPLEMENTAL CONTRIBUTION TO THE OPPOSING PARTICIPATING CANDIDATE, SUBJECT TO THE LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.

(F) (1) AN EXPENDITURE MADE BY OR ON BEHALF OF A SLATE THAT INCLUDES A PARTICIPATING CANDIDATE:

(I) IS DEEMED TO BE A COORDINATED EXPENDITURE; AND

(II) IS SUBJECT TO THE EXPENDITURE LIMIT APPLICABLE TO THE PARTICIPATING CANDIDATE UNDER THIS TITLE AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE PRO RATA AMOUNT OF THE EXPENDITURE MADE BY OR ON BEHALF OF A SLATE UNDER THIS SUBSECTION THAT IS TO BE ATTRIBUTED TO THE PARTICIPATING CANDIDATE SHALL BE CALCULATED BY DIVIDING THE AMOUNT OF THE EXPENDITURE MADE BY OR ON BEHALF OF THE SLATE BY THE NUMBER OF CANDIDATES WHO ARE MEMBERS OF THE SLATE.

15.5–116. ADDITIONAL CANDIDATE REPORTING REQUIREMENTS.

(A) IN ADDITION TO THE REPORTING REQUIREMENTS FOR CAMPAIGN FINANCE ENTITIES SPECIFIED UNDER § 13–309 OF THIS ARTICLE, A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY SHALL FILE CAMPAIGN FINANCE REPORTS WITH THE COMMISSION ON OR BEFORE MAY 1 OF THE YEAR OF THE ELECTION TO DISCLOSE:

(1) ALL SEED MONEY CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE; AND

(2) ALL QUALIFYING CONTRIBUTIONS RECEIVED BY THE CANDIDATE.

(B) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE’S EXPENDITURES BI-WEEKLY THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

(2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING CANDIDATE SHALL NOTIFY THE COMMISSION WITHIN 48 HOURS OF EACH EXPENDITURE OVER \$500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO MAKE.

(C) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT THE COMMISSION ADOPTS AND PUBLISHES, THE COMMISSION MAY MAKE AN INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

(D) A CAMPAIGN FINANCE REPORT REQUIRED UNDER THIS SECTION SHALL BE FILED IN AN ELECTRONIC STORAGE FORM IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 13 OF THIS ARTICLE.

15.5–117. ADDITIONAL INDEPENDENT REPORTING REQUIREMENTS.

(A) FOR THE PURPOSES OF THIS SECTION:

(1) "PRINCIPAL OPPONENT" MEANS THE OPPONENT OF A PARTICIPATING CANDIDATE WHO HAS THE HIGHEST TOTAL OF THE OPPONENT'S OWN EXPENDITURES AND OF EXPRESS ADVOCACY INDEPENDENT EXPENDITURES SUPPORTING THE OPPONENT; AND

(2) THE REPORTING REQUIREMENTS OF § 13-301 OF THIS ARTICLE ALSO APPLY TO ANY OUT-OF-STATE CAMPAIGN, POLITICAL CLUB, OR POLITICAL ACTION COMMITTEE MAKING EXPRESS ADVOCACY EXPENDITURES IN THE STATE.

(B) ANY EXPRESS ADVOCACY INDEPENDENT EXPENDITURE MADE IN THE STATE SHALL BE REPORTED TO THE STATE BOARD WITHIN 24 HOURS OF RELEASE TO THE GENERAL PUBLIC.

(C) THE STATE BOARD SHALL DEVELOP AN INTERNET SITE WHERE EXPRESS ADVOCACY INDEPENDENT EXPENDITURES SHALL BE REPORTED.

(D) THE REPORT SHALL INCLUDE:

(1) THE DATE WHEN THE MESSAGE PURCHASED WITH THE EXPRESS ADVOCACY INDEPENDENT EXPENDITURE IS RELEASED TO THE PUBLIC;

(2) THE CANDIDACY THE EXPRESS ADVOCACY INDEPENDENT EXPENDITURE IS DESIGNED TO SUPPORT OR DEFEAT;

(3) THE DOLLAR VALUE OF THE EXPRESS ADVOCACY INDEPENDENT EXPENDITURE; AND

(4) THE SPONSOR OF THE EXPRESS ADVOCACY INDEPENDENT EXPENDITURE.

(E) IF THE SPONSOR OF THE EXPRESS ADVOCACY INDEPENDENT EXPENDITURE IS AN ORGANIZATION, THE SPONSOR SHALL BE CONSIDERED THE CHIEF EXECUTIVE OFFICER OF THAT ORGANIZATION.

(F) THE WEBSITE DEVELOPED BY THE STATE BOARD SHALL BE ACCESSIBLE AND USABLE BY A STANDARD INTERNET BROWSER ALONE.

(G) (1) ON RECEIPT OF AN EXPRESS ADVOCACY INDEPENDENT EXPENDITURE REPORT, THE STATE BOARD SHALL ADD THE AMOUNT OF THE EXPENDITURE TO THE SUM OF THE EXPENDITURES OF:

(I) THE PRINCIPAL OPPONENT OF THE PARTICIPATING CANDIDATE;

(II) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES SUPPORTING THE PRINCIPAL OPPONENT; AND

(III) EXPRESS ADVOCACY INDEPENDENT EXPENDITURES IN OPPOSITION TO THE PARTICIPATING CANDIDATE.

(2) AN INDEPENDENT EXPENDITURE MAY NOT BE COUNTED AS BOTH OPPOSING A PARTICIPATING CANDIDATE AND SUPPORTING THAT CANDIDATE'S OPPONENT.

(H) (1) IF THE SUM OF THE EXPENDITURES LISTED IN SUBSECTION (G) OF THIS SECTION EXCEEDS THE PUBLIC EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, THE STATE BOARD SHALL IMMEDIATELY RELEASE A SUPPLEMENTAL CONTRIBUTION FROM THE FUND TO THE PARTICIPATING CANDIDATE, SUBJECT TO THE LIMITATION IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE SUPPLEMENTAL CONTRIBUTION RELEASED TO THE OPPOSING PARTICIPATING CANDIDATE UNDER THIS SUBSECTION SHALL EQUAL THE AMOUNT BY WHICH THE COORDINATED EXPENDITURE EXCEEDED THE EXPENDITURE LIMITATION APPLICABLE TO THE PARTICIPATING CANDIDATE, BUT MAY NOT EXCEED THE LIMIT SPECIFIED IN § 15.5-111 OF THIS TITLE.

15.5-118. CITIZEN ACTIONS.

(A) AN INDIVIDUAL WHO BELIEVES THAT A CANDIDATE HAS VIOLATED THIS TITLE MAY PURSUE A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION IF:

(1) THE INDIVIDUAL HAS FIRST FILED A COMPLAINT WITH THE COMMISSION REGARDING THE ALLEGED VIOLATION; AND

(2) THE COMMISSION FAILS TO MAKE A DETERMINATION AND ISSUE A WRITTEN STATEMENT OF ITS FINDINGS WITHIN 30 DAYS OF THE DATE OF THE FILING OF THE COMPLAINT.

(B) A COMPLAINANT WHO PREVAILS IN AN ACTION FILED UNDER THIS SECTION IS ENTITLED TO RECOVER REASONABLE ATTORNEY'S FEES AND COURT COSTS FROM ANY PARTY DEFENDANT.

15.5-119. JUDICIAL REVIEW.

(A) AN ACTION OF THE COMMISSION UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT IN ACCORDANCE WITH § 10-222(C) OF THE STATE GOVERNMENT ARTICLE.

(B) A PETITION TO REVIEW AN ACTION OF THE COMMISSION UNDER THIS SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE COMMISSION ACTS.

15.5-120. PENALTIES.

(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT ENTITLED;

(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

(B) (1) IF THE COMMISSION DETERMINES THAT A PARTICIPATING CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE THAT IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

(2) IF THE COMMISSION DETERMINES THAT A PARTICIPATING CANDIDATE KNOWINGLY OR INTENTIONALLY VIOLATED THIS SECTION, THAT THE AMOUNT OF THE EXCESS CONTRIBUTION OR EXPENDITURE IS MORE THAN 4% OF THE EXPENDITURE LIMIT APPLICABLE TO THE OFFICE, AND THAT THE VIOLATION CONTRIBUTED TO THE PARTICIPATING CANDIDATE'S VICTORY IN THE ELECTION, THE COMMISSION MAY RECOMMEND TO THE GENERAL ASSEMBLY THAT THE RESULTS OF THE ELECTION BE NULLIFIED AND THE OFFICE DECLARED VACANT.

(C) IN THE DISCRETION OF THE COMMISSION, AN INDIVIDUAL WHO VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING CANDIDATE UNDER THIS TITLE.

(D) (1) A PERSON MAY NOT PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE COMMISSION.

(2) A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE DISCLOSURE, TO A MAXIMUM OF \$5,000 FOR EACH VIOLATION, OR IMPRISONMENT FOR 2 YEARS OR BOTH.

15.5-121. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That no later than 1 year after the end of the first election cycle in which the system of public financing of election campaigns provided for under this Act is implemented, the Election Financing Commission shall submit a written report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, concerning:

(1) The need for additional disclosure of campaign contributions or expenditures under this Act;

(2) The effect and role of independent expenditures under this Act;

(3) Whether participating candidates under this Act should receive a supplemental distribution from the Fair Campaign Financing Fund to match independent expenditures that are made on behalf of an opposing candidate or against a participating candidate; and

(4) The effectiveness of the regulations, guidelines, and policies established by the State Board of Elections and the Election Financing Commission governing the disclosure and reporting of contributions and expenditures by participating candidates and nonparticipating candidates in accordance with this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Election Financing Commission shall expire as follows:

(1) Two of the members appointed from the majority party and one of the members appointed from the principal minority party in 2010;

(2) One of the members appointed from the majority party and one of the members appointed from the principal minority party in 2008; and

(3) The first elected member in 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That the captions contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 15–108 of the Election Law Article, on the taking effect of this Act, the Comptroller shall transfer and credit any unspent funds remaining in the Fair Campaign Financing Fund to the Public Election Fund created under this Act to be used for the purpose of, and in accordance with, the Public Campaign Financing Act for Candidates for the General Assembly created by this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, on or before June 1, 2008, the Election Financing Commission shall request a determination from the State Comptroller as to whether new revenue measures that cumulatively equal or exceed \$1,000,000,000 in annual revenue increases for the State have been enacted since the conclusion of the 2007 Session of the General Assembly and not later than the 2008 Session of the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008, contingent on the Election Financing Commission's receipt of a determination from the State Comptroller in accordance with Section 6 of this Act that new revenue measures that cumulatively equal or exceed \$1,000,000,000 in annual revenue increases for the State have been enacted since the conclusion of the 2007 Session of the General Assembly and not later than the 2008 Session of the General Assembly. If a determination by the State Comptroller is received after July 1, 2008 that new revenue measures that cumulatively equal or exceed \$1,000,000,000 in annual revenue increases for the State have been enacted since the conclusion of the 2007 Session of the General Assembly and not later than the 2008 Session of the General Assembly, this Act shall take effect 30 days after the Commission receives the determination. If a determination is received by the Commission from the State Comptroller that new revenue measures have not been enacted that cumulatively equal or exceed \$1,000,000,000 in annual revenue increases for the State since the conclusion of the 2007 Session of the General Assembly and not later than the 2008 Session of the General Assembly, this Act shall be null and void without the necessity of further action by the General Assembly. The Commission, within 5 days after receiving the determination of the State Comptroller, shall forward a copy of the determination to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401."

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

Affirmative – 14 Negative – 32 (See Roll Call No. 896)

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

Affirmative – 46 Negative – 0 (See Roll Call No. 897)

The Bill was then sent to the House of Delegates.

House Bill 664 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Reciprocal Plumber/Gasfitter Licenses

MC/PG 109–07

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

Affirmative – 46 Negative – 0 (See Roll Call No. 898)

The Bill was then sent to the House of Delegates.

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

FLOOR AMENDMENT

(Amendment ID: HB1056/763220/1)

BY: Senator Conway

AMENDMENTS TO HOUSE BILL 1056
(Third Reading File Bill)

AMENDMENT NO. 1

On page 11, in line 7, strike “UNDER § 11-903 OF THIS SUBTITLE” and substitute “IN THIS SECTION”; strike beginning with the colon in line 17 down through “MAY” in

line 18 and substitute "MAY"; and strike beginning with "; AND" in line 19 down through "SECTION" in line 21.

AMENDMENT NO. 2

On page 12, in line 7, strike "§ 11-903" and substitute "§ 11-904".

The preceding 2 amendments were read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 899)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 900)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 901)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #25

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 – 44 Negative – 3 (See Roll Call No. 902)

The Bill was then sent to the House of Delegates.

House Bill 445 – Delegates Kullen, Levy, Bartlett, Bromwell, Davis, DeBoy, Donoghue, Eckardt, Hubbard, Kipke, Oaks, ~~and Taylor~~ Taylor, Hammen, Beitzel, Benson, Costa, Elliott, Kach, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

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 – 46 Negative – 1 (See Roll Call No. 903)

The Bill was then sent to the House of Delegates.

House Bill 513 – Howard County Delegation

AN ACT concerning

Howard County – Board of Education – Qualifications and Election of Student Member

Ho. Co. 12–07

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

Affirmative – 42 Negative – 4 (See Roll Call No. 904)

The Bill was then sent to the House of Delegates.

House Bill 670 – Delegates McComas, Aumann, Bartlett, Beitzel, Benson, Braveboy, Bronrott, Dwyer, Eckardt, Elliott, Frank, George, Glassman, Haddaway, Impallaria, Krebs, McConkey, McDonough, Montgomery, Myers, Shank, Shewell, Sossi, Stocksdale, Stull, Walkup, and Weldon

AN ACT concerning

Alcohol Without Liquid Machines

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

Affirmative – 47 Negative – 0 (See Roll Call No. 905)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 2 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

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 – 41 Negative – 6 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

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 – 41 Negative – 6 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

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 – 41 Negative – 6 (See Roll Call No. 909)

The Bill was then sent to the House of Delegates.

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 – 41 Negative – 6 (See Roll Call No. 910)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #26
CONSENT CALENDAR #21**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 222	Del. Beitzel	Garrett County – Local	JPR

		Government Tort Claims Act – Inclusion of Specified Nonprofit Entity	
HB 403	Allegany County Del.	Allegany County – Junkyard Ord. – Appearances at Trial	JPR
HB 501	Prince George’s Del.	Prince George’s County – Commercial Vehicles Parked in Residential Areas – Citation PG 301–07	JPR
HB 508	Prince George’s Del.	Prince George’s County – Fire and Explosive Investigators – Authority PG 319–07	JPR
HB 680	Prince George’s Del.	Prince George’s County – Sheriff and Sheriff’s Deputies – Alteration of Duties PG 310–07	JPR
HB 693	Montgomery/PG Co. Del.	Washington Suburban Sanitary Commission – Bonds – Issuance and Advertising MC/PG 111–07	B&T
HB 726	Washington County Del.	Washington County – Fire Police Appointments	JPR
HB 753	Washington County Del.	Washington County Board of County Commissioners - Violations of Civil Offenses – Authority	JPR
HB 1225	Carroll County Del.	Carroll County – Abatement of Nuisances – Ongoing Violations	JPR
HB 1227	Carroll County Del.	Carroll County – Pretrial and Work Release Prgms	JPR
HB 1295	Harford County Del.	Harford County – Property Tax Credit for Homes Near a Refuse Disposal System	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 21 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 911)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #27

House Bill 188 – Delegate Rosenberg

AN ACT concerning

Estates, Trusts, and Real Property – Rule Against Perpetuities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

House Bill 452 – Delegate Rosenberg and The Speaker (By Request – Administration) and Delegates Anderson, Branch, Bromwell, Carter, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, McHale, McIntosh, Oaks, Robinson, Schuler, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

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

Affirmative – 47 Negative – 0 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

House Bill 458 – Delegate Tarrant and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Robinson, Schuler, Sophocleus, Stein, and Stukes

AN ACT concerning

**Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses
– Notices**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

House Bill 463 – Delegate Rosenberg and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

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

Affirmative – 47 Negative – 0 (See Roll Call No. 915)

The Bill was then sent to the House of Delegates.

House Bill 489 – Delegate Glenn and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Beitzel, Benson, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Hammen, Harrison, Haynes, Ivey, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Nathan–Pulliam, Oaks, Olszewski, Pena–Melnik, Robinson, Schuler, Sophocleus, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Redemption

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

Affirmative – 47 Negative – 0 (See Roll Call No. 916)

The Bill was then sent to the House of Delegates.

House Bill 502 – Delegate Stein and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Cardin, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Oaks, Olszewski, Robinson, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Notices Regarding Ground Leases on Residential Property

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

Affirmative – 47 Negative – 0 (See Roll Call No. 917)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 918)

The Bill was then sent to the House of Delegates.

House Bill 536 – Delegates Dumais, Feldman, Frush, Hecht, Hucker, Kaiser, Krysiak, Lawton, Lee, Manno, Mizeur, Pena–Melnyk, and Rice

AN ACT concerning

Family Law – Paternity – Dependent Disabled Child

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

Affirmative – 44 Negative – 3 (See Roll Call No. 919)

The Bill was then sent to the House of Delegates.

House Bill 580 – Delegate McIntosh and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – ~~Limitation of Actions~~ – Registry of Properties Subject to Ground Leases

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

Affirmative – 39 Negative – 8 (See Roll Call No. 920)

The Bill was then sent to the House of Delegates.

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 – 43 Negative – 4 (See Roll Call No. 921)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

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 – 47 Negative – 0 (See Roll Call No. 922)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 923)

The Bill was then sent to the House of Delegates.

House Bill 282 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 924)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 925)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 926)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 927)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 928)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 929)

The Bill was then sent to the House of Delegates.

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 – 44 Negative – 2 (See Roll Call No. 930)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 931)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 932)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 933)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Pipkin moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senator Pipkin moved to suspend the rules to allow **Senate Bill 1037** to be referred immediately.

The motion was adopted.

Senate Bill 1037 – Senator Pipkin

AN ACT concerning

County Attorneys – Representation of Person That Does Business with the County – Prohibition

FOR the purpose of prohibiting the county attorney or an assistant county attorney of a county from knowingly representing a person that does business with the county; and generally relating to county attorneys.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 1-111
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #29

House Bill 184 – Delegates Krysiak, Kirk, and McHale

AN ACT concerning

**Joint Committee on Workers' Compensation Benefit and Insurance Oversight –
Membership**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 934)

The Bill was then sent to the House of Delegates.

House Bill 271 – Delegates Stifler, George, Glassman, Shewell, and Taylor

AN ACT concerning

Workers' Compensation – Unpaid Work-Based Learning Experiences – Coverage

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

Affirmative – 47 Negative – 0 (See Roll Call No. 935)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 936)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 937)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 938)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 939)

The Bill was then sent to the House of Delegates.

House Bill 783 – Montgomery County Delegation

AN ACT concerning

Workers' Compensation – Montgomery County Correctional Officers

MC 705–07

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

Affirmative – 47 Negative – 0 (See Roll Call No. 940)

The Bill was then sent to the House of Delegates.

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 – 42 Negative – 5 (See Roll Call No. 941)

The Bill was then sent to the House of Delegates.

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~~ Center – Plan for Services to Residents

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

Affirmative – 45 Negative – 1 (See Roll Call No. 942)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30

House Bill 285 – Delegates Stifler, Bates, Bromwell, Eckardt, Elliott, Frank, George, Glassman, Kelly, Krebs, McComas, O'Donnell, Olszewski, Schuler, Shank, Shewell, Smigiel, Sossi, and Valderrama

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalty

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

Affirmative – 43 Negative – 2 (See Roll Call No. 943)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 944)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 945)

The Bill was then sent to the House of Delegates.

House Bill 910 – Delegates Barkley, Ali, Aumann, Bates, Bohanan, Branch, Bronrott, Carter, G. Clagett, Conway, DeBoy, Dumais, Dwyer, Frank, Gutierrez, Guzzone, Heller, Jones, N. King, Kramer, Lee, McComas, McConkey, Montgomery, Proctor, Ramirez, Robinson, Schuler, Shank, Sophocleus, Stocksdale, Valderrama, Waldstreicher, and Wood

AN ACT concerning

Public Safety – Correctional Officers – Minimum Age

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

Affirmative – 45 Negative – 1 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 0 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 949)

The Bill was then sent to the House of Delegates.

House Bill 1207 – ~~Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)~~ Delegates Dumais, Ali, Barkley, Barve, Bronrott, Elmore, Feldman, Gilchrist, Gutierrez, Heller, Hixson, Hucker, Kaiser, Kelly, N. King, Kramer, Lawton, Lee, Levi, Manno, Mizur, Montgomery, Rice, Rosenberg, Simmons, Smigiel, Sophocleus, Taylor, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Criminal Law – ~~Sexual Acts~~ Contact with Inmates in Correctional and Juvenile Facilities

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

Affirmative – 46 Negative – 0 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

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 – 31 Negative – 16 (See Roll Call No. 952)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 1 (See Roll Call No. 953)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #35

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

FOR the purpose of requiring certain contractors and subcontractors to pay certain employees a certain minimum wage ~~rate~~ rates under certain State procurement contracts; providing certain exemptions and reductions in a certain wage ~~rate~~ rates; requiring the Commissioner of Labor and Industry to alter a certain wage ~~rate~~ rates based on a certain Consumer Price Index and to administer and enforce requirements with regard to certain employers; requiring the Commissioner to publish a certain wage ~~rate~~ rates under certain circumstances; requiring certain units of State government to adopt regulations and authorizing certain units to grant certain waivers; requiring certain individuals in certain units of State government to make certain determinations; granting certain employees rights of free speech and association; requiring certain employers to post certain information; authorizing an employee to sue for certain wages under certain circumstances; providing certain remedies and certain procedural requirements; prohibiting an employer from retaliating against an employee based on a certain action; establishing certain penalties; defining certain terms; requiring the Department of Legislative Services to study certain matters and report to the General Assembly on or before a certain date; requiring certain governmental units to cooperate with the Department and provide certain information in a certain manner; providing for the application of this Act; and generally relating to the living wage.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(x)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Finance and Procurement
Section 12–101(c); and 18–101 through 18–110, inclusive, to be under the new
title “Title 18. Living Wage”
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #31

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 – 47 Negative – 0 (See Roll Call No. 954)

The Bill was then sent to the House of Delegates.

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~~ 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 – 31 Negative – 16 (See Roll Call No. 955)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 956)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 1 (See Roll Call No. 957)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 958)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 959)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 960)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 961)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 962)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #32

House Bill 473 – Delegates Elmore, Cane, Eckardt, Haddaway, Mathias, Smigiel, and Walkup

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

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

Affirmative – 46 Negative – 0 (See Roll Call No. 963)

The Bill was then sent to the House of Delegates.

House Bill 672 – Delegates McComas, Aumann, Bartlett, Braveboy, Elmore, McConkey, Shewell, Sossi, Stocksdale, Stull, and Walkup

AN ACT concerning

**Petition for Guardianship of Disabled Person – Certificate of Competency by
Licensed Certified Social Worker–Clinical**

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

Affirmative – 44 Negative – 3 (See Roll Call No. 964)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: SB 0368

SPONSOR: Sen Muse

SUBJECT: Torts – Release of Claim for Damages – Voidable

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Muse, Chair, Stone, and Gladden.

The House appoints: Delegates Anderson, Chairman, Conaway, and McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: SB 0069

SPONSOR: Sen Jones, et al

SUBJECT: Task Force to Study Prison Violence in Maryland

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

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

The Senate has appointed: Senators Gladden, Chair, Stone, and Haines.

The House appoints: Delegates Shank, Chairman, K. Kelly, and Barnes.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

Senate Bill 214 – Senators Colburn, Harris, Jacobs, Jones, Middleton, Munson, Pugh, and Stone

AN ACT concerning

Crimes – Unauthorized Possession of Contraband – Place of Confinement

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

(Amendment ID: SB0214/512017/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 214

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crimes” and substitute “Criminal Law”; in the same line, after “Possession” insert “of Contraband”; strike beginning with “in” in line 5 down through “confinement.” in line 14 and substitute “in a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing a weapon or contraband to effect an escape; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance; prohibiting a person from delivering a certain telecommunication device to a person detained or confined in a place of confinement, possessing a certain telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement, or depositing or concealing a certain telecommunication device in a certain manner with a certain intent; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving a certain telecommunication device; establishing certain criminal penalties; defining a certain term; and generally relating to possession, receiving, or delivering of contraband and other prohibited items in a place of confinement.”; and strike in their entirety lines 15 through 19, inclusive, and substitute:

“BY renumbering

Article – Criminal Law

Section 9–417

to be Section 9–418

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 4, strike “(g)”; in the same line, strike “9–416, and 9–417” and substitute “and 9–416”; in line 9, strike “9–410(g) and”; in line 13, after “That” insert “Section(s) 9–417 of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 9–418.”

SECTION 2. AND BE IT FURTHER ENACTED, That”;

strike in their entirety lines 15 and 16; after line 18, insert:

“(b) “Alcoholic beverage” means beer, wine, or distilled spirits.”;

and after line 22, insert:

“(d) “Controlled dangerous substance” has the meaning stated in § 5–101 of this article.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 21 through 24, inclusive.

On page 4, in line 5, strike “WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,”; in line 20, after “not” insert “KNOWINGLY POSSESS OR”; and in line 21, strike “OR KNOWINGLY POSSESS”.

On page 5, in line 4, after “not” insert “KNOWINGLY POSSESS OR”; in line 5, strike “OR KNOWINGLY POSSESS”; and in line 17, strike “RECEIVE OR KNOWINGLY POSSESS” and substitute “KNOWINGLY POSSESS OR RECEIVE”.

On page 6, in line 2, strike “RECEIVE OR KNOWINGLY POSSESS” and substitute “KNOWINGLY POSSESS OR RECEIVE”; and strike in their entirety lines 8 through 22, inclusive, and substitute:

“(A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION DEVICE IN OR ABOUT A PLACE OF CONFINEMENT OR ON ANY LAND APPURTENANT TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT IT BE OBTAINED BY A PERSON DETAINED OR CONFINED IN THE PLACE OF CONFINEMENT.

(4) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT KNOWINGLY POSSESS OR RECEIVE A TELECOMMUNICATION DEVICE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

On page 6, in line 23, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0214
SPONSOR: Sen Colburn, et al
SUBJECT: Crimes – Unauthorized Possession – Place of Confinement

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Forehand, Chairman, Simonaire, and Gladden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

Senate Bill 864 – Senator Middleton

AN ACT concerning

Voice Over Internet Protocol Service ~~and Internet Protocol Enabled Service~~

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

(Amendment ID: SB0864/693099/1)

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 864

(Third Reading File Bill)

On page 1, in line 7, strike “consumer” and substitute “customer”.

On page 3, in line 23, strike “PURVIEW” and substitute “AUTHORITY”.

On page 4, in line 2, after “THAT” insert “COMPLAINTS ABOUT”; and strike beginning with “IS” in line 2 down through the first “OF” in line 3 and substitute “MAY BE FILED WITH”.

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 965)

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE

Senate Bill 198 – Senators Forehand, Garagiola, Jacobs, and Rosapepe

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 966)

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 967)

AMENDED IN THE HOUSE

Senate Bill 754 – Senator Muse

AN ACT concerning

Vehicle Laws – Eluding a Police Officer – Offenses, Penalties, and Forfeiture

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

(Amendment ID: SB0754/762514/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 754

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Offenses, Penalties, and Forfeiture” and substitute “Crimes of Violence”; strike beginning with “establishing” in line 3 down through “vehicle” in line 5 and substitute “prohibiting a driver of a motor vehicle from attempting to elude a police officer”; in line 6, strike “a felony or”; in the same line, after “violence” insert “for which the driver is subsequently convicted”; and strike in their entirety lines 7 through 20, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 9, inclusive, and substitute “defining a certain term; clarifying language; and generally relating to a driver attempting to elude a police officer under certain circumstances and convictions for certain crimes of violence.”; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 3

On page 3, strike beginning with “A” in line 7 down through “(2)” in line 10; in line 13, strike the first set of brackets; in the same line, strike “(3)”; strike in their entirety lines 16 and 17; in line 18, after “(1)” insert “IN THIS SUBSECTION, “CRIME OF VIOLENCE” HAS THE MEANING STATED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

(2)”.

AMENDMENT NO. 4

On page 3, strike beginning with “FELONY” in line 21 down through “A” in line 22; in line 22, after “VIOLENCE” insert “FOR WHICH THE DRIVER IS SUBSEQUENTLY CONVICTED”; and strike in its entirety line 23.

AMENDMENT NO. 5

On page 4, in line 4, strike the brackets; in the same line, strike “\$10,000”; in line 5, strike the brackets; in the same line, strike “10”; strike beginning with “ANY” in line 6 down through “(4)” in line 9; in line 9, strike the brackets; in lines 9 and 10, strike “§ 21–904(D)(3)”; in line 10, strike the brackets; in the same line, strike “\$20,000”; in line 11, strike the brackets; in the same line, strike “20”; in line 12, strike “(5)” and substitute “(4)”; and in line 14, strike “5” and substitute “3”.

AMENDMENT NO. 6

On pages 4 through 7, strike in their entirety the lines beginning with line 15 on page 4 through line 20 on page 7, inclusive.

The preceding 6 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 968)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #41

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

Senate Bill 83 – Senator Zirkin

AN ACT concerning

Sexual Offenders – Evaluation Before Sentencing

(Amendment ID: SB0083/288675/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 83

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “defendant” insert “under certain circumstances”; and in line 13, strike “11-704.1” and substitute “11-727”.

AMENDMENT NO. 2

On page 1, in line 19, strike “**11-704.1.**” and substitute “**11-727.**”.

On pages 1 and 2, strike beginning with “HAS” in line 21 on page 1 down through “DEFENDANT” in line 1 on page 2.

On page 2, in line 2, after “SUBTITLE” insert “**FOR A VIOLATION OF § 3-602 OF THE CRIMINAL LAW ARTICLE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 390 – Delegates Simmons, Kelly, and Shank

AN ACT concerning

Sexual Offenders – Evaluation Before Sentencing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #11

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

House Bill 281 – Delegates Hubbard and Rosenberg

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 424 – Delegates Weir, Aumann, Boteler, McConkey, and Stull

AN ACT concerning

Lead Risk Reduction – Acquisition of Property – Compliance Requirements

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

House Bill 823 – Delegates ~~Rosenberg and James~~ Rosenberg, James, Aumann, Bates, Eckardt, Heller, Levy, Robinson, and Schuh

AN ACT concerning

Task Force to Study a Maryland Voluntary Employee Accounts Program

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 1020 – Delegates Oaks, Glenn, Hubbard, Morhaim, and Rosenberg

AN ACT concerning

Lead Poisoning Prevention Act of 2007

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 1175 – Delegate Davis

AN ACT concerning

**~~Charter Counties – Express Powers – Agreements to Purchase Easements to~~
Restrict of Development Rights**

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

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

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 1356 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 1439 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Adjutant General and Assistant Adjutants General

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

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

House Bill 1442 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

~~**Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas**~~
Task Force on the Availability and Affordability of Property Insurance in Coastal Areas

The bill was re-referred to the Committee on Finance.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #45

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

House Bill 423 – Delegate McIntosh

AN ACT concerning

Workforce Housing Grant Program – Fund Establishment – Administrative Clarifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 551 – Anne Arundel County Delegation

AN ACT concerning

Housing and Community Development – Radium Pilot Grant Program – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 689 – Harford County Delegation

AN ACT concerning

Maryland Emergency Management Assistance Compact

(Amendment ID: HB0689/954131/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 689

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Compact” insert “– Emergency Responders”; strike beginning with “providing” in line 3 down through “to” in line 4 and substitute “defining”

the term “emergency responder” for purposes of”; in line 5, strike “, under certain circumstances; defining certain terms” and substitute “; including in the defined term certain firefighters, certain emergency medical services providers, certain rescue squad members, certain county employees, and certain law enforcement officers”; in line 10, strike “and 14–802”; and after line 12, insert:

“BY repealing and reenacting, without amendments,

Article – Public Safety

Section 14–802

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 7, after “(D)” insert “(1)”; in the same line, strike “A:” and substitute “AN INDIVIDUAL WHO IS SENT OR DIRECTED BY A PARTY JURISDICTION IN RESPONSE TO A REQUEST FOR ASSISTANCE BY ANOTHER PARTY JURISDICTION.”

(2) “EMERGENCY RESPONDER” INCLUDES A:”;

in lines 8, 9, and 12, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 10, strike “WITHIN THIS STATE” and substitute a comma; in line 11, after “ARTICLE” insert “, WITHIN THIS STATE”; strike beginning with “OR” in line 13 down through “SUBTITLE” in line 18 and substitute:

“(IV) COUNTY EMPLOYEE WHO IS PERFORMING AN EMERGENCY SUPPORT FUNCTION DESCRIBED IN § 14–803(2)(B)(5)(II) OF THIS SUBTITLE; AND

(V) LAW ENFORCEMENT OFFICER AS DEFINED IN § 3–101 OF THIS ARTICLE”;

strike in their entirety lines 21 and 22; and in line 23, strike “(G)” and substitute “(F)”.

On page 3, in lines 6 and 7, strike “: (1)”; in line 7, strike the brackets; in the same line, strike “ALL”; and strike beginning with “; AND” in line 8 down through “BODY” in line 16.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 745 – Delegates Stein, Cardin, Cane, Mizeur, ~~and Morhaim~~ Morhaim, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

State-Owned Heavy Equipment and Heating Equipment – Biodiesel Fuel Requirement

(Amendment ID: HB0745/154134/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 745
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “use” insert “, subject to availability,”.

AMENDMENT NO. 2

On page 2, in line 16, after “USE” insert “, SUBJECT TO AVAILABILITY,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1030/874535/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1030
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 22, after “a” insert “certain”.

AMENDMENT NO. 2

On page 9, in line 19, after “MANUFACTURER;” insert “OR”; in line 21, strike “; OR” and substitute a period; and strike in their entirety lines 22 through 25, inclusive.

On page 31, in line 12, after “PERSON” insert “KNOWINGLY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1049/854835/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1049
(Third Reading File Bill)

On page 5, in line 20, after “MEDICAL” insert “AND”; and in line 28, strike “AND”.

On page 6, in line 5, after “MEMBERS” insert “; AND”

(XII) ONE PARENT OF A STUDENT IN A NONPUBLIC SCHOOL PROGRAM, APPOINTED BY THE MARYLAND COUNCIL FOR AMERICAN PRIVATE EDUCATION”;

in line 18, strike “AND” and substitute:

“(V) IDENTIFY AND EVALUATE VARIOUS SOURCES OF RESOURCES TO COVER THE COSTS OF THE HPV VACCINE; AND”;

and in line 19, strike “(V)” and substitute “(VI)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #12

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

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

The bill was re-referred to the Committee on Finance.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 969)

RECESS

At 12:44 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 3:30 P.M. on Legislative Day, April 2, 2007, Calendar Day, Friday, April 6, 2007.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 2, 2007
Calendar Day: Friday, April 6, 2007
3:30 P.M. Session

At 3:53 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 981)

INTRODUCTORY BILLS

Senator Madaleno moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Joint Resolution.

The motion was rejected by a roll call vote as follows:

Affirmative - 20 Negative - 25 (See Roll Call No. 982)

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 220 SPONSOR: Delegate Beidle

**SUBJECT: Vehicle Laws - Special and Commemorative
Registration Plates - Sunset Provisions**

THIRD READING CALENDAR HOUSE NO. 8 SENATE NO. 7

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

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

(1) That the attached Judicial Proceedings Committee Amendment (HB0220/928679/1) Nos. 1, 2, and 3 be adopted.

(2) That the attached Judicial Proceedings Committee Amendment (HB0220/928679/1) No. 4 be rejected.

(3) That the attached Conference Committee Amendment (HB0220/393824/1) be adopted.

(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 ID: HB0220/393824/1)

BY: Conference Committee

AMENDMENT TO HOUSE BILL 220
(Third Reading File Bill)

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 251 of the Acts of the General Assembly of 2000, as amended by Chapter 398 of the Acts of 2003 and 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.".

Senate Members:

House Members:

 Chairman, **Sen. Forehand**

 Chairman, **Del. Beidle**

Sen. Brochin

Del. Ali

Sen. Simonaire

Del. Sossi

Conference Committee Report read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 983)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE

CONCURRENCE CALENDAR #18

AMENDED IN THE HOUSE

Senate Bill 382 – Senators Raskin, Forehand, Haines, Jacobs, and Muse

AN ACT concerning

**Civil Liability – AMBER Alert Dissemination – Immunity for Media and
Commercial Mobile Radio Service Providers**

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

(Amendment ID: SB0382/892418/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 382

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “5-427” and substitute “5-642”.

On page 2, in line 5, strike “5-427.” and substitute “5-642.”.

AMENDMENT NO. 2

On page 2, in line 23, strike “VOLUNTARILY AND WITHOUT COMPENSATION”.

On pages 2 and 3, strike beginning with the first “ANY” in line 26 on page 2 down through “CONDUCT” in line 2 on page 3 and substitute “DAMAGES ARISING FROM THAT BROADCAST OR DISSEMINATION IF THE BROADCAST OR DISSEMINATION WAS A FAIR AND SUBSTANTIALLY ACCURATE REPORT OF THE AMBER ALERT NOTIFICATION THAT WAS RECEIVED”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0382

SPONSOR: Sen Raskin, et al

SUBJECT: Civil Liab – AMBER Alert Dissemination – Immun for Media and Commercial Mobile Radio Serv Prvdrs

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Raskin, Chairman, Forehand, and Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES**BILL: HB 0491**

SPONSOR: Del Anderson, et al

SUBJECT: Civil Liab – AMBER Alert Dissemination – Immun for Media and Commercial Mobile Radio Serv Prvdrs

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 Simmons, Chairman, Kramer, and Anderson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief ClerkRead and ordered journalized.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0491

SPONSOR: Del Anderson, et al

SUBJECT: Civil Liab – AMBER Alert Dissemination – Immun for Media and Commercial Mobile Radio Serv Prvdrs

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 Simmons, Chair, Kramer, and Anderson.

The Senate appoints: Senators Raskin, Chairman, Forehand, and Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 1194

SPONSOR: Del Sophocleus, et al

SUBJECT: Criminal Law – Unauthorized Possession of Contraband – Places of Confinement

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 Waldstreicher, Chairman, McComas, and Lee.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1194

SPONSOR: Del Sophocleus, et al

SUBJECT: Criminal Law – Unauthorized Possession of Contraband – Places of Confinement

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 Waldstreicher, Chair, McComas, and Lee.

The Senate appoints: Senators Forehand, Chairman, Simonaire, and Gladden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

Senate Bill 396 – Senators Gladden, Della, Conway, Jones, McFadden, ~~and Pugh~~ Pugh, Frosh, and Stone

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

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

(Amendment ID: SB0396/450612/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 396

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Remedy” and substitute “Remedies”; in line 3, strike “repealing” and substitute “applying”; in line 4, after “rent” insert “to certain property”; in line 8, after “rent” insert “on certain residential property”; and in line 15, after

“application” insert “, effect.”; in the same line, after “Act;” insert “clarifying the application of certain provisions of law prohibiting the creation of certain reversionary interests under certain ground leases or subleases; providing that certain provisions of law authorizing a certain action for possession do not apply to certain actions for nonpayment of ground rent;”.

On page 2, in line 1, strike “8-402.2 and”; in line 6, strike “8-402.2” and substitute “8-402.3”; in line 11, after “Section” insert “8-402.2.”; in the same line, after “8-111.1” insert a comma; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article – Real Property

Section 8-111.2

Annotated Code of Maryland

(As enacted by Chapter 1 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 2, in line 17, strike the bracket; and after line 17, insert:

“(A) **(1) THIS SECTION APPLIES TO PROPERTY:**

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(2) THIS SECTION DOES NOT APPLY TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.”.

On page 2 in lines 18 and 29, and on page 3 in line 21, strike “(a)”, “(b)”, and “(c)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively.

On page 3, in line 13, strike “(b)” and substitute “(C)”; and in line 26, before “(d)” insert an opening bracket.

On page 5, in line 16, strike “~~8-402.2.~~” and substitute “8-402.3.”.

On page 12, in line 17, strike “§ ~~8-402.2~~” and substitute “§ 8-402.3”; and in line 21, strike “§ ~~8-402.2(E)~~” and substitute “§ 8-402.3(E)”.

On pages 13 and 14, strike in their entirety the lines beginning with line 31 on page 13 through line 2 on page 14, inclusive.

On page 14, in line 8, after “RENT” insert “UNDER A GROUND LEASE ON RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OF FEWER DWELLING UNITS”.

AMENDMENT NO. 3

On page 11, in line 10, strike “ENTRY OF THE JUDGMENT” and substitute “THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS”.

AMENDMENT NO. 4

On page 13, in line 11, before the third “THE” insert “:”

(I) FOR A REDEEMABLE GROUND RENT,”;

in line 14, after “LEASE” insert “; AND

(II) FOR AN IRREDEEMABLE GROUND RENT, THE AMOUNT OF THE LIEN AND THE PURCHASER SHALL TAKE TITLE TO THE PROPERTY SUBJECT TO THE GROUND LEASE”;

and in line 16, after “THE” insert “REDEEMABLE”.

AMENDMENT NO. 5

On page 14, after line 2, insert:

“8-111.2.”

(A) THIS SECTION DOES NOT APPLY TO PROPERTY:

(1) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(2) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(3) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(B) On or after January 22, 2007, the owner of a fee simple or leasehold estate in residential property that is OR WAS used, intended to be used, or authorized to be used for four or fewer dwelling units may not create a reversionary interest in the property under a ground lease or a ground sublease for a term of years renewable forever subject to the payment of a periodic ground rent.”.

The preceding 5 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 984)

AMENDED IN THE HOUSE

Senate Bill 622 – ~~Senator Gladden~~ Senators Gladden and Stone

AN ACT concerning

Ground Rents – ~~Limitation of Actions~~ – Registry of Properties Subject to Ground Leases

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

(Amendment ID: SB0622/940519/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 622

(Third Reading File Bill)

AMENDMENT NO. 1

On page 5, strike beginning with the colon in line 16 down through “AN” in line 17 and substitute “AN”; and strike beginning with the semicolon in line 17 down through “LEASES” in line 19.

AMENDMENT NO. 2

On page 11, in line 4, strike “MAY” and substitute “ONCE THE GROUND LEASE EXTINGUISHMENT CERTIFICATE HAS BEEN FILED, MAY”.

AMENDMENT NO. 3

On page 11, in line 14, after “FUND” insert “AND SHALL HELP DEFRAY THE COSTS OF THE REGISTRY CREATED UNDER THIS SUBTITLE”.

AMENDMENT NO. 4

On page 11, in line 20, strike “semiannual” and substitute “annual”.

On page 11 in line 27, and on page 12 in line 1, in each instance, after “notification” insert “, by electronic and other means,”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 41 Negative – 6 (See Roll Call No. 985)

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0678/196486/1)

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 678

(Third Reading File Bill)

On page 9, in line 24, strike “PUNATIVE” and substitute “PUNITIVE”.

The preceding amendment was read and concurred in.

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

Affirmative – 39 Negative – 8 (See Roll Call No. 986)

YEAS AND NAYS #11

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 16	Sen. Della	Baltimore Cty – Loc Govt Tort Clms Act – Baltimore Pub Markets Corpn and Lexington Market, Inc
SB 152	Sen. Gladden	Family Law – Criminal History Records Check Costs – Exemption for Volunteers
SB 170	Sen. Stone	Child Sexual Abuse and Crimes of Violence
SB 371	Sen. Muse	Interstate Compact for Juveniles
SB 384	Sen. Frosh	General Assembly – Legislative Inquiries and Examinations
SB 434	Sen. Frosh	Estates and Trusts – Disclaimers

SB 497	Sen. Haines	Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency
SB 813	Sen. Colburn	Dorchester County – Appointment of Members of Fire Companies as Deputy Sheriffs
SB 833	Sen. Stoltzfus	Worcester County – Fire and Explosive Investigators – Authority

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

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

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

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Critical Areas – Applications for Variances – Local Jurisdictions

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

The motion was adopted.

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

House Bill 102 – Wicomico County Delegation and Worcester County Delegation, Worcester County Delegation, and Somerset County Delegation

SECOND PRINTING

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 133 – The Speaker (By Request – Administration) and Delegates Busch, Haynes, ~~and McIntosh~~ McIntosh, Ali, Beidle, Bobo, Boteler, Cane, V. Clagett, Frush, Glassman, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Montgomery, Niemann, O’Donnell, Shewell, Sossi, Stein, Stull, and Weir

AN ACT concerning

Natural Resources – Chesapeake Bay – Oyster Restoration

(Amendment ID: HB0133/674337/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 133
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 19, after “harvesting;” insert “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;”; in line 29, after “oysters;” insert “requiring a certain amount of the oyster seed or spat produced at a certain laboratory to be made available to certain leaseholders for purchase;”; and in line 36, after “4-204(c),” insert “4-701(e)(2),”.

AMENDMENT NO. 2

On page 8, after line 19, insert:

“4-701.

(e) (2) (1) A person may not catch oysters for sale without [possessing];

1. POSSESSING a valid license under this section [and paying];

2. PAYING an annual surcharge of \$300 [which shall be used by the Department only for oyster repletion activities]; AND

3. CERTIFYING TO THE DEPARTMENT THAT THE PERSON RECEIVED THE PUBLICATIONS REQUIRED UNDER § 4-1006.2 OF THIS TITLE.

(II) THE DEPARTMENT SHALL USE THE SURCHARGES COLLECTED UNDER THIS PARAGRAPH ONLY FOR OYSTER REPLETION ACTIVITIES.”;

and strike beginning with “THE” in line 28 down through “PERSON” in line 29 and substitute “A PERSON MAY CATCH OYSTERS UNDER A TIDAL FISH LICENSE THAT HAS AN OYSTER AUTHORIZATION AND FOR WHICH THE OYSTER SURCHARGES HAVE BEEN PAID”.

AMENDMENT NO. 3

On page 14, after line 8, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That one-tenth of the oyster seed or spat produced for planting in accordance with Section 1 of this Act at the University of Maryland Center for Environmental Science Horn Point Laboratory shall be made available for purchase to any leaseholder of land beneath the waters of the Chesapeake Bay and its tributaries who leased in accordance with Title 4, Subtitle 11A of the Natural Resources Article.”;

in lines 9, 27, and 32, strike “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, and “6.”, respectively; and in line 33, strike “4” 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.

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

House Bill 204 – Delegates Rice, Ali, Barkley, Barnes, Bronrott, Cardin, Dumais, Feldman, Gutierrez, Hixson, Hucker, Ivey, N. King, Kipke, Kramer, Lawton, Manno, Mizeur, Olszewski, Pena-Melnyk, Ross, Schuler, Stukes, Tarrant, Taylor,

Valderrama, Vaughn, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Barve, Elmore, George, Gilchrist, Howard, Jennings, Kaiser, Krebs, McKee, Murphy, and F. Turner

AN ACT concerning

~~**Tax Credit – Student Textbooks**~~
Task Force to Study the Cost of Textbooks for Higher Education

(Amendment ID: HB0204/444639/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 204
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute:

“Higher Education – Study of the Cost of Textbooks for Higher Education”.

On pages 1 and 2, strike beginning with line 11 on page 1 through line 4 on page 2, inclusive, and substitute:

“FOR the purpose of requiring the Department of Legislative Services, with the assistance of certain committees, to study and compile certain information regarding certain costs associated with textbooks for higher education on or before a certain date; and generally relating to the cost of textbooks for higher education.”.

AMENDMENT NO. 2

On pages 3 through 6, strike in their entirety the lines beginning with line 16 on page 3 through line 5 on page 6, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That on or before November 1, 2007, the Department of Legislative Services, with the assistance of the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means, shall study and compile information on:

(1) retail prices of textbooks for higher education students in the State, including average and median prices for undergraduate, graduate, and community college student textbooks;

(2) factors that impact retail prices of textbooks, including:

(i) how professors choose textbooks for their classes;

(ii) the amount retail booksellers increase retail prices above publishers' list prices;

(iii) publishers' methods of setting list prices;

(iv) barriers to competition; and

(v) publishers' methods of marketing textbooks to professors;

(3) the advantages and disadvantages of posting textbook information online as proposed by Senate Bill 166 from the 2007 Legislative Session; and

(4) the advantages and disadvantages of requiring tuition to cover the cost of textbooks as proposed by Senate Bill 785 from the 2007 Legislative Session."

On page 6, strike beginning with "It" in line 7 down through "effect." in line 9.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 412 – Delegates Elmore, Ali, Aumann, Bartlett, Bates, Beitzel, Boteler, Cane, DeBoy, Eckardt, Frank, George, Glassman, Haddaway, Impallaria, Jameson, Jennings, Kach, Kelly, N. King, Krebs, Kullen, Levy, Malone, McConkey,

McDonough, McKee, Murphy, Myers, Shewell, Smigiel, Stull, Weir, Weldon, and Wood

AN ACT concerning

Natural Resources – Oyster Dredge Devices – Termination Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 488 – Delegates Morhaim, Bobo, and Montgomery

AN ACT concerning

Environment – Statewide Electronics Recycling Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #47**

CONSENT CALENDAR #67

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

House Bill 216 – Delegates Morhaim, Anderson, Aumann, Beitzel, Benson, Bohanan, Bromwell, Burns, Cane, Cardin, Costa, DeBoy, Donoghue, Elliott, Frank, Hammen, Healey, Jennings, Jones, Kach, Kelly, Kipke, Kullen, Lafferty, Lawton, Malone, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnik, Pendergrass, Riley, Stein, Stull, Tarrant, Weir, and Weldon

AN ACT concerning

HIV Testing – ~~Prohibited~~ Exposure – ~~Victims~~ Forensic Scientist

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 629 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Task Force on the Establishment of Vocational and Technical Education High School Academies

PG 423–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1245 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1284 – Delegates McHale, Anderson, Carter, Conaway, Hammen, Harrison, Haynes, Kirk, Krysiak, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

(Amendment ID: HB1284/344836/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1284

(Third Reading File Bill)

On page 2, in line 30, after “home;” insert “AND”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #48**

CONSENT CALENDAR #66

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

House Bill 62 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 68 – Delegates Cane, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

**Wicomico County – Alcoholic Beverages – Places of Public Entertainment and
Unlicensed Establishments**

(Amendment ID: HB0068/624439/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 68

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Wicomico County –”; in line 4, after “in” insert “Caroline County, Dorchester County, Kent County, Queen Anne’s County, Somerset

County, Talbot County,”; in the same line, after “County” insert “, or Worcester County”; in line 8, strike “Wicomico County” and substitute “certain counties”; in line 10, strike “a certain penalty” and substitute “certain penalties”; in line 12, after “in” insert “Caroline County, Dorchester County, Kent County, Queen Anne’s County, Somerset County, Talbot County,”; in the same line, after “County” insert “, and Worcester County”; in line 15, after “Section” insert “20–103.1, 20–107.1, 20–108.2,”; in the same line, after “20–110” insert “, 20–111, 20–112, and 20–113”; and after line 17, insert:

“BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20–105.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“20–103.1.

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

(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10–405(C) THROUGH (F) OF THIS ARTICLE.

(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN CAROLINE COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW

CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

20-105.1.

(a) (1) In this [section,] SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) [“bottle] “BOTTLE club” means a club, room, or premises:

[(1)] (I) That serves, sells, gives, or dispenses alcoholic beverages to its members or guests;

[(2)] (II) That keeps for its members or guests any alcoholic beverages;

[(3)] (III) That allows to be consumed by its members or guests on its premises any alcoholic beverages that have been reserved or purchased by the members or guests;

[(4)] (IV) At which patrons are served, given, or allowed to consume alcoholic beverages after legal closing hours from the supplies that the patrons have previously purchased or reserved; or

[(5)] (V) That sells, dispenses, or serves to, keeps for, or allows to be consumed any setups or other component parts of mixed alcoholic drinks by its members or guests.

(3) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(4) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.

(b) This section applies only in Dorchester County.

(c) A bottle club may not evade the alcoholic beverage license laws, including those laws relating to hours of operation and the sale, giving, serving, dispensing, keeping, and allowing to be consumed on the premises of the club or on premises under its control or in its possession any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(d) (1) A person who operates a business establishment for profit that is not licensed under this article may not knowingly allow customers to bring alcoholic beverages for consumption into an unlicensed building.

(2) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(e) On the filing of an application for a waiver of this section, the Board of License Commissioners may grant the waiver.

(f) The Board of License Commissioners shall adopt regulations to implement this section.

(g) A person who violates this section is guilty of a misdemeanor and on conviction is subject to IMPRISONMENT NOT EXCEEDING 2 YEARS OR a fine not exceeding \$10,000 OR BOTH.

20-107.1.

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

(2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN KENT COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

20-108.2.

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

(2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN QUEEN ANNE'S COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW

CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

20-110.

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

(2) "PLACE OF PUBLIC ENTERTAINMENT" MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN SOMERSET COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

20-111.

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

(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(3) “SETUPS” INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN TALBOT COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”;

in line 2, strike “20-110.” and substitute “20-112.”; and after line 21, insert:

“20-113.

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

(2) “PLACE OF PUBLIC ENTERTAINMENT” MEANS A BUSINESS ESTABLISHMENT THAT DOES NOT HOLD A LICENSE UNDER THIS ARTICLE AND THAT ALLOWS ON ITS PREMISES ANY FORM OF ATTIRE OR SEXUAL DISPLAY LISTED UNDER § 10-405(C) THROUGH (F) OF THIS ARTICLE.

(3) "SETUPS" INCLUDES DRINKING CONTAINERS AND ICE.

(B) THIS SECTION APPLIES ONLY IN WORCESTER COUNTY.

(C) (1) A PERSON MAY NOT SERVE OR DISPENSE SETUPS OR SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF PUBLIC ENTERTAINMENT.

(2) A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW CUSTOMERS TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.

(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH."

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 356 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages Licenses – Administrative Proceedings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 503 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Alcoholic Beverages – Class B–DD (Development District)
License**

PG 304–07

(Amendment ID: HB0503/934731/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 503

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “certain areas” and substitute “a certain area”; strike beginning with “repealing” in line 14 down through “license;” in line 15 and substitute “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;”; in line 17, strike “certain areas, including in”; in the same line, strike “area,” and substitute “area as the area”; and strike beginning with “repealing” in line 18 down through “circumstances;” in line 19.

On page 2, in line 10, after “6–201(r)(15)” insert “and 9-217(f)(7)”; strike in their entirety lines 13 through 17, inclusive; in line 20, strike the first “and”; and in the same line, after “and (5)” insert “, and 10–401(g)(5)”.

AMENDMENT NO. 2

On page 3, in line 2, strike “§ 9-217(F)(5)” and substitute “§ 9-217(F)(7)”; in line 14, strike “§ 9-217(F)(5)(II)1D” and substitute “§ 9-217(F)(7)”; in line 15, strike “ISSUANCE, THERE ARE FIVE” and substitute “ISSUANCE:

A. THERE ARE FOUR”;

in line 16, strike “AREA.” and substitute “AREA; OR

B. THE APPLICANT FOR THAT LICENSE IS THE LICENSE HOLDER OF THREE CLASS B-DD LICENSES FOR RESTAURANTS OPERATING WITHIN THAT AREA.”;

and after line 22, insert:

“(IX) 1. A RESTAURANT IN THE CAPITAL PLAZA COMMERCIAL AREA DESCRIBED IN § 9-217(F)(7) OF THIS ARTICLE IS NOT ELIGIBLE FOR A CLASS B-DD LICENSE UNLESS:

A. IT SATISFIES ALL OF THE REQUIREMENTS SET FORTH IN PARAGRAPH (1)(II)3 OF THIS SUBSECTION; AND

B. ITS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED ITS AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

2. THE BOARD OF LICENSE COMMISSIONERS MAY REVOKE A LICENSE IN ORDER TO ENFORCE THE PROVISIONS OF THIS SUBPARAGRAPH.

3. A LICENSE HOLDER FOR A RESTAURANT DESCRIBED IN SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL SUBMIT A MONTHLY REPORT TO THE BOARD OF LICENSE COMMISSIONERS OF THE RESTAURANT’S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT’S AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE RESTAURANT HAS MET THE REQUIREMENTS OF SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 17 on page 4, inclusive.

On page 5 in lines 27, 28, and 31, on page 6 in lines 8 and 23, and on page 7 in line 20, in each instance, strike the bracket.

On page 5, in line 13, after “This” insert “SUBSECTION”; in line 28, strike “**THE**”; and strike beginning with “**ISSUE**” in line 31 down through “**RESTAURANT**” in line 32.

On page 6, strike in their entirety lines 13 through 17, inclusive.

On page 7, after line 20, insert:

“(7) SUBJECT TO § 6-201(R)(15) OF THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE CAPITAL PLAZA COMMERCIAL AREA, CONSISTING OF COMMERCIAL PROPERTIES WITHIN THE AREA BOUNDED BY THE BALTIMORE–WASHINGTON PARKWAY ON THE WEST AND NORTHWEST, MARYLAND ROUTE 450 ON THE SOUTH, AND COOPER LANE ON THE EAST AND NORTHEAST.

10-401.

(g) (5) In addition to the above, the Board may revoke the license of a licensee for:

(i) A felony conviction of a licensee or any stockholder of a corporation having the use of an alcoholic beverages license; [or]

(ii) **FAILURE TO COMPLY WITH § 6-201(R)(15)(IX) OF THIS ARTICLE; OR**

(III) Closing the licensed premises for more than 30 days without the Board’s permission. The Board may allow a closing of the licensed premises for a reasonable period of time.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 722 – Washington County Delegation

AN ACT concerning

Washington County – Code of Public Local Laws – Compilation and Legalization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 772 – Howard County Delegation

AN ACT concerning

**Howard County – Zoning Regulations – Administrative Proceedings
Ho. Co. 5-07**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1114 – ~~Delegate Love~~ Anne Arundel County Delegation

SECOND PRINTING

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #38

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

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: HB0992/903027/1)

BY: Senator Hooper

AMENDMENTS TO HOUSE BILL 992

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “sentence” insert “and the person has not served at least a certain amount of the person’s aggregate sentence”.

AMENDMENT NO. 2

On page 5, in line 28, after “IF” insert “:

(I)”;

and in line 31, after “SENTENCE” insert “; AND

(II) THE PERSON HAS NOT SERVED AT LEAST ONE-HALF OF THE PERSON’S AGGREGATE SENTENCE”.

AMENDMENT NO. 3

On page 9, in line 15, after “IF” insert “:

(I)”;

and in line 18, after “SENTENCE” insert “; AND

(II) THE PERSON HAS NOT SERVED AT LEAST ONE-HALF OF THE PERSON’S AGGREGATE SENTENCE”.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 987)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1310 – ~~Delegate Conway~~ Delegates Conway and Elmore

SECOND PRINTING

AN ACT concerning

Criminal Law – Slot Machines – Eligible Organizations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1427 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support – Collection Fee

(Amendment ID: HB1427/178873/1)

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1427

(Third Reading File Bill)

On page 1, in line 4, after the semicolon insert “providing for the termination of this Act;”.

On page 2, in line 20, after the period insert “It shall remain effective for a period of 1 year and, at the end of September 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 amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #39

CONSENT CALENDAR #65

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

Senate Bill 1018 – Senator Muse

AN ACT concerning

Task Force to Study Rent Stabilization for the Elderly in Prince George's County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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.

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

House Bill 653 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Marriage License Fee – Increase

PG 411-07

(Amendment ID: HB0653/168577/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 653

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “clerk to pay” and substitute “Director of Finance of Prince George's County to distribute”; and in line 7, after “County;” insert “providing that, if the Family Crisis Center changes its name or objectives or ceases to exist, the proceeds shall be used to fund certain programs;”.

AMENDMENT NO. 2

On page 2, in lines 17, 19, 21, and 22, in each instance, strike the bracket; in line 17, before “**FAMILY**” insert “, WHO SHALL DISTRIBUTE THE PROCEEDS TO THE”; in line 18, strike “**AND**”; in line 19, after “(3)” insert “IF THE FAMILY CRISIS CENTER OF PRINCE GEORGE'S COUNTY CHANGES ITS NAME OR OBJECTIVES OR CEASES TO EXIST,”; and in line 22, strike “(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 JUDICIAL PROCEEDINGS REPORT #40

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

Senate Bill 632 – Senator Jacobs and the President (By Request – Administration, Attorney General, and Maryland State's Attorneys' Association)

AN ACT concerning

Maryland Gang Prosecution Act of 2007

(Amendment ID: SB0632/458170/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 632

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Administration, Attorney General, and Maryland State’s Attorneys’ Association)” and substitute “Administration and Attorney General) and Senators Brochin, Haines, Simonaire, and Stone”; 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”; 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;”; in line 13, strike “with the consent” and substitute “at the request”; in line 18, after “investigation” insert “requiring the Attorney General and the Maryland State’s Attorneys’ Association to provide the General Assembly with a certain report;”; and in the same line, strike “a certain term” and substitute “certain terms”.

AMENDMENT NO. 2

On page 2, in line 13, strike “OTHER FORMAL OR INFORMAL” and substitute “ONGOING”; in line 18, strike “CRIMINAL ACTIVITIES” and substitute “UNDERLYING CRIMES”; in line 19, after “be” insert “UNDERLYING”; in line 26, strike “OF THE FOLLOWING” and substitute “UNDERLYING”; in line 27, strike “A” and substitute “AN UNDERLYING”; and in line 28, strike the colon and substitute a period.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 7, inclusive; after line 8, 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 12, strike “OR HAVE ENGAGED IN A” and substitute “AN ONGOING”; strike beginning with “WILLFULLY” in line 14 down through “OFFENSE” in line 15 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 16, 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 17, 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 19, strike “30” and substitute “10”; after line 19, 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.”;

in line 24, strike “(C)” and substitute “(D)”; in the same line, strike “ONLY”; and in line 25, after “SECTION” insert “ONLY”.

AMENDMENT NO. 4

On page 4, in lines 1 and 18, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 1, strike “WITH THE CONSENT” and substitute “AT THE REQUEST”; after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General and the Maryland State’s Attorneys’ Association shall report to the General Assembly on or before January 1, 2008, in accordance with § 2–1246 of the State Government Article on recommendations for additional legislation to aid in the prosecution of gang activity.”;

and in line 24, 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.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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, Huckler, 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

(Amendment ID: HB0713/188978/2)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 713

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Administration, Attorney General, and Maryland State’s Attorneys’ Association” and substitute “Administration and Attorney General”.

On page 2, in line 15, after “investigation;” insert “requiring the Attorney General and the Maryland State’s Attorneys’ Association to provide the General Assembly with a certain report;”.

AMENDMENT NO. 2

On page 3, in line 3, before “COLLECTIVELY” insert “INDIVIDUALLY OR”.

AMENDMENT NO. 3

On page 4, strike beginning with “OF” in line 1 down through “9-305” in line 2 and substitute “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”.

AMENDMENT NO. 4

On page 5, after line 30, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General and the Maryland State’s Attorneys’ Association shall report to the General Assembly on or before January 1, 2008, in accordance with § 2-1246 of the State Government Article, on recommendations for additional legislation to aid in the prosecution of gang activity.”.

On page 6, in line 1, strike “2.” and substitute “3.”.

The preceding 4 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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: HB1325/458175/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1325

(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “authorizing” in line 10 on page 1 down through “change;” in line 1 on page 2.

On page 2, strike in their entirety lines 7 through 16, inclusive; and strike in their entirety lines 19 and 20 and substitute:

“Section 3–8C–01 and 3–8C–02”.

AMENDMENT NO. 2

On pages 2 through 7, strike in their entirety the lines beginning with line 34 on page 2 through line 3 on page 7, inclusive.

On pages 7 through 9, strike in their entirety the lines beginning with line 21 on page 7 through line 15 on page 9, 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 BUDGET AND TAXATION REPORT #23

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 332 – Senators Frosh and Brochin

AN ACT concerning

High Performance Buildings Act

(Amendment ID: SB0332/319439/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 332

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Maryland Green Building Council”; strike beginning with “requiring” in line 3 down through “buildings” in line 8 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 9 through 13, inclusive; and in line 16, strike “3-602.1” and substitute “4-809”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 9 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.

(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 10 through 13, inclusive; in line 14, strike “3.” and substitute “2.”; and in line 15, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 552 – Senators Garagiola, Forehand, Hogan, Lenett, McFadden, Raskin, Rosapepe, and Simonaire

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

(Amendment ID: SB0552/349133/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 552

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Simonaire” and substitute “Simonaire, Jones, and Madaleno”; in line 4, after “Services” insert “and the Department of Housing and Community Development”; in line 5, after “of” insert “certain”; in line 6, after

“classrooms;” insert “providing for the application of this Act;”; and strike in their entirety lines 13 through 17, inclusive, and substitute:

“BY adding to

Article – Education

Section 5-301(b-1)

Annotated Code of Maryland

(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 16, inclusive, and substitute:

“(B-1) THE BOARD OF PUBLIC WORKS, IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SHALL ADOPT REGULATIONS ESTABLISHING CRITERIA DESIGNED TO ENHANCE INDOOR AIR QUALITY FOR THE OCCUPANTS OF RELOCATABLE CLASSROOMS PURCHASED OR LEASED USING STATE OR LOCAL FUNDS, INCLUDING SPECIFICATIONS THAT:”;

in lines 17, 19, 23, 25, and 27, strike “1.”, “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively; in line 27, strike “AN”; and in line 28, strike “SYSTEM” and substitute “SYSTEMS”.

On page 3, in line 1, strike “6.” And substitute “(6)”; and strike in their entirety lines 4 through 8, inclusive.

AMENDMENT NO. 3

On page 3, after line 18, 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 relocatable classrooms purchased before the effective date of this Act.”;

and in line 19, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

House Bill 164 – Delegates N. King, Ali, Barkley, Barve, Bronrott, Dumais, Elmore, Feldman, Gilchrist, Hixson, Ivey, Jennings, Kaiser, Kramer, Lawton, Love, Montgomery, Olszewski, Rice, Ross, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Cardin, George, Howard, Krebs, McKee, Murphy, Stukes, and F. Turner

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

(Amendment ID: HB0164/959031/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 164

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Services” insert “and the Department of Housing and Community Development”; and in line 6, after “classrooms;” insert “providing for the application of this Act;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 2 on page 2, inclusive, and substitute:

“BY adding to

Article – Education

Section 5-301(b-1)

Annotated Code of Maryland

(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 through 21, inclusive, and substitute:

“(B-1) THE BOARD OF PUBLIC WORKS, IN CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SHALL ADOPT REGULATIONS ESTABLISHING CRITERIA DESIGNED TO ENHANCE INDOOR AIR QUALITY FOR THE OCCUPANTS OF RELOCATABLE CLASSROOMS PURCHASED OR LEASED USING STATE OR LOCAL FUNDS, INCLUDING SPECIFICATIONS THAT:”;

and in lines 22, 24, and 28, strike “**1.**”, “**2.**”, and “**3.**”, respectively, and substitute “**(1)**”, “**(2)**”, and “**(3)**”, respectively.

On page 3, in lines 1, 3, and 6, respectively, strike “**4.**”, “**5.**”, and “**6.**”, respectively, and substitute “**(4)**”, “**(5)**”, and “**(6)**”, respectively; in line 3, strike “AN” ; in line 4, strike “SYSTEM” and substitute “**SYSTEMS**”; strike in their entirety lines 9 through 23, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any relocatable classrooms purchased before the effective date of this Act.”;

and in line 24, strike “2.” and substitute “**3.**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 432 – Delegate James

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

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

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

House Bill 654 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Transfer Tax – Deputy Sheriffs

PG 409–07

(Amendment ID: HB0654/479131/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 654
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “and a certain tax rate reduction”.

AMENDMENT NO. 2

On page 2, strike beginning with “OR” in line 21 down through “SHERIFF’S” in line 22.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

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

(Amendment ID: HB0942/649030/1)

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 942
(Third Reading File Bill)

On page 6, in line 28, strike “; **AND**” and substitute a period.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

Senator Currie, Chair, for the Committee on Budget and Taxation 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: HB1247/199133/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1247

(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;”.

AMENDMENT NO. 2

On page 2, in line 27, after “2007” insert “AND FISCAL YEAR 2008”; and in line 28, 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 lines 27 and 31, in each instance, strike “determination letter” and substitute “ruling”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #34

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

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

(Amendment ID: HB0208/117473/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 208

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “to” insert “conduct a certain investigation and”; and in line 14, after “manner;” insert “requiring certain businesses to retain certain records for a certain period of time under certain circumstances;”.

AMENDMENT NO. 2

On page 3, in line 18, after “ACCOUNT;” insert “OR”; and strike beginning with “; OR” in line 20 down through “NUMBER” in line 21.

AMENDMENT NO. 3

On pages 5 and 6, strike in their entirety the lines beginning with line 29 on page 5 through line 15 on page 6, inclusive, and substitute:

“(B) (1) A BUSINESS THAT OWNS OR LICENSES COMPUTERIZED DATA THAT INCLUDES PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE, WHEN IT DISCOVERS OR IS NOTIFIED OF A BREACH OF THE SECURITY OF A SYSTEM, SHALL CONDUCT IN GOOD FAITH A REASONABLE AND PROMPT INVESTIGATION TO DETERMINE THE LIKELIHOOD THAT PERSONAL INFORMATION OF THE INDIVIDUAL HAS BEEN OR WILL BE MISUSED AS A RESULT OF THE BREACH.

(2) IF AFTER THE INVESTIGATION IS CONCLUDED, THE BUSINESS DETERMINES THAT MISUSE OF THE INDIVIDUAL’S PERSONAL INFORMATION HAS OCCURRED OR IS REASONABLY LIKELY TO OCCUR AS A RESULT OF A BREACH OF THE SECURITY OF A SYSTEM, THE BUSINESS SHALL NOTIFY THE INDIVIDUAL OF THE BREACH.”.

On page 6, in line 16, strike “(2)” and substitute “(3)”; in line 17, strike “(1)” and substitute “(2)”; strike beginning with “DISCOVERS” in line 20 down through “SYSTEM” in line 21 and substitute “CONDUCTS THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION”; after line 21, insert:

“(4) IF AFTER THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS CONCLUDED, THE BUSINESS DETERMINES THAT NOTIFICATION UNDER PARAGRAPH (2) OF THIS SUBSECTION IS NOT REQUIRED, THE BUSINESS SHALL MAINTAIN RECORDS THAT REFLECT ITS DETERMINATION FOR 3 YEARS AFTER THE DETERMINATION IS MADE.”;

in line 25, after “SYSTEM” insert “IF IT IS LIKELY THAT THE BREACH HAS RESULTED OR WILL RESULT IN THE MISUSE OF PERSONAL INFORMATION OF AN INDIVIDUAL RESIDING IN THE STATE”;

and after line 32, insert:

“(3) A BUSINESS THAT IS REQUIRED TO NOTIFY AN OWNER OR LICENSEE OF PERSONAL INFORMATION OF A BREACH OF THE SECURITY OF A SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SHARE WITH THE OWNER OR LICENSEE INFORMATION RELATIVE TO THE BREACH.”.

AMENDMENT NO. 4

On page 7, strike beginning with the first “NOTICE” in line 18 down through “7001” in line 20 and substitute “MAIL TO THE MOST RECENT ELECTRONIC MAIL ADDRESS OF THE INDIVIDUAL IN THE RECORDS OF THE BUSINESS, IF:

(I) THE INDIVIDUAL HAS EXPRESSLY CONSENTED TO RECEIVE ELECTRONIC NOTICE; OR

(II) THE BUSINESS CONDUCTS ITS BUSINESS PRIMARILY THROUGH INTERNET ACCOUNT TRANSACTIONS OR THE INTERNET”;

in line 26, strike “\$125,000” and substitute “\$100,000”; and in line 27, strike “250,000” and substitute “175,000”.

AMENDMENT NO. 5

On page 8, in line 10, strike “SUBSECTIONS” and substitute “SUBSECTION”; and in the same line, strike “AND (C)”.

On page 9, in line 2, strike “SUBSECTIONS” and substitute “SUBSECTION”; and in the same line, strike “AND (C)”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0208/573122/1)

BY: Senator Haines

AMENDMENT TO HOUSE BILL 208

(Third Reading File Bill)

On page 3, after line 2, insert:

“(3) “BUSINESS” DOES NOT INCLUDE AN ENTITY THAT HAS AN ANNUAL GROSS INCOME OF LESS THAN \$1,000,000.”

The preceding amendment was read only.

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

The motion was adopted.

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

House Bill 339 – Delegates Costa, Boteler, Bromwell, Impallaria, Kach, Kaiser, J. King, Kipke, McDonough, Oaks, Pena–Melnyk, ~~and Weldon~~ Weldon, Beitzel, Benson, Donoghue, Elliott, Hammen, Hubbard, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Riley, and Tarrant

AN ACT concerning

Health Insurance – Small Group Market – Health Benefit Plans – Rates

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1034 – Delegates Oaks, Glenn, and Rosenberg

AN ACT concerning

Maryland Healthy Places Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1082 – Delegate Hubbard

AN ACT concerning

Managed Care Organizations – Retroactive Denial of Claims and Applicability of State Laws

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1189 – Delegates Bobo and McIntosh

AN ACT concerning

Transportation – Maryland Senior Rides Program – ~~Repeal~~ of Grant Limitations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1283 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

EMERGENCY BILL

AN ACT concerning

Maryland Health Insurance Plan – Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #35

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

Senate Bill 920 – Senator Colburn

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset Repeal

(Amendment ID: SB0920/327675/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 920

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Colburn” and substitute “Senators Colburn and Edwards”; in line 2, strike “Repeal” and substitute “Extension”; and in line 3, strike “repealing” and substitute “extending”.

AMENDMENT NO. 2

On page 1, in line 14, strike the bracket; in the same line, strike “3” and substitute “5”; in line 15, strike “2007” and substitute “2009”; and in line 16, strike the bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB0117/257374/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 117

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Agencies” insert “– Consumer Reports”; in line 7, after “received” insert “in certain manners”; in line 8, after “report;” insert “establishing an exception for a certain consumer reporting agency to the requirement to place a security freeze on a consumer report;”; in line 10, strike “provide” and substitute “release a consumer’s consumer report or”; and in the same line, strike “in” and substitute “derived from”.

On page 2, in line 3, strike the first “a”; in the same line, strike “number of business days” and substitute “time periods”; in line 6, strike “, with certain exceptions” and substitute “; authorizing a consumer reporting agency to develop certain procedures on or before a certain date”; strike beginning with “prohibiting” in line 7 down through “exceptions” in line 8 and substitute “establishing certain maximum fees for certain services relating to a security freeze; prohibiting the charging of fees by a consumer reporting agency to a consumer who presents certain documentation to the consumer reporting agency”; and in line 10, after “times;” insert “providing that the exclusive remedy for a violation of a certain provision of this Act is to file a certain complaint with the Commissioner of Financial Regulation;”.

AMENDMENT NO. 2

On page 4, in line 1, after “(B)” insert “(1)”; in lines 3, 8, 12, 14, 17, 20, 23, 25, and 28, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(I)”, “(II)”, and “(III)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “1.”, “2.”, and “3.”, respectively.

On page 5, in lines 1, 3, 5, and 7, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(VII)”, “(VIII)”, “(IX)”, and “(X)”, respectively; after line 10, insert:

“(2) THIS SECTION DOES NOT APPLY TO:

(I) A CHECK SERVICES OR FRAUD PREVENTION SERVICES COMPANY THAT ISSUES:

1. REPORTS ON INCIDENTS OF FRAUD; OR

2. AUTHORIZATIONS FOR THE PURPOSE OF APPROVING OR PROCESSING NEGOTIABLE INSTRUMENTS, ELECTRONIC FUNDS TRANSFERS, OR SIMILAR PAYMENT METHODS;

(II) A DEPOSIT ACCOUNT INFORMATION SERVICE COMPANY THAT ISSUES REPORTS REGARDING ACCOUNT CLOSURES DUE TO FRAUD, SUBSTANTIAL OVERDRAFTS, AUTOMATED TELLER MACHINE ABUSE, OR SIMILAR NEGATIVE INFORMATION REGARDING A CONSUMER TO INQUIRING BANKS OR OTHER FINANCIAL INSTITUTIONS FOR USE ONLY IN REVIEWING A CONSUMER REQUEST FOR A DEPOSIT ACCOUNT AT THE INQUIRING BANK OR FINANCIAL INSTITUTION; OR

(III) A CONSUMER REPORTING AGENCY DATABASE OR FILE THAT CONSISTS ENTIRELY OF CONSUMER INFORMATION CONCERNING, AND USED SOLELY FOR:

1. CRIMINAL RECORD INFORMATION;

2. PERSONAL LOSS HISTORY INFORMATION;

3. FRAUD PREVENTION OR DETECTION;

4. EMPLOYMENT SCREENING; OR

5. TENANT SCREENING.”;

in line 14, strike “**SUBJECT**” and substitute “**BEGINNING JANUARY 1, 2010, SUBJECT**”; in the same line, strike “**(5)**” and substitute “**(6)**”; in line 25, strike “**IDENTIFICATION**” and substitute “**IDENTIFYING INFORMATION**”; and in line 27, strike “**A**” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A**”.

On page 6, in line 15, after “**REPORT**” insert “**TO A SPECIFIC PERSON OR**”; after line 19, insert:

(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CONSUMER REPORTING AGENCY IS NOT REQUIRED TO PLACE A SECURITY FREEZE ON A CONSUMER REPORT IF THE CONSUMER REPORTING AGENCY:

1. ACTS ONLY AS A RESELLER OF CREDIT INFORMATION BY ASSEMBLING AND MERGING INFORMATION CONTAINED IN A DATABASE OF ANOTHER CONSUMER REPORTING AGENCY OR MULTIPLE CONSUMER REPORTING AGENCIES; AND

2. DOES NOT MAINTAIN A PERMANENT DATABASE OF CREDIT INFORMATION FROM WHICH NEW CONSUMER REPORTS ARE PRODUCED.

(II) A CONSUMER REPORTING AGENCY THAT ACTS AS A RESELLER OF CREDIT INFORMATION SHALL HONOR A SECURITY FREEZE PLACED ON A CONSUMER REPORT BY ANOTHER CONSUMER REPORTING AGENCY.”;

in line 20, strike “**(5)**” and substitute “**(6)**”; in line 32, strike “**PROVIDE**” and substitute “**RELEASE A CONSUMER’S CONSUMER REPORT OR**”; and in the same line, strike “**IN**” and substitute “**DERIVED FROM**”.

AMENDMENT NO. 3

On page 7, in line 18, after “**TO**” insert “**TEMPORARILY LIFT A SECURITY FREEZE TO**”; and in line 19, after “**ACCESSED**” insert “**BY A SPECIFIC PERSON OR**”.

On page 8, in line 5, strike “**IDENTIFICATION**” and substitute “**IDENTIFYING INFORMATION**”; in line 9, after “**THE**” insert “**PERSON THAT IS TO RECEIVE THE CONSUMER REPORT OR THE**”; in line 12, strike “**OR (IV)**”; in line 14, strike “**5**” and

substitute "3"; in line 16, after "(II)" insert "1."; strike beginning with the colon in line 19 down through "MADE" in line 20 and substitute "MADE"; and in line 22, strike "; AND" and substitute a period.

On pages 8 and 9, strike in their entirety the lines beginning with line 23 on page 8 through line 20 on page 9, inclusive.

On page 9, in line 21, strike "(IV)" and substitute "2."; in line 22, strike "SUBPARAGRAPH (III)2" and substitute "SUBSUBPARAGRAPH 1"; in line 23, strike "PARAGRAPH" and substitute "SUBPARAGRAPH"; and in lines 23 and 24, strike "AUTHORIZED OR OTHERWISE".

On page 10, in line 20, strike "(C)(5)" and substitute "(C)(6)"; and strike in their entirety lines 29 and 30 and substitute:

"(2) IF A CONSUMER WANTS TO REMOVE A SECURITY FREEZE FROM THE CONSUMER'S CONSUMER REPORT, THE CONSUMER SHALL:

(I) CONTACT THE CONSUMER REPORTING AGENCY BY:

1. MAIL IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;

2. TELEPHONE IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;

3. ELECTRONIC MAIL USING AN ELECTRONIC POSTMARK IF A SECURE ELECTRONIC MAIL CONNECTION IS MADE AVAILABLE TO THE CONSUMER BY THE CONSUMER REPORTING AGENCY; OR

4. ELECTRONIC REQUEST IF A SECURE CONNECTION IS MADE AVAILABLE ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY;

(II) REQUEST THAT THE SECURITY FREEZE BE REMOVED; AND

(III) PROVIDE THE FOLLOWING TO THE CONSUMER REPORTING AGENCY:"

On page 11, in lines 1 and 2, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 1, strike “IDENTIFICATION” and substitute “IDENTIFYING INFORMATION”; strike beginning with “PARAGRAPHS” in line 8 down through “(4)” in line 9 and substitute “PARAGRAPH (2)”; in line 13, after “\$5,” insert “FOR EACH PLACEMENT, TEMPORARY LIFT, OR REMOVAL OF A SECURITY FREEZE.”; strike beginning with “IF” in line 13 down through “FREEZE.” in line 27; and in line 28, strike “(4) A” and substitute “(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A”.

AMENDMENT NO. 4

On page 12, in line 14, strike “AT NO CHARGE TO YOU”; in line 16, after “RELEASING” insert “YOUR CREDIT REPORT OR”; in the same line, strike “IN” and substitute “DERIVED FROM”; in line 22, strike “, BY TELEPHONE,”; and in line 31, after “REPORT” insert “TO A SPECIFIC PERSON OR”.

On page 13, in line 6, strike “IDENTIFICATION” and substitute “IDENTIFYING INFORMATION”; in line 8, after “THE” insert “PERSON WHO IS TO RECEIVE THE CREDIT REPORT OR THE”; in line 12, strike “5” and substitute “3”; in line 14, strike “1, 2010” and substitute “31, 2009”; in the same line, after “REQUESTS.” insert “A CONSUMER REPORTING AGENCY MUST COMPLY WITH A REQUEST TO REMOVE A SECURITY FREEZE ON A CREDIT REPORT WITHIN 3 BUSINESS DAYS AFTER THE REQUEST IS RECEIVED.”; in line 18, after “FREEZE” insert “, EITHER COMPLETELY IF YOU ARE SEEKING CREDIT FROM A NUMBER OF SOURCES, OR JUST FOR A SPECIFIC CREDITOR IF YOU ARE APPLYING ONLY TO THAT CREDITOR,”; and after line 18, insert:

“A CONSUMER REPORTING AGENCY MAY CHARGE A REASONABLE FEE NOT EXCEEDING \$5 FOR EACH PLACEMENT, TEMPORARY LIFT, OR REMOVAL OF A SECURITY FREEZE. HOWEVER, A CONSUMER REPORTING AGENCY MAY NOT CHARGE ANY FEE TO A CONSUMER WHO, AT THE TIME OF A REQUEST TO PLACE, TEMPORARILY LIFT, OR REMOVE A SECURITY FREEZE, PRESENTS TO THE CONSUMER REPORTING AGENCY A POLICE REPORT OF ALLEGED IDENTITY FRAUD AGAINST THE CONSUMER OR AN IDENTITY THEFT PASSPORT.”

On pages 13 and 14, strike in their entirety the lines beginning with line 27 on page 13 through line 28 on page 14, inclusive.

On page 15, in line 1, strike “(L)” and substitute “(K)”; in line 2, after “REPORT” insert “SUBJECT TO A SECURITY FREEZE”; in the same line, strike “IN” and substitute

“DERIVED FROM”; in line 3, after “REPORT” insert “SUBJECT TO A SECURITY FREEZE”; in line 4, after “AFTER” insert “DISCOVERING OR BEING NOTIFIED OF”; in line 5, after “CONSUMER” insert “IN WRITING”; in line 8, after the second “THE” insert “CONSUMER REPORT OR THE”; and after line 23, insert:

“(L) THE EXCLUSIVE REMEDY FOR A VIOLATION OF SUBSECTION (E)(2)(II) OF THIS SECTION SHALL BE A COMPLAINT FILED WITH THE COMMISSIONER UNDER § 14-1217 OF THIS SUBTITLE.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 277 – Delegate Rosenberg

AN ACT concerning

Workers’ Compensation – Covered Employee – Domestic Worker

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 572 – Delegates Elliott, Benson, Donoghue, Goldwater, Hammen, Hubbard, Krebs, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Riley, Shewell, Stull, Tarrant, and Weldon

AN ACT concerning

Health Insurance – ~~Expansion of Coverage~~ Personal Responsibility – Study

(Amendment ID: HB0572/497677/1)

BY: Finance Committee

AMENDMENT TO HOUSE BILL 572
(Third Reading File Bill)

On page 12, in line 7, after “income” insert “, in other financially difficult situations,”; and in line 10, after “insurance” insert “, and what the level of the incentives would have to be to result in the increased purchase of health insurance”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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–Melnyk, Donoghue, Gutierrez, Montgomery, Kaiser, Rice, Waldstreicher, McHale, Hecht, Krysiak, and Davis

AN ACT concerning

Unemployment Insurance – ~~Maximum Benefit~~ Schedule of Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

Business and Economic Development – Financing Transactions

(Amendment ID: HB1186/457777/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1186
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 8 down through “Fund;” in line 10.

AMENDMENT NO. 2

On pages 7 and 8, strike in their entirety the lines beginning with line 28 on page 7 through line 5 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

Senator Middleton, Chair, for the Committee on Finance 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.

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

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

(Amendment ID: HB1359/277577/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1359

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal” and substitute “Extension”; and in line 3, strike “repealing” and substitute “extending”.

AMENDMENT NO. 2

On page 1, in line 14, strike the bracket; and in the same line, strike “3” and substitute “5”.

On page 2, in line 1, strike “2007” and substitute “2009”; and in line 2, strike the bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1379 – Delegate Davis

AN ACT concerning

Voice Over Internet Protocol Service and Internet Protocol-Enabled Service

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0662

SPONSOR: Sens McFadden and Gladden (BCA)

SUBJECT: Local Law Enforcement Agencies – Disposal of Personal Property

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Gladden, Chair, Muse, and Mooney.

The House appoints: Delegates Carter, Chairman, Valderrama, and Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0766

SPONSOR: Sen Frosh

SUBJECT: Environment – Phosphorus – Dishwashing Detergent

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Pinsky, Chair, Rosapepe, and Greenip.

The House appoints: Delegates Hucker, Chairman, Weir, and O'Donnell.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0214

SPONSOR: Sen Colburn, et al

SUBJECT: Crimes – Unauthorized Possession – Place of
Confinement

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Forehand, Chair, Simonaire, and Gladden.

The House appoints: Delegates Waldstreicher, Chairman, Lee, and McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #19

AMENDED IN THE HOUSE

Senate Bill 283 – Senators Middleton ~~and Dyson~~, Dyson, and Colburn

AN ACT concerning

~~Southern Maryland~~ Charles County Prostate Cancer Pilot Program

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

(Amendment ID: SB0283/876285/1)

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 283

(Third Reading File Bill)

On page 2, in line 11, strike “has” and substitute “had”; and in line 12, after “Maryland” insert “from 1997-2001 and has consistently held the highest prostate cancer incidence rate in Maryland for the last decade”.

The preceding amendment was read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 988)

AMENDED IN THE HOUSE

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

AN ACT concerning

Forensic Laboratories – Standards and Oversight

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

(Amendment ID: SB0351/316887/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 351

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 18 and 19, in each instance, strike “person” and substitute “forensic laboratory”.

On page 2, in line 16, strike “who” and substitute “that”; and in line 42, after “times;” insert “establishing the terms of the members of the Advisory Committee; prohibiting a member of the Advisory Committee from receiving certain compensation; requiring the Department to staff the Advisory Committee;”.

AMENDMENT NO. 2

On page 4, in line 7, strike “BALLISTIC” and substitute “FIREARMS”; in line 19, strike “FORENSIC FIELD TESTS” and substitute “A PRESUMPTIVE TEST PERFORMED AT A CRIME SCENE”; and in line 24, strike “CORRECTIONS” and substitute “PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

On page 8, in line 21, strike “PROFICIENCY TESTS,”.

On page 9, in lines 2 and 3, in each instance, strike “PERSON” and substitute “FORENSIC LABORATORY”.

On page 10, in line 17, strike “ITS LICENSE” and substitute “THE LICENSE ISSUED UNDER THIS SUBTITLE”.

On page 13, in line 7, strike “AND”; in line 9, after “RECORD” insert “; AND”

(3) THE STATE’S ATTORNEY”;

and in line 15, strike “(D)” and substitute “(C)”.

On page 17, in line 5, strike “11” and substitute “10”; strike in its entirety line 20; and in lines 21 and 23, strike “(VI)” and “(VII)”, respectively, and substitute “(V)” and “(VI)”, respectively.

On page 18, after line 16, insert:

“(G) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COMMITTEE.”

On page 25, in lines 12 and 13, strike “2008” and “2009”, respectively, and substitute “2009” and “2010”, respectively; and in line 14, strike “Three members in 2010” and substitute “Two members in 2011”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 989)

AMENDED IN THE HOUSE

Senate Bill 566 – Senators Miller, Astle, Garagiola, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Public Utility Companies – Generating Stations – Wind

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

(Amendment ID: SB0566/483592/2)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 566
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “notices;” insert “requiring the Commission to report on certain matters to certain persons; providing for the construction of this Act; providing for the termination of a portion of this Act;”.

AMENDMENT NO. 2

On page 3, in line 6, after “1.” insert “THE GENERATING STATION IS LAND-BASED;

2.”;

and in lines 8 and 13, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively.

On page 5, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before February 1 of each year, the Public Service Commission shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee on:

(1) the number of applications for and the locations of wind-powered generating stations for which approval is sought under § 7-207.1(a)(1)(ii) of the Public Utility Companies Article, as enacted by this Act;

(2) the status of the applications and the extent to which the wind-powered generating stations have been constructed after obtaining approval from the Commission in accordance with this Act; and

(3) the status of any regulatory actions undertaken by other State or local agencies with respect to the wind-powered generating stations.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the regulatory authority of any State or local agency with respect to matters relating to a wind-powered generating station that is exempt from the requirement to obtain a certificate of public convenience and necessity under §§ 7-207 and 7-208 of the Public Utilities Article.”;

in line 4, strike “2.” and substitute “4.”; and in line 5, after “2007.” insert “Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2010, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.”

The preceding 2 amendments were read and concurred in.

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

Affirmative – 40 Negative – 6 (See Roll Call No. 990)

CONCURRENCE CALENDAR #20

Senate Bill 595 – Senator Garagiola

AN ACT concerning

Public Utility Companies – Net Energy Metering – Renewable Portfolio Energy Standard – Photovoltaic Power

Senator Della moved, duly seconded, to postpone indefinitely further action on **Senate Bill 595**.

The motion was rejected by a roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 991)

Senator Frosh moved, duly seconded, to make the Bill a Special Order for April 9, 2007.

The motion was adopted by a roll call vote as follows:

Affirmative – 39 Negative – 8 (See Roll Call No. 992)

CONCURRENCE CALENDAR #21

AMENDED IN THE HOUSE

Senate Bill 974 – Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Disposal of Property – Holding Period

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

(Amendment ID: SB0974/912318/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 974

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “providing that certain requirements relating to disposal of personal property in the possession of the Department of State Police do not apply to personal property retained by the Department for use as evidence in a criminal proceeding and do not supersede certain provisions for seizure and forfeiture;”; and in line 4, strike “of State Police”.

AMENDMENT NO. 2

On page 2, in line 2, after “(a)” insert “(1)”; after line 3, insert:

“(2) THIS SECTION DOES NOT APPLY TO PERSONAL PROPERTY RETAINED BY THE DEPARTMENT 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 4, strike “The” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; and after line 6, insert:

“(2) PERSONAL PROPERTY THAT IS USED AS EVIDENCE IN A CRIMINAL PROSECUTION SHALL BE RETAINED BY THE DEPARTMENT IN THE SAME MANNER AS OTHER EVIDENCE RETAINED BY THE DEPARTMENT.”

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 993)

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 69 SPONSOR: Senator V. Jones

SUBJECT: Task Force to Study Prison Violence in Maryland

THIRD READING CALENDAR HOUSE NO. 17 SENATE NO. 10

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

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

That the attached House Judiciary Committee Amendments (SB0069/322411/1) be adopted.

(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”.

Senate Members:

House Members:

Chairman, **Lisa A. Gladden**

Chairman, **Christopher B. Shank**

Norman R. Stone, Jr.

Kevin Kelly

Larry E. Haines

Ben Barnes

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 994)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 401 – Delegates Barnes, Malone, Ali, Conway, Costa, DeBoy, Frush, Glassman, Hubbard, Jennings, Kipke, Levi, Mathias, Morhaim, Niemann, Pena–Melnyk, Ross, Stein, Stull, Weir, and Weldon

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

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

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

Affirmative – 44 Negative – 3 (See Roll Call No. 995)

The Bill was then sent to the House of Delegates.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Critical Areas – Applications for Variances – Local Jurisdictions

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB1030/293221/2)

BY: Senator Simonaire

AMENDMENT TO SENATE BILL 1030

(First Reading File Bill)

On page 3, in line 17, after “Program” insert “, except for property in the North Shore Community of Anne Arundel County for which a variance was applied for in 2003”

The preceding amendment was read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for April 9, 2007.

The motion was rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 996)

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

Affirmative – 30 Negative – 11 (See Roll Call No. 997)

FLOOR AMENDMENT

(Amendment ID: SB1030/503028/2)

BY: Senator Stone

AMENDMENTS TO SENATE BILL 1030

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “– Local Jurisdictions” and substitute “and Construction of a Facility”; in line 7, after “Act;” insert “prohibiting a certain facility from being located or constructed on certain lands in certain counties; defining certain terms; making this Act an emergency measure;”; in the same line, strike “applications for variances in”; and after line 13, insert:

“BY adding to

Article – Natural Resources

Section 8–1808.10

Annotated Code of Maryland

(2000 Replacement Volume and 2006 Supplement)

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. 2

On page 3, after line 13, insert:

“8-1808.10.

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

(2) “CONSTRUCTION” INCLUDES ACTIVITIES SUCH AS CLEARING, GRADING, EXCAVATING, BUILDING, DREDGING, OR ANY OTHER ACTION THAT WOULD AFFECT THE NATURAL ENVIRONMENT OF THE CRITICAL AREA.

(3) “FACILITY” HAS THE MEANING STATED IN § 14-501(E) OF THE ENVIRONMENT ARTICLE.

(B) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, AND BALTIMORE COUNTY.

(C) A FACILITY MAY NOT BE CONSTRUCTED OR LOCATED ON ANY LAND WITHIN A CRITICAL AREA DESIGNATED IN ACCORDANCE WITH § 8-1807 OF THIS SUBTITLE, 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.”.

AMENDMENT NO. 3

On page 3, after line 17, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”;

and strike in their entirety lines 18 and 19.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 31 (See Roll Call No. 998)

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0382

SPONSOR: Sen Raskin, et al

SUBJECT: Civil Liab – AMBER Alert Dissemination – Immun for Media and Commercial Mobile Radio Serv Prvdrs

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Raskin, Chair, Forehand, and Jacobs.

The House appoints: Delegates Simmons, Chairman, Kramer, and Anderson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #36

House Bill 358 – ~~Delegate Donoghue~~ Delegates Donoghue, Mizeur, V. Turner, Pena-Melnyk, Oaks, Montgomery, and Nathan-Pulliam

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 Rules.

SPECIAL ORDERS

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

House Bill 326 – Delegate Hubbard

AN ACT concerning

Maryland Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists Act – Revision

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

Senator Conway moved, duly seconded, to reconsider the vote by which the Committee Amendments were adopted.

The motion was adopted.

(Amendment ID: HB0326/244639/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 326
(Third Reading File Bill)

On page 15, in line 13, strike “(a)”.

The preceding Committee amendment was withdrawn.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 999)

The Bill was then sent to the House of Delegates.

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

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

FLOOR AMENDMENT

(Amendment ID: HB0208/573122/1)

BY: Senator Haines

AMENDMENT TO HOUSE BILL 208

(Third Reading File Bill)

On page 3, after line 2, insert:

“(3) “BUSINESS” DOES NOT INCLUDE AN ENTITY THAT HAS AN ANNUAL GROSS INCOME OF LESS THAN \$1,000,000.”

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

Affirmative – 18 Negative – 29 (See Roll Call No. 1000)

Read the second time and ordered prepared for Third Reading.

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: HB0713/188978/2)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 713

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Administration, Attorney General, and Maryland State’s Attorneys’ Association” and substitute “Administration and Attorney General”.

On page 2, in line 15, after “investigation;” insert “requiring the Attorney General and the Maryland State’s Attorneys’ Association to provide the General Assembly with a certain report;”.

AMENDMENT NO. 2

On page 3, in line 3, before “COLLECTIVELY” insert “INDIVIDUALLY OR”.

AMENDMENT NO. 3

On page 4, strike beginning with “OF” in line 1 down through “9-305” in line 2 and substitute “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”.

AMENDMENT NO. 4

On page 5, after line 30, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Attorney General and the Maryland State’s Attorneys’ Association shall report to the General Assembly on or before January 1, 2008, in accordance with § 2-1246 of the State Government Article, on recommendations for additional legislation to aid in the prosecution of gang activity.”.

On page 6, in line 1, 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.

Senate Bill 546 – Senators Pinsky, Britt, Conway, Currie, Frosh, Gladden, Jones, Klausmeier, Madaleno, Peters, Raskin, Robey, and Rosapepe

AN ACT concerning

Election Law – Public Campaign Financing Act for Candidates for the General Assembly

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

Read the second time and failed by a roll call vote as follows:

Affirmative – 23 Negative – 24 (See Roll Call No. 1001)

House Bill 519 – Delegates Bromwell, Cardin, DeBoy, Donoghue, Hubbard, Malone, Oaks, and Schuler

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR GREENIP.

FLOOR AMENDMENT

(Amendment ID: HB0619/833729/1)

BY: Senator Greenip

AMENDMENTS TO HOUSE BILL 619
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the second “Schools” insert “and Principals”.

On page 2, in line 1, after “superintendent” insert “or a principal”; in line 5, after “superintendents” insert “and principals”; and in line 8, after “4–201(e)” insert “and 6–202”.

AMENDMENT NO. 2

On page 3, after line 23, insert:

“6–202.

(a) (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:

(i) Immorality;

(ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5–704 of the Family Law Article;

- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

(2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.

(3) If the individual requests a hearing within the 10-day period:

(i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and

(ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.

(4) The individual may appeal from the decision of the county board to the State Board.

(5) Notwithstanding any provision of local law, in Baltimore City the suspension and removal of assistant superintendents and higher levels shall be as provided by the personnel system established by the Baltimore City Board of School Commissioners under § 4-313 of this article.

(6) ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST A PRINCIPAL AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE COUNTY BOARD MAY SUSPEND THE PRINCIPAL WITH PAY UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.

(b) (1) Except as provided in paragraph (2) of this subsection, the probationary period of employment of a certificated employee in a public school system shall cover a period of 2 years from the date of employment and shall consist of a 1-year employment contract that may be renewed by the county board.

(2) (i) A probationary period for a certificated employee in a public school system may be extended for a third year from the date of employment if the certificated employee does not qualify for tenure at the end of the second year based on established performance evaluation criteria and the employee demonstrates a strong potential for improvement.

(ii) If the probationary period of a certificated employee is extended as provided in this paragraph, a mentor shall be assigned to the employee and the employee shall be evaluated at the end of the third year based on established performance evaluation criteria.

(3) The State Board shall adopt regulations that implement the provisions of paragraphs (1) and (2) of this subsection and define the scope of a mentoring program that will be aligned with the 2-year probationary period and the 1-year extension as provided in paragraph (2) of this subsection.

(C) (1) A PRINCIPAL SHALL IMMEDIATELY NOTIFY THE COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE PRINCIPAL.

(2) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A COPY OF ALL CHARGING DOCUMENTS SERVED ON THE PRINCIPAL OR THE PRINCIPAL'S COUNSEL.

(3) ANY PRINCIPAL WHO VIOLATES PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 AND REVOCATION OF ANY PROFESSIONAL CERTIFICATION ISSUED BY THE DEPARTMENT."

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 91

SPONSOR: Senator Garagiola

SUBJECT: Clean Indoor Air Act of 2007

THIRD READING CALENDAR

HOUSE NO. 15

SENATE NO. 38

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

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

(1) That the attached Economic Matters Committee Amendments (SB0091/323097/1) be adopted.

(2) That the attached Conference Committee Amendments (SB0091/123828/2) be adopted.

(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

(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 ID: SB0091/123828/1)

BY: Conference Committee

AMENDMENTS TO SENATE BILL 91, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 8, after “public” insert “, beginning on a certain date,”.

On page 2 of the bill, in line 3, strike “declaring that nothing in this Act shall” and substitute “providing that certain provisions of law may not”; in line 5, strike “providing for a delayed effective date;”; and in line 36, strike “24-510” and substitute “24-511”.

On page 1 of the Economic Matters Committee Amendments (SB0091/323097/1), in line 4 of Amendment No. 1, after “circumstances” insert “before a certain date; providing that a certain waiver terminates on a certain date”; and in lines 11 and 12, strike “Secretary of Health and Mental Hygiene” and substitute “health officer of a county”.

AMENDMENT NO. 2

On page 2 of the Economic Matters Committee Amendments, in Amendment No. 2, strike beginning with “SHOP” in line 13 down through “PRODUCTS” in line 16 and substitute “BUSINESS THAT IS A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, CORPORATION, PARTNERSHIP, OR OTHER ENTERPRISE, IN WHICH:

(I) THE PRIMARY ACTIVITY IS THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES; AND

(II) THE SALE OF OTHER PRODUCTS IS INCIDENTAL”.

AMENDMENT NO. 3

On page 5 of the Economic Matters Committee Amendments, in line 17 of Amendment No. 3, strike “THE SECRETARY, IN CONSULTATION WITH THE COMPTROLLER,” and substitute “AFTER THE PASSAGE OF 90 DAYS FROM THE RECEIPT OF AN APPLICATION FOR A WAIVER AND THE DATE THAT ALL CONDITIONS FOR THE APPLICATION FOR A WAIVER REQUIRED IN THE REGULATIONS ADOPTED BY THE SECRETARY HAVE BEEN SATISFIED, THE HEALTH OFFICER OF A COUNTY”.

On page 6 of the Economic Matters Committee Amendments, in line 10 of Amendment No. 3, after “SECTION” insert “:

(D) (1) A WAIVER MAY NOT BE GRANTED UNDER SUBSECTION (A) OF THIS SECTION ON OR AFTER JANUARY 31, 2011.

(2) A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TERMINATES ON JANUARY 31, 2011”.

AMENDMENT NO. 4

On page 10 of the bill, in line 5, after “SUBTITLE,” insert “BEGINNING ON FEBRUARY 1, 2008,”.

On page 18 of the bill, in line 22, strike “January 1, 2008” and substitute “October 1, 2007”.

AMENDMENT NO. 5

On page 13 of the bill, after line 4, insert:

“NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PREEMPT A COUNTY OR MUNICIPAL GOVERNMENT FROM ENACTING AND ENFORCING MORE STRINGENT MEASURES TO REDUCE INVOLUNTARY EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE.

24-511.”

On page 18 of the bill, strike in their entirety lines 17 through 20, inclusive; and in line 21, strike “4.” and substitute “3.”.

Senate Members:

House Members:

Chairman, **Rob Garagiola**

Chairman, **Dereck E. Davis**

Nathaniel Exum

Carolyn J. Krysiak

John C. Astle

Michael L. Vaughn

Conference Committee Report read only.

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for April 9, 2007.

The motion was rejected by a roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 1002)

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

Affirmative – 31 Negative – 16 (See Roll Call No. 1003)

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

Affirmative – 31 Negative – 16 (See Roll Call No. 1004)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 368 **SPONSOR: Senator Muse**

SUBJECT: Torts - Release of Claim for Damages - Voidable

THIRD READING CALENDAR **HOUSE NO. 17** **SENATE NO. 34**

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

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

That the House Judiciary Committee Amendments (SB0368/162710/1) be rejected.

Senate Members:

House Members:

Chairman, **C. Anthony Muse**

Chairman, **Curt Anderson**

Norman R. Stone, Jr.

Frank M. Conaway, Jr.

Lisa A. Gladden

Tony McConkey

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1005)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1006)

RECESS

At 8:50 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 10:00 A.M. on Legislative Day, April 2, 2007, Calendar Day, Monday, April 9, 2007, in memory of Chief John Frasier.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 2, 2007
Calendar Day: Monday, April 9, 2007
10:00 A.M. Session

At 10:19 A.M. the Senate resumed its session.

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

QUORUM CALL

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

(See Roll Call No. 1008)

YEAS AND NAYS #12

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 9	Sen. Garagiola	State Department of Ed and Department of Health and Mental Hygiene – Student Surveys – Workgroup
SB 50	Sen. Middleton	Governor's Appointments Office and Appointing Authorities – Duties
SB 58	Sen. Pinsky	Stdy Comm to Explore the Expanded Application of St Stipends for Natl Certfn of Teachers
SB 96	Sen. Mooney	Frederick County – Alcoholic Beverages – Special Licenses
SB 112	Sen. Britt	Prince George's Co – Task Force on the Est of Voc and Technical Ed High School Academies

SB 130	Sen. Peters	Public Safety – State Aid for Police Protection Fund – Municipal Sworn Officer Allocation
SB 137	Sen. Middleton	St Empl and Retiree Hlth and Welfare Benefits Pgm – Eligibility for Enrollment and Participation
SB 175	Sen. Zirkin	Juveniles – Mentoring Program – “Maryland Rising”
SB 177	Sen. Zirkin	Resid Cld Care Pgms – Out-of-Home Plcmnt – Stds for Staff and Sys for Outcomes Eval
SB 201	Sen. Stoltzfus	Somerset County – Alcoholic Beverages – License Fees
SB 224	Sen. McFadden	Baltimore City – Property Tax Credit for Newly Constructed Dwellings
SB 256	Sen. Astle	City of Annapolis – Housing Authority – Approval of Commissioners by City Council
SB 278	Sen. McFadden	Baltimore City – Housing Authority – Continued Occupancy by Family Member on Death of Tenant
SB 286	Sen. Kelley	Maryland Dent-Care Program – Participants and Award Amounts
SB 296	Sen. Kasemeyer	Baltimore County – Property Tax Credit – Leadership Through Athletics, Inc
SB 339	Sen. Pugh	Drug Treatment – Md St Drug and Alcohol Abuse Coun – Stdy of the St’s Approach to Drug Treatment
SB 407	Sen. McFadden	Baltimore City – Hotel Room Tax – Convention Center Promotion
SB 582	Sen. Rosapepe	Prince George’s County School Facilities Surcharge – Exemption
SB 583	Sen. Kramer	Alternate Contributory Pension Selection – Clarifications

SB 604	Sen. Forehand	Higher Education – Senatorial Scholarships
SB 634	Sen. Raskin	Presidential Elections – Agreement Among the States to Elect the Pres by National Popular Vote
SB 681	Cecil Co. Senators	Cecil County – Alcoholic Beverages – Caterer’s License
SB 683	Cecil Co. Senators	Cecil County – Alcoholic Beverages – Board of License Commissioners – Summonses and Subpoenas
SB 684	Cecil Co. Senators	Cecil County – Alcoholic Beverages – New Year’s Sales
SB 685	Cecil Co. Senators	Criminal Procedure – Pretrial Release – Posting of Bond Without Appearance of Defendant
SB 710	Sen. Conway	Affordable Housing – Enabling Authority for Counties and Municipalities
SB 711	Sen. Gladden	Education – “Share the State Fair!” Program
SB 713	Sen. Colburn	Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands
SB 723	Sen. Conway	Certified Social Workers–Clinical – Practice – Definition
SB 736	Cecil Co. Senators	Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses
SB 744	Sen. Della	Former Governors – Death Benefits – Surviving Spouses
SB 746	Sen. Conway	Human Immunodeficiency Virus – Test Counseling and Informed Consent – Review
SB 759	Sen. Dyson	Wholesale Distributor Permitting and Prescription Drug Integrity Act
SB 772	Sen. Britt	Prince George’s County – State’s Attorney’s Office – Composition and Salaries

SB 775	Sen. Pipkin	Queen Anne's County – State's Attorney – Salary
SB 784	Sen. Rosapepe	Stormwater Management Act of 2007
SB 814	Sen. Colburn	Wicomico County – Liquor Control Board – Salaries
SB 841	Carroll Co. Senators	Carroll County – Education – Organization of Teachers and Other Personnel
SB 842	Carroll Co. Senators	Property Tax Credit – Carroll County – Gateway Renovation
SB 845 (Emergency Bill)	Carroll Co. Senators	Carroll County – Alcoholic Beverages – Quota for Class A Licenses
SB 868	Sen. Haines	Carroll County – Bingo and Gaming Events – Qualified Organizations
SB 885	Sen. Dyson	Ethics Law – Miscellaneous Provisions
SB 889	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Board of License Commissioners – Inspectors
SB 895	Sen. DeGrange	Pub Saf Empls Killed in the Perf of Duties – Pub Saf Aviation Empls – Death Benefits
SB 936	Sen. Klausmeier	Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation
SB 945	Sen. Madaleno	Income Tax – Captive Real Estate Investment Trusts
SB 958	Sen. Brinkley	Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries
SB 962	Sen. Brinkley	Agricultural Ownership Entities – Homestead Tax Credit
SB 975	Chair, EHE Com.	Oil Pollution and Tank Management
SB 999	Sen. Kramer	State Retirement and Pension System – Investment Oversight
SB 1008	Sen. Colburn	Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

SB 1009	Sen. Colburn	Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance
SB 1010	Sen. Colburn	Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance
SB 1011	Sen. Colburn	Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance
SB 1017 (Emergency Bill)	Sen. Muse	Crimes – Tobacco Paraphernalia – Distribution to Minors
SB 1027	Sen. Gladden	Vehicle Laws – Race-Based Traffic Stops – Sunset Extension and Reporting Requirements

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

YEAS AND NAYS #13

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 419	Sen. Madaleno	Income Tax – Subtraction Modification – Military Retirement Income for Commissioned Officers
SB 431	Sen. Kelley	Children – Out-of-Home Care Review Boards – Case Reviews
SB 456	Sen. Colburn	Interest Rate for Overdue Property Tax – Mardela Springs
SB 457	Sen. Colburn	Wicomico County – Board of License Commissioners – Attorney’s Salary
SB 458	Sen. Colburn	Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants
SB 472	Sen. Munson	Mental Hygiene Law – Court Records Relating to a Petition for Emer Evaluation

SB 491	Sen. Britt	– Confidentiality Public Util Cmpns – Electric Universal Serv Program – Resid Tenants and Condo Owners – Stdy
SB 522	Sen. Rosapepe	Homestead Tax Credit – Eligibility Verification – Application
SB 572	Sen. Della	State Personnel – Collective Bargaining – Use of Employee Information
SB 576	Sen. Jacobs	Maryland Emergency Management Assistance Compact – Emergency Responders

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

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #49**

CONSENT CALENDAR #69

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

Senate Bill 1036 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Immediate Suspension of Licenses

(Amendment ID: SB1036/514138/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1036

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “for” in line 5 down through “law” in line 6 and substitute “if a certain person alleges that the licensee has sold or furnished alcoholic beverages to a person under a certain age under certain circumstances”; in line 6, after “effect” insert “not longer than”; strike beginning with “specifying” in line 7 down through “license” in line 8 and substitute “requiring the Board to hold a hearing and give notice within a certain time; requiring that the licensee be allowed to resume the sale of alcoholic beverages under certain circumstances; specifying that this Act does not prevent a licensee from seeking certain relief”; and in line 13, after “10-401(a)(2)” insert “, 12-108(a), and 16-405”.

AMENDMENT NO. 2

On page 3, after line 32, insert:

“12-108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time to a person under 21 years of age:

(i) For the underage person’s own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.

(2) Any licensee or any employee of the licensee who is charged with a violation of this subsection shall receive a summons to appear in court on a certain day to answer the charges placed against that person. The person charged may not be required to post bail bond pending trial in any court of this State.

(3) (i) A licensee or employee of the licensee violating any of the provisions of this subsection is guilty of a misdemeanor and, upon conviction, suffers the penalties provided by § 16-503 of this article.

(ii) A licensee or employee of the licensee who is charged with selling or furnishing any alcoholic beverages to a person under 21 years of age may not be found guilty of a violation of this subsection, if the person establishes to the satisfaction of the jury or the court sitting as a jury that the person used due caution to

establish that the person under 21 years of age was not, in fact, a person under 21 years of age if a nonresident of the State.

(iii) The licensee or employee of the licensee may accept, as proof of a person's age:

1. If the person is a resident of the State, the person's driver's license or identification card as provided for in the Maryland Vehicle Law; or

2. A United States military identification card.

(iv) Except as otherwise provided in this section, if any licensee or employee of the licensee is found not guilty, or placed on probation without a verdict, of any alleged violation of this subsection, this finding operates as a complete bar to any proceeding by any alcoholic beverage law enforcement or licensing authorities against the licensee on account of the alleged violation."

AMENDMENT NO. 3

On page 4, strike beginning with "FOR" in line 6 down through "LICENSE." in line 10 and substitute "IF A PERSON AUTHORIZED UNDER § 16-405 OF THIS ARTICLE ALLEGES THAT THE LICENSEE HAS SOLD OR FURNISHED ALCOHOLIC BEVERAGES TO A PERSON UNDER THE AGE OF 21 YEARS WITH SUCH FREQUENCY AND DURING SUCH A LIMITED TIME PERIOD SO AS TO DEMONSTRATE A WILLFUL FAILURE TO COMPLY WITH § 12-108(A) OF THIS ARTICLE.

(II) A SUSPENSION UNDER THIS PARAGRAPH MAY NOT EXCEED 7 DAYS.

(III) IF A LICENSE IS SUSPENDED UNDER THIS PARAGRAPH, THE BOARD SHALL:

1. HOLD A HEARING ON THE MATTER WITHIN 7 DAYS AFTER THE SUSPENSION; AND

2. GIVE NOTICE TO THE LICENSEE AT LEAST 2 DAYS BEFORE THE HEARING.

(IV) IF THE BOARD FAILS TO PROVIDE THE LICENSEE WITH NOTICE OF A HEARING BEFORE THE END OF THE FIFTH DAY FOLLOWING A SUSPENSION, THE SUSPENSION SHALL END, AND THE LICENSEE SHALL BE ALLOWED TO RESUME THE SALE OF ALCOHOLIC BEVERAGES ON THE NEXT DAY ALLOWED UNDER THE LICENSE.

(V) THIS PARAGRAPH DOES NOT PREVENT A LICENSEE WHOSE LICENSE IS SUSPENDED UNDER THIS PARAGRAPH FROM SEEKING AN INJUNCTION OR OTHER APPROPRIATE RELIEF.”;

and after line 10, insert:

“16-405.

The Comptroller, his duly authorized deputies, inspectors and clerks, the board of license commissioners of the county or the city in which the place of business is located, its duly authorized agents and employees, and any peace officer of such county or city, or any of them, shall be fully authorized to inspect and search, without warrant, at all hours, any building, vehicle and premises in which any alcoholic beverages are authorized to be kept, transported, manufactured or sold under a license or permit issued under the provisions of this article, and any evidence discovered during any such inspections shall be admissible in any prosecution for the violation of the provisions of this or any other article, or upon any hearing for revocation, suspension or restriction of the license or permit. Any alcoholic beverages taken as evidence shall be returned to the license or permit holder if he be adjudged not guilty; otherwise it shall be sold to license holders, turned over to State institutions for medicinal use or destroyed. Receipts from such sales shall be credited to the general fund account of the State, county or Baltimore City as the case may be.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 54 – Delegate Elmore and Queen Anne’s County Delegation

AN ACT concerning

Somerset and Queen Anne's Counties – Authorization to Harvest Seafood and Engage in the Seafood Industry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 65 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 351 – Delegate George

AN ACT concerning

City of Annapolis – Housing Authority – Approval of Commissioners by City Council

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 1239 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Board of Education – ~~Election of Members~~

PG 433–07

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #50**

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

Senate Bill 1031 – Senators Britt, Currie, Exum, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Environment – Landfills – Prohibition

(Amendment ID: SB1031/904234/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 1031

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “include” insert “any new landfill in”; and in the same line, after “County” insert “that was not in operation on a certain date”.

AMENDMENT NO. 2

On page 2, in line 13, strike “to” and substitute “:”

(1) To”;

and in line 17, strike “OR” and substitute “**:OR**”

(2) TO CONSTRUCT OR OPERATE A NEW LANDFILL”;

and in line 18, after “COUNTY” insert “**THAT WAS NOT IN OPERATION ON SEPTEMBER 30, 2007**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 558 – Delegates Stull, Bartlett, Bates, Beitzel, Boteler, Cane, G. Clagett, V. Clagett, Eckardt, Elliott, Elmore, Glassman, Haddaway, Hecht, Jameson, Jennings, Kach, Krebs, Kullen, Lawton, Levy, McConkey, McKee, Myers, O'Donnell, Rudolph, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Weir, Weldon, and Wood

AN ACT concerning

Department of Agriculture – ~~Appointment or~~ Employment – Exemption from Ethics Restrictions

(Amendment ID: HB0558/744035/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 558
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “regulations;” insert “requiring the Department and the State Ethics Commission to prepare and submit a certain report to the General Assembly;”.

AMENDMENT NO. 2

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 31, 2010, the Department of Agriculture and the State Ethics Commission shall jointly prepare and submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, that includes:

(a) The number of employees hired by the Department, on or after October 1, 2007, who own or operate a farm;

(b) The positions for which the employees identified in subsection (a) of this section were hired; and

(c) Information on how the Department addressed any conflict of interest or potential conflict of interest in hiring the employees identified in subsection (a) of this section.”;

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 893 – Delegate James

AN ACT concerning

Bay Restoration Fund – Wastewater Treatment Facilities Upgrades – Reporting Requirements

(Amendment ID: HB0893/124538/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 893

(Third Reading File Bill)

On page 3, in line 4, after “DURING” insert “THE CALENDAR YEAR BEFORE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1291 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Solid Waste Regulation – Criminal Penalties

(Amendment ID: HB1291/524432/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1291

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “circumstances;” in line 6.

AMENDMENT NO. 2

On page 2, in line 2, strike “(A)”; strike beginning with “, VIOLATIONS” in line 2 down through “SUBTITLE,” in line 3; in line 3, strike “§ 9-267” and substitute “§§ 9-229(B), 9-267, AND 9-268.1”; in line 4, strike “9-343” and substitute “9-344”; and strike in their entirety lines 9 through 14, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

FLOOR AMENDMENT

(Amendment ID: HB1331/213022/1)

BY: Senator Dyson

AMENDMENT TO HOUSE BILL 1331
(Third Reading File Bill)

On page 6, in line 12, strike “June 20” and substitute “June 30”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

House Bill 1433 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Health Enforcement

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

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #51**

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

House Bill 697 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County School Facilities Surcharge – Exemption

PG 410–07

(Amendment ID: HB0697/294537/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 697

(Third Reading File Bill)

On page 3, in line 3, strike “OR”; and in line 10, after “SOUTH” insert “;”

6. THE AREA BOUNDED BY AUTOVILLE DRIVE AND A LINE EXTENDING FROM THE SOUTHERN END OF AUTOVILLE DRIVE DIRECTLY SOUTH TO MARYLAND ROUTE 193 TO THE WEST, ERIE STREET TO THE NORTH, U.S. ROUTE 1 TO THE EAST, AND MARYLAND ROUTE 193 TO THE SOUTH; OR

7. THE AREA BOUNDED BY U.S. ROUTE 1 TO THE WEST, MARYLAND ROUTE 193 TO THE NORTH, 48TH AVENUE TO THE EAST, AND GREENBELT ROAD TO THE SOUTH”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #52**

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

Senate Bill 535 – Senators Klausmeier and Exum

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

(Amendment ID: SB0535/884732/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 535

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “within a certain distance from” and substitute “in a central location outside of”; strike beginning with “establishing” in line 8 down through “alarms;” in line 9; in line 12, after “alarms;” insert “requiring that a certain disclosure form include certain information about a carbon monoxide alarm under certain circumstances;”; and after line 19, insert:

“BY repealing and reenacting, without amendments,

Article – Real Property

Section 10–702(c)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 10–702(e)(2)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “CERTIFIED” in line 9 down through “DEVICES” in line 15 and substitute “LISTED AND CARRIES THE LISTING OF A NATIONALLY RECOGNIZED TESTING LABORATORY APPROVED BY THE OFFICE OF THE STATE FIRE MARSHAL”; in line 16, strike “(5)” and substitute “(4)”; strike beginning with “BATTERY-POWERED” in line 16 down through “OR” in line 17; in line 19, after “(C)” insert “(1) “DWELLING” MEANS A BUILDING OR PART OF A BUILDING THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.”

(2) “DWELLING” INCLUDES A ONE OR TWO FAMILY DWELLING, MULTIFAMILY DWELLING, HOTEL, MOTEL, OR DORMITORY.

(D)”;

strike beginning with the colon in line 19 down through “BATTERY-POWERED,” in line 20; in line 21, strike “THE MOST RECENT STANDARDS OF” and substitute “:

(1)”;

in line 22, strike “RELATED TO” and substitute “(NFPA) 720 STANDARD FOR”; and in line 23, after the semicolon insert “AND”.

On pages 2 and 3, strike beginning with “TO” in line 24 on page 2 down through “SERVICE” in line 2 on page 3 and substitute “THE MANUFACTURER’S RECOMMENDATIONS”.

On page 3, in line 4, strike “SINGLE-FAMILY OR MULTIFAMILY”; in line 7, strike the first “OR”; in the same line, after “WATER” insert “, OR CLOTHES DRYER OPERATION”; in the same line, strike the second “OR” and substitute “AND”; strike line 8 in its entirety and substitute:

“(2) IS A NEWLY CONSTRUCTED DWELLING FOR WHICH A BUILDING PERMIT IS ISSUED ON OR AFTER JANUARY 1, 2008.”;

in line 11, strike “DETECTOR” and substitute “ALARM”; in the same line, after “IF” insert “THE COMBINED DEVICE COMPLIES WITH”; in line 12, strike “THE COMBINED DEVICE COMPLIES WITH”; in the same line, strike “AND” and substitute “:

(2)”;

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

“(3) UNDERWRITERS LABORATORIES (UL) STANDARDS 217 AND 2034.”;

strike beginning with “WITHIN” in line 18 down through “FEET” in line 19 and substitute “IN A CENTRAL LOCATION OUTSIDE”; and strike beginning with the colon in line 19 down through “MULTIFAMILY” in line 21.

On pages 3 and 4, strike in their entirety the lines beginning with line 22 on page 3 through line 14 on page 4, inclusive.

On page 4, in line 15, strike “(C)” and substitute “(B)”; in the same line, strike “SUBSECTIONS” and substitute “SUBSECTION”; in the same line, strike “AND (B)”; in line 18, strike “MULTIFAMILY”; after line 26, insert:

“Article – Real Property

10–702.

(c) (1) A vendor of single family residential real property shall complete and deliver to each purchaser:

(i) A written residential property condition disclosure statement on a form provided by the State Real Estate Commission; or

(ii) A written residential property disclaimer statement on a form provided by the State Real Estate Commission.

(2) The State Real Estate Commission shall develop by regulation a single standardized form that includes the residential property condition disclosure and disclaimer statements required by this subsection.

(e) (2) The disclosure form shall include a list of defects, including latent defects, or information of which the vendor has actual knowledge in relation to the following:

(i) Water and sewer systems, including the source of household water, water treatment systems, and sprinkler systems;

(ii) Insulation;

(iii) Structural systems, including the roof, walls, floors, foundation, and any basement;

(iv) Plumbing, electrical, heating, and air conditioning systems;

(v) Infestation of wood-destroying insects;

(vi) Land use matters;

(vii) Hazardous or regulated materials, including asbestos, lead-based paint, radon, underground storage tanks, and licensed landfills;

(viii) Any other material defects of which the vendor has actual knowledge; [and]

(ix) Whether the smoke detectors will provide an alarm in the event of a power outage; AND

(X) IF THE PROPERTY RELIES ON THE COMBUSTION OF A FOSSIL FUEL FOR HEAT, VENTILATION, HOT WATER, OR CLOTHES DRYER OPERATION, WHETHER A CARBON MONOXIDE ALARM IS INSTALLED ON THE PROPERTY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #42

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

Senate Bill 802 – Senator Pugh

AN ACT concerning

Released Inmates – Identification Card Pilot Program

(Amendment ID: SB0802/428070/3)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 802

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Released” insert “Baltimore City –”; in line 5, after “program” insert “in Baltimore City”; in line 6, strike “the State” and substitute “Baltimore City”; strike beginning with “requiring” in line 6 down through “requirement;” in line 8; strike beginning with “requiring” in line 11 down through “circumstances;” in line 18; and in line 26, strike “the State” and substitute “Baltimore City”.

AMENDMENT NO. 2

On page 2, in line 12, after “PROGRAM” insert “IN BALTIMORE CITY”; in line 14, after the second “IN” insert “BALTIMORE CITY”; in the same line, strike “THE STATE”; strike in their entirety lines 16 through 20, inclusive; and in lines 21 and 24, strike “(5)” and “(6)”, respectively, and substitute “(3)” and “(4)”, respectively.

On pages 2 and 3, strike in their entirety the lines beginning with line 26 on page 2 through line 15 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, in lines 16, 18, 20, 22, and 24, strike “(C)”, “(D)”, “(E)”, “(F)”, and “(G)”, respectively, and substitute “(B)”, “(C)”, “(D)”, “(E)”, and “(F)”, respectively; and strike beginning with “(1)” in line 24 down through “(2)” in line 26.

On page 4, in lines 1, 2, 4, 5, 6, 7, 9, 10, and 11, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively; and strike in their entirety lines 12 through 24, inclusive.

On page 5, in line 1, strike “(K)” and substitute “(H)”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 36 – Delegates McConkey, Boteler, Lawton, ~~and Niemann~~ Niemann, Glenn, and Shewell

AN ACT concerning

Home Financial Accountability Act of 2007

(Amendment ID: HB0036/778971/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 36

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “mail” and substitute “send”; in line 11, before “copy” insert “review or”; in line 12, after “records” insert “or who requests delivery of certain information”; and in line 13, after “amount;” insert “providing that a charge for providing certain services may not exceed the actual cost of providing those services;”.

AMENDMENT NO. 2

On page 2 in line 18, and on page 3 in line 28, in each instance, strike “**BY MAIL**”; on page 2 in line 20, and on page 3 in line 29, in each instance, strike “**MAIL**” and substitute “**SEND**”; on page 2 in line 21, and on page 3 in line 30, in each instance, after “**INFORMATION**” insert “**BY MAIL, ELECTRONIC TRANSMISSION, OR PERSONAL DELIVERY**”; and on page 2 in line 21, and on page 3 in line 30, in each instance, strike “**10**” and substitute “**21**”.

AMENDMENT NO. 3

On page 2 in line 24, on page 4 in line 3, and on page 5 in line 5, in each instance, strike “IN INTEREST” and substitute “WHO IS THE SUBJECT OF THE RECORD OR THE PERSON’S DESIGNEE OR GUARDIAN”.

AMENDMENT NO. 4

On page 3, in line 6, strike “OTHER”; and in lines 6 and 7, strike “OF THE COOPERATIVE HOUSING CORPORATION” and substitute “THAT HELD THE MEETING”.

On page 4, in line 16, strike “OTHER”; and in lines 16 and 17, strike “OF THE COUNCIL OF UNIT OWNERS” and substitute “THAT HELD THE MEETING”.

On page 5, in line 18, after “ASSOCIATION” insert “THAT HELD THE MEETING”.

AMENDMENT NO. 5

On page 3 in line 10, on page 4 in line 20, and on page 5 in line 21, in each instance, strike the bracket; on page 3 in line 11, on page 4 in line 20, and on page 5 in line 22, in each instance, after “records” insert “OR WHO REQUESTS DELIVERY OF INFORMATION”; on page 3 in line 14, on page 4 in line 24, and on page 5 in line 25, in each instance, after “SUBSECTION” insert “FOR COPYING BOOKS AND RECORDS”; and on page 3 after line 15, on page 4 after line 25, and on page 5 after line 26, insert:

“(3) A CHARGE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR SUPERVISING THE INSPECTION OF BOOKS AND RECORDS OR FOR THE RETRIEVAL, PREPARATION, AND MAILING OR DELIVERY OF REQUESTED INFORMATION MAY NOT EXCEED THE ACTUAL COST OF PROVIDING THOSE SERVICES, INCLUDING THE COST OF LABOR.”

The preceding 5 amendments were read only.

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

The motion was adopted.

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

House Bill 440 – Delegates Barkley, Ali, and N. King

AN ACT concerning

Vehicle Laws – Engine Brakes – Restrictions

(Amendment ID: HB0440/988378/1)

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 440

(Third Reading File Bill)

On page 1, strike beginning with “installed” in line 6 down through “specifications” in line 7 and substitute “connected to a properly functioning exhaust muffler system in constant operation when the vehicle’s ignition is engaged; prohibiting a person from disabling the exhaust muffler system on a certain vehicle except under certain circumstances”.

On page 2, strike beginning with “INSTALLED” in line 21 down through “SPECIFICATIONS” and in line 22 and substitute “CONNECTED TO A PROPERLY FUNCTIONING EXHAUST MUFFLER SYSTEM IN CONSTANT OPERATION WHEN THE VEHICLE’S IGNITION IS ENGAGED.”

(C) A PERSON MAY NOT DISABLE THE EXHAUST MUFFLER SYSTEM OF A COMMERCIAL MOTOR VEHICLE THAT IS EQUIPPED WITH AN ENGINE BRAKE EXCEPT TO MAKE A BONA FIDE REPAIR OR REPLACEMENT”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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–Melnyk, Ramirez, Ross, Shank, Shewell, Simmons, Stein, Tarrant, Valderrama, and Waldstreicher

AN ACT concerning

Human Trafficking, Extortion, and Involuntary Servitude

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 922 – Delegates Huckler, Ali, Lafferty, Lawton, McConkey, Pena–Melnik, 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.

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

House Bill 1276 – Delegate Malone

AN ACT concerning

Task Force to Study the Establishment of ~~Annual~~ Biennial Motor Vehicle Safety Inspections

(Amendment ID: HB1276/298177/1)

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1276

(Third Reading File Bill)

On page 2, in line 6, strike “two members” and substitute “one member”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1356 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #36

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

Senate Bill 791 – Senator Middleton

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

(Amendment ID: SB0791/947876/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 791

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “establishing certain immunity from civil liability for certain persons;”; in line 6, strike “compensate” and substitute

“reimburse”; strike beginning with “requiring” in line 7 down through “date;” in line 13; in line 14, strike “implementation”; strike beginning with “for” in line 14 down through “services” in line 15 and substitute “to divert certain individuals with a serious mental illness to certain types of services”; and in line 23, 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 10, strike “and 15-104.1”.

AMENDMENT NO. 2

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

“(A) THE DEPARTMENT SHALL PROVIDE AN INMATE WHO HAS BEEN SENTENCED TO A TERM OF INCARCERATION IN THE DIVISION OF CORRECTION AND WHO HAS BEEN DIAGNOSED WITH A MENTAL ILLNESS WITH ACCESS TO A 30-DAY SUPPLY OF MEDICATION FOR THE MENTAL ILLNESS ON THE RELEASE OF THE INMATE.

(B) PART OF THE 30-DAY SUPPLY OF MEDICATION PROVIDED UNDER SUBSECTION (A) OF THIS SECTION MAY BE PROVIDED BY PRESCRIPTION IF THE INMATE IS PROVIDED SUFFICIENT MEDICATION ON RELEASE THAT ENABLES THE INMATE TO REMAIN MEDICATION-COMPLIANT WITH THE MEDICATION UNTIL ADDITIONAL MEDICATION BECOMES AVAILABLE FROM FILLING THE PRESCRIPTION.

(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 BE WITHOUT MEDICAL SUPERVISION FOR THE PERIOD DURING WHICH THE MEDICATION HAS BEEN ADMINISTERED.”.

AMENDMENT NO. 3

On page 3, in line 1, strike “(A)”; and in line 3, strike “THAT” and substitute “WHO”.

On pages 3 and 4, strike in their entirety the lines beginning with line 7 on page 3 through line 2 on page 4, inclusive.

On page 4, strike in their entirety lines 4 through 15, 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.”;

and in line 19, strike “implementation”.

AMENDMENT NO. 4

On page 5, strike beginning with “includes” in line 21 down through “complies” in line 22 and substitute “includes the information required to comply”; after line 28, 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 29, 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.

THE COMMITTEE ON FINANCE REPORT #37

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

House Bill 281 – Delegates Hubbard and Rosenberg

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: HB0281/283926/1)

BY: Senator Middleton

AMENDMENT TO HOUSE BILL 281

(Third Reading File Bill)

On page 3, in line 18, strike “**NOT**”; and in the same line, strike “**UNDER ANY**” and substitute “**WITHOUT**”.

On page 5, in line 29, strike “implementation”.

On page 7, in line 18, strike “implementation”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

(Amendment ID: HB0430/757277/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 430

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “employers;” insert “authorizing the Commissioner to authorize, by regulation, certain reductions in certain wage rates;”; in line 9, after “circumstances;” insert “requiring the Commissioner to make certain assessments every five years;”; in line 10, strike “certain units of State government” and substitute “the Commissioner”; and strike beginning with “granting” in line 12 down through “association” in line 13 and substitute “requiring the Commissioner to conduct a certain study”.

On page 2, in line 1, after “information;” insert “requiring the Commissioner to develop a certain notice and to make the notice available in certain manners;”; strike beginning with “prohibiting” in line 3 down through “action;” in line 4; in line 17, strike “12-101(c); and”; and in the same line, strike “18-110” and substitute “18-109”.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “12-101.” in line 33 on page 2 down through “ARTICLE.” in line 5 on page 3.

On page 3, in line 12, after “(C)” insert “(1)”; and after line 13, insert:

“(2) “EMPLOYER” DOES NOT INCLUDE A CONTRACTOR OR SUBCONTRACTOR THAT:

(I) EMPLOYS 10 OR FEWER EMPLOYEES; AND

(II) HAS A STATE CONTRACT FOR SERVICES VALUED AT LESS THAN \$500,000.”.

AMENDMENT NO. 3

On page 4, in line 23, strike “(D)” and substitute “(C)”.

On page 5, strike in their entirety lines 16 through 19, inclusive; in line 20, strike “(D)” and substitute “(C)”; and after line 29, insert:

“(D) THE COMMISSIONER MAY AUTHORIZE, BY REGULATION, AN EMPLOYER TO REDUCE THE WAGE RATES PAID UNDER SUBSECTION (A) OF THIS SECTION BY NO MORE THAN 50 CENTS OF THE HOURLY COST OF THE EMPLOYER’S CONTRIBUTION TO AN EMPLOYEE’S DEFERRED COMPENSATION PLAN.”.

On page 6, after line 6, insert:

“(C) THE COMMISSIONER EVERY 5 YEARS SHALL ASSESS THE APPROPRIATENESS OF:

(1) THE MEASURES USED TO ADJUST THE WAGE RATES UNDER § 18-103(B) OF THIS SUBTITLE TO ENSURE THAT THE MEASURES ACCURATELY REFLECT THE WAGE RATES OF EMPLOYEES IN THE TIER 1 AREA AND TIER 2 AREA OF THE STATE; AND

(2) THE PLACEMENT OF COUNTIES IN THE TIER 1 AREA AND TIER 2 AREA.”.

AMENDMENT NO. 4

On page 6, strike beginning with “(A)” in line 8 down through “(B)” in line 10; and strike beginning with “POSTED” in line 22 down through “TITLE” in line 24 and substitute “:

(1) DEVELOPED BY THE COMMISSIONER IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGE COMMONLY USED BY EMPLOYEES AT A WORK SITE; AND

(2) (I) ON REQUEST OF AN EMPLOYER, PROVIDED WITHOUT CHARGE TO THE EMPLOYER; OR

(II) MADE AVAILABLE FOR DOWNLOAD ON THE INTERNET WITHOUT CHARGE”.

AMENDMENT NO. 5

On page 9, strike in their entirety lines 7 through 13, inclusive.

AMENDMENT NO. 6

On page 10, after line 3, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Commissioner of Labor and Industry shall study the impact on the standard of living of employees that results from allowing an employer to reduce the living wage rates paid under Section 1 of this Act by all or part of the hourly cost of the employer’s contribution to a deferred retirement plan of the employer’s employees.

(b) The study required under subsection (a) of this section shall include a review of living wage requirements in other jurisdictions in Maryland and nationally.

(c) The Commissioner of Labor and Industry shall report the findings and recommendations resulting from the study required under subsection (a) of this section, in accordance with § 2-1246 of the State Government Article, to the Governor and the General Assembly by December 1, 2007.”;

and in lines 4 and 8, strike “3.” and “4.”, respectively, and substitute “4.” and “5.”, respectively.

The preceding 6 amendments were read and adopted.

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

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0282

SPONSOR: Del Hammen (Chr HGO)

SUBJECT: State Board of Physicians – Sunset Extension and Program Evaluation

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints Delegates Donoghue, Chairman, Pendergrass, and Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0282

SPONSOR: Del Hammen (Chr HGO)

SUBJECT: State Board of Physicians – Sunset Extension and Program Evaluation

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

The House has appointed: Delegates Donoghue, Chair, Pendergrass, and Kach.

The Senate appoints: Senators Dyson, Chairman, Zirkin, and Harris.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0538

SPONSOR: Del Kaiser, et al

SUBJECT: Higher Education – Dual Enrollment Grant Program

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 N. King, Chairman, Walker, and McKee.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0538

SPONSOR: Del Kaiser, et al

SUBJECT: Higher Education – Dual Enrollment Grant Program

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 King, Chair, Walker, and McKee.

The Senate appoints: Senators Pinsky, Chairman, Rosapepe, and Colburn.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0760

SPONSOR: Del V. Clagett, et al

SUBJECT: Natural Resources – Diamondback Terrapin – Take and Possession

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 Holmes, Chairman, V. Clagett, and O'Donnell.

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0760

SPONSOR: Del V. Clagett, et al

SUBJECT: Natural Resources – Diamondback Terrapin – Take and Possession

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 Holmes, Chair, Clagett, and O'Donnell.

The Senate appoints: Senators Dyson, Chairman, Pinsky, and Britt.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0359

SPONSOR: Del Frush, et al

SUBJECT: Clean Indoor Air Act 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 D. Davis, Chairman, Vaughn, and Krysiak.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0359
SPONSOR: Del Frush, et al
SUBJECT: Clean Indoor Air Act of 2007

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 D. Davis, Chair, Vaughn, and Krysiak.

The Senate appoints: Senators Garagiola, Chairman, Astle, and Exum.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 1016
SPONSOR: Del Hecht, et al
SUBJECT: Renewable Energy Portfolio Standard – Solar Energy

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 McHale, Chairman, Hecht, and Haddaway.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1016
SPONSOR: Del Hecht, et al
SUBJECT: Renewable Energy Portfolio Standard – Solar Energy

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 McHale, Chair, Hecht, and Haddaway.

The Senate appoints: Senators Garagiola, Chairman, Klausmeier, and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #24

AMENDED IN THE HOUSE

Senate Bill 255 – Senator Conway

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

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

(Amendment ID: SB0255/436684/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 255

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 12 down through “circumstances;” in line 15.

On page 2, strike beginning with “prohibiting” in line 24 down through “filings;” in line 25 and substitute “providing that certain provisions regarding a stay or challenge of a hearing for procedural defect apply to the selection of peer reviewers;”.

On pages 2 and 3, strike beginning with “repealing” in line 41 on page 2 down through “time;” in line 3 on page 3 and substitute “modifying the criteria for the reporting of medical malpractice claims and settlement information on the individual licensee profiles;”.

On page 4, in line 9, strike “14-411.1(b), (c), (d)” and substitute “14-411.1(b)(4)”; in line 21, after “14-316(e)” insert a comma; and in the same line, after the first comma, insert “14-411.1(b)(3),”.

AMENDMENT NO. 2

On page 8, strike beginning with “**EXCEPT**” in line 16 down through “**10**” in line 17 and substitute “**14**”.

On pages 8 and 9, strike in their entirety the lines beginning with line 30 on page 8 through line 8 on page 9, inclusive.

On page 9, in line 9, strike “(III)” and substitute “(ii)”.

AMENDMENT NO. 3

On page 16, in lines 14 and 15, strike “WITHIN THE PAST YEAR IN THE STATE”; and strike beginning with “THE” in line 24 down through “CHARGES” in line 26 and substitute “SECTION 14-405(G) OF THIS SUBTITLE APPLIES TO THE SELECTION OF PEER REVIEWERS UNDER THIS SUBSECTION”.

AMENDMENT NO. 4

On page 21, strike in their entirety lines 14 through 19, inclusive; and after line 25, insert:

“(4) The number of medical malpractice settlements involving the licensee if there are three or more with a settlement amount of \$150,000 or greater within the most recent [5-year] 10-YEAR period as reported to the Board;”.

On pages 21 through 23, strike in their entirety the lines beginning with line 26 on page 21 through line 14 on page 23, inclusive.

AMENDMENT NO. 5

On page 27, strike beginning with “EXCEPT” in line 18 down through “10” in line 19 and substitute “14”.

On page 28, strike in their entirety lines 3 through 14, inclusive; and in line 15, strike “(III)” and substitute “(II)”.

The preceding 5 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: SB 0255

SPONSOR: Sen Conway

SUBJECT: State Board of Physicians – Sunset Extension and Program Evaluation

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Dyson, Chairman, Zirkin, and Harris.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

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

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

The motion was adopted.

AMENDED IN THE HOUSE

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

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

(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 and not concurred in.

(Amendment ID: SB0532/103929/2)

BY: Delegate Holmes

AMENDMENTS TO SENATE BILL 532
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing for certain exceptions to the prohibition on possessing diamondback terrapin; requiring the Department, in consultation with the Maryland Aquaculture Coordinating Council, to adopt certain regulations before issuing certain permits;”.

AMENDMENT NO. 2

On page 4, in line 3, strike “OR”; in line 7, after “ARTICLE” insert “; **OR**”

(3) THE POSSESSION AND BREEDING OF DIAMONDBACK TERRAPIN BY A PERSON WHO HOLDS A VALID PERMIT ISSUED BY THE DEPARTMENT FOR:

(i) AQUACULTURE ACTIVITIES UNDER SUBTITLE 11A OF THIS TITLE; OR

(ii) CAPTIVE WILDLIFE BREEDING UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE”;

and after line 7, insert:

“(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND AQUACULTURE COORDINATING COUNCIL, SHALL ADOPT REGULATIONS FOR DIAMONDBACK TERRAPIN AQUACULTURE AND CAPTIVE BREEDING BEFORE ISSUING ANY ADDITIONAL PERMITS RELATING TO DIAMONDBACK TERRAPIN UNDER SUBTITLE 11A OF THIS TITLE OR TITLE 10, SUBTITLE 9 OF THIS ARTICLE.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) VERIFIABLE SAFEGUARDS TO IDENTIFY LEGALLY OBTAINED DIAMONDBACK TERRAPIN;

(II) STANDARDS FOR DIAMONDBACK TERRAPIN HUSBANDRY;
AND

(III) STANDARDS FOR SHIPPING DIAMONDBACK TERRAPIN.”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0532
SPONSOR: Sen Dyson
SUBJECT: Natural Resources – Diamondback Terrapin – Take and Possession

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Dyson, Chairman, Pinsky, and Britt.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,

Secretary

Read and adopted.

CONCURRENCE CALENDAR #23

AMENDED IN THE HOUSE

Senate Bill 271 – ~~Senator Edwards~~ Senators Edwards and Colburn, Colburn, Middleton, and Stoltzfus

AN ACT concerning

Hunting – Exemptions from License and Stamp Requirement

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

(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 concurred in.

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1009)

AMENDED IN THE HOUSE

Senate Bill 452 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

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

(Amendment ID: SB0452/673496/1)

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 452

(Third Reading File Bill)

On page 2, in line 13, strike “7 DAY” and substitute “7-DAY”.

The preceding amendment was read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1010)

AMENDED IN THE HOUSE

Senate Bill 453 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

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

(Amendment ID: SB0453/543599/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 453

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “adding” and substitute “repealing”; in the same line, strike “a certain type of” and substitute “certain limitations on the types of certain”; and in line 5, strike “license to the types of”.

AMENDMENT NO. 2

On page 2, in line 4, strike “, CLASS C,”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1011)

AMENDED IN THE HOUSE

Senate Bill 476 – Senator Zirkin

~~Juveniles—Group Home Education Program~~
Task Force to Study Group Home Education and Placement Practices

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

(Amendment ID: SB0476/212114/1)

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 476

(Third Reading File Bill)

On page 4, in line 15, strike “and” and substitute:

“(9) the Public Defender of Maryland, or the Public Defender’s designee;
and”;

in line 16, strike “(9)” and substitute “(10)”; and in line 24, strike “Department of Legislative Services” and substitute “Governor’s Office for Children”.

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1012)

AMENDED IN THE HOUSE

Senate Bill 492 – Senator Britt

AN ACT concerning

Commission on Civic Literacy

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

(Amendment ID: SB0492/835964/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 492

(Third Reading File Bill)

On page 4, in lines 18, 21, 24, and 28, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(C)”, “(D)”, “(E)”, and “(F)”, respectively.

On page 5, in line 3, strike “(F)” and substitute “(G)”.

On page 6, in line 6, strike “(G)” and substitute “(H)”.

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1013)

Senate Bill 525 – Senators Madaleno, Lenett, and Raskin

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

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

The motion was adopted.

AMENDED IN THE HOUSE

Senate Bill 553 – Senators Pipkin, Miller, Britt, and Brochin

AN ACT concerning

Environment – Landfills – Termination Date

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

(Amendment ID: SB0553/400616/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 553

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “County;” in line 7; and in line 8, after “State;” insert “requiring the Department to report to the General Assembly on or before a certain date;”.

On page 2, in line 4, strike “**OR**”; and strike beginning with “**IN**” in line 7 down through “**COUNTY**” in line 8 and substitute “, or within 1 mile of any other tributary in Prince George's County that flows directly or indirectly into the Potomac River”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2008, the Department of the Environment shall report to the General Assembly, in

accordance with § 2-1246 of the State Government Article, on appropriate methods to authorize a county to remove a proposed landfill from a county plan, including any information on methods or practices utilized by other states.”;

and in line 17, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1014)

AMENDED IN THE HOUSE

Senate Bill 834 – Senator Rosapepe

AN ACT concerning

Education – ~~Educational Excellence Awards~~ Guaranteed Access Grants – Eligibility Determination

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

(Amendment ID: SB0834/525366/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 834

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Education” and substitute “Delegate Howard P. Rawlings Program of Educational Excellence Awards”; in line 4, after the first “of” insert “designating a certain financial assistance program as the Delegate Howard P. Rawlings Program of Educational Excellence Awards;”; in line 7, after “Grant;” insert “requiring the publishers of the Annotated Code of Maryland to correct certain terminology rendered incorrect by this Act and to describe certain corrections in a certain editor’s note;”; and in the same line, after “to” insert “the Delegate Howard P. Rawlings Program of Educational Excellence Awards and”.

AMENDMENT NO. 2

On page 2, in line 6, before “Program” insert “DELEGATE HOWARD P. RAWLINGS”.

On page 3, in line 16, strike “an” and substitute “A DELEGATE HOWARD P. RAWLINGS”.

On page 5, after line 5, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct, with no further action required by the General Assembly, terminology under Title 18, Subtitle 3 of the Education Article referring to the Program of Educational Excellence Awards rendered incorrect by this Act. The publisher shall adequately describe any such correction in an editor’s note following an affected section.”;

and in line 6, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1015)

AMENDED IN THE HOUSE

Senate Bill 883 – Senators Conway, Dyson, Exum, Frosh, Gladden, and Kelley

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

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

(Amendment ID: SB0883/430517/1)

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 883

(Third Reading File Bill)

On page 3, in line 20, strike “**THEIR**” and substitute “**THE APPLICANT’S**”.

On page 4, in line 2, strike “October” and substitute “July”.

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1016)

SPECIAL ORDERS

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

AMENDED IN THE HOUSE

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT OFFERED FROM THE HOUSE.

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

(Amendment ID: SB0525/515763/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 525

(Third Reading File Bill)

On page 3, in line 21, strike “**(I)**”; and strike beginning with “**OR**” in line 21 down through “**STATE;**” in line 23.

On page 5, in line 19, strike “1 year” and substitute “2 years”; and in line 20, strike “2008” and substitute “2009”.

The preceding amendment was read and concurred in by yeas and nays as follows.

Affirmative – 26 Negative – 20 (See Roll Call No. 1017)

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

Affirmative – 34 Negative – 12 (See Roll Call No. 1018)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #22

AMENDED IN THE HOUSE

Senate Bill 1025 – The President (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

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

(Amendment ID: SB1025/115163/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 1025

(Third Reading File Bill)

On page 2, in line 8, strike “[9] 8” and substitute “9”.

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1019)

CONCURRENCE CALENDAR #25

AMENDED IN THE HOUSE

Senate Bill 52 – Senators Forehand, Frosh, Britt, and Della

AN ACT concerning

**Consumer Protection – Consumer Reporting Agencies – Consumer Reports –
Security Freezes**

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

(Amendment ID: SB0052/573899/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 52

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike the second “a”; strike beginning with “number” in line 7 down through “days” in line 8 and substitute “time periods”; in line 8, strike “a request is” and substitute “certain requests are”; in the same line, after “received” insert “in certain manners”; in line 14, strike “contained in, or”; in the same line, strike “from,” and substitute “from”; in line 20, strike the first “a”; and in the same line, strike “number of business days” and substitute “time periods”.

On page 2, in line 2, strike “requiring” and substitute “authorizing”; strike beginning with “prohibiting” in line 4 down through “agency” in line 9 and substitute “establishing certain maximum fees for certain services relating to a security freeze; prohibiting the charging of fees by a consumer reporting agency to a consumer who presents certain documentation to the consumer reporting agency”; in line 13, strike “shall be” and substitute “is”; and in line 15, after “terms;” insert “providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 3, in line 24, after the second “A” insert “CONSUMER’S”; in line 27, strike “CONTAINED IN, OR”; and in line 28, strike the comma.

On page 4, in line 1, after “A” insert “CONSUMER’S”; strike beginning with the first comma in line 8 down through “PERSON,” in line 9; and in line 9, before “CONSUMER” insert “CONSUMER’S”.

On page 5, in line 5, strike “FOR THE PURPOSE OF”; in line 9, after “PERSON” insert “ONLY”; and in line 22, strike “NEGATIVE”.

On page 6, in line 6, after “REPORT” insert “BY”; in line 7, strike “BY WRITTEN” and substitute “WRITTEN”; in line 8, after “(II)” insert “BEGINNING JANUARY 1, 2010, SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, TELEPHONE, BY PROVIDING CERTAIN PERSONAL INFORMATION THAT THE CONSUMER REPORTING AGENCY MAY REQUIRE TO VERIFY THE IDENTITY OF THE CONSUMER;”; in line 9, strike “BY ELECTRONIC” and substitute “(III) ELECTRONIC”; in the same line, after “MAIL” insert “USING AN ELECTRONIC POSTMARK”; in line 11, strike “(III)” and substitute “(IV)”; strike beginning with “OVER” in line 11 down through “AGENCY” in line 12 and substitute “IF THE CONSUMER REPORTING AGENCY MAKES A SECURE CONNECTION AVAILABLE ON ITS WEBSITE, AN ELECTRONIC REQUEST THROUGH THAT SECURE CONNECTION”; in line 18, after “REPORT” insert “:

(I) BEFORE JULY 1, 2008;

and in line 19, strike “FROM A CONSUMER” and substitute “UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(II) ON OR AFTER JULY 1, 2008, WITHIN 3 BUSINESS DAYS AFTER RECEIVING A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION”.

On page 7, after line 18, insert:

“(6) (I) IF A CONSUMER REQUESTS PLACEMENT OF A SECURITY FREEZE BY TELEPHONE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE CONSUMER REPORTING AGENCY MAY REQUIRE THE CONSUMER TO CONFIRM THE REQUEST IN WRITING ON A FORM THAT THE CONSUMER REPORTING AGENCY PROVIDES TO THE CONSUMER WITH THE MATERIALS SENT IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION.

(II) IF THE CONSUMER FAILS TO RETURN WRITTEN CONFIRMATION THAT THE CONSUMER REPORTING AGENCY REQUIRES UNDER

SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CONSUMER REPORTING AGENCY MAY REMOVE THE SECURITY FREEZE IN ACCORDANCE WITH SUBSECTION (G)(2) OF THIS SECTION.”;

in line 21, strike “CONTAINED IN, OR”; and in the same line, strike “FROM,” and substitute “FROM”.

On page 8, in line 13, after “BY” insert “:

1.”;

in line 14, strike “MAIL”; in the same line, strike “OR” and substitute “MAIL IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;”

2.”;

in the same line, strike “TELEPHONE AS DESIGNATED” and substitute “TELEPHONE IN THE MANNER PRESCRIBED”; in line 15, strike “, BY ELECTRONIC” and substitute “:

3. ELECTRONIC”;

in the same line, after the first “MAIL” insert “USING AN ELECTRONIC POSTMARK”; in line 16, after “AVAILABLE” insert “TO THE CONSUMER”; strike beginning with “, OR” in line 16 down through “AGENCY” in line 18 and substitute “;OR”

4. ELECTRONIC REQUEST IF A SECURE CONNECTION IS MADE AVAILABLE ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY”;

in line 25, strike “BY” and substitute “TO”; and in the same line, strike “REPORTING AGENCY”.

AMENDMENT NO. 3

On page 9, in line 1, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A”; in line 2, strike the colon; in line 3, strike “1.”; in line 4, strike “;OR” and substitute a period; in line 5, strike “2.” and substitute “(II) 1.”; in the same line, after “2009,” insert “A CONSUMER REPORTING AGENCY SHALL COMPLY WITH A REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION”; and strike beginning with the colon in line 7 down through “;AND” in line 9 and

substitute “MADE BY TELEPHONE, BY ELECTRONIC MAIL, OR BY SECURE CONNECTION ON THE WEBSITE OF THE CONSUMER REPORTING AGENCY.”.

On pages 9 and 10, strike in their entirety the lines beginning with line 10 on page 9 through line 8 on page 10, inclusive, and substitute:

“2. A CONSUMER REPORTING AGENCY THAT IS UNABLE TO TEMPORARILY LIFT A SECURITY FREEZE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL LIFT THE SECURITY FREEZE AS SOON AS IT IS REASONABLY CAPABLE OF DOING SO.”

On page 10, in line 9, strike “(F) ON OR BEFORE OCTOBER 1, 2009, A” and substitute “(3) A”; in line 10, strike “SHALL” and substitute “MAY”; strike in their entirety lines 14 and 15 and substitute “FACSIMILE OR OTHER ELECTRONIC MEDIA TO RECEIVE AND”; in line 17, strike “PLACE, TEMPORARILY LIFT,” and substitute “TEMPORARILY LIFT”; in lines 19, 24, and 28, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(F)”, “(G)”, and “(H)”, respectively; in line 30, after “IF” insert “:”;

1.”;

in line 31, strike “PLACEMENT” and substitute “PLACEMENT”; and in line 32, after “CONSUMER” insert “; OR”

2. THE CONSUMER:

A. MADE THE REQUEST TO PLACE THE SECURITY FREEZE BY TELEPHONE UNDER SUBSECTION (C)(1)(II) OF THIS SECTION; AND

B. FAILED TO CONFIRM THE REQUEST IN WRITING IF REQUIRED IN ACCORDANCE WITH SUBSECTION (C)(6) OF THIS SECTION”.

On page 11, in line 6, strike “(I)” and substitute “(H)”; in the same line, strike “(H)(2)” and substitute “(G)(2)”; in line 13, strike “MAIL” and substitute “:”

1. MAIL IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;”;

strike line 14 in its entirety and substitute:

“2. TELEPHONE IN THE MANNER PRESCRIBED BY THE CONSUMER REPORTING AGENCY;”;

in line 15, strike “ELECTRONIC MAIL” and substitute:

“3. ELECTRONIC MAIL USING AN ELECTRONIC POSTMARK”;

in line 16, after “AVAILABLE” insert “TO THE CONSUMER”; and strike beginning with “, OR” in line 16 down through “BY” in line 17 and substitute “; OR”

4. ELECTRONIC REQUEST IF A SECURE CONNECTION IS MADE AVAILABLE ON THE WEBSITE OF”.

AMENDMENT NO. 4

On page 12, in line 1, strike “(J)” and substitute “(I)”; in lines 10 and 11, strike “; (I) \$10” and substitute “\$5,”; strike beginning with “; AND” in line 12 down through “SECTION” in line 14; in line 16, strike “A FEE” and substitute “ANY FEE UNDER THIS SECTION”; strike beginning with the comma in line 16 down through “ARTICLE” in line 20 and substitute “;”

(I) HAS OBTAINED A REPORT OF ALLEGED IDENTITY FRAUD AGAINST THE CONSUMER UNDER § 8-304 OF THE CRIMINAL LAW ARTICLE OR AN IDENTITY THEFT PASSPORT UNDER § 8-305 OF THE CRIMINAL LAW ARTICLE; AND

(II) PROVIDES A COPY OF THE REPORT OR PASSPORT TO THE CONSUMER REPORTING AGENCY”;

in line 21, strike “(K)” and substitute “(J)”; in lines 28, 30, and 31, in each instance, strike “CONSUMER” and substitute “CREDIT”; and in line 31, strike “CONTAINED IN, OR DERIVED FROM,” and substitute “DERIVED FROM”.

On page 13, in lines 4, 9, 11, 15, 19, 26, 27, 28, and 30, in each instance, strike “CONSUMER” and substitute “CREDIT”; in line 5, strike the comma and substitute “OR”; in the same line, after the second “MAIL” insert “OR THE INTERNET”; in line 6, strike “HAS” and substitute “PROVIDES”; strike beginning with “MAIL” in line 6 down through “WEBSITE” in line 8 and substitute “CONNECTION”; in line 10, after “RECEIVED” insert

“, OR WITHIN 3 BUSINESS DAYS STARTING JULY 1, 2008”; in line 21, strike “THE” and substitute “THE”; in line 23, after “(2)” insert “THE”; in line 25, strike the first “THE” and substitute “THE”; in line 30, strike “OR REMOVE”; and in line 31, after “RECEIVED” insert “, OR WITHIN 15 MINUTES STARTING JANUARY 31, 2009, FOR CERTAIN REQUESTS”.

On pages 13 and 14, strike beginning with “AFTER” in line 31 on page 13 down through “LAW” in line 2 on page 14 and substitute “A CONSUMER REPORTING AGENCY MUST COMPLY WITH A REQUEST TO REMOVE A SECURITY FREEZE ON A CREDIT REPORT WITHIN 3 BUSINESS DAYS AFTER THE REQUEST IS RECEIVED”.

On page 14, in line 11, strike “\$10” and substitute “\$5”; strike beginning with “A” in line 12 down through “RECEIVED.” in line 14; in line 15, strike the second “A” and substitute “ANY”; strike beginning with “ALLEGING” in line 18 down through “THEFT” in line 19 and substitute “OF ALLEGED IDENTITY FRAUD AGAINST THE CONSUMER OR AN IDENTITY THEFT PASSPORT”; in line 21, strike “CONSUMER” and substitute “CREDIT”; in line 28, strike “(L)” and substitute “(K)”; in line 29, strike “ERRONEOUSLY RELEASES A” and substitute “VIOLATES A SECURITY FREEZE BY RELEASING A CONSUMER’S”; in line 30, strike “CONTAINED IN, OR”; in line 31, strike “, A” and substitute “A CONSUMER’S”; in line 32, after “FREEZE” insert “WITHOUT AUTHORIZATION”; in line 33, strike “ERRONEOUS”; and in line 34, strike “AFFECTED”.

On page 15, in line 1, strike “NATURE OF THE” and substitute “SPECIFIC”; in line 2, after “THE” insert “NAME AND ADDRESS OF, OR OTHER AVAILABLE”; in the same line, after “FOR” insert a comma; in line 18, strike “(M)” and substitute “(L)”; in lines 18 and 19, strike “§ 14-1212.1(E)(2)(I)2 OF THIS SUBTITLE” and substitute “SUBSECTION (E)(2)(II) OF THIS SECTION”; and in line 22, strike “October 1, 2007” and substitute “January 1, 2008”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1020)

SPECIAL ORDERS

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

AMENDED IN THE HOUSE

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(2) OFFERED FROM THE HOUSE.

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

(Amendment ID: SB0268/755468/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 268

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Committee” insert “; providing for the termination of the Committee”.

On page 2, in line 8, after “procedure;” insert “exempting certain persons from certain request procedures;”.

AMENDMENT NO. 2

On page 3, in line 25, strike “SEPTEMBER” and substitute “DECEMBER”; and in line 30, strike “THE FOLLOWING”; and in the same line, strike “19 MEMBERS”.

On page 4, in line 1, after “(1)” insert “THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY’S DESIGNEE;”

**(2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S
DESIGNEE;**

**(3) THE STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT'S
DESIGNEE; AND**

(4) THE FOLLOWING 14 MEMBERS APPOINTED BY THE GOVERNOR:

(I)”;

in the same line, strike “APPOINTED BY” and substitute “**REPRESENTING**”; in line 2, strike “(2)” and substitute “**(II)**”; and strike in their entirety lines 5 through 22, inclusive, and substitute:

**“(III) THREE MEMBERS, ONE REPRESENTING EACH OF THE
FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:**

1. THE UNIVERSITY SYSTEM OF MARYLAND;

2. A COMMUNITY COLLEGE; AND

**3. A PRIVATE, 4-YEAR INSTITUTION OF HIGHER
EDUCATION;”.**

On page 5, in line 9, after “(D)” insert “**THE GOVERNOR SHALL DESIGNATE THE
CHAIR OF THE COMMITTEE.**

**(E) (1) A MEMBER OF THE COMMITTEE SHALL SERVE FOR A PERIOD OF 3
YEARS.**

(2) THE COMMITTEE SHALL EXPIRE ON DECEMBER 1, 2010.

**(F) THE DEPARTMENT, THE DEPARTMENT OF DISABILITIES, AND THE
MARYLAND HIGHER EDUCATION COMMISSION SHALL PROVIDE STAFF FOR THE
COMMITTEE.**

(G)”.

On page 7, in line 13, after “REASON” insert a comma.

On page 8, in line 9, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE”.

On page 9, in line 1, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A”.

On page 10, after line 27, insert:

“(I) (1) A MEMBER OF THE FACULTY OF AN INSTITUTION OF HIGHER EDUCATION:

(I) MAY REQUEST FROM THE LIBRARY INSTRUCTIONAL MATERIALS IN AN ELECTRONIC FORMAT; AND

(II) IS NOT REQUIRED TO SIGN AN AGREEMENT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION.

(2) FOR A REQUEST ON BEHALF OF A FACULTY MEMBER, THE LIBRARY IS NOT REQUIRED TO PROVIDE TO A PUBLISHER THE CERTIFICATIONS SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION.”.

On page 12, in line 6, strike “June” and substitute “October”.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0268**

SPONSOR: Sen Conway, et al

SUBJECT: Higher Education – Blind and Print Disabled Students – Instructional Materials

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Lenett, Chairman, Hooper, and Dyson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB0430/543120/1)

BY: Senator Brinkley

AMENDMENTS TO HOUSE BILL 430, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 4, after “employees” insert “a”; in lines 4, 6, 7, and 9, in each instance, strike “rates” and substitute “rate”; in line 5, after “in” insert “a”; in line

6, after “alter” insert “a”; in line 9, after “publish” insert “a”; and strike beginning with “requiring” in line 11 down through “determinations;” in line 12.

On page 1 of the Finance Committee Amendments (HB0430/757277/1), in line 2 of Amendment No. 1, after “in” insert “a”; and in the same line, strike “rates” and substitute “rate”.

AMENDMENT NO. 2

On page 3 of the bill, strike in their entirety lines 16 through 20, inclusive.

On page 4 of the bill, strike in their entirety lines 17 through 21, inclusive; and in line 25, strike the colon and substitute “AT LEAST \$9.06 PER HOUR.”.

On pages 4 and 5 of the bill, strike in their entirety the lines beginning with line 26 on page 4 through line 3 on page 5, inclusive.

On page 5 of the bill, in lines 5, 10, 12, and 15, in each instance, strike “RATES” and substitute “RATE”.

On page 2 of the Finance Committee Amendments, in Amendment No. 3, in lines 5 and 12, in each instance, strike “RATES” and substitute “RATE”; strike beginning with the colon in line 11 through “(1)” in line 12; and strike beginning with the first “TIER” in line 14 down through “AREA” in line 17 and substitute “STATE”.

On page 3 of the Finance Committee Amendments, in line 5 of Amendment No. 6, strike “rates” and substitute “rate”.

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

Affirmative – 14 Negative – 31 (See Roll Call No. 1021)

FLOOR AMENDMENT

(Amendment ID: HB0430/443325/1)

BY: Senator Brinkley

(Third Reading File Bill)

On page 4, strike beginning with the colon in line 6 down through “(1)” in line 7; and strike beginning with the semicolon in line 8 down through “CITY” in line 12.

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

Affirmative – 14 Negative – 32 (See Roll Call No. 1022)

FLOOR AMENDMENT

(Amendment ID: HB0430/273320/1)

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 430

(Third Reading File Bill)

On page 4, strike beginning with “WITH” in line 10 down through “(4)” in line 11; and in line 12, strike “(5)” and substitute “(4)”.

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

Affirmative – 16 Negative – 29 (See Roll Call No. 1023)

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

The motion was adopted.

CONFERENCE COMMITTEE REPORT

House Bill 50 - By The Speaker (By Request - Administration):

Budget Bill (Fiscal Year 2008)

Introductory Remarks of the Honorable Ulysses Currie, Chairman, Senate Budget and Taxation Committee, regarding the Budget Bill Conference Committee Report.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 50 –
THE BUDGET BILL

(See Exhibit N of Appendix III)

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 50 –
THE BUDGET BILL

(See Exhibit O of Appendix III)

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

Affirmative – 39 Negative – 8 (See Roll Call No. 1024)

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

Affirmative – 40 Negative – 7 (See Roll Call No. 1025)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #26

AMENDED IN THE HOUSE

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

**Maryland Higher Education Commission – Review of Duplicative Academic
Programs**

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

(Amendment ID: SB0029/424662/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 29

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike beginning with “Maryland” down through “Review” and substitute “Higher Education – Appeal”; and strike beginning with “requiring” in line 4 down through “programs.” in line 21 and substitute “authorizing certain parties to appeal a certain decision made by the Maryland Higher Education Commission between certain dates; requiring an appeal to be filed within a certain time period; requiring the Secretary of Higher Education to contract with a certain entity to assist in the conduct of a certain appeal; authorizing the Secretary to apply for a certain grant to assist in the conduct of a certain appeal; requiring parties to the appeal to participate in mediation and specifying the process and time period for mediation; requiring parties to the appeal to submit to binding arbitration under certain circumstances; specifying the process, procedures, and time period for arbitration; specifying that a certain decision shall be based on compliance with a certain agreement and certain State and federal laws; clarifying that a pre-existing program is not affected by a certain decision; requiring public institutions of higher education to accept certain students if a certain program is discontinued; requiring the Commission to convene a certain workgroup; stating a certain intent of the General Assembly; making this Act an emergency measure; and generally relating to the appeal process of certain duplicative academic programs.”.

On page 2, in line 1, strike “with amendments” and substitute “without amendments”.

AMENDMENT NO. 2

On pages 2 through 10, strike in their entirety the lines beginning with line 8 on page 2 through line 23 on page 10, inclusive, and substitute:

“Article – Education

11–206.

(a) This section does not apply to:

(1) New programs proposed to be implemented by public and nonpublic institutions of higher education using existing program resources in accordance with § 11–206.1 of this subtitle; and

(2) Programs offered by institutions of higher education that operate in the State without a certificate of approval in accordance with § 11–202(c)(2) or (3) of this subtitle.

(b) (1) Prior to the proposed date of implementation, the governing body of an institution of postsecondary education shall submit to the Commission each proposal for:

(i) A new program; or

(ii) A substantial modification of an existing program.

(2) The Commission shall review each such proposal and:

(i) With respect to each public institution of postsecondary education, either approve or disapprove the proposal;

(ii) With respect to each nonpublic institution of higher education, either recommend that the proposal be implemented or that the proposal not be implemented; and

(iii) With respect to a private career school, either approve or disapprove the proposal.

(3) If the Commission fails to act within 60 days of the date of submission of the completed proposal, the proposal shall be deemed approved.

(4) Except as provided in paragraph (3) of this subsection, a public institution of postsecondary education and private career school may not implement a proposal without the prior approval of the Commission.

(5) Except as provided in paragraph (3) of this subsection, and subject to the provisions of § 17–105 of this article, a nonpublic institution of higher education may implement a proposal that has not received a positive recommendation by the Commission.

(6) (i) If the Commission disapproves a proposal, the Commission shall provide to the governing body that submits the proposal a written explanation of the reasons for the disapproval.

(ii) After revising a proposal to address the Commission's reasons for disapproval, the governing body may submit the revised proposal to the Commission for approval.

(c) (1) Prior to discontinuation, each institution of postsecondary education that proposes to discontinue an existing program shall provide written notification to the Commission specifying:

(i) The name of the program; and

(ii) The expected date of discontinuation.

(2) By rule or regulation, the Commission may require the payment by a private career school of a refund to any student or enrollee who, because of the discontinuation of an ongoing program, is unable to complete such program.

(d) The Commission shall review and make recommendations on programs in nonpublic institutions of higher education that receive State funds.

(e) (1) In this subsection, "governing board" includes the board of trustees of a community college.

(2) The Commission shall adopt regulations establishing standards for determining whether 2 or more programs are unreasonably duplicative.

(3) The Commission may review existing programs at public institutions of postsecondary education if the Commission has reason to believe that academic programs are unreasonably duplicative or inconsistent with an institution's adopted mission.

(4) The Commission may make a determination that an unreasonable duplication of programs exists on its own initiative or after receipt of a request for determination from any directly affected public institution of postsecondary education.

(5) (i) If the Commission makes a determination under paragraph (4) of this subsection the Commission may:

1. Make recommendations to a governing board on the continuation or modification of the programs;

2. Require any affected governing board to submit a plan to resolve the duplication; and

3. Negotiate, as necessary, with any affected governing board until the unreasonable duplication is eliminated.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, if the Commission determines that 2 or more existing programs offered by institutions under the governance of different governing boards are unreasonably duplicative, the governing boards of the institutions of postsecondary education at which the programs are offered shall have 180 days from the date of the Commission's determination to formulate and present to the Commission a joint plan to eliminate the duplication.

(iii) If in the Commission's judgment the plan satisfactorily eliminates the duplication, the governing board of the affected institutions shall be so notified and shall take appropriate steps to implement the plan.

(iv) If in the Commission's judgment the plan does not satisfactorily eliminate the duplication, or if no plan is jointly submitted within the time period specified in paragraph (6) of this subsection, the governing board of the affected institutions shall be so notified. The Commission may then seek to eliminate the duplication by revoking the authority of a public institution of postsecondary education to offer the unreasonably duplicative program.

(6) (i) Prior to imposing a sanction under paragraph (5) of this subsection, the Commission shall give notice of the proposed sanction to the governing board of each affected institution.

(ii) 1. Within 20 days of receipt of the notice, any affected institution may request an opportunity to meet with the Commission and present objections.

2. If timely requested, the Commission shall provide such opportunity prior to the Commission's decision to impose a sanction.

(iii) The Commission's decision shall be final and is not subject to further administrative appeal or judicial review.

11-206.1.

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

(1) "Public institution of higher education" means:

(i) A public senior higher education institution; and

(ii) A community college.

(2) "Nonpublic institution of higher education" means a regionally accredited institution of higher education eligible for aid under § 17-103 of this article.

(b) (1) A president of a public institution of higher education may propose to establish a new program or abolish an existing program if the action:

(i) Is consistent with the institution's adopted mission statement under Subtitle 3 of this title; and

(ii) Can be implemented within the existing program resources of the institution.

(2) A president of a nonpublic institution of higher education may propose to establish a new program if the action:

(i) Is consistent with the mission statement published in the official catalog of the nonpublic institution; and

(ii) Can be implemented within the existing resources of the institution.

(3) The president of a public institution of higher education shall report any programs that are proposed to be established or abolished in accordance with paragraph (1) of this subsection to:

- (i) The institution's governing board; and
- (ii) The Maryland Higher Education Commission.

(4) The president of a nonpublic institution of higher education shall report any programs that are proposed to be established in accordance with paragraph (2) of this subsection to the Commission.

(5) Upon receipt of a proposed new program, the Commission shall notify all other institutions of higher education in the State.

(c) The governing board of a public institution of higher education shall:

- (1) Review the actions taken under subsection (b) of this section;
- (2) Ensure that any new program proposed to be established by a president:
 - (i) Is consistent with the institution's approved mission statement under Subtitle 3 of this title;
 - (ii) Meets a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;
 - (iii) Meets criteria for the quality of new programs, developed in consultation with the Commission; and
 - (iv) Can be implemented within the existing program resources of the institution, verified by a process established in consultation with the Commission.

(d) The Board of Regents of the University System of Maryland shall approve the proposed new program within 60 days if the program meets the criteria in subsection (c)(2) of this section, subject to the provisions of subsections (e) and (f) of this section.

(e) Within 30 days of receipt of a notice of an institution's intent to establish a new program in accordance with subsection (b) of this section, the Commission may file, or the institutions of higher education in the State may file with the Commission, an objection to implementation of a proposed program provided the objection is based on:

(1) Inconsistency of the proposed program with the institution's approved mission for a public institution of higher education and the mission statement published in the official catalog of a nonpublic institution of higher education;

(2) Not meeting a regional or statewide need consistent with the Maryland State Plan for Postsecondary Education;

(3) Unreasonable program duplication which would cause demonstrable harm to another institution; or

(4) Violation of the State's equal educational opportunity obligations under State and federal law.

(f) (1) If an objection is filed under subsection (e) of this section by the Commission or an institution within 30 days of receipt of a notice of an institution's intent to establish a new program, the Commission shall immediately notify the institution's governing board and president.

(2) The Commission shall determine if an institution's objection is justified based on the criteria in subsection (e) of this section.

(3) An objection shall be accompanied by detailed information supporting the reasons for the objection.

(4) If the Commission determines that an objection is justified, the Commission shall negotiate with the institution's governing board and president to modify the proposed program in order to resolve the objection.

(5) If the objection cannot be resolved within 30 days of receipt of an objection, the Commission shall make a final determination on approval of the new program for a public institution of higher education or a final recommendation on implementation for a nonpublic institution of higher education.

(g) (1) The Commission shall:

(i) Identify programs established under subsection (b) of this section that are inconsistent with the State Plan for Higher Education; and

(ii) Identify low productivity programs at public institutions of higher education.

(2) If the Commission identifies any programs that meet the criteria set forth in paragraph (1) of this subsection, the Commission shall notify the president of the institution.

(3) If the Commission notifies a president of an institution under paragraph (2) of this subsection, within 60 days the president of the institution shall provide to the Commission in writing:

(i) An action plan to abolish or modify the program; or

(ii) Justification for the continuation of the program.

(h) The Commission and the governing boards of the public institutions of higher education shall jointly develop a definition and accepted criteria for determining low productivity programs.

(i) The Commission shall:

(1) Monitor the program development and review process established under this section;

(2) Report annually to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the nature and extent of any duplication or proliferation of programs; and

(3) Make available a copy of the report under paragraph (2) of this subsection to the public institutions of higher education and the nonpublic institutions of higher education.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) This section applies only to a program that was approved by the Maryland Higher Education Commission under § 11–206 or § 11–206.1 of the Education Article after July 1, 2005, but before December 1, 2005, and about which an objection based on unnecessary duplication of programs was filed by Morgan State University, Coppin State University, Bowie State University, or the University of Maryland Eastern Shore.

(2) (i) Notwithstanding § 11–206(e)(6)(iii) of the Education Article or any other provision of law, a party listed in paragraph (1) of this subsection who filed an objection to a program described in paragraph (1) of this subsection may appeal the Commission’s decision, in accordance with this section.

(ii) An appeal under this section shall be submitted in writing to the Commission no later than 10 days after the effective date of this Act.

(b) Upon receiving a request to appeal and in order to assist in the conduct of an appeal under this section, the Secretary of Higher Education:

(1) shall contract with an independent entity with professional expertise in alternative dispute resolution to develop lists of qualified mediators and arbitrators and to provide any other assistance; and

(2) may apply for a funding or technical assistance grant.

(c) (1) As an initial step in the appeal, the party who filed the appeal and the prevailing party in the Commission’s decision under subsection (a) of this section shall participate in mediation.

(2) The parties shall jointly choose one mediator or a co–mediation team of two mediators from a list of qualified, independent, unbiased, and trained professional mediators with a depth of mediation experience and skill.

(3) The parties may submit for consideration qualified candidates for inclusion on the list who meet the qualifications of this subsection.

(4) From the individuals on the list, without consulting the other party, each party shall select three names. If there is a name of an individual or team of

individuals that both parties selected, that individual or team of individuals shall become the mediator or a co-mediation team of two mediators. If there is no name in common, each party shall continue to select three additional names from the list until a name in common is identified and that individual or team of individuals shall be the mediator or a co-mediation team of two mediators.

(5) With the assistance of the mediator, the parties shall seek to agree on all aspects of the conduct of the mediation.

(6) The mediator shall provide a written report of the mediation to both parties, and, if the dispute is not resolved in mediation, to the arbitrators.

(d) The parties shall submit the dispute or parts of the dispute that are unresolved to binding arbitration if the parties are unable to reach an agreement for the resolution of the dispute or parts of the dispute within 30 days from the date of the filing of the appeal, unless both parties and the mediator or mediators agree to extend the mediation.

(e) (1) Arbitration under this section shall comply with the requirements of this subsection.

(2) Arbitration shall be conducted by a panel of three arbitrators, who shall be selected from a list of individuals who meet the qualifications of this subsection.

(3) The parties may submit for consideration qualified candidates for inclusion on the list who meet the qualifications of this subsection.

(4) The list shall consist of a racially and ethnically diverse group of individuals who:

(i) are experienced arbitrators;

(ii) are objective and unbiased; and

(iii) have experience in higher education, civil rights law, or both.

(5) Individuals on the list described in paragraph (4) of this subsection may be, but are not required to be, residents of the State.

(6) From the list of qualified individuals, without consultation with the other party, each party shall choose one arbitrator.

(7) From the remaining individuals on the list, without consulting the other party, each party shall select three names. If there is a name that both parties selected, that individual shall become the third arbitrator. If there is no name in common, each party shall continue to select three additional names from the list until a name in common is identified and that individual shall be the third arbitrator.

(f) (1) Arbitration proceedings shall be completed within 30 days after the appeal is submitted to arbitration.

(2) The arbitration panel shall issue its written decision within 15 days after the conclusion of its proceedings and its decision is binding.

(g) (1) The arbitration panel's decision shall be based on whether the program complies with the State's agreement with the United States Department of Education Office for Civil Rights and the State's equal educational opportunity obligations under State and federal law.

(2) The arbitration panel's decision shall be limited to the program decision described in subsection (a) of this section and may not affect any other pre-existing program.

(h) (1) Arbitration shall be conducted in accordance with the requirements of this section.

(2) The arbitrators shall designate a time and place for the proceedings.

(3) The arbitration proceedings shall be heard and conducted by all the arbitrators.

(4) The arbitrators may adjourn the proceedings from time to time as necessary or postpone the proceedings for good cause shown.

(5) The parties have the right:

- (i) to be represented by an attorney;
 - (ii) to be heard;
 - (iii) to present evidence; and
 - (iv) to cross examine witnesses.
- (6) The arbitrators shall provide for the recording and transcription of the proceedings.
- (7) Arbitration shall be conducted in accordance with the Maryland Rules of Evidence.
- (8) The arbitrators may require witnesses to testify under oath and, if requested by either party, shall do so.
- (9) A majority of the arbitrators shall determine any question and render a final decision.
- (10) The arbitrators may issue subpoenas for the attendance of witnesses or the production of documents.
- (11) A party or the arbitrators may file a petition with a court to enforce a subpoena.
- (12) A subpoena shall be enforced in the manner provided by law or rule for the enforcement of subpoenas in a civil action.
- (13) The arbitrators may permit a deposition to be taken in the manner and upon the terms designated by the arbitrators if:
 - (i) the witness cannot be subpoenaed; or
 - (ii) the witness is unable to attend a hearing.
- (14) If an arbitrator for any reason ceases to act during the course of the proceedings, the remaining arbitrators shall continue with the proceedings and render a

decision.

(15) The arbitrators shall deliver copies of their decision to the parties and the Maryland Higher Education Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That if a program is discontinued by agreement of the parties through mediation or binding arbitration, a public institution of higher education shall accept transfer students in good standing in the discontinued program.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Higher Education Commission shall convene an intersegmental workgroup that includes members of the higher education community and State officials, including at least one expert in alternative dispute resolution.

(b) The workgroup shall review the academic program approval process and shall make recommendations regarding the program approval and appeal process.

(c) On or before December 1, 2007, the workgroup shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Higher Education Commission may request a deficiency appropriation for the cost of conducting an appeal under Section 2 of this Act if a grant is not received or does not cover all of the costs incurred as the result of an appeal.”.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 24 and 25 and substitute:

“SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0029
SPONSOR: Sen Conway, et al
SUBJECT: Maryland Higher Education Commission – Review of Duplicative Academic Programs

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Conway, Chairman, Dyson, and Pinsky.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0519/472913/1)

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 519
(Third Reading File Bill)

On page 9, in line 6, strike "DURING THE PRIOR SCHOOL SEMESTER" and substitute "WITHIN THE PAST CALENDAR YEAR".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: SB 0519
SPONSOR: Sen Peters, et al
SUBJECT: Truancy – Prohibition Against Issuance of Learner’s Instructional Permit

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

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Brochin, Chairman, Muse, and Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0672
SPONSOR: Del McComas, et al
SUBJECT: Petition for Guardianship of Dis Person – Cert of Competency by Lic’d Certd Socl Worker–Clinical

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 Rosenberg, Chairman, Schuler, and McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 0672

SPONSOR: Del McComas, et al

SUBJECT: Petition for Guardianship of Dis Person – Cert of Competency by Lic'd Certd Socl Worker–Clinical

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 Rosenberg, Chair, Schuler, and McConkey.

The Senate appoints: Senators Forehand, Chairman, Raskin, and Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES**BILL: HB 0636**

SPONSOR: Prince George's County Delegation

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

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 Ramirez, Chairman, Barnes, and Dwyer.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief ClerkRead and ordered journalized.**MESSAGE TO THE HOUSE OF DELEGATES**

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0636

SPONSOR: Prince George's County Delegation

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

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 Ramirez, Chair, Barnes, and Dwyer.

The Senate appoints: Senators Muse, Chairman, Stone, and Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 387** SPONSOR: **Delegate Smigiel**

SUBJECT: **Torts - Release of Claim for Damages - Voidable**

THIRD READING CALENDAR HOUSE NO. **16** SENATE NO. **7**

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

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

That the attached Judicial Proceedings Committee Amendments (HB0387/598771/1) be adopted.

(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”.

Senate Members:

House Members:

Chairman, **C. Anthony Muse**

Chairman, **Curt Anderson**

Norman R. Stone, Jr.

Frank M. Conaway, Jr.

Lisa A. Gladden

Tony McConkey

Conference Committee Report read and adopted.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

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**

Introductory remarks of the Honorable James E. DeGrange, Sr., Chairman of the Subcommittee on Capital Budget, regarding the Capital Budget Bill Conference Committee Report.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 51 –
THE CAPITAL BUDGET BILL

(See Exhibit P of Appendix III)

Conference Committee Report read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1027)

The Bill was then sent to the House of Delegates.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #57**

CONSENT CALENDAR #71

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

BILL NO.	REPORT	SPONSOR	CONTENT
SB 806	FAV	Sen McFadden	Baltimore City – Alcoholic Beverages Act of 2007
HB 564	FAV	Del Haddaway, et al	Dor and Tal Counties – Unattended Marine Vsl Mtr Fuel Retail Serv Stations at Marinas – Pilot Pgm
HB 601	FAV	Del Bohanan, et al	St. Mary’s County – Deer Hunting on Private Property – Sundays
HB 667	FAV	Mont Co Deleg and PG Co Dele	Washington Suburban Sanitary District – System Development Charge – Exemptions MC/PG 116–07
HB 691	FAV	Mont Co Deleg and PG Co Dele	WSSC – Minority and Local Small Business Enterprise Programs MC/PG 104–07
HB 710	FAV	Mont Co Deleg and PG Co Dele	Maryland–National Capital Park and Planning Commission – Service Contracts MC/PG 117–07
HB 723	FAV	Mont Co Deleg and PG Co Dele	Montgomery County – Maryland–Washington Metropolitan District – Boundaries MC/PG 121–07
HB 908	FAV	Prince George’s Count Delegation	Prince George’s Co – Public Saf Surcharge – Increased Distrib of Rev to Mun Corpns PG 414–07
HB 1228	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Sunday Sales for Hotels and Restaurants
HB 1344	FAV	Frederick County Delegation	Frederick County Commissioners – Zoning and Planning – Public Ethics

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #53**

CONSENT CALENDAR #70

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 711	FAV	Mont Co Deleg & PG Co Deleg (By Request)	M-NCPPC – Open Space Dedication – Fee in Lieu MC/PG 120-07
HB 1091	FAV	Frederick County Delegation	Frederick County Board of Elections – Salary Increase

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1028)

ADJOURNMENT

At 1:00 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 2:30 P.M. on Legislative Day April 3, 2007, Calendar Day, Monday, April 9, 2007.

Annapolis, Maryland
Legislative Day: April 3, 2007
Calendar Day: Monday, April 9, 2007
2:30 P.M. Session

The Senate met at 2:43 P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 1032)

The Journal of April 2, 2007 was read and approved.

YEAS AND NAYS #14

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 511	Sen. Dyson	Real Property – Sale of Property Encumbered by a Conservation Easement
SB 693	Sen. Zirkin	HIV Testing – Exposure – Forensic Scientist
SB 702	Sen. Dyson	Yellow Perch Conservation and Sustainability Act
SB 764	Sen. Dyson	Higher Education – St. Mary's College of Maryland – Procurement Authority
SB 774	Sen. Britt	Cervical Cancer Committee – HPV Vaccine Subcommittee
SB 873	Sen. Garagiola	Task Force to Study State Assistance to Veterans
SB 915	Sen. McFadden	State Government – Maryland Veterans Commission – Membership
SB 937	Sen. Kelley	State Board for Certification

		of Residential Child Care Program Administrators – Fees
SB 973	Chair, EHE Com.	Environment – Permissible Methods of Service
SB 1022	Sen. Middleton	Group Life Insurance – Additional Insureds – Domestic Partners

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #37

House Bill 101 – Delegates Burns, Anderson, Bohanan, Cane, Carter, Conaway, Doory, Glenn, Howard, Jones, Lafferty, Levy, McIntosh, Morhaim, Nathan–Pulliam, Oaks, Rosenberg, Stein, Vallario, ~~and Vaughn~~ Vaughn, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kipke, Kullen, Mizeur, Montgomery, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

State Government – Commemorative ~~Months~~ Month – Black History ~~Months~~ Month

FOR the purpose of requiring the Governor to proclaim the ~~months of January and~~ month of February to be “Black History ~~Months~~ Month”.

BY adding to

Article – State Government
Section 13–502
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #54

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

House Bill 413 – Delegates Love and Krysiak

AN ACT concerning

State Board for Professional Engineers – Repeal of Authority to Issue Limited Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 793 – Delegates Nathan–Pulliam, Benson, Braveboy, Cane, Conaway, Costa, Gaines, Glenn, Griffith, Gutierrez, Kipke, Lee, Montgomery, Oaks, Pena–Melnik, ~~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

(Amendment ID: HB0793/834739/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 793
(Third Reading File Bill)

On page 3, strike in their entirety lines 21 through 23, inclusive.

On page 4, strike in their entirety lines 1 through 5, inclusive; in lines 6 and 9, strike “(5)” and “(6)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 11, strike “AND”; and in line 13, after “CENTER” insert “;”

(III) DEVELOP, IMPLEMENT, AND LEAD A STATE COMPREHENSIVE EDUCATION AND TREATMENT PROGRAM FOR ADULTS WITH SICKLE CELL DISEASE; AND

(IV) DEVELOP AND IMPLEMENT A HEALTH CARE PROVIDER AWARENESS AND EDUCATION CAMPAIGN TO INCREASE PROVIDER AWARENESS OF HEALTH DISPARITIES, COMMUNITY DYNAMICS, CULTURAL PRACTICE, BEHAVIORAL AND PSYCHOSOCIAL ISSUES, AND THE USE OF STANDARDIZED TREATMENT AND EMERGENCY ROOM PROTOCOLS”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB0988/954738/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 988
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “requiring” in line 16 down through “files;” in line 17 and substitute “establishing that certain members are not eligible to serve another term;”; in line 21, strike “and assess and identify” and substitute “, including the assessment and identification of”; and in the same line, after “patterns” insert “, and recommend certain tracking mechanisms for certain complaints”.

AMENDMENT NO. 2

On page 12, in line 18, after “Act.” insert “Members of the Board who have not served 4 years as of the effective date of this Act may continue to serve until they have completed their term. At the end of the term, the member is not eligible to serve another term and shall continue to serve until a successor is appointed and qualifies.”.

AMENDMENT NO. 3

On pages 13 and 14, strike in their entirety the lines beginning with line 26 on page 13 through line 11 on page 14, inclusive.

On page 14, in line 15, strike “4.” and substitute “3.”; in line 23, strike “shall” and substitute “shall:”

(1);

and in lines 26, 27, 29, and 31, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(i)”, “(ii)”, “(iii)”, and “(iv)”, respectively.

On page 15, in lines 1, 4, 6, 7, and 10, strike “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively, and substitute “(v)”, “(vi)”, “(vii)”, “(viii)”, and “(ix)”, respectively; in line 12, strike “licensee” and substitute “licensee; and”

(2) recommend a mechanism for tracking future complaints in a manner similar to the review outlined in item (1) of this subsection to ensure that sanctions are

consistently applied against licensees and that sanctions are within the bounds of the Board's legislative and regulatory authority.”;

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1242 – Delegate Weldon

AN ACT concerning

Open Meetings Act

(Amendment ID: HB1242/664233/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1242
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 3 down through “serve;” in line 4; in line 5, after “the” insert “State Open Meetings”; and in line 11, strike “10-502.2,”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 through 26, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1033)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #53

Senate Bill 83 – Senator Zirkin

AN ACT concerning

Sexual Offenders – Evaluation Before Sentencing

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1034)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #54

Senate Bill 332 – Senators Frosh and Brochin

AN ACT concerning

High Performance Buildings Act
Maryland Green Building Council

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

Senate Bill 552 – Senators Garagiola, Forehand, Hogan, Lenett, McFadden, Raskin, Rosapepe, ~~and Simonaire~~ Simonaire, Jones, and Madaleno

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

Senate Bill 632 – Senator Jacobs and the President (By Request – ~~Administration, Attorney General, and Maryland State’s Attorneys’ Association~~) Administration and Attorney General) and Senators Brochin, Haines, Simonaire, and Stone

AN ACT concerning

Maryland Gang Prosecution Act of 2007

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1037)

The Bill was then sent to the House of Delegates.

Senate Bill 920 – ~~Senator Colburn~~ Senators Colburn and Edwards

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset ~~Repeal~~ Extension

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1038)

The Bill was then sent to the House of Delegates.

Senate Bill 1018 – Senator Muse

AN ACT concerning

Task Force to Study Rent Stabilization for the Elderly in Prince George’s County

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1039)

The Bill was then sent to the House of Delegates.

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Critical Areas – Applications for Variances – Local Jurisdictions

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1040)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 102 – Wicomico County Delegation ~~and Worcester County Delegation,~~
Worcester County Delegation, and Somerset County Delegation

SECOND PRINTING

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

House Bill 133 – The Speaker (By Request – Administration) and Delegates Busch, Haynes, ~~and McIntosh~~ McIntosh, Ali, Beidle, Bobo, Boteler, Cane, V. Clagett, Frush, Glassman, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Montgomery, Niemann, O'Donnell, Shewell, Sossi, Stein, Stull, and Weir

AN ACT concerning

Natural Resources – Chesapeake Bay – Oyster Restoration

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1042)

The Bill was then sent to the House of Delegates.

House Bill 204 – Delegates Rice, Ali, Barkley, Barnes, Bronrott, Cardin, Dumais, Feldman, Gutierrez, Hixson, Hucker, Ivey, N. King, Kipke, Kramer, Lawton, Manno, Mizeur, Olszewski, Pena–Melnik, Ross, Schuler, Stukes, Tarrant, Taylor, Valderrama, Vaughn, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Barve, Elmore, George, Gilchrist, Howard, Jennings, Kaiser, Krebs, McKee, Murphy, and F. Turner

AN ACT concerning

~~**Tax Credit – Student Textbooks**~~
Task Force to Study the Cost of Textbooks for Higher Education

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1043)

The Bill was then sent to the House of Delegates.

House Bill 412 – Delegates Elmore, Ali, Aumann, Bartlett, Bates, Beitzel, Boteler, Cane, DeBoy, Eckardt, Frank, George, Glassman, Haddaway, Impallaria, Jameson, Jennings, Kach, Kelly, N. King, Krebs, Kullen, Levy, Malone, McConkey, McDonough, McKee, Murphy, Myers, Shewell, Smigiel, Stull, Weir, Weldon, and Wood

AN ACT concerning

Natural Resources – Oyster Dredge Devices – Termination Date

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1044)

The Bill was then sent to the House of Delegates.

House Bill 488 – Delegates Morhaim, Bobo, and Montgomery

AN ACT concerning

Environment – Statewide Electronics Recycling Program

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1045)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1046)

The Bill was then sent to the House of Delegates.

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 – 42 Negative – 3 (See Roll Call No. 1047)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #34

CONSENT CALENDAR #22

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 62	Del. Eckardt	Dorchester County – Alcoholic Beverages – Class D License	EHE
HB 68 (AMENDED)	Del. Cane	Wicomico County – Alcoholic Beverages – Places of Public	EHE

		Entertainment and Unlicensed Establishments	
HB 216	Del. Morhaim	HIV Testing – Exposure – Forensic Scientist	EHE
HB 356	Washington County Del.	Washington County – Alcoholic Beverages Licenses – Administrative Proceedings	EHE
HB 503 (AMENDED)	Prince George’s Del.	Prince George’s Co – Alc Bevs – Class B–DD (Dev District) License PG 304–07	EHE
HB 629	Prince George’s Del.	Prince George’s Co – Task Force on the Est of Voc and Technical Ed High School Academies PG 423–07	EHE
HB 722	Washington County Del.	Washington County – Code of Public Local Laws – Compilation and Legalization	EHE
HB 772	Howard County Del.	Howard County – Zoning Regulations – Administrative Proceedings Ho. Co. 5–07	EHE
HB 1245	Anne Arundel Co. Del.	Anne Arundel County – Alcoholic Beverages – Board of License Commissioners – Inspectors	EHE
HB 1284 (AMENDED)	Del. McHale	Ground Leases – Redemption – Preferred Interest Rate Loans	EHE
HB 1412	Del. Harrison	State Government – Maryland Veterans Commission – Membership	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 22 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1048)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #35

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 – 47 Negative – 0 (See Roll Call No. 1049)

The Bill was then sent to the House of Delegates.

House Bill 423 – Delegate McIntosh

AN ACT concerning

Workforce Housing Grant Program – Fund Establishment – Administrative Clarifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1050)

The Bill was then sent to the House of Delegates.

House Bill 551 – Anne Arundel County Delegation

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 – 47 Negative – 0 (See Roll Call No. 1051)

The Bill was then sent to the House of Delegates.

House Bill 689 – Harford County Delegation

AN ACT concerning

Maryland Emergency Management Assistance Compact

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1052)

The Bill was then sent to the House of Delegates.

House Bill 745 – Delegates Stein, Cardin, Cane, Mizeur, ~~and Morhaim~~ Morhaim, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

State-Owned Heavy Equipment and Heating Equipment – Biodiesel Fuel Requirement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1053)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1054)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 2 (See Roll Call No. 1055)

The Bill was then sent to the House of Delegates.

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 – 34 Negative – 13 (See Roll Call No. 1056)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #36

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 – 47 Negative – 0 (See Roll Call No. 1057)

The Bill was then sent to the House of Delegates.

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 – 40 Negative – 7 (See Roll Call No. 1058)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 29 Negative – 18 (See Roll Call No. 1059)

The Bill was then sent to the House of Delegates.

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 – 33 Negative – 11 (See Roll Call No. 1060)

The Bill was then sent to the House of Delegates.

House Bill 1427 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support – Collection Fee

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

Affirmative – 32 Negative – 15 (See Roll Call No. 1061)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 164 – Delegates N. King, Ali, Barkley, Barve, Bronrott, Dumais, Elmore, Feldman, Gilchrist, Hixson, Ivey, Jennings, Kaiser, Kramer, Lawton, Love, Montgomery, Olszewski, Rice, Ross, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Cardin, George, Howard, Krebs, McKee, Murphy, Stukes, and F. Turner

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

FLOOR AMENDMENT

(Amendment ID: HB0164/963323/1)

BY: Senator Hogan

AMENDMENT TO HOUSE BILL 164, AS AMENDED

On page 2 of the Budget and Taxation Committee Amendments (HB0164/959031/1), in line 7 of Amendment No. 2, after “purchased” insert “or leased”.

The preceding amendment was read and adopted.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1062)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1063)

The Bill was then sent to the House of Delegates.

House Bill 654 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Transfer Tax – Deputy Sheriffs

PG 409–07

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1064)

The Bill was then sent to the House of Delegates.

**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–Melnik, 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 – 42 Negative – 4 (See Roll Call No. 1065)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1066)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1067)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1068)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1069)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1070)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1071)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 339 – Delegates Costa, Boteler, Bromwell, Impallaria, Kach, Kaiser, J. King, Kipke, McDonough, Oaks, Pena–Melnik, ~~and Weldon~~ Weldon, Beitzel, Benson, Donoghue, Elliott, Hammen, Hubbard, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Riley, and Tarrant

AN ACT concerning

Health Insurance – Small Group Market – Health Benefit Plans – Rates

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

House Bill 1034 – Delegates Oaks, Glenn, and Rosenberg

AN ACT concerning

Maryland Healthy Places Act

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

The motion was adopted.

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 – 47 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1076)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #39

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 – 47 Negative – 0 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

House Bill 277 – Delegate Rosenberg

AN ACT concerning

Workers' Compensation – Covered Employee – Domestic Worker

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1078)

The Bill was then sent to the House of Delegates.

House Bill 572 – Delegates Elliott, Benson, Donoghue, Goldwater, Hammen, Hubbard, Krebs, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Riley, Shewell, Stull, Tarrant, and Weldon

AN ACT concerning

Health Insurance – ~~Expansion of Coverage~~ Personal Responsibility – Study

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1079)

The Bill was then sent to the House of Delegates.

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–Melnyk, 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 – 41 Negative – 6 (See Roll Call No. 1080)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1081)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1082)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 2 (See Roll Call No. 1083)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1084)

The Bill was then sent to the House of Delegates.

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 – 44 Negative – 0 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1086)

The Bill was then sent to the House of Delegates.

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 – 33 Negative – 11 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

House Bill 519 – Delegates Bromwell, Cardin, DeBoy, Donoghue, Hubbard, Malone, Oaks, and Schuler

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1088)

The Bill was then sent to the House of Delegates.

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

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

The motion was adopted.

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 – 47 Negative – 0 (See Roll Call No. 1089)

The Bill was then sent to the House of Delegates.

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

FLOOR AMENDMENT

(Amendment ID: HB0713/193728/1)

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 713

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, strike “or concurrent with”.

AMENDMENT NO. 2

On page 5, in line 2, strike “**OR CONCURRENT WITH**”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 1090)

FLOOR AMENDMENT

(Amendment ID: HB0713/413122/1)

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 713

(Third Reading File Bill)

On page 3, in line 2, strike “ONGOING”.

On page 4, in line 9, strike “AN ONGOING” and substitute “A”.

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

Affirmative – 18 Negative – 29 (See Roll Call No. 1091)

FLOOR AMENDMENT

(Amendment ID: HB0713/433026/1)

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 713

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “in” insert “or have engaged in”.

AMENDMENT NO. 2

On page 4, in line 3, strike “OR”; in line 5, after “ARTICLE” insert “; OR

(4) A VIOLATION OF § 3-204, § 5-134, § 5-136, § 5-601, § 6-107, § 6-207, § 11-303, § 11-305, OR § 11-306 OF THIS ARTICLE”;

and in line 9, after “IN” insert “OR HAVE ENGAGED IN”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 1092)

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1093)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

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

FLOOR AMENDMENT

(Amendment ID: HB0430/333521/1)

BY: Senator Kittleman

AMENDMENT TO HOUSE BILL 430

(Third Reading File Bill)

On page 5, in line 6, after “INCREASE” insert “OR DECREASE”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0430/303627/1)

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 430, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (HB0430/757277/1), in line 4 of Amendment No. 1, strike “every five years” and substitute “at certain intervals”.

AMENDMENT NO. 2

On page 2 of the Finance Committee Amendments, in line 10 of Amendment No. 3, strike “5” and substitute “3”.

The preceding 2 amendments were read and adopted.

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 430**.

The motion was adopted by a roll call vote as follows:

Affirmative – 32 Negative – 15 (See Roll Call No. 1094)

Pursuant to the provisions of Senate Rule 77(b), debate on **House Bill 430** on Third Reading, as to such House Bill and on all questions and motions relating to such reading on such House Bill shall be limited as follows:

Debate on **House Bill 430** shall be limited to 30 minutes in the aggregate for consideration of Second and Third Reading and on Final Passage and on all subsequent questions, amendments and motions relating to such reading and other actions. The President shall allocate the 30 minutes aggregate time among those Senators desiring to speak thereon, provided that not more than 15 minutes shall be allocated for the proponents and not more than 15 minutes shall be allocated for the opponents of such House Bill.

FLOOR AMENDMENT

(Amendment ID: HB0430/423327/1)

BY: Senator Harris

AMENDMENT TO HOUSE BILL 430 (Third Reading File Bill)

On page 9, in line 15, after the second “of” insert “;

(1)”;

and in line 16, after “sectors” insert “; and

(2) the impact of this Act on the cost of health care for employers and employees affected by this Act”.

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

Affirmative – 15 Negative – 25 (See Roll Call No. 1095)

FLOOR AMENDMENT

(Amendment ID: HB0430/463521/1)

BY: Senator Greenip

AMENDMENT TO HOUSE BILL 430

(Third Reading File Bill)

On page 4, after line 5, insert:

“(3) THIS TITLE ONLY APPLIES TO AN EMPLOYEE OF AN EMPLOYER IF THE EMPLOYEE IS:

(I) A CITIZEN OF THE UNITED STATES; OR

(II) AUTHORIZED TO LEGALLY WORK IN THE UNITED STATES.”

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

Affirmative – 15 Negative – 27 (See Roll Call No. 1096)

FLOOR AMENDMENT

(Amendment ID: HB0430/453925/2)

BY: Senator Hooper

AMENDMENT TO HOUSE BILL 430

(Third Reading File Bill)

On page 5, in line 20, before “**IF**” insert “**(1)**”; in lines 23 and 26, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; and after line 29, insert:

“(2) AN EMPLOYER NEED NOT PAY WAGES TO AN EMPLOYEE AT THE RATES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FOR ANY STATE CONTRACT SERVICES PERFORMED BY THE EMPLOYEE OUTSIDE THE STATE.”

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

Affirmative – 13 Negative – 29 (See Roll Call No. 1097)

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 430** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 1098)

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 430** on Third Reading and Final Passage.

House Bill 430 – Delegates Taylor, Hucker, Ali, Anderson, Barkley, Barnes, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, V. Clagett, Conaway, Dumais, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Ivey, Jones, Kaiser, N. King, Kirk, Krysiak, Kullen, Lawton, Lee, Levi, Love, Manno, McIntosh, Mizeur, Montgomery, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Rice, Riley, Ross, Schuler, Simmons, Stukes, F. Turner, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, and Healey

AN ACT concerning

State Procurement Contracts – Living Wage

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

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

Affirmative – 31 Negative – 16 (See Roll Call No. 1099)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 1131

SPONSOR: Dels Hubbard and Frush

SUBJECT: Environment – Phosphorus – Dishwashing Detergent

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 Hucker, Chairman, Weir, and O'Donnell.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: HB 1131
SPONSOR: Dels Hubbard and Frush
SUBJECT: Environment – Phosphorus – Dishwashing Detergent

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 Hucker, Chair, Weir, and O'Donnell.

The Senate appoints: Senators Pinsky, Chairman, Rosapepe, and Greenip.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0003/770013/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 3
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 22, before the first “and” insert “providing for the application of a certain provision of this Act; requiring the State or any of its instrumentalities or political subdivisions to file an action of condemnation within a certain time period under certain circumstances;”.

AMENDMENT NO. 2

On page 8, in lines 4 and 6, in each instance, strike “**3**” and substitute “**4**”; in line 5, strike “**DETERMINATION**” and substitute “AUTHORIZATION”; and in line 10, strike “**CONDEMN**” and substitute “ACQUIRE”.

On page 14, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That § 12–105.1 of the Real Property Article as enacted by 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 any specific administrative or legislative authorization to acquire property granted by the State or any of its instrumentalities or political subdivisions before the effective date of this Act.”

SECTION 3. AND BE IT FURTHER ENACTED, That with regard to any specific administrative or legislative authorization to acquire property granted by the State or any of its instrumentalities or political subdivisions before the effective date of this Act, the State or any of its instrumentalities or political subdivisions shall file an action of condemnation within 4 years from the effective date of this Act, and if an action of condemnation is not filed within 4 years from the effective date of this Act, the State or any of its instrumentalities or political subdivisions shall obtain a new authorization to acquire property before proceeding with the condemnation.”;

and in line 25, strike “2.” and substitute “4.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1100)

AMENDED IN THE HOUSE

Senate Bill 287 – Senator Kelley

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Receivership

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

(Amendment ID: SB0287/730414/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 287

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Receivership” and substitute “Court Appointment of Receiver”; and strike beginning with the first “certain” in line 4 down through “receiver;” in line 19 and substitute “not less than a certain number of unit owners to petition a certain circuit court to appoint a receiver if a council of unit owners fails to fill certain”

vacancies on the board of directors under the Maryland Condominium Act; requiring the unit owners to mail a certain notice; requiring the unit owners to post a certain notice in a certain manner; providing that the unit owners may proceed with the petition under certain circumstances; providing that a certain receiver may not reside in or own a unit in a certain condominium; 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 not less than a certain number of owners of certain lots to petition a certain circuit court to appoint a receiver if a homeowners association fails to fill certain vacancies on the governing body under the Maryland Homeowners Association Act; requiring the lot owners to mail a certain notice; providing that the lot owners may proceed with the petition under certain circumstances; providing that a certain receiver may not reside in or own a lot in a certain development;”.

On page 2, in line 1, strike “an independent” and substitute “a”.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 12 on page 2 through line 20 on page 5, inclusive, and substitute:

“(A) IF THE COUNCIL OF UNIT OWNERS FAILS TO FILL VACANCIES ON THE BOARD OF DIRECTORS SUFFICIENT TO CONSTITUTE A QUORUM IN ACCORDANCE WITH THE BYLAWS, THREE OR MORE UNIT OWNERS MAY PETITION THE CIRCUIT COURT FOR THE COUNTY WHERE THE CONDOMINIUM IS LOCATED TO APPOINT A RECEIVER TO MANAGE THE AFFAIRS OF THE COUNCIL OF UNIT OWNERS.

(B) (1) AT LEAST 30 DAYS BEFORE PETITIONING THE CIRCUIT COURT, THE UNIT OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION SHALL MAIL TO THE COUNCIL OF UNIT OWNERS A NOTICE DESCRIBING THE PETITION AND THE PROPOSED ACTION.

(2) THE UNIT OWNERS SHALL POST A COPY OF THE NOTICE IN A CONSPICUOUS PLACE ON THE CONDOMINIUM PROPERTY.

(C) IF THE COUNCIL OF UNIT OWNERS FAILS TO FILL VACANCIES SUFFICIENT TO CONSTITUTE A QUORUM WITHIN THE NOTICE PERIOD, THE UNIT OWNERS MAY PROCEED WITH THE PETITION.

(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.

(E) (1) A RECEIVER APPOINTED UNDER THIS SECTION SHALL HAVE ALL POWERS AND DUTIES OF A DULY CONSTITUTED BOARD OF DIRECTORS.

(2) THE RECEIVER SHALL SERVE UNTIL THE COUNCIL OF UNIT OWNERS FILLS VACANCIES ON THE BOARD OF DIRECTORS SUFFICIENT TO CONSTITUTE A QUORUM.

(F) THE SALARY OF THE RECEIVER, COURT COSTS, AND REASONABLE ATTORNEY'S FEES ARE COMMON EXPENSES.

11B-111.5.

(A) IF A HOMEOWNERS ASSOCIATION FAILS TO FILL VACANCIES ON THE GOVERNING BODY SUFFICIENT TO CONSTITUTE A QUORUM IN ACCORDANCE WITH THE BYLAWS, THREE OR MORE OWNERS OF LOTS MAY PETITION THE CIRCUIT COURT FOR THE COUNTY WHERE THE CONDOMINIUM IS LOCATED TO APPOINT A RECEIVER TO MANAGE THE AFFAIRS OF THE HOMEOWNERS ASSOCIATION.

(B) (1) AT LEAST 30 DAYS BEFORE PETITIONING THE CIRCUIT COURT, THE LOT OWNERS ACTING UNDER THE AUTHORITY GRANTED BY SUBSECTION (A) OF THIS SECTION SHALL MAIL TO THE GOVERNING BODY A NOTICE DESCRIBING THE PETITION AND THE PROPOSED ACTION.

(2) THE LOT OWNERS SHALL MAIL A COPY OF THE NOTICE TO THE OWNER OF EACH LOT IN THE DEVELOPMENT.

(C) IF THE GOVERNING BODY FAILS TO FILL VACANCIES SUFFICIENT TO CONSTITUTE A QUORUM WITHIN THE NOTICE PERIOD, THE LOT OWNERS MAY PROCEED WITH THE PETITION.

(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.

(E) (1) A RECEIVER APPOINTED UNDER THIS SECTION SHALL HAVE ALL POWERS AND DUTIES OF A DULY CONSTITUTED GOVERNING BODY.

(2) THE RECEIVER SHALL SERVE UNTIL THE HOMEOWNERS ASSOCIATION FILLS VACANCIES ON THE GOVERNING BODY SUFFICIENT TO CONSTITUTE A QUORUM.

(F) THE SALARY OF THE RECEIVER, COURT COSTS, AND REASONABLE ATTORNEY'S FEES ARE EXPENSES OF THE HOMEOWNERS ASSOCIATION."

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1101)

AMENDED IN THE HOUSE

Senate Bill 309 – Senator Stone

AN ACT concerning

Civil Actions – Dismissal ~~or Termination~~ – Limitations

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

(Amendment ID: SB0309/362317/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 309

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Actions” insert “or Claims – Reports”; in lines 3, 4, and 7, in each instance, after “action” insert “or claim”; in line 4, after “cause” insert “against the same party or parties”; in line 6, after “prejudice” insert “for failure to file a”

certain report under certain circumstances”; in line 9, after the second “of” insert “certain”; and in the same line, after “actions” insert “and claims”.

AMENDMENT NO. 2

On page 2, in line 2, after “(A)” insert “(1)”; in line 3, in each instance, after “ACTION” insert “OR CLAIM”; and after line 3, insert:

“(2) THIS SECTION APPLIES ONLY TO A CIVIL ACTION OR CLAIM THAT IS DISMISSED ONCE FOR FAILURE TO FILE A REPORT IN ACCORDANCE WITH § 3-2A-04(B)(3) OF THIS ARTICLE.”

AMENDMENT NO. 3

On page 2, in lines 4 and 7, in each instance, after “ACTION” insert “OR CLAIM”; in line 8, strike “WITHIN” and substitute “AGAINST THE SAME PARTY OR PARTIES ON OR BEFORE”; in line 9, after “THE” insert “EXPIRATION OF THE”; in the same line, strike “OR”; in line 10, strike “6 MONTHS” and substitute “60 DAYS”; and in the same line, after “DISMISSAL” insert “; OR”

(3) AUGUST 1, 2007, IF THE ACTION OR CLAIM WAS DISMISSED ON OR AFTER NOVEMBER 17, 2006, BUT BEFORE JUNE 1, 2007”.

AMENDMENT NO. 4

On page 2, in line 14, after “action” insert “or claim”; in line 15, after “Act” insert “for which a final judgment has been rendered and for which appeals, if any, have been exhausted before the effective date of this Act”; and in line 17, strike “October” and substitute “June”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 30 Negative – 16 (See Roll Call No. 1102)

AMENDED IN THE HOUSE

Senate Bill 360 – Senator Zirkin

AN ACT concerning

Juvenile Justice Monitoring Unit – Expansion of Jurisdiction

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

(Amendment ID: SB0360/612118/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 360

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “any” insert “residential”; in line 5, after “Services;” insert “expanding the duties of the Juvenile Justice Monitoring Unit; requiring the Juvenile Justice Monitoring Unit to make certain reports to the Executive Director of the Governor’s Office for Children; defining a certain term; repealing a certain definition;”; in line 8, strike the first “certain”; in the same line, strike “making” and substitute “providing for a delayed effective date for certain provisions of this Act; making”; and in line 13, after “6-401” insert “, 6-404,”.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“(D) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE FOR CHILDREN.”;

in lines 10, 15, 19, and 23, strike “(d)”, “(e)”, “(f)”, and “(g)”, respectively, and substitute “(E)”, “(F)”, “(G)”, and “(H)”, respectively; in line 13, strike “OR” and substitute “AND”; and strike in their entirety lines 24 and 25.

On page 3, after line 9, insert:

“6-404.

The Unit shall:

- (1) evaluate at each facility:

- (i) the child advocacy grievance process;
- (ii) the Department’s monitoring process;
- (iii) the treatment of and services to youth;
- (iv) the physical conditions of the facility; and
- (v) the adequacy of staffing;

(2) review all reports of disciplinary actions, grievances, and grievance dispositions received from each facility and alterations in the status or placement of a child that result in more security, additional obligations, or less personal freedom;

(3) receive copies of the grievances submitted to the Department;

(4) perform unannounced site visits and on-site inspections of facilities;

(5) receive and review all incident reports submitted to the Department from facilities;

(6) receive reports of the findings of child protective services investigations of allegations of abuse or neglect of a child in a facility; [and]

(7) ENSURE THAT EACH FACILITY IS IN COMPLIANCE WITH THE REGULATIONS APPLICABLE TO RESIDENTIAL FACILITIES;

(8) COLLABORATE WITH THE DEPARTMENT, THE DEPARTMENT OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE GOVERNOR’S OFFICE FOR CHILDREN IN ALL MATTERS RELATED TO THE LICENSING AND MONITORING OF CHILDREN’S RESIDENTIAL FACILITIES; AND

[7] (9) have a representative available to attend meetings of the advisory boards established under Article 83C, § 2-119 of the Code.”;

and in lines 11 and 21, in each instance, strike “Special Secretary” and substitute “Executive Director”.

On page 4, in line 5, strike “Special Secretary” and substitute “Executive Director”.

AMENDMENT NO. 3

On page 4, in line 17, strike “regular”.

AMENDMENT NO. 4

On page 4, in lines 20 and 22, in each instance, strike “October 1, 2007” and substitute “January 1, 2008”; and in line 28, strike “June” and substitute “October”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1103)

AMENDED IN THE HOUSE

Senate Bill 389 – Senator Stone

AN ACT concerning

Civil Actions – Liability of Insurer – ~~Failure to Act in Good~~ Bad Faith

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

(Amendment ID: SB0389/262816/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 389

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Bad” and substitute “Failure to Act in Good”; strike beginning with the first “an” in line 3 down through “faith” in line 10 and substitute “the recovery of actual damages, expenses, litigation costs, and interest in first-party claims against property and casualty insurers under certain circumstances; providing that the”

interest is to be computed at a certain rate and from a certain date; 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; providing for the application of this Act; and generally relating to 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 10, insert:

“BY repealing and reenacting, with amendments,
 Article 1 – Rules of Interpretation
 Section 32
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)”;

in line 13, after “Insurer”” insert “; and 5–118”; and after line 15, 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
 (2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 17, 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.”.

On page 2, after line 2, 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.”;

strike in their entirety lines 3 through 18, inclusive, and substitute:

“(D) THIS SECTION APPLIES 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.”;

in line 19, strike “(C)” and substitute “(E)”; in line 20, strike “COURT” and substitute “TRIER OF FACT”; in lines 21 and 22, strike “ACTED IN BAD FAITH” and substitute “FAILED TO ACT IN GOOD FAITH”; strike beginning with “MAY” in line 23 down through “POLICY” in line 24 and substitute “ACTUAL DAMAGES MAY NOT EXCEED THE LIMITS OF THE APPLICABLE POLICY”; strike beginning with “NONECONOMIC” in line 25 down through “(4)” in line 27; and in line 28, after “INSURED” insert “IN AN ACTION UNDER THIS SECTION OR UNDER § 27-1001 OF THE INSURANCE ARTICLE OR BOTH”.

On page 3, in line 1, strike “(5)” and substitute “(3)”; in the same line, strike “EXPENSES” and substitute “ACTUAL DAMAGES, EXPENSES,”; strike beginning with the second “THE” in line 5 down through “AGENT” in line 6 and substitute “ON WHICH THE INSURED’S CLAIM WOULD HAVE BEEN PAID IF THE INSURER ACTED IN GOOD FAITH”; after line 6, 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.”;

in line 8, strike “(D)” and substitute “(I)”; in line 9, after “DAMAGES” insert “OR OTHER REMEDIES”; and after line 10, 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.”

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 INSURER 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 CLAIM FOR 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 SUBPARAGRAPH (I) OF THIS PARAGRAPH 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 PARAGRAPH (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) IF A PARTY RECEIVES AN ADVERSE DECISION, THE 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) IF A PARTY RECEIVES AN ADVERSE DECISION, THE 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) (I) THIS PARAGRAPH APPLIES ONLY IF MORE THAN ONE PARTY RECEIVES AN ADVERSE DECISION FROM THE ADMINISTRATION.

(II) IF A PARTY REQUESTS A HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND ANOTHER PARTY FILES AN APPEAL TO A CIRCUIT COURT:

1. JURISDICTION OVER THE REQUEST FOR HEARING IS TRANSFERRED TO THE CIRCUIT COURT;

2. THE REQUEST FOR HEARING, THE ADMINISTRATION'S DECISION, AND THE ADMINISTRATION'S CASE FILE, INCLUDING THE COMPLAINT, RESPONSE, AND ALL DOCUMENTS SUBMITTED TO THE ADMINISTRATION, SHALL BE TRANSMITTED PROMPTLY TO THE CIRCUIT COURT; AND

3. THE REQUEST FOR HEARING SHALL BE DOCKETED IN THE CIRCUIT COURT AND CONSOLIDATED FOR TRIAL WITH THE APPEAL.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN APPEAL TO A CIRCUIT COURT UNDER THIS SECTION SHALL BE HEARD DE NOVO.

(H) ON OR BEFORE JANUARY 1 OF EACH YEAR BEGINNING IN 2009, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY ON THE FOLLOWING FOR THE PRIOR FISCAL YEAR:

(1) THE NUMBER AND TYPES OF COMPLAINTS UNDER THIS SECTION OR § 3-1701 OF THE COURTS ARTICLE FROM INSUREDS REGARDING FIRST-PARTY INSURANCE CLAIMS UNDER PROPERTY AND CASUALTY INSURANCE POLICIES;

(2) THE ADMINISTRATIVE AND JUDICIAL DISPOSITIONS OF THE COMPLAINTS DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) THE NUMBER AND TYPES OF REGULATORY ENFORCEMENT ACTIONS INSTITUTED BY THE ADMINISTRATION FOR UNFAIR CLAIM SETTLEMENT PRACTICES UNDER § 27-303(9) OR § 27-304(18) OF THIS TITLE; AND

(4) THE ADMINISTRATIVE AND JUDICIAL DISPOSITIONS OF THE REGULATORY ENFORCEMENT ACTIONS FOR UNFAIR CLAIM SETTLEMENT PRACTICES DESCRIBED UNDER ITEM (3) OF THIS SUBSECTION.”.

AMENDMENT NO. 3

On page 3, before line 11, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That 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.”;

and in line 11, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and concurred in.

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

Affirmative – 28 Negative – 18 (See Roll Call No. 1104)

AMENDED IN THE HOUSE

Senate Joint Resolution 6 – Senators Exum, Britt, Conway, Frosh, Gladden, Jones, Madaleno, McFadden, Muse, and Pugh

A Senate Joint Resolution concerning

Slavery in Maryland

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

(Amendment ID: SJ0006/153127/1)

BY: Rules and Executive Nominations Committee

AMENDMENT TO SENATE JOINT RESOLUTION 6

(Third Reading File Joint Resolution)

On page 2, strike beginning with “are” in line 21 down through “happiness.” in line 22 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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1105)

CONCURRENCE CALENDAR #28

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0674/650611/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 674

(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, in line 1, after “(B)” insert “**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE REGULATIONS SHALL BE CONSISTENT WITH THE REGULATIONS ADOPTED BY THE U.S. DEPARTMENT OF ENERGY.**”

(C)”;

and in line 10, strike “(C)” and substitute “(D)”.

AMENDMENT NO. 2

On page 27, in line 30, strike “**2012**” and substitute “**2009**”.

On page 28, in line 4, strike “**2009**” and substitute “**2012**”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1106)

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 214 SPONSOR: Senator Colburn

SUBJECT: Crimes - Unauthorized Possession - Place of Confinement

THIRD READING CALENDAR

HOUSE NO. 25

SENATE NO. 24

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

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

(1) That the attached House Judiciary Committee Amendments (SB0214/512017/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0214/323421/1) be adopted.

(Amendment ID: SB0214/512017/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 214

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crimes” and substitute “Criminal Law”; in the same line, after “Possession” insert “of Contraband”; strike beginning with “in” in line 5 down through “confinement.” in line 14 and substitute “in a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing a weapon or contraband to effect an escape; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance; prohibiting a person from delivering a certain telecommunication device to a person detained or confined in a place of confinement, possessing a certain telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement, or depositing or concealing a certain telecommunication device in a certain manner with a certain intent; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving a certain telecommunication device; establishing certain criminal penalties; defining a certain term; and generally relating to possession, receiving, or delivering of contraband and other prohibited items in a place of confinement.”; and strike in their entirety lines 15 through 19, inclusive, and substitute:

“BY renumbering

Article – Criminal Law

Section 9-417
to be Section 9-418
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)".

AMENDMENT NO. 2

On page 2, in line 4, strike "(g)"; in the same line, strike "9-416, and 9-417" and substitute "and 9-416"; in line 9, strike "9-410(g) and"; in line 13, after "That" insert "Section(s) 9-417 of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 9-418."

SECTION 2. AND BE IT FURTHER ENACTED, That";

strike in their entirety lines 15 and 16; after line 18, insert:

"(b) "Alcoholic beverage" means beer, wine, or distilled spirits.";

and after line 22, insert:

"(d) "Controlled dangerous substance" has the meaning stated in § 5-101 of this article."

AMENDMENT NO. 3

On page 3, strike in their entirety lines 21 through 24, inclusive.

On page 4, in line 5, strike "**WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,**"; in line 20, after "not" insert "**KNOWINGLY POSSESS OR**"; and in line 21, strike "**OR KNOWINGLY POSSESS**".

On page 5, in line 4, after "not" insert "**KNOWINGLY POSSESS OR**"; in line 5, strike "**OR KNOWINGLY POSSESS**"; and in line 17, strike "**RECEIVE OR KNOWINGLY POSSESS**" and substitute "**KNOWINGLY POSSESS OR RECEIVE**".

On page 6, in line 2, strike "**RECEIVE OR KNOWINGLY POSSESS**" and substitute "**KNOWINGLY POSSESS OR RECEIVE**"; and strike in their entirety lines 8 through 22, inclusive, and substitute:

“(A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION DEVICE IN OR ABOUT A PLACE OF CONFINEMENT OR ON ANY LAND APPURTENANT TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT IT BE OBTAINED BY A PERSON DETAINED OR CONFINED IN THE PLACE OF CONFINEMENT.

(4) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT KNOWINGLY POSSESS OR RECEIVE A TELECOMMUNICATION DEVICE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.”.

On page 6, in line 23, strike “2.” and substitute “3.”.

(Amendment ID: SB0214/323421/1)

BY: Conference Committee

AMENDMENTS TO SENATE BILL 214, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (SB0214/512017/1), in lines 9 and 10 of Amendment No. 1, in each instance, before “place” insert “certain”.

AMENDMENT NO. 2

On page 3 of the House Judiciary Committee Amendments, in lines 2, 5, and 7, of Amendment No. 3, in each instance, after “CONFINEMENT” insert “WITH SIGNS POSTED INDICATING THAT SUCH CONDUCT IS PROHIBITED”.

Senate Members:

House Members:

Chairman, **Jennie M. Forehand**

Chairman, **Jeff Waldstreicher**

Bryan W. Simonaire

Susan C. Lee

Lisa A. Gladden

Susan K. McComas

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

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0255

SPONSOR: Sen Conway

SUBJECT: State Board of Physicians – Sunset Extension and Program Evaluation

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

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

The Senate has appointed: Senators Dyson, Chair, Zirkin, and Harris.

The House appoints: Delegates Donoghue, Chairman, Pendergrass, and Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0532

SPONSOR: Sen Dyson

SUBJECT: Natural Resources – Diamondback Terrapin – Take and Possession

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Dyson, Chair, Pinsky, and Britt.

The House appoints: Delegates Holmes, Chairman, V. Clagett, and O'Donnell.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #30

AMENDED IN THE HOUSE

Senate Bill 2 – Senators Middleton, Miller, Currie, Astle, Britt, Conway, DeGrange, Dyson, Forehand, Frosh, Garagiola, Gladden, Hogan, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

State Employees' Rights and Protections Act of 2007

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

(Amendment ID: SB0002/254265/1)

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 2

(Third Reading File Bill)

On page 2, in line 10, after “Management” insert “, the Department of Transportation,”.

On page 7, in line 2, strike “AND” and substitute “OR”.

On page 13, in line 10, after “Management” insert “, the Department of Transportation,”; in line 12, after “regulations” insert “, including the Department of Transportation’s Human Resources Management System,”; in line 31, after “employees” insert “in the State Personnel Management System and in the Department of Transportation”; in line 32, strike “periodically”; and in the same line, after “notified” insert “at 6-month intervals”.

The preceding amendment was read and concurred in.

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1107)

AMENDED IN THE HOUSE

Senate Bill 194 – Senators Kelley, Astle, Garagiola, Klausmeier, and Middleton

AN ACT concerning

Consumer Protection – Personal Information Protection Act

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

(Amendment ID: SB0194/493993/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 194

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “given;” insert “specifying the contents of the notification;”; in line 14, after “manner;” insert “requiring certain businesses to retain certain records for a certain period of time under certain circumstances;”; and in line 21, after “circumstances;” insert “requiring a business to provide notice of a breach of the security of a system to the Office of the Attorney General prior to giving a certain notification;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 29 and 30 and substitute:

“(C) “ENCRYPTED” MEANS THE TRANSFORMATION OF DATA THROUGH THE USE OF AN ALGORITHMIC PROCESS INTO A FORM IN WHICH THERE IS A LOW PROBABILITY OF ASSIGNING MEANING WITHOUT USE OF A CONFIDENTIAL PROCESS OR KEY.”.

On page 3, in line 1, strike “(C)” and substitute “(D)”; in line 8, strike “OR”; in line 12, after “ACCOUNT” insert “; OR

(IV) AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER;

and in line 24, strike “(D)” and substitute “(E)”.

AMENDMENT NO. 3

On page 5, strike beginning with “AND” in line 11 down through “THEFT” in line 12; strike beginning with the colon in line 16 down through “THE” in line 17 and substitute “THE”; strike beginning with the semicolon in line 18 down through “THEFT” in line 20; strike beginning with the second “THE” in line 25 down through “THEFT” in line 26 and substitute “PERSONAL INFORMATION OF THE INDIVIDUAL HAS BEEN OR WILL BE MISUSED AS A RESULT OF THE BREACH”; in line 28, strike “REASONABLY BELIEVES” and substitute “DETERMINES”; strike beginning with the first “THE” in line 28 down through “STATE” in line 30 and substitute “MISUSE OF THE INDIVIDUAL’S PERSONAL INFORMATION HAS OCCURRED OR IS REASONABLY LIKELY TO OCCUR AS A RESULT OF A BREACH OF THE SECURITY OF A SYSTEM”.

On page 6, after line 5, insert:

“(4) IF AFTER THE INVESTIGATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS CONCLUDED, THE BUSINESS DETERMINES THAT NOTIFICATION UNDER PARAGRAPH (2) OF THIS SUBSECTION IS NOT REQUIRED, THE BUSINESS SHALL MAINTAIN RECORDS THAT REFLECT ITS DETERMINATION FOR 3 YEARS AFTER THE DETERMINATION IS MADE.”;

in lines 10 and 11, strike “A MATERIAL RISK OF IDENTITY THEFT” and substitute “**THE MISUSE**”; and after line 16, insert:

“(3) A BUSINESS THAT IS REQUIRED TO NOTIFY AN OWNER OR LICENSEE OF PERSONAL INFORMATION OF A BREACH OF THE SECURITY OF A SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SHARE WITH THE OWNER OR LICENSEE INFORMATION RELEVANT TO THE BREACH.”.

AMENDMENT NO. 4

On page 7, in line 6, after “**BUSINESS**” insert “**, IF:**

(I) THE INDIVIDUAL HAS EXPRESSLY CONSENTED TO RECEIVE ELECTRONIC NOTICE; OR

(II) THE BUSINESS CONDUCTS ITS BUSINESS PRIMARILY THROUGH INTERNET ACCOUNT TRANSACTIONS OR THE INTERNET”;

in line 12, strike “**\$25,000**” and substitute “**\$100,000**”; and in line 13, strike “**50,000**” and substitute “**175,000**”.

AMENDMENT NO. 5

On page 7, after line 25, insert:

“(G) THE NOTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE:

(1) TO THE EXTENT POSSIBLE, A DESCRIPTION OF THE CATEGORIES OF INFORMATION THAT WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED BY AN UNAUTHORIZED PERSON, INCLUDING WHICH OF THE ELEMENTS OF PERSONAL INFORMATION WERE, OR ARE REASONABLY BELIEVED TO HAVE BEEN, ACQUIRED;

(2) CONTACT INFORMATION FOR THE BUSINESS MAKING THE NOTIFICATION, INCLUDING THE BUSINESS' ADDRESS, TELEPHONE NUMBER, AND TOLL-FREE TELEPHONE NUMBER IF ONE IS MAINTAINED;

(3) THE TOLL-FREE TELEPHONE NUMBERS AND ADDRESSES FOR THE MAJOR CONSUMER REPORTING AGENCIES; AND

(4) (I) THE TOLL-FREE TELEPHONE NUMBERS, ADDRESSES, AND WEBSITE ADDRESSES FOR:

1. THE FEDERAL TRADE COMMISSION; AND

2. THE OFFICE OF THE ATTORNEY GENERAL; AND

(II) A STATEMENT THAT AN INDIVIDUAL CAN OBTAIN INFORMATION FROM THESE SOURCES ABOUT STEPS THE INDIVIDUAL CAN TAKE TO AVOID IDENTITY THEFT.”;

strike beginning with “(G)” in line 26 down through “A” in line 27 and substitute:

“(H) PRIOR TO GIVING THE NOTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION AND SUBJECT TO SUBSECTION (D) OF THIS SECTION, A”;

and strike beginning with “WITHIN” in line 28 down through “BREACH” in line 30.

On page 8, strike in their entirety lines 1 through 9, inclusive; in line 10, strike “(H)” and substitute “(I)”; and in line 12, strike “(I)” and substitute “(J)”.

The preceding 5 amendments were read and concurred in.

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

Affirmative – 35 Negative – 12 (See Roll Call No. 1108)

AMENDED IN THE HOUSE

Senate Bill 281 – Senators Middleton, Dyson, and Pugh

AN ACT concerning

**Department of Health and Mental Hygiene – Family Health Administration –
Maryland Medbank Program**

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

(Amendment ID: SB0281/766284/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 281

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 page 2, strike beginning with “That” in line 2 down through “ENACTED,” in line 4.

AMENDMENT NO. 2

On page 2, strike in its entirety line 7; in line 8, strike “13–2501.” and substitute “15–124.2.”; and in lines 11 and 12, strike “**IN THE FAMILY HEALTH ADMINISTRATION**”.

AMENDMENT NO. 3

On page 4, after line 2, 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 concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1109)

AMENDED IN THE HOUSE

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

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

(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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1110)

CONCURRENCE CALENDAR #31

AMENDED IN THE HOUSE

Senate Bill 101 – The President (By Request – Administration) and Senators Hogan, Middleton, and Miller

AN ACT concerning

Nursing Facilities – Quality Assessment – Medicaid Reimbursement

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

(Amendment ID: SB0101/204966/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 101

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “requiring the Department to use” and substitute “providing for the distribution of”; in line 10, after the first “to” insert “a special fund, to be used only to”; and strike beginning with “requiring” in line 13 down through “based;” in line 15.

On page 2, in line 3, after “circumstances;” insert “expressing the intent of the General Assembly that the Department develop certain accountability measures to be used to distribute certain revenues;”; in line 9, strike “__ (S.B. 6)” and substitute “3”; and in line 14, strike “__ (S.B. 6)” and substitute “3”.

AMENDMENT NO. 2

On page 4, in line 18, strike “**PER NURSING FACILITY**” and substitute “**IN THE AGGREGATE ON ALL NURSING FACILITIES**”; and in line 19, strike “**NET**”.

AMENDMENT NO. 3

On page 5, in line 18, after “**BE**” insert “**DISTRIBUTED TO A SPECIAL FUND, TO BE**”; and in the same line, after “**DEPARTMENT**” insert “**ONLY**”.

AMENDMENT NO. 4

On pages 5 and 6, strike in their entirety the lines beginning with line 24 on page 5 through line 11 on page 6, inclusive.

On page 8, after line 3, 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 4, strike “5.” and substitute “6.”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1111)

AMENDED IN THE HOUSE

Senate Bill 203 – Senators Stoltzfus and Colburn

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Wicomico County – Salisbury Area Chamber of Commerce

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

(Amendment ID: SB0203/904269/1)

BY: Appropriations Committee

(Third 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 11, after “Act” insert “, INCLUDING FUNDS EXPENDED ON OR AFTER DECEMBER 1, 2002,”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1112)

AMENDED IN THE HOUSE

Senate Bill 390 – Senators Currie, Britt, Exum, Peters, and Rosapepe

AN ACT concerning

Prince George’s County – Special Taxing Districts

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

(Amendment ID: SB0390/655660/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 390

(Third Reading File Bill)

On page 4, in line 9, strike “**FACADE**” and substitute “**FACADES**”.

The preceding amendment was read and concurred in.

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1113)

AMENDED IN THE HOUSE

Senate Bill 486 – Senator Hogan

AN ACT concerning

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

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

(Amendment ID: SB0486/775760/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 486 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, 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 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;”; and in line 14, strike “9-110” and substitute “9-246”.

On page 2, in line 2, strike “**9-110.**” and substitute “**9-246.**”.

AMENDMENT NO. 2

On page 3, strike beginning with “STATE” in line 6 down through “GRANT” in line 7 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 11, 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 14, strike “SHALL EQUAL” and substitute “MAY NOT EXCEED”.

AMENDMENT NO. 3

On page 3, in line 7, strike “STATE,”; in line 8, strike the comma; in line 15, strike “STATE,”; in the same line, strike the second comma; in line 23, strike “STATE,”; in the same line, strike the second comma; in line 26, strike “STATE,”; and in the same line, strike the second comma.

On page 4, in line 12, after “YEAR;” insert “AND”; and strike beginning with “; AND” in line 16 down through “110%” in line 18.

AMENDMENT NO. 4

On page 4, in line 1, after “SUBSECTION,” insert “AND”; and in line 14, after “PROPERTY” insert “TAX”.

AMENDMENT NO. 5

On page 4, strike beginning with “DEPARTMENT” in line 25 down through “REGULATIONS” in line 26 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 concurred in.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1114)

AMENDED IN THE HOUSE

Senate Bill 957 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Public Facilities Bonds

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

(Amendment ID: SB0957/474061/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 957

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 6 down through “Maryland,” in line 7.

On page 2, strike beginning with “providing” in line 4 down through “purposes;” in line 7.

AMENDMENT NO. 2

On page 2, strike beginning with the first “to” in line 23 down through “Maryland,” in line 24; in line 25, strike “those purposes” and substitute “that purpose”; and strike beginning with the comma in line 32 down through “Maryland,” in line 33.

On page 3, strike beginning with the second “the” in line 6 down through “Maryland;” in line 8.

On page 4, strike beginning with “or” in line 2 down through “Maryland” in line 4; strike beginning with “or” in line 6 down through “Maryland” in line 7; strike in their entirety lines 13 through 25, inclusive; and in line 26, strike “6.” and substitute “5.”.

On page 5, in lines 4, 24, and 33, strike “7.”, “8.”, and “9.”, respectively, and substitute “6.”, “7.”, and “8.”, respectively.

On page 6, in lines 1 and 15, strike “10.” and “11.”, respectively, and substitute “9.” and “10.”, respectively.

On pages 6 and 7, strike in their entirety the lines beginning with line 32 on page 6 through line 4 on page 7, inclusive.

On page 7, in line 5, strike “13.” and substitute “11.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1115)

CONCURRENCE CALENDAR #29

AMENDED IN THE HOUSE

Senate Bill 657 – Senators Muse, Britt, and Peters

AN ACT concerning

Prince George’s County – Board of Education – Election of Members

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

(Amendment ID: SB0657/605964/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 657

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Election of Members”.

On pages 1 and 2, strike beginning with “repealing” in line 3 on page 1 down through “Education” in line 8 on page 2 and substitute “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; 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; requiring certain special elections to take place within a certain number of days under certain provisions of law; requiring that certain special elections be funded by Prince George’s County; requiring a certain individual elected to the County Board to serve for the remainder of a certain term and the following term; prohibiting a member of the County Board from holding an office of profit in Prince George’s County government; repealing certain provisions relating to public meetings and executive sessions of the County Board; requiring a certain vote of the County Board to pass a motion of the County Board; altering the requirements for a quorum of the County Board; repealing a certain provision relating to the composition of a committee of the County Board; repealing certain provisions relating to the Chief Financial Officer of the county public school system; 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; making stylistic changes; and generally relating to the Prince George’s County Board of Education”.

On page 2, strike in their entirety lines 9 through 24, inclusive, and substitute:

“BY repealing

Article – Education

Section 3–1001 and 3–1008

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–1002 through 3–1007

Annotated Code of Maryland

(2006 Replacement Volume)

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 pages 5 and 6, strike in their entirety the lines beginning with line 1 on page 5 through line 16 on page 6, inclusive, and substitute:

“[3–1002.] 3–1001.

(a) In this subtitle, “elected member” means one of the nine elected members of the Prince George’s County Board [or a member appointed to fill a vacancy of one of these nine members].

(b) The Prince George’s County Board consists of [10 members as follows:

(1) Five elected members, each of whom resides in a different school board district;

(2) Four elected members who may reside anywhere in the county; and

(3) One] NINE ELECTED MEMBERS AND ONE student member selected under subsection (f)(2) of this section.

(c) (1) (I) [A candidate for the County Board shall be a resident of Prince George’s County for at least 3 years and a registered voter of the county before the election] ONE MEMBER FROM EACH OF THE NINE SCHOOL BOARD DISTRICTS SHALL BE ELECTED AS DESCRIBED IN SUBSECTION (D) OF THIS SECTION.

(II) THE ELECTED MEMBERS OF THE COUNTY BOARD SHALL BE ELECTED AS FOLLOWS:

1. AT THE GENERAL ELECTION EVERY 4 YEARS AS REQUIRED BY SUBSECTION (G) OF THIS SECTION; AND

2. BY THE VOTERS OF THE SCHOOL BOARD DISTRICT THAT EACH MEMBER REPRESENTS.

(2) From the time of filing as a candidate for election, each candidate [for a position on the County Board representing a school board district shall reside in the school board district the candidate seeks to represent] SHALL BE A REGISTERED VOTER OF THE COUNTY AND A RESIDENT OF THE SCHOOL BOARD DISTRICT THE CANDIDATE SEEKS TO REPRESENT.

(3) An elected County Board member shall forfeit the office if the member:

(i) [In the case of a member elected to represent a school board district, fails] FAILS to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

(ii) Fails to be a registered voter of the county.

(4) A County Board member may not hold another office of profit in PRINCE GEORGE'S COUNTY [county] government during the member's term.

(5) Each elected member of the County Board for a position representing a school board district shall be nominated by the registered voters of the member's school board district.

[(d) Members of the Prince George's County Board shall be elected:

(1) At the general election every 4 years as required by subsection (g) of this section; and

(2) By the registered voters of the entire county.]'

On pages 11 through 20, strike in their entirety the lines beginning with line 20 on page 11 through line 27 on page 20, inclusive, and substitute:

“(e) (1) If a candidate for the County Board dies or withdraws the candidacy during the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of [Supervisors of] Elections shall:

(i) Replace the name of the deceased or withdrawn candidate on the ballot for the general election with the name of the candidate who received the next highest number of votes in the primary election; or

(ii) If a contested primary was not held, reopen the filing process to allow other persons to file as candidates.

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the Board of [Supervisors of] Elections shall add to the ballot for the general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

(ii) The Board of [Supervisors of] Elections may not add additional candidates to the ballot for the general election within 70 days before the date of the election.

(f) (1) The student member shall be an eleventh or twelfth grade student in the Prince George’s County public school system during the student’s term in office.

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George’s Regional Association of Student Governments. Nomination forms shall be made available in the administrative offices of all public senior high schools in the county, the office of student concerns, and the office of the president of the regional association. The delegates to the regional association annually shall elect the student member to the Board at a special election meeting to be held each school year.

(3) The student member may vote on all matters before the Board except those relating to:

(i) Capital and operating budgets;

(ii) School closings, reopenings, and boundaries;

(iii) Collective bargaining decisions;

(iv) Student disciplinary matters;

(v) Teacher and administrator disciplinary matters as provided under § 6–202(a) of this article; and

(vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected members of the County Board PRESENT AND VOTING AT A MEETING AT WHICH A QUORUM IS PRESENT, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

(5) Unless invited to attend by an affirmative vote of a majority OF THE ELECTED MEMBERS of the County Board PRESENT AND VOTING AT A MEETING AT WHICH A QUORUM IS PRESENT, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6–202(a) of this article, or collective bargaining.

(6) The Prince George’s Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.

(7) The election procedures established by the Prince George’s Regional Association of Student Governments are subject to the approval of the elected members of the County Board.

(g) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN elected member serves for a term of 4 years beginning on the first Monday in December after the member’s election and until the member’s successor is elected and qualifies.

(2) THE TERMS OF THE ELECTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) THE FIVE ELECTED MEMBERS WHO RECEIVED THE LOWEST PERCENTAGE OF VOTES, AS DETERMINED BY THE FINAL VOTE COUNT OF THE 2010 GENERAL ELECTION AS CERTIFIED BY THE BOARD OF ELECTIONS, SHALL SERVE FOR A TERM OF 2 YEARS; AND

(II) THE OTHER FOUR MEMBERS ELECTED IN THE 2010 GENERAL ELECTION SHALL SERVE FOR A TERM OF 4 YEARS.

[(2)] (3) The student member serves for a term of 1 year beginning at the end of a school year.

[(3) Subject to the confirmation of the County Council, the County Executive of Prince George's County shall appoint a qualified individual to fill any vacancy on the County Board until a successor is elected and qualifies at the next congressional election.]

(4) (I) A SEAT ON THE COUNTY BOARD HELD BY AN ELECTED MEMBER THAT BECOMES VACANT MORE THAN 180 DAYS BEFORE THE END OF THAT MEMBER'S TERM OF OFFICE SHALL BE FILLED FOR THE REMAINDER OF THE TERM AT A SPECIAL ELECTION.

(II) A SPECIAL ELECTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE HELD:

1. AT THE NEXT PRIMARY OR GENERAL ELECTION IF THE VACANCY OCCURS 180 DAYS OR LESS BEFORE A PRIMARY OR GENERAL ELECTION; OR

2. NO LATER THAN 60 DAYS AFTER THE VACANCY OCCURS IF THE VACANCY OCCURS MORE THAN 180 DAYS BEFORE A PRIMARY OR GENERAL ELECTION.

(III) A SPECIAL ELECTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE:

1. FUNDED BY PRINCE GEORGE'S COUNTY; AND

2. GOVERNED BY TITLE 8, SUBTITLE 8 OF THE ELECTION LAW ARTICLE EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH OR WHERE SUCH CONSTRUCTION WOULD BE UNREASONABLE.

(IV) A VACANCY THAT OCCURS 180 DAYS OR LESS BEFORE THE EXPIRATION OF A MEMBER'S TERM OF OFFICE SHALL CONTINUE UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

(V) AN INDIVIDUAL ELECTED TO A VACANT SEAT ON THE COUNTY BOARD AT THE GENERAL ELECTION HELD IN THE YEAR THAT THE TERM EXPIRES SHALL SERVE FOR THE REMAINDER OF THE EXPIRING TERM AND FOR THE FOLLOWING TERM.

(h) (1) With the approval of the Governor, the State Board may remove a member of the County Board for any of the following reasons:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Prince George's County.

(i) While serving on the County Board, a member may not be a candidate for a public office other than a position on the County Board.

[3-1003.] 3-1002.

(a) From and after December 4, 2006, at the beginning of each member's full term, the [chairman] CHAIR of the County Board is entitled to receive \$19,000 annually as compensation and the other elected members are each entitled to receive \$18,000 annually as compensation.

(b) (1) After submitting vouchers under the rules and regulations adopted by the County Board, the [chairman] CHAIR and the other members, including the student member, are entitled to the allowances for travel and other expenses provided in the Prince George's County budget.

(2) A member of the County Board may not be reimbursed more than \$7,000 in travel and other expenses incurred in a single fiscal year.

[3-1004.] 3-1003.

(a) The County Board shall hold an annual meeting on the first Monday in December to elect a [chairman] CHAIR and vice [chairman] CHAIR from among its members.

[(b) All actions of the County Board shall be taken at a public meeting and a record of the meeting and all actions shall be made public.]

(c) This section does not prohibit the County Board from meeting and deliberating in executive session provided that all action of the County Board, together with the individual vote of each member, is contained in a public record.]

[(d)] (B) (1) Except as otherwise provided in paragraph (2) of this subsection, [the affirmative vote of the members of the County Board for the passage of a motion by the County Board shall be:

(i) Six members when the student member is voting; or

(ii) Five members when the student member is not voting] **A**

QUORUM OF THE COUNTY BOARD IS FIVE ELECTED MEMBERS.

[(2) When there is one vacancy or more than one vacancy on the County Board, the affirmative vote of the members of the County Board for the passage of a motion by the Board shall be five members.]

(2) WHEN THERE ARE TWO OR MORE VACANCIES ON THE COUNTY BOARD, A QUORUM OF THE COUNTY BOARD IS FOUR ELECTED MEMBERS.

(3) THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE COUNTY BOARD IS REQUIRED TO PASS A MOTION OF THE COUNTY BOARD.

[3-1005.] 3-1004.

(a) There is a Shared Space Council for Prince George's County. The purpose of the Council is to consider the alternative use of any vacant public schools and any vacant space that exists in the Prince George's County public school system.

(b) The Council shall consist of 23 members, appointed as follows:

(1) One member from each legislative district within Prince George's County, each of whom shall be appointed by the legislative delegation from the district.

(2) One member from each of the following governmental agencies, departments, or institutions:

(i) The staff of the county Board of Education;

(ii) The staff of the County Executive;

(iii) The staff of the County Council;

(iv) The county Department of Social Services;

(v) The staff of the county Superintendent of Education;

- (vi) The Prince George's County Planning Board;
- (vii) The county Department of Aging;
- (viii) The county Health Department;
- (ix) The county Office of Coordination of Services to the Handicapped;
- (x) The county Juvenile Services Administration;
- (xi) The county Memorial Library System; and
- (xii) The county Department of Program Planning and Economic Development.

(3) On a rotating basis, one member shall be from the faculty or administration of Bowie State College or Prince George's Community College. Such member shall be appointed by the president of the college.

(4) The members from governmental agencies, departments, or institutions shall be appointed by the director, chairman, or chief executive officer of the agency, department, or institution.

(5) Two members shall be appointed by the County Executive.

(c) The term of the members appointed pursuant to subsection (b)(2), (3), and (4) shall be 3 years. All other members shall serve for a term of 2 years. Any vacancy on the Council shall be filled in the same manner as the original appointment.

(d) The Council shall meet at least four times each year. It shall, on an annual basis and in conjunction with the County Board of Education, survey the schools within the county public school system and compile a listing of any vacant public schools and any vacant space that exists within the system. The Council shall evaluate the feasibility of using any vacant public school or vacant space for community or governmental purposes.

(e) The Council shall report the results, findings, and recommendations derived from such survey, listing, and evaluation to the County Board of Education, the County Executive, the County Council and the mayor of each municipality in the county.

[3-1006.] 3-1005.

[(a) In addition to the powers otherwise granted to the County Board in this article, the County Board or a designated committee of the County Board may hear an appeal from a decision of the County Superintendent that relates to the grade, transfer, tuition, or any aspect of participation in a program or activity of a specific student who is not subject to the provisions of Title 8, Subtitle 4 of this article.

[(b) A designated committee shall consist of at least 5 members of the Board and at least 5 members of a designated committee shall be present to constitute a quorum of the committee.]

[3-1007.] 3-1006.

Notwithstanding any other provision of law, in Prince George's County, the Board of Education may implement the use of school uniforms by all students in the public schools in the county.

[3-1008.

(a) There is a Chief Financial Officer in the Prince George's County public school system who shall:

(1) Be responsible for the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system; and

(2) Report directly to the County Superintendent.

(b) The County Superintendent shall, subject to the approval of the County Board:

(1) Select the Chief Financial Officer; and

(2) Establish the salary of the Chief Financial Officer.

(c) The employment contract of the Chief Financial Officer shall provide that continued employment is contingent on the effective fiscal management of the Prince George's County public schools.

(d) The Chief Financial Officer is not a public officer under the Constitution or the laws of the State.]

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 concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1116)

SPECIAL ORDERS

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

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 214 SPONSOR: Senator Colburn

SUBJECT: Crimes - Unauthorized Possession - Place of Confinement

THIRD READING CALENDAR HOUSE NO. 25 SENATE NO. 24

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

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

(1) That the attached House Judiciary Committee Amendments (SB0214/512017/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0214/323421/1) be adopted.

(Amendment ID: SB0214/512017/1)

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 214

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Crimes” and substitute “Criminal Law”; in the same line, after “Possession” insert “of Contraband”; strike beginning with “in” in line 5 down

through “confinement.” in line 14 and substitute “in a place of confinement; prohibiting a person detained or confined in a place of confinement from knowingly possessing a weapon or contraband to effect an escape; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance; prohibiting a person from delivering a certain telecommunication device to a person detained or confined in a place of confinement, possessing a certain telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement, or depositing or concealing a certain telecommunication device in a certain manner with a certain intent; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving a certain telecommunication device; establishing certain criminal penalties; defining a certain term; and generally relating to possession, receiving, or delivering of contraband and other prohibited items in a place of confinement.”; and strike in their entirety lines 15 through 19, inclusive, and substitute:

“BY renumbering

Article – Criminal Law

Section 9–417

to be Section 9–418

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 4, strike “(g)”; in the same line, strike “9–416, and 9–417” and substitute “and 9–416”; in line 9, strike “9–410(g) and”; in line 13, after “That” insert “Section(s) 9–417 of Article – Criminal Law of the Annotated Code of Maryland be renumbered to be Section(s) 9–418.”

SECTION 2. AND BE IT FURTHER ENACTED, That”;

strike in their entirety lines 15 and 16; after line 18, insert:

“(b) “Alcoholic beverage” means beer, wine, or distilled spirits.”;

and after line 22, insert:

“(d) “Controlled dangerous substance” has the meaning stated in § 5–101 of this article.”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 21 through 24, inclusive.

On page 4, in line 5, strike “WITHOUT AUTHORIZATION BY THE MANAGING OFFICIAL,”; in line 20, after “not” insert “KNOWINGLY POSSESS OR”; and in line 21, strike “OR KNOWINGLY POSSESS”.

On page 5, in line 4, after “not” insert “KNOWINGLY POSSESS OR”; in line 5, strike “OR KNOWINGLY POSSESS”; and in line 17, strike “RECEIVE OR KNOWINGLY POSSESS” and substitute “KNOWINGLY POSSESS OR RECEIVE”.

On page 6, in line 2, strike “RECEIVE OR KNOWINGLY POSSESS” and substitute “KNOWINGLY POSSESS OR RECEIVE”; and strike in their entirety lines 8 through 22, inclusive, and substitute:

“(A) (1) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(2) A PERSON MAY NOT POSSESS A TELECOMMUNICATION DEVICE WITH THE INTENT TO DELIVER IT TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT.

(3) A PERSON MAY NOT DEPOSIT OR CONCEAL A TELECOMMUNICATION DEVICE IN OR ABOUT A PLACE OF CONFINEMENT OR ON ANY LAND APPURTENANT TO THE PLACE OF CONFINEMENT WITH THE INTENT THAT IT BE OBTAINED BY A PERSON DETAINED OR CONFINED IN THE PLACE OF CONFINEMENT.

(4) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT KNOWINGLY POSSESS OR RECEIVE A TELECOMMUNICATION DEVICE.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.”.

On page 6, in line 23, strike “2.” and substitute “3.”.

(Amendment ID: SB0214/323421/1)

BY: Conference Committee

AMENDMENTS TO SENATE BILL 214, AS AMENDED

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (SB0214/512017/1), in lines 9 and 10 of Amendment No. 1, in each instance, before “place” insert “certain”.

AMENDMENT NO. 2

On page 3 of the House Judiciary Committee Amendments, in lines 2, 5, and 7, of Amendment No. 3, in each instance, after “CONFINEMENT” insert “WITH SIGNS POSTED INDICATING THAT SUCH CONDUCT IS PROHIBITED”.

Senate Members:

House Members:

Chairman, **Jennie M. Forehand**

Chairman, **Jeff Waldstreicher**

Bryan W. Simonaire

Susan C. Lee

Lisa A. Gladden

Susan K. McComas

Read in the Senate:

Read in the House of Delegates:

Amendment Office Delivers Report to:

() Chief Clerk
(X) Secretary, Senate

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE CONFERENCE COMMITTEE REPORT.

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1117)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 662** SPONSOR: **Senator McFadden**

SUBJECT: Local Law Enforcement Agencies - Disposal of Personal Property

THIRD READING CALENDAR HOUSE NO. **20** SENATE NO. **33**

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

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

That the attached House Judiciary Committee Amendments (SB0662/762115/1) be adopted.

(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)”.

Senate Members:

House Members:

Chairman, **Lisa A. Gladden**

Chairman, **Jill P. Carter**

C. Anthony Muse

Kris Valderrama

Alexander X. Mooney

William J. Frank

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1118)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 1067 SPONSOR: Delegate Anderson

SUBJECT: Local Law Enforcement Agencies - Disposal of Personal Property

THIRD READING CALENDAR HOUSE NO. 49 SENATE NO. 7

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

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

That the Judicial Proceedings Committee Amendments (HB1067/528171/1) be rejected.

Senate Members:

House Members:

Chairman, **Lisa A. Gladden**

Chairman, **Jill P. Carter**

C. Anthony Muse

Kris Valderrama

Alexander X. Mooney

William J. Frank

Conference Committee Report read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1119)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

AMENDED IN THE HOUSE

Senate Bill 595 – Senator Garagiola

AN ACT concerning

**Public Utility Companies – Net Energy Metering – Renewable Portfolio Energy
 Standard – Photovoltaic Power**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(2) OFFERED FROM THE HOUSE.

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

(Amendment ID: SB0595/653891/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 595

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Public Utility Companies” and substitute “Electricity”; in the same line, after “Renewable” insert “Energy”; in line 3, strike “Energy”; in the same line, strike “Photovoltaic Power” and substitute “Solar Energy”; strike beginning with “providing” in line 5 down through “facilities;” in line 7; in line 9, after “requiring” insert “the Public Service Commission to make a certain determination concerning dual metering for certain eligible customer-generators; providing”; in line 11, strike “Public Service”; in line 12, after “report” insert “to the General Assembly”; in line 13, after “program” insert “in the State”; strike beginning with “establishing” in line 13 down through “suppliers” in line 16 and substitute “altering a certain renewable portfolio standard by requiring that certain portions of electricity in the standard be derived from solar energy; extending the deadlines within the renewable energy portfolio standard for certain requirements; limiting the eligibility of certain energy for meeting the renewable energy portfolio standard in certain manners during certain periods; requiring certain credits to be offered for certain purposes in a certain manner”; in line 17, after “a” insert “certain”; in line 18, strike “required” and substitute “provided for”; in line 19, after “certain” insert “renewable energy portfolio”; in the same line, after “standard” insert “for energy”; in the same line, after “energy” insert “sources under certain circumstances”; in the same line, strike “a” and substitute “certain”; in line 20, strike “generator” and substitute “generators”; and in line 21, after “report;” insert “altering certain compliance fees to include fees for a shortfall from the requirement for solar energy within a certain time frame; authorizing an electricity supplier to request a delay in implementing certain requirements under certain circumstances; providing for the effect of a certain delay in certain requirements;”.

On pages 1 and 2, strike beginning with “providing” in line 21 on page 1 down through “years;” in line 6 on page 2 and substitute “altering the use of a certain fund; requiring certain fees to be accounted for and used in a certain manner; requiring the Maryland Energy Administration to report each year on certain matters; requiring certain electricity suppliers to enter into certain contracts for not less than a certain term of years;”.

On page 2, in line 8, strike “Public Service”; in line 9, strike “with” and substitute “to have”; in the same line, strike “duties” and substitute “responsibilities”; in line 12, after “standards” insert “and procedures”; in line 15, after “a” insert “certain”; in the same line, after “report” insert “due on a certain date”; in the same line, strike “defining a certain term and”; in line 16, after “metering,” insert “the”; in line 17, strike “portfolio”; in the same line, strike “standards” and substitute “portfolio standard”; in the same line, strike “photovoltaic power generation” and substitute “increasing the use of solar energy in the State”; in line 20, after “7-701” insert “(h)(2) and (m)”; in the same line, strike “through” and substitute “(b) and (d), 7-704,”; in the same line, strike “7-707,” and substitute “7-706(c)(1), 7-707(f),”; in line 21, strike “7-712” and substitute “7-711”; strike in their entirety lines 24 through 28, inclusive; and in line 31, strike “7-714” and substitute “7-707(h)”.

AMENDMENT NO. 2

On page 3, strike beginning with “, OF” in line 28 down through “FACILITY” in line 30.

On pages 6 and 7, strike beginning with “FOR” in line 30 on page 6 down through “FACILITY” in line 2 on page 7.

On pages 7 and 8, strike in their entirety the lines beginning with line 5 on page 7 through line 3 on page 8, inclusive.

On page 8, strike beginning with “(1)” in line 4 down through “electricity.” in line 22.

On pages 8 through 10, strike in their entirety the lines beginning with line 25 on page 8 through line 7 on page 10, inclusive.

On page 10, strike beginning with the comma in line 11 down through “fertilizer” in line 15; and strike in its entirety line 17.

On pages 10 and 11, strike in their entirety the lines beginning with line 18 on page 10 through line 4 on page 11, inclusive.

On page 11, strike in their entirety lines 6 through 28, inclusive.

On pages 12 and 13, strike in their entirety the lines beginning with line 1 on page 12 through line 15 on page 13, inclusive, and substitute:

“(1) in 2006, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(2) in 2007, 1% from Tier 1 renewable sources and 2.5% from Tier 2 renewable sources;

(3) in 2008, [2%] **2.005%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.005% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(4) in 2009, [2%] **2.01%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.01% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(5) in 2010, [3%] **3.025%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.025% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(6) in 2011, [3%] **3.04%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.04% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(7) in 2012, [4%] **4.06%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.06% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(8) in 2013, [4%] **4.1%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.1% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(9) in 2014, [5%] **5.15%** from Tier 1 renewable sources, **INCLUDING AT LEAST 0.15% DERIVED FROM SOLAR ENERGY**, and 2.5% from Tier 2 renewable sources;

(10) in 2015, [5%] 5.25% from Tier 1 renewable sources, INCLUDING AT LEAST 0.25% DERIVED FROM SOLAR ENERGY, and 2.5% from Tier 2 renewable sources;

(11) in 2016, [6%] 6.35% from Tier 1 renewable sources, INCLUDING AT LEAST 0.35% DERIVED FROM SOLAR ENERGY, and 2.5% from Tier 2 renewable sources;

(12) in 2017, [6%] 6.55% from Tier 1 renewable sources, INCLUDING AT LEAST 0.55% DERIVED FROM SOLAR ENERGY, and 2.5% from Tier 2 renewable sources;

(13) in 2018, [7%] 7.9% from Tier 1 renewable sources, INCLUDING AT LEAST 0.9% DERIVED FROM SOLAR ENERGY, and 2.5% from Tier 2 renewable sources;
[and]

(14) in 2019 [and later, 7.5%], 8.7% from Tier 1 renewable sources, INCLUDING AT LEAST 1.2% DERIVED FROM SOLAR ENERGY, and 0% from Tier 2 renewable sources;

(15) IN 2020, 9% FROM TIER 1 RENEWABLE SOURCES, INCLUDING AT LEAST 1.5% DERIVED FROM SOLAR ENERGY, AND 0% FROM TIER 2 RENEWABLE SOURCES;

(16) IN 2021, 9.35% FROM TIER 1 RENEWABLE SOURCES, INCLUDING AT LEAST 1.85% DERIVED FROM SOLAR ENERGY, AND 0% FROM TIER 2 RENEWABLE SOURCES; AND

(17) IN 2022 AND LATER, 9.5% FROM TIER 1 RENEWABLE SOURCES, INCLUDING AT LEAST 2% DERIVED FROM SOLAR ENERGY, AND 0% FROM TIER 2 RENEWABLE SOURCES.”.

On page 13, after line 31, insert:

“(2) (i) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, 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.

2. ON OR BEFORE DECEMBER 31, 2011, ENERGY FROM A TIER 1 RENEWABLE SOURCE UNDER § 7-701(L)(1) OF THIS SUBTITLE THAT IS NOT CONNECTED WITH THE ELECTRIC DISTRIBUTION GRID SERVING MARYLAND IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD ONLY IF OFFERS FOR SOLAR CREDITS FROM MARYLAND GRID SOURCES ARE NOT MADE TO THE ELECTRICITY SUPPLIER THAT WOULD SATISFY REQUIREMENTS UNDER THE STANDARD AND ONLY TO THE EXTENT THAT SUCH OFFERS ARE NOT MADE.

(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.”.

On page 14, in lines 1 and 5, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in lines 1 and 28, in each instance, strike the bracket; in line 2, strike “7-701(L)(7)”; in line 3, after “portfolio” insert “STANDARD”; in line 12, after “standard” insert a comma; in the same line, after “service” insert “, IF THE MARYLAND ENERGY ADMINISTRATION AND THE MARYLAND DEPARTMENT OF AGRICULTURE DETERMINE THAT THERE IS A SUFFICIENT QUANTITY OF POULTRY LITTER AVAILABLE FOR THE ECONOMIC VIABILITY OF ANY EXISTING AND OPERATING ENTITY THAT IS SITED ON THE DELMARVA PENINSULA AND THAT, AS OF JULY 1, 2004, PROCESSED AND PASTEURIZED CHICKEN LITTER AS FERTILIZER”; and in line 28, strike “7-701(L)(3)”.

On page 15, in line 27, strike the first bracket; in the same line, strike “,”; and in the same line, strike “, OR TIER 3”.

On page 16, in line 4, strike the first bracket; in the same line, strike “,”; and in the same line, strike “, OR TIER 3”.

On page 17, strike beginning with “FOR” in line 2 down through “SOURCES” in line 3; in line 8, after “sources” insert “OTHER THAN THE SHORTFALL FROM THE REQUIRED TIER 1 RENEWABLE SOURCES THAT IS TO BE DERIVED FROM SOLAR ENERGY”; in the same line, strike “and”; after line 8, insert:

“(II) THE FOLLOWING AMOUNTS FOR EACH KILOWATT-HOUR OF SHORTFALL FROM REQUIRED TIER 1 RENEWABLE SOURCES THAT IS TO BE DERIVED FROM SOLAR ENERGY:

1. 45 CENTS IN 2008;
2. 40 CENTS IN 2009 AND 2010;
3. 35 CENTS IN 2011 AND 2012;
4. 30 CENTS IN 2013 AND 2014;
5. 25 CENTS IN 2015 AND 2016;
6. 20 CENTS IN 2017 AND 2018;
7. 15 CENTS IN 2019 AND 2020;
8. 10 CENTS IN 2021 AND 2022; AND
9. 5 CENTS IN 2023 AND LATER; AND”;

in line 9, strike “(ii)” and substitute “(III)”; and in lines 12 and 13, strike “AND TIER 3”.

On pages 17 and 18, strike in their entirety the lines beginning with line 22 on page 17 through line 14 on page 18, inclusive.

On page 18, in lines 15 and 18, in each instance, strike the bracket; in lines 15 and 18, strike “(D)” and “(E)”, respectively; in line 22, strike “(F)” and substitute “(E)”; strike beginning with “TIER” in line 22 down through “STANDARD” in line 23; in line 23, strike “UNDER” and substitute “OF”; in the same line, strike “TITLE” and substitute “SUBTITLE”; in line 24, strike “COSTS” and substitute “COST”; in line 26, strike “3” and substitute “1”; in the same line, after “CREDITS” insert “DERIVED FROM SOLAR ENERGY”; and in the same line, strike “ONE” and substitute “1”.

On page 19, in line 6, after “PERCENTAGES” insert “FOR SOLAR ENERGY”; in line 7, strike “IN TIER 3”; in lines 9, 22, and 31, in each instance, strike “TIER 3” and substitute “SOLAR ENERGY”; and in line 25, strike “TIER 3” and substitute “SOLAR”.

On page 20, in line 2, strike “TIER 3” and substitute “SOLAR”; and strike in their entirety lines 7 through 28, inclusive.

On page 21, strike in their entirety lines 1 through 15, inclusive.

On pages 21 and 22, strike in their entirety the lines beginning with line 17 on page 21 through line 2 on page 22, inclusive.

On page 22, in line 3, after “(1)” insert “(I)”; strike beginning with “IN” in line 3 down through “SUBSECTION” in line 4 and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH”; in line 5, strike “AND TIER 3”; strike in their entirety lines 6 through 13, inclusive, and substitute:

“(II) COMPLIANCE FEES PAID UNDER § 7-705(B)(1)(II) OF THIS SUBTITLE SHALL BE ACCOUNTED FOR SEPARATELY WITHIN THE FUND AND MAY BE USED ONLY TO MAKE LOANS AND GRANTS TO SUPPORT THE CREATION OF NEW SOLAR ENERGY SOURCES IN THE STATE.”;

in lines 14, 16, and 20, in each instance, strike the bracket; in lines 14, 16, and 20, strike “(3)”, “(4)”, and “(5)”, respectively; strike in their entirety lines 25 through 27, inclusive; and after line 27, insert:

“(H) (1) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSION, SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE FUND.”

(2) THE REPORT SHALL INCLUDE:

(I) ALL AMOUNTS RECEIVED BY AND DISBURSED FROM THE FUND;

(II) ALL AMOUNTS USED BY THE ADMINISTRATION AND THE COMMISSION FOR ADMINISTRATIVE PURPOSES;

(III) THE EVALUATION CRITERIA USED BY THE ADMINISTRATION IN MAKING LOANS AND GRANTS FROM THE FUND AND IN SELECTING RECIPIENTS OF THOSE LOANS AND GRANTS;

(IV) THE NUMBER AND AMOUNTS OF LOANS AND GRANTS MADE IN THE PRECEDING CALENDAR YEAR;

(V) THE STATUS OF LOANS PENDING AS OF THE END OF THE PRECEDING CALENDAR YEAR;

(VI) THE ALLOCATION OF DISBURSEMENTS FOR DEVELOPMENT OF NEW SOLAR AND OTHER TIER 1 RENEWABLE SOURCES;

(VII) THE PROJECTED RECEIPTS OF THE FUND IN THE CURRENT CALENDAR YEAR; AND

(VIII) PLANS FOR THE USE OF RESOURCES OF THE FUND IN THE CURRENT CALENDAR YEAR.”.

On pages 22 and 23, strike in their entirety the lines beginning with line 28 on page 22 through line 25 on page 23, inclusive.

On page 24, in line 2, after “**(1)**” insert “**(I)**”; in line 3, strike “**TIER 3**” and substitute “**SOLAR**”; in line 4, after “**THE**” insert “**SOLAR COMPONENT OF THE**”; in the same line, strike “**3**” and substitute “**1**”; in lines 5 and 6, strike “**TIER 3**” and substitute “**SOLAR**”; after line 6, 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.”;

in line 7, strike “**TIER 3**” and substitute “**SOLAR**”; strike in their entirety lines 13 through 15, inclusive; in line 16, strike “**2.**” and substitute “**1.**”; in line 18, strike “**TIER 3 RENEWABLE ENERGY**”; in lines 19 and 20, strike “**A MINIMUM 15-YEAR PRODUCTION PERIOD**” and substitute “**THE DURATION OF THE CONTRACT; AND**

2. DETERMINE THE RATE FOR A PAYMENT MADE TO A RENEWABLE ON-SITE GENERATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH”.

On page 25, in line 17, strike the first bracket; in the same line, strike “[,]”; in the same line, strike “, AND TIER 3”; strike in their entirety lines 18 through 23, inclusive, and substitute:

“7-711.

(A) The Commission has the same power and authority with respect to an electricity supplier under this subtitle that the Commission has with respect to any public service company under this article for the purposes of investigating and examining the electricity supplier to determine compliance with this subtitle and with other applicable law.”;

in line 24, strike “THE” and substitute “(B) (1) BEGINNING JANUARY 1, 2008, THE”; in lines 25 and 26, strike “: (1)”; in lines 26 and 27, strike “RENEWABLE ENERGY PORTFOLIO”; in line 27, strike “FOR” and substitute “OF”; in the same line, strike “3” and substitute “1”; and in the same line, strike the semicolon and substitute “THAT ARE TO BE DERIVED FROM SOLAR ENERGY.”.

On page 26, strike in their entirety lines 1 through 8, inclusive, and substitute:

“(2) THE INDIVIDUAL DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) DEVELOP THE PROGRAM FOR THE REQUIREMENTS FOR TIER 1 RENEWABLE SOURCES DERIVED FROM SOLAR ENERGY;

(II) PROVIDE EDUCATION AND OUTREACH TO PROMOTE THE USE OF SOLAR ENERGY; AND

(III) MAKE POLICY RECOMMENDATIONS TO THE COMMISSION REGARDING IMPROVING THE STATE’S USE OF SOLAR ENERGY, 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.”.

On page 27, in line 3, after “of” insert “Section 1 of”; in line 19, strike “provisions”; and in line 28, after “renewable” insert “energy”.

On page 28, in line 4, strike “provisions” and substitute “standard”; in line 5, after “That” insert “Sections 1 and 4 of”; and after line 6, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect July 1, 2007.”.

The preceding 2 amendments were read and concurred in by roll call vote as follows:

Affirmative – 28 Negative – 19 (See Roll Call No. 1120)

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

Affirmative – 29 Negative – 18 (See Roll Call No. 1121)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #38

House Bill 363 – Queen Anne’s County Delegation

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 the termination date of certain provisions of law relating to landfills in the State; requiring the Department of the Environment to report to the General Assembly on or before a certain date; 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 Rules.

House Bill 549 – Anne Arundel County Delegation

AN ACT concerning

**Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local Law –
Statute of Limitations – Disclosure in Real Estate Sales**

FOR the purpose of requiring that a prosecution 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; requiring that a seller disclose certain information about the violation in a disclosure statement of a contract for sale of real estate in Anne Arundel County; providing that the disclosure requirements imposed by this Act do not apply under certain circumstances; and generally relating to the prosecution of offenses that occur in the Chesapeake Bay Critical Area and to the disclosure of violations of a local law that occur in the Chesapeake Bay Critical Area in contracts for the sale of real property in Anne Arundel County.

BY adding to

Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to

Article – Real Property
Section 14–117(1)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #56

Senate Bill 806 – Senator McFadden

AN ACT concerning

Baltimore City – Alcoholic Beverages Act of 2007

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1122)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #55

Senate Bill 535 – Senators Klausmeier and Exum

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1123)

The Bill was then sent to the House of Delegates.

Senate Bill 791 – Senator Middleton

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1124)

The Bill was then sent to the House of Delegates.

Senate Bill 802 – Senator Pugh

AN ACT concerning

Baltimore City – Released Inmates – Identification Card Pilot Program

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

The motion was rejected.

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

Affirmative – 38 Negative – 9 (See Roll Call No. 1125)

The Bill was then sent to the House of Delegates.

Senate Bill 1031 – Senators Britt, Currie, Exum, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Environment – Landfills – Prohibition

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1126)

The Bill was then sent to the House of Delegates.

Senate Bill 1036 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Immediate Suspension of Licenses

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1127)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #58

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

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

(Amendment ID: HB0018/324237/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 18

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Voter-Verified” and substitute “Voter-Verifiable”.

On pages 1 and 2, strike beginning with “requiring” in line 3 on page 1 down through “systems” in line 2 on page 2 and substitute “prohibiting the State Board of Elections from certifying a voting system unless the State Board determines that the voting system provides voter-verifiable paper records; defining a certain term; clarifying the standard to be considered by the State Board when evaluating whether a voting system is accessible to voters with disabilities; requiring the Attorney General to make a certain determination and to provide notice of the determination in writing to the Department of Legislative Services; making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and provide a certain notification by a certain time; providing for the application of this Act; and generally relating to voting systems and voter-verifiable paper records”.

On page 2, strike in their entirety lines 3 through 8, inclusive; and in line 11, strike “1-101(xx)” and substitute “9-102”.

AMENDMENT NO. 2

On pages 2 through 12, strike beginning with line 14 on page 2 through line 18 on page 12, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

9-102.

(A) IN THIS SECTION, A “VOTER-VERIFIABLE PAPER RECORD” INCLUDES:

(1) A PAPER BALLOT PREPARED BY THE VOTER FOR THE PURPOSE OF BEING READ BY A PRECINCT-BASED OPTICAL SCANNER;

(2) A PAPER BALLOT PREPARED BY THE VOTER TO BE MAILED TO THE APPLICABLE LOCAL BOARD, WHETHER MAILED FROM A DOMESTIC OR AN OVERSEAS LOCATION; AND

(3) A PAPER BALLOT CREATED THROUGH THE USE OF A BALLOT MARKING DEVICE.

[(a)] (B) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

[(b)] (C) The State Board shall periodically review and evaluate alternative voting systems.

[(c)] (D) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates; [and]

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, INCLUDING A MANUAL RECOUNT;

AND

(VII) PROVIDE A VOTER-VERIFIABLE PAPER RECORD THAT:

1. IS AN INDIVIDUAL DOCUMENT THAT IS PHYSICALLY SEPARATED FROM ANY OTHER SIMILAR DOCUMENT AND NOT PART OF A CONTINUOUS ROLL;

2. IS SUFFICIENTLY DURABLE TO WITHSTAND REPEATED HANDLING FOR THE PURPOSES OF MANDATORY RANDOM AUDITS AND RECOUNTS; AND

3. USES INK THAT DOES NOT FADE, SMEAR, OR OTHERWISE DEGRADE AND OBSCURE OR OBLITERATE THE PAPER RECORD OVER TIME;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the [National Association of State Election Directors] U.S. ELECTION ASSISTANCE COMMISSION; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission OR THE U.S. ELECTION ASSISTANCE COMMISSION; and

(3) the public interest will be served by the certification of the voting system.

[(d)] (E) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

- (2) the availability of continuing service for the system;
- (3) the cost of implementing the system;
- (4) the efficiency of the system;
- (5) the likelihood that the system will malfunction;
- (6) the system's ease of understanding for the voter;
- (7) the convenience of voting afforded by the system;
- (8) the timeliness of the tabulation and reporting of election returns;
- (9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act, INCLUDING FEATURES WHICH:

(I) ENSURE THAT ACCESSIBILITY FOR VOTERS WITH DISABILITIES IS EQUIVALENT TO THAT AFFORDED TO VOTERS WITHOUT DISABILITIES;

(II) DO NOT REQUIRE THE CREATION OF A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES; AND

(III) ALLOW FOR THE INDEPENDENT AND PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF THE BALLOT BY VOTERS WITH DISABILITIES; and

- (11) any other factor that the State Board considers relevant.

[(e)] (F) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

- (i) a description of the voting system;**

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

AMENDMENT NO. 3

On page 12, in line 19, strike “3.” and substitute “2.”; and in line 20, strike “March” and substitute “January”.

AMENDMENT NO. 4

On page 12, after line 21, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, if the Attorney General determines on or after the effective date of this Act that any provision of this Act is in conflict with any law of the United States or a rule, regulation, or policy of the U.S. Election Assistance Commission, the conflicting provision of this Act shall be abrogated and of no force or effect. The Attorney General, within 5 days after determining the existence of a conflict, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, MD 21401.”.

On page 13, in line 13, strike “Section” and substitute “Sections 2 through”; and in line 14, strike “July” and substitute “October”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #41

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**

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

Affirmative – 29 Negative – 17 (See Roll Call No. 1128)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 0 (See Roll Call No. 1129)

The Bill was then sent to the House of Delegates.

House Bill 558 – Delegates Stull, Bartlett, Bates, Beitzel, Boteler, Cane, G. Clagett, V. Clagett, Eckardt, Elliott, Elmore, Glassman, Haddaway, Hecht, Jameson, Jennings, Kach, Krebs, Kullen, Lawton, Levy, McConkey, McKee, Myers, O'Donnell, Rudolph, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Weir, Weldon, and Wood

AN ACT concerning

**Department of Agriculture – ~~Appointment or~~ Employment – Exemption from
Ethics Restrictions**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1130)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1131)

The Bill was then sent to the House of Delegates.

House Bill 697 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County School Facilities Surcharge – Exemption
PG 410–07**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1132)

The Bill was then sent to the House of Delegates.

House Bill 893 – Delegate James

AN ACT concerning

Bay Restoration Fund – Wastewater Treatment Facilities Upgrades – Reporting Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1133)

The Bill was then sent to the House of Delegates.

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 – 44 Negative – 1 (See Roll Call No. 1134)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 0 (See Roll Call No. 1135)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1136)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0268

SPONSOR: Sen Conway, et al

SUBJECT: Higher Education – Blind and Print Disabled Students – Instructional Materials

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

The Senate has appointed: Senators Lenett, Chair, Hooper, and Dyson.

The House appoints: Delegates Olszewski, Chairman, Kaiser, and McKee.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 538 SPONSOR: Delegate Kaiser

SUBJECT: Higher Education - Dual Enrollment Grant Program

THIRD READING CALENDAR HOUSE NO. 23 SENATE NO. 23

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

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

(1) That the attached Education, Health, and Environmental Affairs Committee Amendment (HB0538/934331/1) Nos. 1 and 3 be adopted.

(2) That the attached Education, Health, and Environmental Affairs Committee Amendment (HB0538/934331/1) No. 2 be rejected.

(3) That the attached Conference Committee Amendment (HB0538/283323/1) be adopted.

(Amendment ID: HB0538/934331/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 538
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, after “audit;” insert “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;”.

AMENDMENT NO. 2

On page 3, in line 21, after “(1)” insert “(I)”; and in the same line, after “STATE;” insert “OR

(II) A PROGRAM OF SECONDARY SCHOOL INSTRUCTION IN THE STATE;”.

AMENDMENT NO. 3

On page 5, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That on or before November 1, 2007, the Maryland Partnership for Teaching and Learning PreK – 16 Council shall provide the Governor and, in accordance with § 2–1246 of the State Government Article the General Assembly, a comprehensive list of recommendations that will surmount barriers to dual-enrollment and will facilitate dual-enrollment opportunities.”;

in line 4, strike “2.” and substitute “3.”; and in line 12, after “2007.” insert “It shall remain effective for a period of 1 year and 1 month 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.”.

(Amendment ID: HB0538/283323/1)

BY: Conference Committee

AMENDMENT TO HOUSE BILL 538, AS AMENDED

In the Education, Health, and Environmental Affairs Committee Amendments (HB0538/934331/1), in line 9 of Amendment No. 3, strike “1 year” and substitute “2 years”; and in the same line, strike “2008” and substitute “2009”.

Senate Members:

House Members:

Chairman, **Paul G. Pinsky**

Chairman, **Nancy J. King**

Jim Rosapepe

Jay Walker

Richard F. Colburn

Robert A. McKee

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

Affirmative – 33 Negative – 13 (See Roll Call No. 1137)

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

Affirmative – 33 Negative – 13 (See Roll Call No. 1138)

The Bill was then sent to the House of Delegates.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #55**

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

House Bill 269 – Delegates Rosenberg and N. King

AN ACT concerning

Walter Sondheim Jr. Public Service Summer Internship Scholarship Program

(Amendment ID: HB0269/164135/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 269
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “amount” insert “subject to the availability of certain funds”.

AMENDMENT NO. 2

On page 4, in line 4, strike “ON” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON”; after line 9, insert:

“(3) FUNDS FOR THE SCHOLARSHIPS AWARDED UNDER THIS SUBTITLE SHALL BE AS PROVIDED IN THE STATE BUDGET.”;

and in line 10, strike “THE” and substitute “SUBJECT TO THE AVAILABILITY OF FUNDS, THE”.

On page 5, in lines 2 and 4, 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.

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

AN ACT concerning

Task Force on the Future for Growth and Development – Membership and Charge

(Amendment ID: HB0773/634331/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 773

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “issues” insert “and to serve as an advisory board to the Governor’s Smart Growth Subcabinet”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“(V) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S DESIGNEE;

“(VI) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;

“(VII) THE CHAIR OF THE BASE REALIGNMENT AND CLOSURE SUBCABINET, OR THE CHAIR’S DESIGNEE;”;

in line 19, strike “(v)” and substitute “(VIII)”; in line 21, strike “(vi)” and substitute “(IX)”; and in line 25, after “Counties;” insert “AND”.

On page 3, strike in their entirety lines 1 through 6, inclusive; in line 7, strike “(VIII)” and substitute “(X)”; in line 11, strike “and”; in line 12, after “community” insert “; AND”; and after line 13, insert:

“4. THREE REPRESENTATIVES OF CITIZENS ORGANIZATIONS THAT ADDRESS AFFORDABLE HOUSING, TRANSPORTATION, AND SMART GROWTH”.

On page 5, after line 10, insert:

“(10) (I) DETERMINE THE PARAMETERS FOR A STATE DEVELOPMENT PLAN, STATE TRANSPORTATION PLAN, STATE HOUSING PLAN; AND

(II) DETERMINE HOW THESE PLANS WORK TOGETHER WITH LOCAL LAND USE PLANS;”;

in lines 11, 13, and 17, strike “(10)”, “(11)”, and “(12)”, respectively, and substitute “(11)”, “(12)”, and “(13)”, respectively; in line 14, strike “AND”; and in line 19, after “State” insert “; AND”

(14) SERVE AS AN ADVISORY BOARD TO THE GOVERNOR’S SMART GROWTH SUBCABINET, PROVIDING ADVICE AND GUIDANCE AT LEAST TWICE ANNUALLY THROUGH DECEMBER 31, 2010 .

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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**

(Amendment ID: HB1123/584536/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1123
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 12 in its entirety and substitute:

“Section 18–708(b) and (c)”;

and strike in their entirety lines 15 and 16.

On page 2, strike in their entirety lines 1 through 3, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Education

Section 18–708(e)(5)

Annotated Code of Maryland

(2006 Replacement Volume)”.

AMENDMENT NO. 2

On page 2, in line 22, after “providers” insert “(THE GRANT TO BE KNOWN AS THE IDA G. AND L. LEONARD RUBEN SCHOLARSHIPS)”.

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

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

House Bill 1155 – ~~Delegate N. King~~ Delegates Howard and N. King

AN ACT concerning

Education – Children with Disabilities – Unaccompanied Homeless Youth

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1199/894530/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1199

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Education –” insert “Maryland”; strike beginning with “altering” in line 4 down through “Program;” in line 5 and substitute “authorizing the General Assembly to consider expanding the Maryland Meals for Achievement In-Classroom Breakfast Program under certain circumstances;”; and in line 8, strike “with” and substitute “without”.

AMENDMENT NO. 2

On page 2, in line 18, strike the brackets; and in the same line, strike “35%”.

On page 3, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That if the Governor provides full funding in the State budget for all eligible schools under the Maryland Meals for Achievement In-Classroom Breakfast Program, then the General Assembly may consider expanding the eligibility criteria for the Program.”;

and in line 25, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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: HB1224/104339/1)

BY: Education, Health, and Environmental Affairs Committee

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “increasing” in line 5 down through “Space;” in line 7; and in line 11, strike “and 5-905(c)(1)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 6 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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.

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

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)**

(Amendment ID: HB1372/764639/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1372

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Campaign” in line 2 down through “Requirements” in line 3 and substitute “, Training, and Distribution of Materials”; in line 5, strike “Superintendent of Schools” and substitute “Department of Education”; strike beginning with “establish” in line 6 down through “date” in line 13 and substitute “provide awareness and training for certain individuals on inhalant abuse; requiring the Department of Health and Mental Hygiene to provide to the State Department of Education certain information and materials on inhalant abuse”; and strike beginning with “an” in line 13 down through “to” in line 14 and substitute “awareness of and training and distribution of materials related to”.

AMENDMENT NO. 2

On page 2, in line 9, strike “STATE SUPERINTENDENT” and substitute “DEPARTMENT”; in line 10, after “SHALL” insert “PROVIDE AWARENESS AND TRAINING FOR DIRECTORS OF STUDENT SERVICES IN LOCAL EDUCATION AGENCIES ON INHALANT ABUSE.”

(B) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE TO THE DEPARTMENT:

(1) RESOURCE INFORMATION ON INHALANT ABUSE 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 INHALANT ABUSE.”;

and strike beginning with “ESTABLISH” in line 10 down through “SUBDIVISION;” in line 28.

On page 3, strike in their entirety lines 1 through 22, inclusive; and in line 23, 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.

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

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

(Amendment ID: HB1389/924132/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1389

(Third Reading File Bill)

On page 2, in lines 18 and 27, in each instance, strike “**10%**” and substitute “**8%**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #56**

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

House Bill 16 – ~~Delegate Hixson~~ Delegates Hixson, Cardin, Howard, Ivey, N. King, Manno, Rice, Stukes, and F. Turner

AN ACT concerning

**Election Law – Absentee Ballot Applications ~~and Voter~~
~~Registration – Deadlines – Deadline~~**

(Amendment ID: HB0016/994833/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 16

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Absentee” in line 2 down through “– Deadline” in line 3 and substitute “Voter Registration and Voting”; in line 5, after “applications;” insert “requiring certain institutions of higher education to develop a certain plan to promote student involvement in the electoral process; requiring certain institutions of higher education to provide certain students with the opportunity to register to vote or to update a voter registration record; making the implementation of certain requirements contingent on the appropriation of certain funds in the State budget; requiring the State”

Board to post certain information on its website regarding voting units for each election; altering the standard for determining the area at certain polling places beyond which electioneering may not take place; requiring a local board to mail an absentee ballot to a qualified voter by a certain date; requiring the State Board to conduct certain reviews and evaluations and submit certain reports to the General Assembly by certain dates;”; strike beginning with “and” in line 5 down through “applications” in line 6, and substitute “and generally relating to voter registration and voting”; after line 6, insert:

“BY adding

Article – Election Law

Section 1–305

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)”;

in line 9, after “Section” insert “3–204(c).”; and in the same line, after “9–305(b)” insert “, 9-306, 10–302, and 16–206”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“1–305.

(A) THIS SECTION APPLIES TO EACH PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) AN INSTITUTION SUBJECT TO THIS SECTION SHALL DEVELOP A PLAN TO PROMOTE STUDENT INVOLVEMENT IN THE ELECTORAL PROCESS BY:

(1) COORDINATING A VOTER REGISTRATION DRIVE ON CAMPUS AT THE START OF THE SCHOOL YEAR; AND

(2) DESIGNATING AN INDIVIDUAL AT THE INSTITUTION TO COORDINATE VOTER REGISTRATION AND VOTE EDUCATION ACTIVITIES ON THE CAMPUS.”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“3-204.

(c) (1) At the time that an individual enrolls, registers, OBTAINS A STUDENT IDENTIFICATION CARD, or pays for course work provided by a public institution of higher education in the State, the institution shall provide the individual with an opportunity to request a voter registration application[. If] AND, IF the individual requests a voter registration application, [the institution shall] provide, or cause to be provided, an application to the individual.

(2) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IF A STUDENT CHOOSES TO REGISTER TO VOTE OR TO UPDATE A VOTER REGISTRATION RECORD DURING A TRANSACTION SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) ALL APPLICABLE INFORMATION RECEIVED BY THE INSTITUTION IN THE COURSE OF COMPLETING A TRANSACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TRANSFERRED TO A VOTER REGISTRATION APPLICATION;

(II) ANY ADDITIONAL NECESSARY INFORMATION SHALL BE OBTAINED BY THE INSTITUTION AND MAY NOT DUPLICATE ANY INFORMATION ALREADY OBTAINED WHILE COMPLETING A TRANSACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(III) A VOTER REGISTRATION APPLICATION WITH ALL OF THE APPLICANT’S VOTER REGISTRATION INFORMATION SHALL BE PRESENTED TO THE APPLICANT TO SIGN OR AFFIRM ELECTRONICALLY.

(3) (I) AN APPLICANT MAY DECLINE TO REGISTER TO VOTE, UPDATE THE APPLICANT’S VOTER REGISTRATION RECORD, OR CHANGE THE APPLICANT’S NAME OR ADDRESS BY:

1. AFFIRMATIVELY INDICATING THE INFORMATION ON THE APPLICATION; OR

2. FAILING TO SIGN THE VOTER REGISTRATION APPLICATION.

(II) THE INSTITUTION SHALL MAINTAIN DECLINATION INFORMATION IN A MANNER SPECIFIED JOINTLY BY THE STATE BOARD AND THE MARYLAND HIGHER EDUCATION COMMISSION.

(4) WITHIN 5 DAYS AFTER THE RECEIPT OF AN APPLICATION UNDER THIS SUBSECTION, THE INSTITUTION SHALL FORWARD TO THE STATE BOARD THE VOTER REGISTRATION INFORMATION IN A MANNER AND FORMAT SPECIFIED JOINTLY BY THE STATE BOARD AND THE MARYLAND HIGHER EDUCATION COMMISSION.

(5) IMPLEMENTATION OF THE REQUIREMENTS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION IS CONTINGENT ON:

(I) THE APPROPRIATION OF SUFFICIENT FUNDS IN THE STATE BUDGET FOR INSTITUTIONS OF HIGHER EDUCATION, THE STATE BOARD, AND THE LOCAL BOARDS OF ELECTIONS TO PERFORM THE FUNCTIONS SET FORTH IN PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION; AND

(II) THE ADOPTION OF REGULATIONS BY THE STATE BOARD TO IMPLEMENT THE REQUIREMENTS OF PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 2, after line 6, insert:

“9-306.

(a) Promptly after receipt of an application, the election director shall review the application and determine whether the applicant qualifies to vote by absentee ballot.

(b) If the applicant qualifies to vote by absentee ballot, the local board shall send the ballot:

(1) as soon as practicable after receipt of the request, BUT NOT LATER THAN THE FIFTH DAY BEFORE THE ELECTION; or

(2) if the ballots have not been received from the printer, as soon as practicable after the local board receives delivery of the ballots.

(c) (1) If the members of the local board determine that the applicant is not entitled to vote by absentee ballot, the local board shall notify the applicant as soon as practicable after receipt of the application of the reasons for the rejection.

(2) (i) The local board may delegate the determination under paragraph (1) of this subsection to the staff of the local board.

(ii) If the determination has been delegated, the applicant may appeal the rejection to the members of the local board, who shall decide the appeal as expeditiously as practicable.

(d) Not more than one absentee ballot may be issued to a voter unless the election director of the local board has reasonable grounds to believe that an absentee ballot previously issued to the voter has been lost, destroyed, or spoiled.

10-302.

(a) In a timely manner for each election, the local board shall provide for the delivery to each polling place the supplies, records, and equipment necessary for the conduct of the election.

(b) (1) Each polling place shall be equipped with a computer device that contains a record of all registered voters in the county and that is capable of being networked to other polling place computer devices.

(2) The State Administrator shall ensure that a site selected for early voting has adequate infrastructure to accommodate the computer devices required under paragraph (1) of this subsection.

(C) NO LATER THAN 5 DAYS BEFORE AN ELECTION, THE STATE BOARD SHALL POST ON THE STATE BOARD WEBSITE:

(1) THE NUMBER OF VOTING UNITS THE LOCAL BOARD INTENDS TO ALLOCATE FOR EACH PRECINCT IN THE COUNTY FOR THAT ELECTION; AND

(2) THE STATE BOARD'S DETERMINATION OF THE NUMBER OF VOTING UNITS THE LOCAL BOARD SHOULD ALLOCATE IN ACCORDANCE WITH ITS

REGULATIONS AND GUIDELINES FOR EACH PRECINCT IN THE COUNTY FOR THAT ELECTION.

16-206.

(a) A person may not:

(1) place any distinguishing mark on the person's own or another person's ballot for the purpose of identifying the ballot;

(2) misrepresent the person's ability to mark a ballot or operate voting equipment;

(3) interfere or attempt to interfere with a voter while the voter is inside the polling room, marking a ballot, or operating voting equipment;

(4) induce or attempt to induce a voter to mark the voter's ballot in a certain way;

(5) except for servicing by an authorized person, unlock any locked compartment of a voting device unless instructed to do so by the election director;

(6) destroy or deface a ballot;

(7) remove a ballot from a building in which voting occurs, except as otherwise provided in this article;

(8) delay the delivery of a ballot;

(9) possess on or before the day of election an official ballot printed for the election, unless the possession of the ballot is necessary and appropriate for carrying out the election process; or

(10) canvass, electioneer, or post any campaign material in the polling place or beyond a line established by signs posted in accordance with subsection (b) of this section.

(b) (1) At each polling place, one election judge from each principal political party shall be designated by the local board and, acting jointly, shall post signs delineating a line around the entrance and exit of the building that are closest to that part of the building in which voting occurs.

(2) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE line shall be located as near as practicable to 100 feet from the entrance and exit and shall be established after consideration of the configuration of the entrance and the effect of placement on public safety and the flow of pedestrian and vehicular traffic.

(II) AS TO A POLLING PLACE AT AN INSTITUTION OF HIGHER EDUCATION, THE LINE PRESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE AS NEAR AS PRACTICABLE TO 100 FEET FROM THE ACTUAL POLLING PLACE WITHIN THE BUILDING IN WHICH VOTING OCCURS.

(3) The signs shall contain the words “No Electioneering Beyond this Point”.

(c) A person who violates this section is guilty of a misdemeanor and is subject to a fine of not less than \$50 nor more than \$500 or imprisonment for not more than 60 days or both.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Elections shall review and evaluate the implementation of the requirements of § 3-204(c)(2) through (5) of the Election Law Article as enacted by this Act and, in accordance with § 2-1246 of the State Government Article, submit a report of its findings and recommendations to the General Assembly on or before December 31, 2007.

SECTION 3. AND BE IT FURTHER ENACTED, That the requirements of § 9-306(b) of the Election Law Article as enacted by this Act shall apply to each election occurring on or after January 1, 2008 that is required to be held in accordance with the Election Law Article. The State Board of Election shall review and evaluate the implementation by the local boards of elections in the State of the requirements of § 9-306(b) of the Election Law Article as enacted by this Act and, in accordance with § 2-1246 of the State Government Article, submit a report of its findings and recommendations to the General Assembly on or before January 1, 2009.”.

AMENDMENT NO. 5

On page 2, in line 7, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to Sections 2 and 3 of this Act.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1175 – Delegate Davis

AN ACT concerning

~~Charter Counties – Express Powers – Agreements to Purchase Easements to~~
Restrict of Development Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1439 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Adjutant General and Assistant Adjutants General

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #13

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 358 – ~~Delegate Donoghue~~ Delegates Donoghue, Mizeur, V. Turner, Pena-Melnyk, Oaks, Montgomery, and Nathan-Pulliam

AN ACT concerning

Certified Social Workers–Clinical – Practice – Definition

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

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

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

The bill was re-referred to the Committee on Finance.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #24

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

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

AN ACT concerning

Academic Facilities Bonding Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation 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.

THE COMMITTEE ON FINANCE REPORT #38

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #39

House Bill 276 – Anne Arundel County Delegation

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 in Anne Arundel County to solicit money or donations from an occupant of a vehicle or to advertise any 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; defining a certain term; and generally relating to restrictions on the use of highways in Anne Arundel County for solicitation or advertising.

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 Rules.

House Bill 1043 – Delegates Rosenberg ~~and Sophocleus~~, Sophocleus, Ali, Beidle, V. Clagett, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Shewell, Stein, and Weir

AN ACT concerning

Real Property – Condemnation – Procedures and Compensation

FOR the purpose of ~~eliminating certain monetary limitations on payments made to certain displaced residential owners and renters to secure replacement dwellings in certain condemnation proceedings; eliminating certain monetary limitations for reestablishing certain farms, nonprofit organizations, or businesses at new sites; establishing that damages awarded for the taking of property used for a business or farm operation may include certain damages for loss of net operating income for a certain period of time; establishing that damages in a condemnation proceeding may be paid to a business or farm operation for moving the business or farm operation under certain circumstances; altering the payment for relocation costs in a condemnation proceeding by adding certain payments for substitute tangible~~

~~personal property under certain circumstances and by altering certain monetary limitations; expressing the intent of the General Assembly; defining certain terms; making stylistic changes; 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; 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; providing for the application of a certain provision of this Act; requiring the State or any of its instrumentalities or political subdivisions to file an action of condemnation within a certain time period under certain circumstances; and generally relating to procedures and compensation in condemnation proceedings.~~

~~BY repealing and reenacting, with amendments,
Article – Real Property
Section 12-101, 12-202, 12-204, and 12-205
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)~~

BY adding to
Article – Real Property
Section ~~12-102.1~~ 12-105.1 and 12-205.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Real Property
Section ~~12-201(a), (e), (f), and (g)~~ 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.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #59**

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs 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–Melnik, 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: HB1017/824637/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1017
(Third Reading File Bill)

On page 1, in line 14, after “date;” insert “providing for the termination of this Act;”.

On page 3, in line 6, strike “\$250,000” and substitute “\$200,000”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #43

Senator Frosh, Chair, for the Committee on Judicial Proceedings 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.

THE COMMITTEE ON FINANCE REPORT #37

Senator Middleton, Chair, for the Committee on Finance 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.

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

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

AN ACT concerning

Commercial ~~Truck~~ Vehicle Warrantly Enforcement – Study

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1057/247170/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1057

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “proof;” insert “requiring the Maryland Insurance Commissioner to adopt regulations to implement certain provisions of this Act;”; and in line 11, strike “Maryland Insurance”.

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

AMENDMENT NO. 2

On page 3, in line 15, strike “(1)”; strike beginning with the first “THE” in line 15 down through “CHILD” in line 17 and substitute “, “CHILD”; in line 19, strike “(I)” and substitute “(1)”; in line 20, strike “1.” and substitute “(I)”; in line 22, strike “2.” and substitute “(II)”; and in line 24, strike “3.” and substitute “(III)”.

On page 4, in lines 1, 4, 5, and 6, strike “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(2)”, “(3)”, “(4)”, and “(5)”, respectively; and strike in their entirety lines 7 through 17, inclusive.

On page 5, after line 21, insert:

“(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”

AMENDMENT NO. 3

On page 6, in line 25, strike “ARTICLE” and substitute “SUBTITLE”.

On page 8, in line 3, strike “AND”; and in line 4 strike “COVERAGE” and substitute “COVERAGE; AND”

6. FIXED INDEMNITY LIMITED BENEFIT INSURANCE THAT DOES NOT PROVIDE BENEFITS ON AN EXPENSE INCURRED BASIS”

AMENDMENT NO. 4

On page 9, in line 23, after “buy-in” insert “, including any potential for adverse selection that such a buy-in might create”.

On page 10, in line 3, strike “October 1, 2007” and substitute “January 1, 2008”; after line 3, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed in any way that conflicts with the public policy of the State that recognizes a valid marriage to be only a marriage between a man and a woman.”;

in line 4, strike “4.” and substitute “5.”; and in line 5, strike “October” and substitute “June”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: HB1057/923428/1)

BY: Senator Haines

AMENDMENT TO HOUSE BILL 1057, AS AMENDED

On page 2 of the Finance Committee Amendments (HB1057/247170/1), in line 6 of Amendment No. 4, after “way” insert “:

(1)”;

and in line 7, after “woman” insert “: or

(2) to establish a civil union in this State”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB1057/943428/1)

BY: Senator Jacobs

AMENDMENT TO HOUSE BILL 1057, AS AMENDED

(Third Reading File Bill)

On page 1 of the Finance Committee Amendments (HB1057/247170/1), strike Amendment No. 2 in its entirety.

On page 4 of the bill, strike in their entirety lines 7 through 17, inclusive, and substitute:

“(3) “DOMESTIC PARTNER” MEANS AN INDIVIDUAL IN A RELATIONSHIP BETWEEN TWO INDIVIDUALS WHO ARE AT LEAST 18 YEARS OLD.”

On page 5 of the bill, after line 21, insert:

“(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”

The preceding amendment was withdrawn.

FLOOR AMENDMENT

(Amendment ID: HB1057/553325/1)

BY: Senator Mooney

AMENDMENT TO HOUSE BILL 1057

(Third Reading File Bill)

On page 9, in line 21, strike “and”; and in line 23, before the period insert “; and

(iii) the benefits to a child of having a mother and father participate in rearing the child”.

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

Affirmative – 14 Negative – 31 (See Roll Call No. 1139)

FLOOR AMENDMENT

(Amendment ID: HB1057/273121/1)

BY: Senator Hooper

AMENDMENTS TO HOUSE BILL 1057, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (HB1057/247170/1), strike Amendment No. 2 in its entirety.

AMENDMENT NO. 2

On page 4 of the bill, strike beginning with the colon in line 8 down through “(II)” in line 10; and strike beginning with the semicolon in line 11 down through “RESIDENCE” in line 17.

On page 5 of the bill, after line 21, insert:

“(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”.

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

Affirmative – 13 Negative – 32 (See Roll Call No. 1140)

Read the second time and ordered prepared for Third Reading.

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

House Bill 1150 – Delegates Ali, Barkley, McComas, and Shewell

AN ACT concerning

Maryland Department of Transportation – Evaluation of the Telework Partnership with Employers Initiative

(Amendment ID: HB1150/827874/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1150

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “to” in line 4 down through “consultant” in line 5; and in line 7, strike “require the consultant to”.

AMENDMENT NO. 2

On page 2, in line 11, strike “That, subject to the approval of the Board of Public Works,” and substitute “That”; strike beginning with “engage” in line 12 down through “to” in line 13 and substitute “, within currently budgeted resources,”; in line 14, strike “require that”; and strike beginning with “the” in line 14 down through “consultant” in line 15.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 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

(Amendment ID: HB1409/137274/1)

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1409

(Third Reading File Bill)

On page 4, strike line 26 in its entirety; and in line 27, strike “**3.**” and substitute “**2.**”.

On page 5, in line 1, strike “**4.**” and substitute “**3.**”.

On page 6, in line 8, strike “A REPORTER” and substitute “AN EMPLOYEE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1442 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

~~Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas~~
Task Force on the Availability and Affordability of Property Insurance in Coastal Areas

(Amendment ID: HB1442/437378/1)

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1442
(Third Reading File Bill)

On page 2, in line 27, strike “three members” and substitute “one member”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1141)

ADJOURNMENT

At 7:07 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:30 P.M. on Legislative Day April 4, 2007, Calendar Day, Monday, April 9, 2007.

Annapolis, Maryland
Legislative Day: April 4, 2007
Calendar Day: Monday, April 9, 2007
8:30 P.M. Session

The Senate met at 8:40 P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 37 Members present.

(See Roll Call No. 1144)

The Journal of April 3, 2007 was read and approved.

YEAS AND NAYS #15

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 156	Sen. Kelley	Insurers – Third Party Claimants – Notice of Payment to Claimant’s Attorney
SB 189	Sen. Jacobs	Harford County – Alcoholic Beverages Licensees – Age of Employees
SB 190	Sen. Jacobs	Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions
SB 191	Sen. Jacobs	Harford County – Liquor Control Board – Salaries
SB 459	Sen. Colburn	Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments
SB 461	Sen. Pugh	Labor and Employment – Md Workforce Investment Act – Transit Service for Low–Income Individuals

SB 600	Sen. Kittleman	Wrkrs' Comp Comm – Authorzn for Release of Med Info – Work–Rltd Inj or Occup Disease
SB 640	Sen. Raskin	Consumer Protection – Motor Vehicle Manufacturers – Warranty Adjustment Programs
SB 935	Sen. Robey	Vehicle Laws – Traffic Control Signals – Exit Ramps
SB 998	Sen. Stone	Baltimore County – Alcoholic Beverages – Multiple License Holdings

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

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 766 SPONSOR: Senator Frosh

SUBJECT: Environment - Phosphorus - Dishwashing Detergent

THIRD READING CALENDAR HOUSE NO. 13 SENATE NO. 24

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

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

(1) That the Environmental Matters Committee Amendment (SB0766/660913/1) be rejected.

(2) That the attached Conference Committee Amendment (SB0766/583423/1) be adopted.

(Amendment ID: SB0766/583423/1)

BY: Conference Committee

AMENDMENT TO SENATE BILL 766
(Third Reading File Bill)

On page 3, in line 9, strike "JULY 1, 2009" and substitute "JANUARY 1, 2010".

Senate Members:

House Members:

Chairman, **Paul G. Pinsky**

Chairman, **Tom Hucker**

Jim Rosapepe

Michael H. Weir, Jr.

Janet Greenip

Anthony J. O'Donnell

Conference Committee Report read and adopted.

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

Affirmative – 38 Negative – 4 (See Roll Call No. 1145)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #32

AMENDED IN THE HOUSE

Senate Bill 817 – Senator Della

AN ACT concerning

Thoroughbred Racing – Restrictions on Night and Sunday Racing – Repeal

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

(Amendment ID: SB0817/905161/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 817

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Repeal” insert “– Pimlico Race Course Exception”; in line 4, after “by” insert “certain”; in line 6, after “Inc.,” insert “prohibiting a licensee from holding live racing at Pimlico Race Course after a certain time unless circumstances beyond the control of the licensee cause a delay; requiring the Maryland Jockey Club to hold meetings with certain persons to discuss security and lighting for the property of Pimlico Race Course and certain surrounding areas; requiring that a certain report be submitted to certain committees of the General Assembly on or before a certain date;”; and after line 11, insert:

“BY adding to

Article – Business Regulation

Section 11–504

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 28, insert:

“11–504.

A LICENSEE MAY NOT HOLD LIVE RACING AT PIMLICO RACE COURSE AFTER 10:00 P.M. UNLESS CIRCUMSTANCES BEYOND THE CONTROL OF THE LICENSEE CAUSE A DELAY.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Jockey Club shall hold meetings with the City of Baltimore and representatives of the neighborhoods in proximity to Pimlico Race Course to discuss security and lighting for the Pimlico Race Course property and the surrounding areas when live racing is scheduled after 6:15 p.m, with the exception of Preakness Day. The Maryland Jockey Club shall submit a report describing the discussions to the Senate Finance Committee and the House Committee on Ways and Means on or before June 15, 2007.”;

and in line 29, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 42 Negative – 2 (See Roll Call No. 1146)

CONCURRENCE CALENDAR #33

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0986/324764/1)

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 986 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “sales;” insert “providing that a certain amount from certain bonds that is to be distributed under a certain program shall be allocated in accordance with a certain statutory provision;”.

AMENDMENT NO. 2

On page 3, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That from the bonds authorized in Section 1 of this Act, \$5,500,000 that is to be distributed under the Aging Schools Program shall be allocated to local education agencies in accordance with § 5-206(f) of the Education Article.”;

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

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1147)

AMENDED IN THE HOUSE

Senate Bill 1033 – Senator Currie

AN ACT concerning

Tax Credits for Individuals Facing Employment Barriers – Sunset Extension

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

(Amendment ID: SB1033/635866/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 1033

(Third Reading File Bill)

On page 6, in line 27, after “CARE” insert “OR TRANSPORTATION”.

On page 9, in line 22, strike “THE”.

The preceding amendment was read and concurred in.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1148)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #42

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 – 45 Negative – 0 (See Roll Call No. 1149)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1150)

The Bill was then sent to the House of Delegates.

House Bill 922 – Delegates Hucker, Ali, Lafferty, Lawton, McConkey, Pena–Melnik, 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 – 46 Negative – 0 (See Roll Call No. 1151)

The Bill was then sent to the House of Delegates.

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 failed for want of a constitutional majority:

Affirmative – 21 Negative – 24 (See Roll Call No. 1152)

House Bill 1356 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1153)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #43
CONSENT CALENDAR #23**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 54	Del. Elmore	Somerset and Queen Anne's Counties – Authorzn to Harvest Seafood and Engage in the Seafood Industry	EHE
HB 351	Del. George	City of Annapolis – Housing Authority – Approval of Commissioners by City Council	EHE
HB 708	Montgomery/PG Co. Del.	Montgomery Co – M-NCPPC – Town of Kensington MC/PG 112-07	EHE
HB 756	Del. Beitzel	Garrett County – Public Local Laws – Obsolete Provisions – Repeal	EHE

HB 1239 Prince George's Del. Prince George's County – EHE
Board of Education PG 433–
07

All of the above listed bills on the Third Reading Consent Calendar No. 23 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1154)

The Bills were then sent to the House of Delegates.

House Bill 65 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

FLOOR AMENDMENT

(Amendment ID: HB0065/523628/1)

BY: Senator Colburn

AMENDMENT TO HOUSE BILL 65
(Third Reading File Bill)

On page 2, strike beginning with “PURSUANT” in line 8 down through “ARTICLE” in line 9.

The preceding amendment was read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1155)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #44
CONSENT CALENDAR #24

Senator Colburn moved, duly seconded, to make Third Reading Calendar #44 a Special Order for later today.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #45

House Bill 281 – Delegates Hubbard and Rosenberg

AN ACT concerning

Mental Health – Incarcerated Individuals with Mental Illness

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1156)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 413 – Delegates Love and Krysiak

AN ACT concerning

State Board for Professional Engineers – Repeal of Authority to Issue Limited Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1157)

The Bill was then sent to the House of Delegates.

House Bill 793 – Delegates Nathan–Pulliam, Benson, Braveboy, Cane, Conaway, Costa, Gaines, Glenn, Griffith, Gutierrez, Kipke, Lee, Montgomery, Oaks, Pena–Melnik, ~~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 – 47 Negative – 0 (See Roll Call No. 1158)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1159)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1160)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1161)

The Bill was then sent to the House of Delegates.

House Bill 1242 – Delegate Weldon

AN ACT concerning

Open Meetings Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1162)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1163)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1164)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #47

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

Senator Dyson moved, duly seconded, to reconsider the vote by which the Committee Amendments were adopted.

The motion was adopted.

(Amendment ID: HB0018/324237/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 18

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Voter-Verified” and substitute “Voter-Verifiable”.

On pages 1 and 2, strike beginning with “requiring” in line 3 on page 1 down through “systems” in line 2 on page 2 and substitute “prohibiting the State Board of Elections from certifying a voting system unless the State Board determines that the voting system provides voter-verifiable paper records; defining a certain term; clarifying the standard to be considered by the State Board when evaluating whether a voting system is accessible to voters with disabilities; requiring the Attorney General to make a certain determination and to provide notice of the determination in writing to the Department of Legislative Services; making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and provide a certain notification by a certain time; providing for the application of this Act; and generally relating to voting systems and voter-verifiable paper records”.

On page 2, strike in their entirety lines 3 through 8, inclusive; and in line 11, strike “1-101(xx)” and substitute “9-102”.

AMENDMENT NO. 2

On pages 2 through 12, strike beginning with line 14 on page 2 through line 18 on page 12, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

9-102.

(A) IN THIS SECTION, A “VOTER-VERIFIABLE PAPER RECORD” INCLUDES:

(1) A PAPER BALLOT PREPARED BY THE VOTER FOR THE PURPOSE OF BEING READ BY A PRECINCT-BASED OPTICAL SCANNER;

(2) A PAPER BALLOT PREPARED BY THE VOTER TO BE MAILED TO THE APPLICABLE LOCAL BOARD, WHETHER MAILED FROM A DOMESTIC OR AN OVERSEAS LOCATION; AND

(3) A PAPER BALLOT CREATED THROUGH THE USE OF A BALLOT MARKING DEVICE.

[(a)] (B) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

[(b)] (C) The State Board shall periodically review and evaluate alternative voting systems.

[(c)] (D) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

- (ii) protect the security of the voting process;
- (iii) count and record all votes accurately;
- (iv) accommodate any ballot used under this article;
- (v) protect all other rights of voters and candidates; [and]
- (vi) be capable of creating a paper record of all votes cast in order

that an audit trail is available in the event of a recount, INCLUDING A MANUAL RECOUNT;
AND

(VII) PROVIDE A VOTER-VERIFIABLE PAPER RECORD THAT:

1. IS AN INDIVIDUAL DOCUMENT THAT IS PHYSICALLY SEPARATED FROM ANY OTHER SIMILAR DOCUMENT AND NOT PART OF A CONTINUOUS ROLL;

2. IS SUFFICIENTLY DURABLE TO WITHSTAND REPEATED HANDLING FOR THE PURPOSES OF MANDATORY RANDOM AUDITS AND RECOUNTS; AND

3. USES INK THAT DOES NOT FADE, SMEAR, OR OTHERWISE DEGRADE AND OBSCURE OR OBLITERATE THE PAPER RECORD OVER TIME;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the [National Association of State Election Directors] U.S. ELECTION ASSISTANCE COMMISSION; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission OR THE U.S. ELECTION ASSISTANCE COMMISSION; and

(3) the public interest will be served by the certification of the voting system.

[(d)] (E) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

(3) the cost of implementing the system;

(4) the efficiency of the system;

(5) the likelihood that the system will malfunction;

(6) the system's ease of understanding for the voter;

(7) the convenience of voting afforded by the system;

(8) the timeliness of the tabulation and reporting of election returns;

(9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act, INCLUDING FEATURES WHICH:

(I) ENSURE THAT ACCESSIBILITY FOR VOTERS WITH DISABILITIES IS EQUIVALENT TO THAT AFFORDED TO VOTERS WITHOUT DISABILITIES;

(II) DO NOT REQUIRE THE CREATION OF A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES; AND

(III) ALLOW FOR THE INDEPENDENT AND PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF THE BALLOT BY VOTERS WITH DISABILITIES; and

(11) any other factor that the State Board considers relevant.

[(e)] (F) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.”.

AMENDMENT NO. 3

On page 12, in line 19, strike “3.” and substitute “2.”; and in line 20, strike “March” and substitute “January”.

AMENDMENT NO. 4

On page 12, after line 21, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, if the Attorney General determines on or after the effective date of this Act that any provision of this Act is in conflict with any law of the United States or a rule, regulation, or policy of the U.S. Election Assistance Commission, the conflicting provision of this Act shall be abrogated and of no force or effect. The Attorney General, within 5 days after determining the existence of a conflict, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, MD 21401.”.

On page 13, in line 13, strike “Section” and substitute “Sections 2 through”; and in line 14, strike “July” and substitute “October”.

The preceding 4 amendments were withdrawn.

FLOOR AMENDMENT

(Amendment ID: HB0018/343726/1)

BY: Senator Dyson

AMENDMENT NO. 1

On page 1, in line 2, strike “Voter–Verified” and substitute “Voter–Verifiable”.

On pages 1 and 2, strike beginning with “requiring” in line 3 on page 1 down through “systems” in line 2 on page 2 and substitute “prohibiting the State Board of Elections from certifying a voting system unless the State Board determines that the voting system provides voter–verifiable paper records; defining a certain term; requiring that certain voting systems be accessible to certain individuals with disabilities; requiring the State Board to provide certain training on the voting system to election judges; requiring the Attorney General to make a certain determination and to provide notice of the determination in writing to the Department of Legislative Services; making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and provide a certain notification by a certain time; providing for the application of this Act; and generally relating to voting systems and voter–verifiable paper records”.

On page 2, strike in their entirety lines 3 through 24, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–102 and 10-206
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 12, strike in their entirety the lines beginning with line 25 on page 2 through line 18 on page 12, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

9–102.

(A) IN THIS SECTION, A “VOTER–VERIFIABLE PAPER RECORD” INCLUDES:

(1) A PAPER BALLOT PREPARED BY THE VOTER FOR THE PURPOSE OF BEING READ BY A PRECINCT-BASED OPTICAL SCANNER;

(2) A PAPER BALLOT PREPARED BY THE VOTER TO BE MAILED TO THE APPLICABLE LOCAL BOARD, WHETHER MAILED FROM A DOMESTIC OR AN OVERSEAS LOCATION; AND

(3) A PAPER BALLOT CREATED THROUGH THE USE OF A BALLOT MARKING DEVICE.

[(a)] (B) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

[(b)] (C) The State Board shall periodically review and evaluate alternative voting systems.

[(c)] (D) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates; [and]

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, INCLUDING A MANUAL RECOUNT; AND

(VII) PROVIDE A VOTER-VERIFIABLE PAPER RECORD THAT:

1. IS AN INDIVIDUAL DOCUMENT THAT IS PHYSICALLY SEPARATED FROM ANY OTHER SIMILAR DOCUMENT AND NOT PART OF A CONTINUOUS ROLL;

2. IS SUFFICIENTLY DURABLE TO WITHSTAND REPEATED HANDLING FOR THE PURPOSES OF MANDATORY RANDOM AUDITS AND RECOUNTS; AND

3. USES INK THAT DOES NOT FADE, SMEAR, OR OTHERWISE DEGRADE AND OBSCURE OR OBLITERATE THE PAPER RECORD OVER TIME;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the [National Association of State Election Directors] U.S. ELECTION ASSISTANCE COMMISSION; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission OR THE U.S. ELECTION ASSISTANCE COMMISSION; and

(3) the public interest will be served by the certification of the voting system.

[(d)] (E) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

(3) the cost of implementing the system;

(4) the efficiency of the system;

(5) the likelihood that the system will malfunction;

- (6) the system's ease of understanding for the voter;
- (7) the convenience of voting afforded by the system;
- (8) the timeliness of the tabulation and reporting of election returns;
- (9) the potential for an alternative means of verifying the tabulation;
- (10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and
- (11) any other factor that the State Board considers relevant.

(F) A VOTING SYSTEM SELECTED, CERTIFIED, AND IMPLEMENTED UNDER THIS SECTION SHALL:

(1) PROVIDE ACCESS TO VOTERS WITH DISABILITIES THAT IS EQUIVALENT TO ACCESS AFFORDED VOTERS WITHOUT DISABILITIES WITHOUT CREATING A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES;

(2) ENSURE THE INDEPENDENT, PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF SECRET BALLOTS BY VOTERS WITH DISABILITIES IN AN ACCESSIBLE MEDIA BY BOTH VISUAL AND NONVISUAL MEANS, INCLUDING SYNCHRONIZED AUDIO OUTPUT AND ENHANCED VISUAL DISPLAY; AND

(3) COMPLY WITH BOTH THE AMERICANS WITH DISABILITIES ACT, P.L. 101-336, AND THE HELP AMERICA VOTE ACT, P.L. 107-252, INCLUDING ACCESSIBILITY STANDARDS ADOPTED AS PART OF THE VOLUNTARY VOTING SYSTEM GUIDELINES PURSUANT TO THE HELP AMERICA VOTE ACT.

(G) (1) AT LEAST ONE VOTING SYSTEM IN EACH POLLING PLACE ON ELECTION DAY SHALL PROVIDE ACCESS FOR VOTERS WITH DISABILITIES IN COMPLIANCE WITH SUBSECTION (F) OF THIS SECTION.

(2) THE STATE BOARD SHALL ENSURE THAT ADEQUATE BACKUP EQUIPMENT IS AVAILABLE AND CONTINGENCY PLANS ARE ESTABLISHED TO ENSURE COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(H) BEFORE THE SELECTION OF A VOTING SYSTEM, THE STATE BOARD SHALL:

(1) ENSURE THAT AN ACCESSIBLE VOTING SYSTEM CONFORMS TO THE ACCESS REQUIREMENTS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES DEVELOPED IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT IN EFFECT AT THE TIME OF SELECTION; AND

(2) CONDUCT AN ACCESSIBILITY AND USABILITY EVALUATION OF THE VOTING SYSTEM TO ASSESS ITS ACCESSIBILITY AND USABILITY BY VOTERS WITH DISABILITIES, INCLUDING:

(I) A PUBLIC DEMONSTRATION OF THE SYSTEM; AND

(II) AN EVALUATION BY INDIVIDUALS REPRESENTING A CROSS-SECTION OF VOTERS WITH DISABILITIES.

[(e)] (I) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

10-206.

(a) In consultation with the local boards, the State Board shall:

(1) develop a program of instruction of election judges; and

(2) oversee the implementation of the program of instruction.

(b) The training materials utilized by the program may include:

- (1) an instruction manual and other written directives;
- (2) curriculum for training sessions; and
- (3) audiovisuals.

(c) The State Board shall develop a process for the evaluation of the training program and the performance of the polling place staff in each county.

(d) To the extent appropriate, the training program shall be specific to each of the voting systems used in polling places in the State.

(E) (1) THE STATE BOARD SHALL PROVIDE ELECTION JUDGES WITH UNIFORM STATEWIDE TRAINING ON THE VOTING SYSTEM, INCLUDING:

(I) ALL FEATURES OF THE VOTING SYSTEM THAT PROVIDE ACCESS TO VOTERS WITH DISABILITIES; AND

(II) THE RIGHTS OF VOTERS WITH DISABILITIES, INCLUDING THOSE RIGHTS GUARANTEED BY STATE AND FEDERAL LAW.

[e] (F) Each local board shall conduct election judge training based on the program developed by the State Board.

[f] (G) (1) Except as provided in paragraph (2) of this subsection, each election judge shall participate in the training program provided for in subsection (a) of this section.

(2) An election judge who is appointed under emergency circumstances is not required to attend the course of instruction.”.

AMENDMENT NO. 3

On page 12, in line 19, strike “3.” and substitute “2.”; and in line 20, strike “March” and substitute “January”.

AMENDMENT NO. 4

On page 12, after line 21, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, if the Attorney General determines on or after the effective date of this Act that any provision of this Act is in conflict with any law of the United States or a rule, regulation, or policy of the U.S. Election Assistance Commission, the conflicting provision of this Act shall be abrogated and of no force or effect. The Attorney General, within 5 days after determining the existence of a conflict, shall notify in writing the Department of Legislative Services, Legislative Services Building, 90 State Circle, Annapolis, MD 21401.”

On page 13, in lines 4, 6, and 12, in each instance, strike “2” and substitute “1”; in line 13, strike “Section 4” and substitute “Sections 2 through 4”; and in line 14, strike “July” and substitute “October”.

The preceding 4 amendments were read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1165)

The Bill was then sent to the House of Delegates.

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 – 41 Negative – 5 (See Roll Call No. 1166)

The Bill was then sent to the House of Delegates.

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

FLOOR AMENDMENT

(Amendment ID: HB0773/523821/2)

BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 773, AS AMENDED

(Third Reading File Bill)

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0773/634331/1), in line 7 of Amendment No. 2, after “DESIGNEE;” insert:

“(VIII) THE EXECUTIVE DIRECTOR OF THE RURAL MARYLAND COUNCIL, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;”;

and in lines 8 and 9 of the Amendment, strike “(VIII)” and “(IX)”, respectively, and substitute “(IX)” and “(X)”, respectively.

On page 2 of the bill, in line 22, after “League” insert “, WITH ONE REPRESENTING A RURAL COUNTY”; and in line 25, after “Counties” insert “, WITH ONE REPRESENTING A RURAL COUNTY”.

The preceding amendment was read and adopted.

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1167)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1168)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1169)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1170)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1171)

The Bill was then sent to the House of Delegates.

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 – 35 Negative – 12 (See Roll Call No. 1172)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1173)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1174)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1175)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1176)

The Bill was then sent to the House of Delegates.

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 – 25 Negative – 22 (See Roll Call No. 1177)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (HOUSE BILLS) #44
CONSENT CALENDAR #24**

BILL NO. SPONSOR CONTENT COMMITTEE

HB 564	Del. Haddaway	Dor and Tal Counties – Unattended Marine Vsl Mtr Fuel Retail Serv Stations at Marinas – Pilot Pgm	EHE
HB 601	Del. Bohanan	St. Mary’s County – Deer Hunting on Private Property – Sundays	EHE
HB 667	Montgomery/PG Co. Del.	Washington Suburban Sanitary District – System Development Charge – Exemptions MC/PG 116–07	EHE
HB 691	Montgomery/PG Co. Del.	WSSC – Minority and Local Small Business Enterprise Programs MC/PG 104–07	EHE
HB 711	Montgomery/PG Co. Del.	M–NCPCC – Open Space Dedication – Fee in Lieu MC/PG 120–07	EHE
HB 723	Montgomery/PG Co. Del.	Montgomery County – Maryland–Washington Metropolitan District – Boundaries MC/PG 121–07	EHE
HB 908	Prince George’s Del.	Prince George’s Co – Public Saf Surcharge – Increased Distrib of Rev to Mun Corpns PG 414–07	EHE
HB 1091	Frederick County Del.	Frederick County Board of Elections – Salary Increase	EHE
HB 1344	Frederick County Del.	Frederick County Commissioners – Zoning and Planning – Pub Ethics	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 24 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1178)

The Bills were then sent to the House of Delegates.

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 – 43 Negative – 4 (See Roll Call No. 1179)

The Bill was then sent to the House of Delegates.

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 – 38 Negative – 8 (See Roll Call No. 1180)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #48

House Bill 16 – ~~Delegate Hixson~~ Delegates Hixson, Cardin, Howard, Ivey, N. King, Manno, Rice, Stukes, and F. Turner

AN ACT concerning

**Election Law – Absentee Ballot Applications and Voter
~~Registration – Deadlines~~ – Deadline**

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1181)

The Bill was then sent to the House of Delegates.

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 – 40 Negative – 7 (See Roll Call No. 1182)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 1 (See Roll Call No. 1183)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Commercial ~~Truck~~ Vehicle Warrantly Enforcement – Study

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1184)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1185)

The Bill was then sent to the House of Delegates.

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 – 28 Negative – 18 (See Roll Call No. 1186)

The Bill was then sent to the House of Delegates.

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

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

The motion was adopted.

BILL NO.: **SB 255** SPONSOR: **Senator Conway**

SUBJECT: State Board of Physicians - Sunset Extension and Program Evaluation

THIRD READING CALENDAR HOUSE NO. **39** SENATE NO. **32**

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

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

(1) That the Health and Government Operations Committee Amendments (SB0255/436684/1) be rejected; and

(2) That the attached Conference Committee Amendments (SB0255/493621/1) be adopted.

(Amendment ID: SB0255/493621/1)

BY: Conference Committee

AMENDMENTS TO SENATE BILL 255

(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, strike beginning with “requiring” in line 42 down through “year;” in line 43.

AMENDMENT NO. 2

On page 8, in line 17, strike “10” and substitute “12”; and in line 30, strike “1.”.

On page 9, strike in their entirety lines 3 through 8, inclusive.

AMENDMENT NO. 3

On page 16, in line 14, strike “WITHIN THE PAST YEAR”.

AMENDMENT NO. 4

On page 23, in line 1, strike “10-YEAR” and substitute “5-YEAR”.

AMENDMENT NO. 5

On page 27, in line 19, strike “10” and substitute “12”.

On page 28, in line 3, strike “1.”; and strike in their entirety lines 9 through 14, inclusive.

AMENDMENT NO. 6

On page 33, strike in their entirety lines 9 through 14, inclusive; in line 15, strike “9.” and substitute “8.”; and in line 19, strike “10.” and substitute “9.”.

Senate Members:

House Members:

Chairman, **Roy P. Dyson**

Chairman, **John P. Donoghue**

Bobby A. Zirkin

Shane E. Pendergrass

Andrew P. Harris

Wade Kach

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1187)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 1194 SPONSOR: Delegate Sophocleus

**SUBJECT: Criminal Law - Unauthorized Possession of
Contraband - Place of Confinement**

THIRD READING CALENDAR HOUSE NO. 24 SENATE NO. 18

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

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

(1) That the Judicial Proceedings Committee Amendments (HB1194/678070/1) be rejected.

(2) That the attached Conference Committee Amendments (HB1194/203729/1) be adopted.

(Amendment ID: HB1194/203729/1)

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1194

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Places” and substitute “Place”; and in lines 11 and 13, in each instance, before “place” insert “certain”.

AMENDMENT NO. 2

On page 6, in lines 13, 16, and 18, in each instance, after “**CONFINEMENT**” insert “**WITH SIGNS POSTED INDICTING THAT SUCH CONDUCT IS PROHIBITED**”.

Senate Members:

House Members:

Chairman, **Jennie M. Forehand**

Chairman, **Jeff Waldstreicher**

Bryan W. Simonaire

Susan K. McComas

Lisa A. Gladden

Susan C. Lee

Conference Committee Report read and adopted.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1188)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1131** SPONSOR: **Delegate Hubbard**

SUBJECT: **Environment - Phosphorus - Dishwashing Detergent**

THIRD READING CALENDAR HOUSE NO. **37** SENATE NO. **12**

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

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

(1) That the Education, Health, and Environmental Affairs Committee Amendment (HB1131/504535/1) be rejected.

(2) That the attached Conference Committee Amendment (HB1131/293321/1) be adopted.

(Amendment ID: HB1131/293321/1)

BY: Conference Committee

AMENDMENT TO HOUSE BILL 1131

(Third Reading File Bill)

On page 3, in line 9, strike "JULY 1, 2010" and substitute "JANUARY 1, 2010".

Senate Members:

House Members:

Chairman, **Paul G. Pinsky**

Chairman, **Tom Hucker**

Jim Rosapepe

Michael H. Weir, Jr.

Janet Greenip**Anthony J. O'Donnell**

Conference Committee Report read and adopted.

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

Affirmative – 40 Negative – 7 (See Roll Call No. 1189)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 1016 SPONSOR: Delegate Hecht

SUBJECT: Renewable Energy Portfolio Standard - Solar Energy

THIRD READING CALENDAR HOUSE NO. 54 SENATE NO. 31

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

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

- (1) That the attached Finance Committee Amendments (HB1016/817371/1) be adopted.
- (2) That the attached Conference Committee Amendment (HB1016/943122/1) be adopted.

(Amendment ID: HB1016/817371/1)

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1016 (Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “Renewable” insert “Electricity – Net Energy Metering –”; in line 3, after “of” insert “increasing a certain limit used to determine the availability of net energy metering to eligible customer-generators; increasing the”

amount of generating capacity of an electric generating system that may be used by an eligible customer-generator for net metering; requiring the Public Service Commission to make a certain determination concerning dual metering for certain eligible customer-generators; providing that an eligible customer-generator has a title to certain attributes or credits associated with certain electricity produced; requiring the Commission on or before a certain date each year to report to the General Assembly on the status of the net metering program in the State;”; in line 7, after “standard” insert “in certain manners during certain periods; requiring certain credits to be offered for certain purposes in a certain manner”; and strike beginning with “requiring” in line 10 down through “Commission” in line 14 and substitute “allowing certain renewable on-site generators to retain or transfer certain credits in a certain manner; requiring certain electricity suppliers to submit a certain report”.

On page 2, strike beginning with “requiring” in line 3 down through “request;” in line 4; in line 5, after “fund;” insert “requiring certain fees to be accounted for and used in a certain manner; requiring the Maryland Energy Administration to report each year on certain matters; requiring certain electricity suppliers to enter into certain contracts for not less than a certain term of years; requiring the Commission to set a maximum price for a solar renewable energy credit each year by taking into consideration certain market prices; prohibiting certain credits from being sold above a certain price; requiring the purchase of certain credits from certain systems to be made based on certain market prices determined by the Commission;”; strike beginning with “altering” in line 6 down through “circumstances;” in line 7; in line 9, in each instance, after “standards” insert “and procedures”; strike beginning with “altering” in line 10 down through “certificate;” in line 15; in line 17, after “report” insert “due on a certain date”; strike beginning with “requiring” in line 17 down through “purposes” in line 18 and substitute “altering certain definitions; making stylistic changes”; in line 18, after “application” insert “and construction”; in the same line, after “of” insert “certain provisions of”; in line 19, after “to” insert “net energy metering,”; in the same line, strike “use of”; in the same line, after “energy” insert “portfolio standard,”; in line 23, after “7-306,” insert “7-701(h)(2) and (m),”; in the same line, strike “7-704(a),” and substitute “7-704,”; in the same line, after “7-705,” insert “7-706(c)(1),”; in the same line, after “7-707(f),” insert “7-709,”; strike in their entirety lines 26 through 30, inclusive; and in line 33, strike “7-704(c)” and substitute “7-707(h)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 36 on page 2 through line 1 on page 3, inclusive.

AMENDMENT NO. 2

On page 9, strike beginning with “STARTING” in line 15 down through “LATER:” in line 16; in line 17, after “(I)” insert “1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH,”; in lines 20 and 21, strike “; AND” and substitute a period; after line 21, insert:

“2. ON OR BEFORE DECEMBER 31, 2011, ENERGY FROM A TIER 1 RENEWABLE SOURCE UNDER § 7-701(L)(1) OF THIS SUBTITLE THAT IS NOT CONNECTED WITH THE ELECTRIC DISTRIBUTION GRID SERVING MARYLAND IS ELIGIBLE FOR INCLUSION IN MEETING THE RENEWABLE ENERGY PORTFOLIO STANDARD ONLY IF OFFERS FOR SOLAR CREDITS FROM MARYLAND GRID SOURCES ARE NOT MADE TO THE ELECTRICITY SUPPLIER THAT WOULD SATISFY REQUIREMENTS UNDER THE STANDARD AND ONLY TO THE EXTENT THAT SUCH OFFERS ARE NOT MADE.”;

and in line 22, strike “IF” and substitute “IF”.

AMENDMENT NO. 3

On page 7, after line 10, insert:

“7-701.

(h) (2) “Qualifying biomass” includes biomass listed in paragraph (1) of this section that is used for co-firing, subject to [§ 7-704(e)] § 7-704(D) of this subtitle.

(m) “Tier 2 renewable source” means one or more of the following types of energy sources:

(1) hydroelectric power other than pump storage generation;

(2) incineration of poultry litter[, if the Maryland Energy Administration and the Maryland Department of Agriculture determine that there is a sufficient quantity of poultry litter available for the economic viability of any existing and operating entity that is sited on the Delmarva Peninsula and that, as of July 1, 2004, processes and pasteurizes chicken litter as fertilizer]; and

(3) waste-to-energy.”.

On page 8, in line 28, strike “9.5%” and substitute “9.35%”.

On page 10, in line 8, after “standard” insert a comma; in the same line, after “service” insert “, IF THE MARYLAND ENERGY ADMINISTRATION AND THE MARYLAND DEPARTMENT OF AGRICULTURE DETERMINE THAT THERE IS A SUFFICIENT QUANTITY OF POULTRY LITTER AVAILABLE FOR THE ECONOMIC VIABILITY OF ANY EXISTING AND OPERATING ENTITY THAT IS SITED ON THE DELMARVA PENINSULA AND THAT, AS OF JULY 1, 2004, PROCESSED AND PASTEURIZED CHICKEN LITTER AS FERTILIZER”; after line 8, insert:

“(b) On or after January 1, 2004, an electricity supplier may:

- (1) receive renewable energy credits; and
- (2) accumulate renewable energy credits under this subtitle.”;

and strike in their entirety lines 11 through 31, inclusive, and substitute:

“[(d)] (C) (1) This subsection applies only to a generating facility that is placed in service on or after January 1, 2004.

(2) (i) On or before December 31, 2005, an electricity supplier shall receive 120% credit toward meeting the renewable energy portfolio standard for energy derived from wind.

(ii) After December 31, 2005, and on or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from wind.

(3) On or before December 31, 2008, an electricity supplier shall receive 110% credit toward meeting the renewable energy portfolio standard for energy derived from methane under § 7-701(1)(4) of this subtitle.

[(e)] (D) An electricity supplier shall receive credit toward meeting the renewable energy portfolio standard for electricity derived from the biomass fraction of biomass co-fired with other fuels.

[(f)] (E) (1) In this subsection, “customer” means:

(i) an industrial electric customer that is not on standard offer service; or

(ii) a renewable on-site generator.

(2) (i) A customer may independently acquire renewable energy credits to satisfy the standards applicable to the customer's load, including credits created by a renewable on-site generator.

(ii) [Except as provided in subparagraph (iii)1 of this paragraph, the customer shall surrender the credits necessary to meet the standard to its electricity supplier for inclusion in the electricity supplier's compliance report under § 7-705 of this subtitle.

(iii) 1.] Credits that a customer [surrenders] TRANSFERS to its electricity supplier to meet the standard and that the electricity supplier relies on in submitting its compliance report may not be resold or retransferred by the customer or by the electricity supplier.

[2. The customer may retain or transfer any credits in excess of the amount needed to satisfy the standard for the customer's load.

(iv) A customer who surrenders credits under this subsection retains all rights and title to any environmental or other attributes associated with the credits, including emission reductions or related allowances.]

(3) A renewable on-site generator [shall receive credit] **MAY RETAIN OR TRANSFER AT ITS SOLE OPTION ANY CREDITS CREATED BY THE RENEWABLE ON-SITE GENERATOR, INCLUDING CREDITS** for the portion of its on-site generation from a Tier 1 renewable source or a Tier 2 renewable source that displaces the purchase of electricity by the renewable on-site generator from the grid.

(4) A customer that satisfies the standard applicable to the customer's load under this subsection may not be required to contribute to a compliance fee recovered under § 7-706 of this subtitle.

(5) The Commission shall adopt regulations governing the application and transfer of credits under this subsection consistent with federal law.

~~[(g)]~~ **(F)** (1) In order to create a renewable energy credit, a Tier 1 renewable source or Tier 2 renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right-to-know provisions, permit conditions, and administrative orders.

(2) (i) This paragraph applies to Tier 2 renewable sources that incinerate solid waste.

(ii) At least 80% of the solid waste incinerated at a Tier 2 renewable source facility shall be collected from:

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9-505 of the Environment Article; and

2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9-505 of the Environment Article, in accordance with regulations of the Commission.

(iii) An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.”.

On page 11, in line 11, strike “paragraph” and substitute “**ITEM**”.

On page 14, after line 11, insert:

“7-706.

(c) Any cost recovery under this section:

(1) for all electricity suppliers, may be in the form of a generation surcharge payable by all current electricity supply customers, except as otherwise provided in [~~§ 7-704(f)~~] **§ 7-704(E)** of this subtitle;”;

in line 15, strike “energy”; and after line 30, insert:

“(H) (1) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSION, SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE STATUS OF THE FUND.

(2) THE REPORT SHALL INCLUDE:

(I) ALL AMOUNTS RECEIVED BY AND DISBURSED FROM THE FUND;

(II) ALL AMOUNTS USED BY THE ADMINISTRATION AND THE COMMISSION FOR ADMINISTRATIVE PURPOSES;

(III) THE EVALUATION CRITERIA USED BY THE ADMINISTRATION IN MAKING LOANS AND GRANTS FROM THE FUND AND IN SELECTING RECIPIENTS OF THOSE LOANS AND GRANTS;

(IV) THE NUMBER AND AMOUNTS OF LOANS AND GRANTS MADE IN THE PRECEDING CALENDAR YEAR;

(V) THE STATUS OF LOANS PENDING AS OF THE END OF THE PRECEDING CALENDAR YEAR;

(VI) THE ALLOCATION OF DISBURSEMENTS FOR DEVELOPMENT OF NEW SOLAR AND OTHER TIER 1 RENEWABLE SOURCES;

(VII) THE PROJECTED RECEIPTS OF THE FUND IN THE CURRENT CALENDAR YEAR; AND

(VIII) PLANS FOR THE USE OF RESOURCES OF THE FUND IN THE CURRENT CALENDAR YEAR.

(a) An electricity supplier may use accumulated renewable energy credits to meet the renewable energy portfolio standard, including credits created by a renewable on-site generator.

(b) A renewable energy credit may be sold or otherwise transferred.

(C) (1) (I) IF AN ELECTRICITY SUPPLIER PURCHASES SOLAR RENEWABLE ENERGY CREDITS DIRECTLY FROM A RENEWABLE ON-SITE GENERATOR TO MEET THE SOLAR COMPONENT OF THE TIER 1 RENEWABLE ENERGY PORTFOLIO STANDARD, THE DURATION OF THE CONTRACT TERM FOR THE SOLAR RENEWABLE ENERGY CREDITS MAY NOT BE LESS THAN 15 YEARS.

(II) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, 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.

(III) THE COMMISSION SHALL SET A MAXIMUM PRICE FOR A SOLAR RENEWABLE ENERGY CREDIT EACH YEAR BY TAKING INTO CONSIDERATION THE MARKET PRICES FOR SOLAR RENEWABLE ENERGY CREDITS IN ALL THE STATES THAT ARE WITHIN THE PJM REGION.

(IV) A SOLAR RENEWABLE ENERGY CREDIT MAY NOT BE SOLD FOR MORE THAN THE MAXIMUM PRICE ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(2) AN ELECTRICITY SUPPLIER THAT PURCHASES SOLAR RENEWABLE ENERGY CREDITS FROM A RENEWABLE ON-SITE GENERATOR WITH A CAPACITY NOT EXCEEDING 10 KILOWATTS SHALL PAY THE ON-SITE GENERATOR THE MAXIMUM PRICE ESTABLISHED EACH YEAR BY THE COMMISSION UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION.

[(c)] (D) (1) Except as authorized under paragraph (2) of this subsection, a renewable energy credit shall exist for 3 years from the date created.

(2) A renewable energy credit may be diminished or extinguished before the expiration of 3 years by:

- (i) the electricity supplier that received the credit;
- (ii) a nonaffiliated entity of the electricity supplier:
 - 1. that purchased the credit from the electricity supplier receiving the credit; or
 - 2. to whom the electricity supplier otherwise transferred the credit; or
- (iii) demonstrated noncompliance by the generating facility with the requirements of [§ 7-704(g)] § 7-704(F) of this subtitle.

[(d)] (E) Notwithstanding subsection [(c)(2)(iii)] (D)(2)(III) of this section, and only if the demonstrated noncompliance does not result in environmental degradation, an electricity supplier that reasonably includes in its annual report under § 7-705 of this subtitle a renewable energy credit that is extinguished for noncompliance with [§ 7-704(g)(1)] § 7-704(F)(1) or (2) of this subtitle:

- (1) may continue to rely on that credit for that year; but
- (2) for later years must:
 - (i) demonstrate a return to compliance of the generating facility under [§ 7-704(g)] § 7-704(F) of this subtitle; or
 - (ii) replace the credit with a renewable energy credit from another source.

[(e)] (F) The Commission by regulation shall establish requirements for documentation and verification of renewable energy credits by licensed electricity suppliers and other generators that create and receive credits for compliance with the standards for Tier 1 renewable sources and Tier 2 renewable sources.”.

On page 15, in line 8, strike “ENERGY”; and in line 13, strike the first “ENERGY”.

On pages 15 through 18, strike in their entirety the lines beginning with line 22 on page 15 through line 22 on page 18, inclusive.

On page 19, in line 33, strike “provisions”.

On page 20, in line 2, strike “and”; and in line 4, after “2014” insert “;

(5) determine the realized and projected availability of solar renewable energy credits in Maryland;

(6) consider the ability of a regional market to lower the cost impact of the solar requirements of the renewable energy portfolio standard on customers;

(7) consider the ability of a regional market, in complying with the solar requirements, to develop solar energy in Maryland; and

(8) determine the appropriate use of the funds that are paid into the Maryland Renewable Energy Fund from compliance fees, including specific criteria for making loans and grants, to achieve the intended goals of the renewable energy portfolio standard”.

On pages 20 and 21, strike in their entirety the lines beginning with line 5 on page 20 through line 4 on page 21, inclusive.

On page 21, in lines 5 and 9, strike “7.” and “8.”, respectively, and substitute “6.” and “7.”, respectively; strike beginning with “The” in line 6 down through “2007.” in line 8; and in line 10, strike “7” and substitute “6”.

(Amendment ID: HB1016/943122/1)

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1016, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (HB1016/817371/1), strike beginning with “Commission” in line 20 of Amendment No. 1 down through “prices” in

line 24 and substitute “purchase of certain credits from certain systems to be made in a certain manner in accordance with rates and methods”.

AMENDMENT NO. 2

On pages 8 and 9 of the Finance Committee Amendments, in Amendment No. 3, strike beginning with “SUBJECT” in line 21 on page 8 down through “THE” in line 1 on page 9 and substitute “THE”.

On page 9 of the Finance Committee Amendments, strike in their entirety lines 5 through 16, inclusive, and substitute:

“(2) (I) AN ELECTRICITY SUPPLIER THAT PURCHASES SOLAR RENEWABLE ENERGY CREDITS FROM A RENEWABLE ON-SITE GENERATOR 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 THE CREDITS TO THE ELECTRICITY SUPPLIER IN A MANNER THAT IS CONSISTENT WITH THE DURATION OF THE CONTRACT; AND

2. DETERMINE THE RATE FOR A PAYMENT MADE TO A RENEWABLE ON-SITE GENERATOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”.

Senate Members:

House Members:

Chairman, **Rob Garagiola**

Chairman, **Brian K. McHale**

Katherine Klausmeier

Sue Hecht

George C. Edwards

Jeannie Haddaway

Conference Committee Report read and adopted.

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

Affirmative – 29 Negative – 18 (See Roll Call No. 1190)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

**BILL NO.: HB 636 SPONSOR: Prince George’s County
Delegation**

**SUBJECT: Prince George’s County - Task Force to Improve
Child Support Compliance PG 426-07**

THIRD READING CALENDAR HOUSE NO. 32 SENATE NO. 30

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

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

- (1) That the Judicial Proceedings Committee Amendments (HB0636/208373/1) be rejected.
- (2) That the attached Conference Committee Amendment (HB0636/323821/1) be adopted.

(Amendment ID: HB0636/323821/1)

BY: Conference Committee

AMENDMENT TO HOUSE BILL 636
(Third Reading File Bill)

On page 2, in line 23, after “Governor;” insert “and”; and strike beginning with “One” in line 24 down through “(11)” in line 26.

Senate Members:

House Members:

Chairman, **C. Anthony Muse**

Chairman, **Victor R. Ramirez**

Norman R. Stone, Jr.

Ben Barnes

Jennie M. Forehand

Donald H. Dwyer, Jr.

Conference Committee Report read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1191)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 268 SPONSOR: Senator Conway

**SUBJECT: Higher Education - Blind and Print Disabled Students
- Instructional Materials**

THIRD READING CALENDAR HOUSE NO. 40 SENATE NO. 28

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

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

(1) That the attached Committee on Ways and Means Amendments (SB0268/755468/1) be adopted.

(2) That the attached Conference Committee Amendment (SB0268/513721/1) be adopted.

(Amendment ID: SB0268/755468/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 268
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Committee” insert “; providing for the termination of the Committee”.

On page 2, in line 8, after “procedure;” insert “exempting certain persons from certain request procedures;”.

AMENDMENT NO. 2

On page 3, in line 25, strike “SEPTEMBER” and substitute “DECEMBER”; and in line 30, strike “THE FOLLOWING”; and in the same line, strike “19 MEMBERS”.

On page 4, in line 1, after “(1)” insert “THE SECRETARY OF HIGHER EDUCATION, OR THE SECRETARY’S DESIGNEE;

(2) THE SECRETARY OF DISABILITIES, OR THE SECRETARY’S DESIGNEE;

(3) THE STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT’S DESIGNEE; AND

(4) THE FOLLOWING 14 MEMBERS APPOINTED BY THE GOVERNOR:

(I)”;

in the same line, strike “APPOINTED BY” and substitute “REPRESENTING”; in line 2, strike “(2)” and substitute “(II)”; and strike in their entirety lines 5 through 22, inclusive, and substitute:

“(III) THREE MEMBERS, ONE REPRESENTING EACH OF THE FOLLOWING INSTITUTIONS OF HIGHER EDUCATION:

1. THE UNIVERSITY SYSTEM OF MARYLAND;

2. A COMMUNITY COLLEGE; AND

3. A PRIVATE, 4-YEAR INSTITUTION OF HIGHER EDUCATION;”.

On page 5, in line 9, after “(D)” insert “THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMITTEE.”

(E) (1) A MEMBER OF THE COMMITTEE SHALL SERVE FOR A PERIOD OF 3 YEARS.

(2) THE COMMITTEE SHALL EXPIRE ON DECEMBER 1, 2010.

(F) THE DEPARTMENT, THE DEPARTMENT OF DISABILITIES, AND THE MARYLAND HIGHER EDUCATION COMMISSION SHALL PROVIDE STAFF FOR THE COMMITTEE.

(G)”.

On page 7, in line 13, after “REASON” insert a comma.

On page 8, in line 9, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THE”.

On page 9, in line 1, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, A”.

On page 10, after line 27, insert:

“(I) (1) A MEMBER OF THE FACULTY OF AN INSTITUTION OF HIGHER EDUCATION:

(I) MAY REQUEST FROM THE LIBRARY INSTRUCTIONAL MATERIALS IN AN ELECTRONIC FORMAT; AND

(II) IS NOT REQUIRED TO SIGN AN AGREEMENT SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION.

(2) FOR A REQUEST ON BEHALF OF A FACULTY MEMBER, THE LIBRARY IS NOT REQUIRED TO PROVIDE TO A PUBLISHER THE CERTIFICATIONS SPECIFIED UNDER SUBSECTION (C) OF THIS SECTION.”.

On page 12, in line 6, strike “June” and substitute “October”.

(Amendment ID: SB0268/513721/1)

BY: Conference Committee

AMENDMENTS TO SENATE BILL 268, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 10 of the bill, in lines 18 and 19, strike “UNDER § 11-903 OF THIS SUBTITLE” and substitute “IN THIS SECTION”.

AMENDMENT NO. 2

On page 3 of the Committee on Ways and Means Amendments (SB0268/755468/1), in Amendment No. 2, strike beginning with the colon in line 7 down through “MAY” in line 8 and substitute “MAY”; and strike beginning with “; AND” in line 9 down through “SECTION” in line 11.

AMENDMENT NO. 3

On page 11 of the bill, in line 8, strike “§ 11-903” and substitute “§ 11-904”.

Senate Members:

House Members:

Chairman, **Mike Lenett**

Chairman, **John Olszewski, Jr.**

J. Robert Hooper

Anne R. Kaiser

Roy P. Dyson

Robert A. McKee

Conference Committee Report read and adopted.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1192)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORTBILL NO.: **HB 359** SPONSOR: **Delegate Frush**SUBJECT: **Clean Indoor Air Act of 2007**THIRD READING CALENDAR HOUSE NO. **41** SENATE NO. **17**Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

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

- (1) That the Finance Committee Amendments (HB0359/637572/1) be rejected.
- (2) That the attached Conference Committee Amendments (HB0359/513627/1) be adopted.

(Amendment ID: HB0359/513627/1)

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 359
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “public” insert “, beginning on a certain date.”.

On page 2, in line 3, after “circumstances” insert “before a certain date; providing that a certain waiver terminates on a certain date”; in lines 16 and 17, strike “Secretary of Health and Mental Hygiene” and substitute “health officer of a county”; in line 18, strike “declaring that nothing in this Act shall” and substitute “providing that certain provisions of law may not”; and in line 20, strike “providing for a delayed effective date.”.

On page 3, in line 7, strike “24-510” and substitute “24-511”.

AMENDMENT NO. 2

On page 11, strike beginning with “SHOP” in line 4 down through “PRODUCTS” in line 14 and substitute “BUSINESS THAT IS A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, CORPORATION, PARTNERSHIP, OR OTHER ENTERPRISE, IN WHICH:

(I) THE PRIMARY ACTIVITY IS THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES; AND

(II) THE SALE OF OTHER PRODUCTS IS INCIDENTAL”.

AMENDMENT NO. 3

On page 14, in line 16, strike “THE SECRETARY, IN CONSULTATION WITH THE COMPTROLLER,” and substitute “WITHIN 90 DAYS FROM THE RECEIPT OF AN APPLICATION FOR A WAIVER AND THE DATE THAT ALL CONDITIONS FOR THE APPLICATION FOR A WAIVER REQUIRED IN THE REGULATIONS ADOPTED BY THE SECRETARY HAVE BEEN SATISFIED, THE HEALTH OFFICER OF A COUNTY”.

On page 15, after line 4, insert:

“(D) (1) A WAIVER MAY NOT BE GRANTED UNDER SUBSECTION (A) OF THIS SECTION ON OR AFTER JANUARY 31, 2011.

(2) A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TERMINATES ON JANUARY 31, 2011.”.

AMENDMENT NO. 4

On page 10, in line 8, after “SUBTITLE,” insert “BEGINNING ON FEBRUARY 1, 2008,”.

AMENDMENT NO. 5

On page 15, after line 5, insert:

“NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PREEMPT A COUNTY OR MUNICIPAL GOVERNMENT FROM ENACTING AND ENFORCING MORE STRINGENT MEASURES TO REDUCE INVOLUNTARY EXPOSURE TO ENVIRONMENTAL TOBACCO SMOKE.

24-511.”.

On page 22, strike in their entirety lines 1 through 4, inclusive; in line 5, strike “4.” and substitute “3.”; and in line 6, strike “January 1, 2008” and substitute “October 1, 2007”.

Senate Members:

House Members:

Chairman, **Rob Garagiola**

Chairman, **Dereck E. Davis**

John C. Astle

Michael L. Vaughn

Nathaniel Exum

Carolyn J. Krysiak

Conference Committee Report read and adopted.

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

Affirmative – 31 Negative – 16 (See Roll Call No. 1193)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 672** SPONSOR: **Delegate McComas**

SUBJECT: **Petition for Guardianship of Dis Person - Cert of Competency by Lic'd Certd Socl Worker-Clinical**

THIRD READING CALENDAR HOUSE NO. **21** SENATE NO. **32**

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

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

That Senator Harris' amendments (HB0672/353829/1) be rejected.

Senate Members:

House Members:

Chairman, **Jennie M. Forehand**

Chairman, **Samuel I. Rosenberg**

Jamie Raskin

Todd Schuler

Nancy Jacobs

Tony McConkey

Conference Committee Report read and adopted.

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

Affirmative – 41 Negative – 5 (See Roll Call No. 1194)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 282 SPONSOR: Delegate Hammen

SUBJECT: State Board of Physicians - Sunset Extension and Program Evaluation

THIRD READING CALENDAR HOUSE NO. 17 SENATE NO. 28

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

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

(1) That the attached Education, Health, and Environmental Affairs Committee Amendments (HB0282/194138/1) be adopted; and

(2) That the attached Conference Committee Amendments (HB0282/383526/1) be adopted.

(Amendment ID: HB0282/194138/1)

BY: Education, Health, and Environmental Affairs Committee

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “circumstances;” insert “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;”.

On page 2, in line 5, after “penalty” insert “in lieu of certain sanctions”; in line 19, after “circumstances;” insert “prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings;”; and strike beginning with “modifying” in line 33 down through “profiles” in line 35 and substitute “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”.

On page 3, strike beginning with “requiring” in line 5 down through “circumstances;” in line 7; in line 23, after “date;” insert “requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings;”; in line 26, after “date;” insert “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;”; in line 32, strike “14-405;”; in line 33, strike “14-411(b) and (c)” and substitute “14-411(c)”; in the same line, strike “14-411.1(b)(4),” and substitute “14-411.1(b), (c), and (d),”; in line 39, after “14-411(a)” insert “and (b)”; and in the same line, strike “14-411.1(b)(3),”.

AMENDMENT NO. 2

On page 7, in line 26, after the second “the” insert “JANET L. HOFFMAN”.

On page 8, in line 1, strike “14” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10”; after line 13, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF

THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 14, strike “(ii)” and substitute “**(III)**”; and in line 16, after the second “the” insert “**JANET L. HOFFMAN**”.

AMENDMENT NO. 3

On page 11, in line 26, after “CREDIT” insert “**IN LIEU OF A SANCTION UNDER § 14-404 OF THIS TITLE**”.

AMENDMENT NO. 4

On page 15, in line 5, strike “their own licenses” and substitute “**THE PEER REVIEWER’S OWN LICENSE**”; and in line 8, after “**LICENSED**” insert “**AND ENGAGED IN THE PRACTICE OF MEDICINE WITHIN THE PAST YEAR**”.

AMENDMENT NO. 5

On pages 19 and 20, strike in their entirety the lines beginning with line 13 on page 19 through line 2 on page 20, inclusive.

AMENDMENT NO. 6

On page 20, after line 23, insert:

“(1) **A description of any disciplinary action taken by the Board against the licensee within the most recent 10-year period that includes a copy of the public order;**

(2) **A description in summary form of any final disciplinary action taken by a licensing board in any other state or jurisdiction against the licensee within the most recent 10-year period;**”;

and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(5) (4) A description of a conviction or entry of a plea of guilty or nolo contendere by the licensee for a crime involving moral turpitude reported to the Board under § 14-413(b) of this subtitle; and

[(6) (5) Medical education and practice information about the licensee including:

(i) The name of any medical school that the licensee attended and the date on which the licensee graduated from the school;

(ii) A description of any internship and residency training;

(iii) A description of any specialty board certification by a recognized board of the American Board of Medical Specialties or the American Osteopathic Association;

(iv) The name of any hospital where the licensee has medical privileges as reported to the Board under § 14-413 of this subtitle;

(v) The location of the licensee’s primary practice setting; and

(vi) Whether the licensee participates in the Maryland Medical Assistance Program.

(c) In addition to the requirements of subsection (b) of this section, the Board shall:

(1) Provide appropriate and accessible Internet links from the Board’s Internet site:

(i) To the extent available, to the appropriate portion of the Internet site of each health maintenance organization licensed in this State which will allow the public to ascertain the names of the physicians affiliated with the health maintenance organization; and

(ii) To the appropriate portion of the Internet site of the American Medical Association; [and]

(2) Include a statement on each licensee’s profile of information to be taken into consideration by a consumer when viewing a licensee’s profile, including factors to consider when evaluating a licensee’s malpractice data; AND

(3) PROVIDE ON THE BOARD’S INTERNET SITE:

(I) NOTIFICATION THAT A PERSON MAY CONTACT THE BOARD BY TELEPHONE, ELECTRONIC MAIL, OR WRITTEN REQUEST TO FIND OUT WHETHER THE NUMBER OF MEDICAL MALPRACTICE SETTLEMENTS INVOLVING A PARTICULAR LICENSEE TOTALS THREE OR MORE WITH A SETTLEMENT AMOUNT OF \$150,000 OR GREATER WITHIN THE MOST RECENT 10-YEAR PERIOD AS REPORTED TO THE BOARD; AND

(II) A TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, AND PHYSICAL ADDRESS THROUGH WHICH A PERSON MAY CONTACT THE BOARD TO REQUEST THE INFORMATION REQUIRED TO BE PROVIDED UNDER ITEM (I) OF THIS ITEM.

(d) The Board:

(1) On receipt of a written request for a licensee’s profile from any person, shall forward a written copy of the profile to the person; [and]

(2) Shall maintain a website that serves as a single point of entry where all physician profile information is available to the public on the Internet; AND

(3) ON RECEIPT OF A VERBAL, ELECTRONIC, OR WRITTEN REQUEST IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION, SHALL PROVIDE THE INFORMATION WITHIN 2 BUSINESS DAYS OF THE REQUEST.”.

AMENDMENT NO. 7

On page 24, in line 30, after “THE” insert “JANET L. HOFFMAN”.

On page 25, in line 4, strike “14” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10”; after line 19, insert:

“(II) 1. FOR FISCAL 2008, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 14 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

in line 20, strike “(II)” and substitute “(III)”; and in line 23, after “THE” insert “JANET L. HOFFMAN”.

AMENDMENT NO. 8

On page 29, after line 16, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Chief Administrative Law Judge shall designate a pool of administrative law judges in the Office of Administrative Hearings to hear cases referred to it by the State Board of Physicians.

SECTION 5. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall provide training at least annually to the personnel of the Office of Administrative Hearings in order to improve the quality and efficiency of the hearings in physician discipline cases. The training shall include medical terminology, medical ethics, and, to the extent practicable, descriptions of basic medical and surgical procedures currently in use.”;

in lines 17 and 30, strike “4.” and “5.”, respectively, and substitute “6.” and “9.”, respectively; and after line 29, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, on or before December 31, 2008, regarding:

(1) how many complaints reviewed by two peer reviewers resulted in disagreement between the peer reviewers; and

(2) of these complaints, how many resulted in charges being brought against a licensee.

SECTION 8. AND BE IT FURTHER ENACTED, That for fiscal 2009, the Governor shall include in the annual budget bill funding for an additional 7 new regular positions as compliance analysts for the State Board of Physicians, to be fully funded by the Board of Physicians Fund established under § 14-207 of the Health Occupations Article, in order to efficiently investigate complaints and protect the health, safety, and welfare of the public.”.

On page 30, in line 1, strike “6.” and substitute “10.”.

(Amendment ID: HB0282/383526/1)

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 282, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0282/194138/1), in Amendment No. 1, strike beginning with “requiring” in line 19 down through “year;” in line 10.

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike “10” and substitute “12”; in line 4, strike “1.”; and strike beginning with “2.” in line 10 down through “PARAGRAPH.” in line 15.

AMENDMENT NO. 3

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 4, strike “WITHIN THE PAST YEAR”.

AMENDMENT NO. 4

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 6 of Amendment No. 6, strike “10-YEAR” and substitute “5-YEAR”.

AMENDMENT NO. 5

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 7, strike “10” and substitute “12”; in line 3, strike “1.”; and strike beginning with “2.” in line 9 down through “PARAGRAPH.” in line 14.

AMENDMENT NO. 6

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 8, strike beginning with “SECTION” in line 14 down through “public.” in line 19; and in line 20, strike “10.” and substitute “9.”.

AMENDMENT NO. 7

On page 29 of the bill, in line 30, strike “9.” and substitute “8.”.

Senate Members:

House Members:

Chairman, **Roy P. Dyson**

Chairman, **John P. Donoghue**

Bobby A. Zirkin

Shane E. Pendergrass

Andrew P. Harris

Wade Kach

Conference Committee Report read and adopted.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1195)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: SB 0519

SPONSOR: Sen Peters, et al

SUBJECT: Truancy – Prohibition Against Issuance of Learner’s Instructional Permit

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

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

The Senate has appointed: Senators Brochin, Chair, Muse, and Jacobs.

The House appoints: Delegates Rosenberg, Chairman, Levi, and McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

THE COMMITTEE ON RULES REPORT #14

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 101 – Delegates Burns, Anderson, Bohanan, Cane, Carter, Conaway, Doory, Glenn, Howard, Jones, Lafferty, Levy, McIntosh, Morhaim, Nathan-Pulliam, Oaks, Rosenberg, Stein, Vallario, ~~and Vaughn~~ Vaughn, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kipke, Kullen, Mizeur, Montgomery, Pena-Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

State Government – Commemorative ~~Months~~ Month – Black History ~~Months~~ Month

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 276 – Anne Arundel County Delegation

AN ACT concerning

~~Roadside~~ Anne Arundel County – Roadside Advertising or Solicitation of Money or Donations from Occupants of Vehicles in Anne Arundel County – Prohibition

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

House Bill 363 – Queen Anne’s County Delegation

AN ACT concerning

Environment – Landfills – Termination Date

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 549 – Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local Law – Statute of Limitations – Disclosure in Real Estate Sales

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

House Bill 1043 – Delegates Rosenberg ~~and Sophocleus~~, Sophocleus, Ali, Beidle, V. Clagett, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Shewell, Stein, and Weir

AN ACT concerning

Real Property – Condemnation – Procedures and Compensation

The bill was re-referred to the Committee on Judicial Proceedings.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #48

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 – 46 Negative – 0 (See Roll Call No. 1196)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1197)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 0755

SPONSOR: Del Ali, et al

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

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 Barve, Chairman, Ivey, and Elmore.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Currie moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

(Amendment ID: HB0755/589631/1)

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 755
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 5 down through “corporation” in line 7 and substitute “providing for a tax credit against the State, county, and municipal corporation”; in line 9, after “use;” insert “providing for the computation and duration of the credit; requiring the State Department of Assessments and Taxation to adopt certain regulations;”; and strike beginning with “authorizing” in line 11 down through “Act;” in line 14.

On page 2, in line 1, strike “9-246” and substitute “9-110”; and in line 7, strike “9-246.” and substitute “9-110.”.

AMENDMENT NO. 2

On page 3, strike beginning with “MAYOR” in line 10 down through “LAW,” in line 11 and substitute “STATE, A COUNTY, OR A MUNICIPAL CORPORATION SHALL GRANT”; in line 12, after “THE” insert “STATE,”; in the same line, after “COUNTY” insert a comma; in line 16, strike “MAY NOT” and substitute “SHALL”; in the same line, strike “MORE THAN”; in line 19, strike “MAY NOT EXCEED” and substitute “SHALL EQUAL”; in line 20, after “THE”, insert “STATE,”; and in the same line, after “COUNTY” insert a comma.

AMENDMENT NO. 3

On page 4, in line 1, after “THE” insert “STATE,”; in the same line, after “COUNTY” insert a comma; in line 3, after “APPLICABLE” insert “STATE,”; in line 4, after “COUNTY” insert a comma; in line 18, strike “AND”; in line 22, after “110%”, insert “; AND”

(III) FOR PURPOSES OF THE STATE PROPERTY TAX, 110%”;

and strike beginning with “MAYOR” in line 31 down through “FOR:” in line 33 and substitute “DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 1 through 8, inclusive.

The preceding 4 amendments were withdrawn.

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 – 47 Negative – 0 (See Roll Call No. 1198)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 0755

SPONSOR: Del Ali, et al

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

The Senate recedes from its position on HB 0755.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #49

House Bill 1175 – Delegate Davis

AN ACT concerning

~~Charter Counties – Express Powers – Agreements to Purchase Easements to~~
Restriet of Development Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1199)

The Bill was then sent to the House of Delegates.

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 – 43 Negative – 4 (See Roll Call No. 1200)

The Bill was then sent to the House of Delegates.

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 – 42 Negative – 5 (See Roll Call No. 1201)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1202)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1203)

The Bill was then sent to the House of Delegates.

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 – 46 Negative – 0 (See Roll Call No. 1204)

The Bill was then sent to the House of Delegates.

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 – 47 Negative – 0 (See Roll Call No. 1205)

The Bill was then sent to the House of Delegates.

House Bill 1439 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Adjutant General and Assistant Adjutants General

FLOOR AMENDMENT

(Amendment ID: HB1439/673429/1)

BY: Senator Della

AMENDMENTS TO HOUSE BILL 1439

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “General” insert “– Qualifications and Duties”; and in line 5, after “General;” insert “requiring the Adjutant General in consultation with the Assistant Adjutants General to submit a certain report to the General Assembly;”.

AMENDMENT NO. 2

On page 3, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Adjutant General for the Maryland Army National Guard, in consultation with the Assistant Adjutants General, shall report to the General Assembly on a quarterly basis beginning on January 1, 2008, in accordance with § 2–1246 of the State Government Article, on the number of Maryland National Guard members killed or injured while on active duty and the circumstances of the deaths or injuries.”;

and in line 16, strike “2.” and substitute “3.”.

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

Affirmative – 43 Negative – 0 (See Roll Call No. 1206)

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

Affirmative – 27 Negative – 19 (See Roll Call No. 1207)

The Bill was then sent to the House of Delegates.

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 – 45 Negative – 0 (See Roll Call No. 1208)

The Bill was then sent to the House of Delegates.

House Bill 1442 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

~~Homeowner's Insurance – Issuance and Renewal of Policies in Certain Geographic Areas~~
Task Force on the Availability and Affordability of Property Insurance in Coastal Areas

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1209)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 813 – Delegates Rosenberg, Anderson, and Stukes

AN ACT concerning

~~Baltimore City – Property Tax Credit – Exemption – Affordable and Inclusionary Housing~~

FOR the purpose of ~~authorizing the Mayor and City Council of Baltimore City to grant, by law, a property tax credit against the county property tax imposed on mixed-income rental residential developments~~ providing for certain exemptions from the Baltimore City property tax under certain circumstances for certain development projects that offer affordable residential units and are owned by certain owners; ; prohibiting the Baltimore City Board of Estimates from entering into certain agreements if the agreements would result in a certain reduction in property tax revenues for a taxable year; authorizing the Mayor and City Council of Baltimore City to provide, by law, for eligibility criteria for the tax credit, the amount and duration of the tax credit, certain regulations, requirements, limitations, criteria, and procedures, and any other provision necessary to carry out

the tax ~~credit~~ exemption; providing for the application and termination of this Act; defining certain terms; and generally relating to property tax ~~credits~~ for exemptions for affordable and inclusionary housing in Baltimore City.

BY adding to

Article – Tax – Property

Section ~~9-304(g)~~ 7-504.1

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

House Bill 909 – Delegates Bronrott, Ali, Barkley, Barnes, Barve, Beidle, Bobo, Burns, Cane, Cardin, V. Clagett, Dumais, Elmore, Feldman, Frush, Gaines, George, Gilchrist, Glenn, Goldwater, Gutierrez, Guzzone, Harrison, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Kaiser, N. King, Kirk, Kramer, Krysiak, Lafferty, Lawton, Lee, Love, Manno, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Riley, Rosenberg, Shewell, Stein, Taylor, F. Turner, Vaughn, and Waldstreicher

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.

SPECIAL ORDERS

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

House Bill 1433 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Department of Agriculture – Animal Health Enforcement

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

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

House Bill 36 – Delegates McConkey, Boteler, Lawton, ~~and Niemann~~ Niemann, Glenn, and Shewell

AN ACT concerning

Home Financial Accountability Act of 2007

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

(Amendment ID: HB0036/778971/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 36

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “mail” and substitute “send”; in line 11, before “copy” insert “review or”; in line 12, after “records” insert “or who requests delivery of certain information”; and in line 13, after “amount;” insert “providing that a charge for providing certain services may not exceed the actual cost of providing those services;”.

AMENDMENT NO. 2

On page 2 in line 18, and on page 3 in line 28, in each instance, strike “BY MAIL”; on page 2 in line 20, and on page 3 in line 29, in each instance, strike “MAIL” and substitute “SEND”; on page 2 in line 21, and on page 3 in line 30, in each instance, after “INFORMATION” insert “BY MAIL, ELECTRONIC TRANSMISSION, OR PERSONAL DELIVERY”; and on page 2 in line 21, and on page 3 in line 30, in each instance, strike “10” and substitute “21”.

AMENDMENT NO. 3

On page 2 in line 24, on page 4 in line 3, and on page 5 in line 5, in each instance, strike "IN INTEREST" and substitute "WHO IS THE SUBJECT OF THE RECORD OR THE PERSON'S DESIGNEE OR GUARDIAN".

AMENDMENT NO. 4

On page 3, in line 6, strike "OTHER"; and in lines 6 and 7, strike "OF THE COOPERATIVE HOUSING CORPORATION" and substitute "THAT HELD THE MEETING".

On page 4, in line 16, strike "OTHER"; and in lines 16 and 17, strike "OF THE COUNCIL OF UNIT OWNERS" and substitute "THAT HELD THE MEETING".

On page 5, in line 18, after "ASSOCIATION" insert "THAT HELD THE MEETING".

AMENDMENT NO. 5

On page 3 in line 10, on page 4 in line 20, and on page 5 in line 21, in each instance, strike the bracket; on page 3 in line 11, on page 4 in line 20, and on page 5 in line 22, in each instance, after "records" insert "OR WHO REQUESTS DELIVERY OF INFORMATION"; on page 3 in line 14, on page 4 in line 24, and on page 5 in line 25, in each instance, after "SUBSECTION" insert "FOR COPYING BOOKS AND RECORDS"; and on page 3 after line 15, on page 4 after line 25, and on page 5 after line 26, insert:

"(3) A CHARGE IMPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR SUPERVISING THE INSPECTION OF BOOKS AND RECORDS OR FOR THE RETRIEVAL, PREPARATION, AND MAILING OR DELIVERY OF REQUESTED INFORMATION MAY NOT EXCEED THE ACTUAL COST OF PROVIDING THOSE SERVICES, INCLUDING THE COST OF LABOR."

The preceding 5 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 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

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

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

The motion was adopted.

CONCURRENCE CALENDAR #34

AMENDED IN THE HOUSE

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**~~

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

(Amendment ID: SB0252/140613/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 252

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 8, in each instance, strike “right-of-way”; and in lines 8 and 9, strike “a commercial, political, or other” and substitute “any”.

AMENDMENT NO. 2

On page 3, strike beginning with “IN” in line 1 down through “(3)” in line 4 and substitute “(I)”; in line 4, strike “RIGHT-OF-WAY” and substitute “HIGHWAY”; in lines 5 and 7, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in line 7, strike “A COMMERCIAL, POLITICAL, OR OTHER” and substitute “ANY”; and after line 8, insert:

“(II) ‘HIGHWAY’ INCLUDES:

1. RIGHTS-OF-WAY, ROADWAY SURFACES, ROADWAY SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES AND STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES, HIGHWAY GRADE SEPARATION STRUCTURES, RAILROAD GRADE SEPARATIONS, TUNNELS, OVERPASSES, UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS, APPROACHES, AND OTHER STRUCTURES FORMING AN INTEGRAL PART OF A STREET, ROAD, OR HIGHWAY, INCLUDING BICYCLE AND WALKING PATHS; AND

2. ANY OTHER PROPERTY ACQUIRED FOR THE CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 30 Negative – 11 (See Roll Call No. 1210)

AMENDED IN THE HOUSE

Senate Bill 408 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local Law

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

(Amendment ID: SB0408/880218/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 408
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Law” insert “– Statute of Limitations – Disclosure in Real Estate Sales Contracts”; strike beginning with “seeking” in line 4 down through “fine” in line 5; strike beginning with “providing” in line 8 down through “Area” in line 11 and substitute “requiring a contract for sale of real estate in Anne Arundel County where a certain violation occurred to disclose certain information about the violation; providing that the disclosure requirements imposed by this Act do not apply under certain circumstances; and generally relating to violations of local laws in the Chesapeake Bay Critical Area in Anne Arundel County”; and strike in their entirety the lines beginning with line 17 on page 1 through line 2 on page 2, inclusive, and substitute:

“BY adding to

Article – Real Property

Section 14-117(l)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, strike beginning with “SEEKING” in line 20 down through “FINE” in line 21.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 33 on page 3, inclusive, and substitute:

“Article – Real Property

14-117.

(L) (1) THIS SUBSECTION APPLIES TO ANNE ARUNDEL COUNTY.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF ANNE ARUNDEL COUNTY OR THE STATE HAS INITIATED ENFORCEMENT ACTION FOR A

VIOLATION OF A LOCAL LAW DESCRIBED IN § 5-106(BB)(1) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE, A CONTRACT FOR SALE OF THE REAL PROPERTY WHERE THE VIOLATION OCCURRED SHALL DISCLOSE:

(I) THE NATURE OF THE VIOLATION;

(II) THE STATUS OF ANY ONGOING PROCEEDINGS TO ENFORCE THE VIOLATION; AND

(III) ANY ACTIONS THE BUYER OF THE REAL PROPERTY MAY BE REQUIRED TO TAKE WITH RESPECT TO THE PROPERTY IN ORDER TO CURE THE VIOLATION.

(3) IF A VIOLATION OF A LOCAL LAW DESCRIBED IN § 5-106(BB)(1) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE IS CURED AND A BUYER OF THE REAL PROPERTY WHERE THE VIOLATION OCCURRED WOULD NOT HAVE ANY OBLIGATION TO CURE THE VIOLATION, PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY.”.

The preceding 3 amendments were read and concurred in.

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1211)

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0696/253328/1)

BY: Delegate Glassman

AMENDMENTS TO SENATE BILL 696
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “during certain time periods and”.

AMENDMENT NO. 2

On page 2, strike beginning with “BETWEEN” in line 11 down through “(2)” in line 21; and in line 22, strike “(3)” and substitute “(2)”.

On page 3, in lines 6, 8, and 9, strike “(4)”, “(5)”, and “(6)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively.

The preceding 2 amendments were read and concurred in.

(Amendment ID: SB0696/673023/1)

BY: Delegate Jennings

AMENDMENT TO SENATE BILL 696
(Third Reading File Bill)

On page 3, in line 7, strike “**FOOD, CLEAN WATER,**” and substitute “CLEAN WATER”.

The preceding amendment was read and concurred in.

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

Affirmative – 35 Negative – 12 (See Roll Call No. 1212)

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 519 SPONSOR: Senator Peters

SUBJECT: Truancy - Prohibition Against Issuance of Learner’s

Instructional PermitTHIRD READING CALENDAR HOUSE NO. **38** SENATE NO. **39**

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

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

That the House Judiciary Committee Amendment (SB0519/472913/1) be rejected.

Senate Members:

House Members:

 Chairman, **Jim Brochin**

 Chairman, **Samuel I. Rosenberg**

C. Anthony Muse

Gerron Levi

Nancy Jacobs

Susan K. McComas

Conference Committee Report read and adopted.

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

Affirmative – 38 Negative – 9 (See Roll Call No. 1213)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #36**AMENDED IN THE HOUSE**

Senate Bill 871 – ~~Senator Currie~~ Senators Currie and Peters

AN ACT concerning

**Prince George's County – Property Tax Credit –
 Kettering–Largo–Mitchellville Boys and Girls Club**

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

(Amendment ID: SB0871/475061/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 871

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “requiring” and substitute “authorizing”; in the same line, after “grant” insert “, by law,”; and in line 12, strike “9-318(a)” and substitute “9-318(b)(1)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 14, inclusive, and substitute:

“(b) (1) The governing body of Prince George’s County may grant, by law, a property tax credit under this section against county property tax imposed on:

(i) real property that is:

1. owned by a nonprofit community civic association or corporation;

2. dedicated by plat or deed restriction to the use of the lot owners in the community, if the use is not contingent on the payment of:

A. dues to the association or corporation, unless dues are used only to improve or maintain the real property of the community; or

B. compensation for admission to or use of the real property, unless the compensation is used only to improve or maintain the real property of the community;

(ii) real property that is owned by the Piscataway Hills Citizens Association;

(iii) real property that is improved to promote housing, community redevelopment, and business revitalization;

(iv) real property used by the property owner to provide child care for the children of at least 25 employees;

(v) real property that is:

1. owned by the American Center for Physics, Inc.;

2. leased by the American Center for Physics, Inc. to affiliated societies; and

3. used only for nonprofit activities relating to the advancement and diffusion of the knowledge of physics and its application to human welfare; [and]

(vi) subject to the condition established under paragraph (6) of this subsection, residential real property that is located within an area that the governing body determines is adversely impacted by its proximity to a refuse disposal system for which a permit has been issued under § 9-204 of the Environment Article; AND

(VII) REAL PROPERTY THAT IS OWNED BY THE KETTERING-LARGO-MITCHELLVILLE BOYS AND GIRLS CLUB.”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1214)

CONCURRENCE CALENDAR #35

AMENDED IN THE HOUSE

Senate Bill 970 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Appropriation Permits – Penalties

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

(Amendment ID: SB0970/820219/1)

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 970

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 8 down through “action;” in line 10.

AMENDMENT NO. 2

On page 5, strike in their entirety lines 27 through 30, inclusive.

The preceding 2 amendments were read and concurred in.

(Amendment ID: SB0970/503220/1)

BY: Delegate Levy

AMENDMENTS TO SENATE BILL 970, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (SB0970/820219/1), strike Amendment No. 1 in its entirety.

On page 1 of the bill, in line 10, after “action;” insert “providing that the Department shall be considered in compliance of certain provisions of this Act after certain consultation with a local government;”.

AMENDMENT NO. 2

On page 1 of the Environmental Matters Committee Amendments, strike Amendment No. 2 in its entirety.

On page 5 of the bill, in line 27, after “(3)” insert “(I)”; and after line 30, insert:

“(II) PRIOR CONSULTATION BY THE DEPARTMENT WITH THE LOCAL GOVERNMENT SHALL CONSTITUTE COMPLIANCE WITH THIS SUBSECTION.”

The preceding 2 amendments were read and concurred in.

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

Affirmative – 38 Negative – 9 (See Roll Call No. 1215)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #61

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

House Bill 1392 – ~~Delegate McDonough~~ Harford County Delegation

AN ACT concerning

Harford County – Permanent Nominating Commission – School Board Nominating Convention

(Amendment ID: HB1392/644834/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1392

(Third Reading File Bill)

On page 3, in line 15, strike “15” and substitute “13”; strike in its entirety line 21; and in lines 22, 24, 25, and 26, strike “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, and “(V)”, respectively.

On page 4, in lines 1 and 6, strike “(VII)” and “(IX)”, respectively, and substitute “(VI)” and “(VII)”, respectively; in line 4, after “COUNCILS;” insert “AND”; and strike in its entirety line 5.

On page 5, in line 7, strike “JULY 1, 2008” and substitute “JULY 2, 2007”; and in line 18, after “VACANCY” insert “THAT HAD BEEN PROPOSED AT THE SCHOOL BOARD NOMINATING CONVENTION”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #60

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

House Bill 358 – ~~Delegate Donoghue~~ Delegates Donoghue, Mizeur, V. Turner, Pena-Melnyk, Oaks, Montgomery, and Nathan-Pulliam

AN ACT concerning

Certified Social Workers–Clinical – Practice – Definition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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-Melnyk, 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #44

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

House Bill 447 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh moved, duly seconded, to put **House Bill 447** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1216)

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 447** on Third Reading and Final Passage.

House Bill 447 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1217)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

BILL: HB 1186

SPONSOR: Chr ECM (Dept)

SUBJECT: Business and Economic Development – Financing Transactions

By the Majority Leader:

Ladies and Gentlemen of the Senate:

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

Said Bill is returned herewith.

By Order,

Mary Monahan

Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

BILL: HB 1186

SPONSOR: Chr ECM (Dept)

SUBJECT: Business and Economic Development – Financing Transactions

The Senate does not recede in the Senate amendments, and respectfully requests the House reconsider and concur.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints: Senators Astle, Chairman, Exum, and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #37

AMENDED IN THE HOUSE

Senate Bill 742 – Senator Klausmeier

AN ACT concerning

Swimming Pools – Automated External Defibrillator Programs

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

(Amendment ID: SB0742/716584/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 742

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Programs” insert “– Study”; and strike beginning with “requiring” in line 3 down through “terms;” in line 11 and substitute “requiring the Maryland Institute for Emergency Medical Services Systems to conduct a certain study regarding automated external defibrillators; requiring the Maryland Institute for Emergency Medical Services Systems to make a certain report to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 14 on page 1 through line 23 on page 4, inclusive, and substitute:

“SECTION 1. AND BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Maryland Institute for Emergency Medical Services Systems in consultation with interested stakeholders shall study whether automated external defibrillators should be provided on-site at swimming pools in State.

(b) In conducting the study required under subsection (a) of this section, the Maryland Institute for Emergency Medical Services Systems shall examine:

(i) which swimming pools should be required to provide automated external defibrillators;

(ii) whether the presence of individuals trained in the use of automated external defibrillators should be required by swimming pools; and

(iii) the safety of providing automated external defibrillation at a swimming pool.

(c) In addition to the study required under subsection (a) of this section, the Maryland Institute for Emergency Medical Services Systems shall make recommendations on locations, other than swimming pools, where automated external defibrillators should be required.

(d) On or before December 1, 2007, the Maryland Institute for Emergency Medical Services Systems shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.”.

On page 4, in line 25, strike “October” and substitute “July”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1218)

AMENDED IN THE HOUSE

Senate Bill 938 – Senators Hooper, Colburn, Harris, Jones, and Middleton

AN ACT concerning

Public Health – Injury Reports – Statewide Applicability

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

(Amendment ID: SB0938/766184/1)

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 938

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Statewide Applicability” and substitute “Workgroup”; and strike beginning with “repealing” in line 3 down through “counties” in line 4 and substitute “requiring certain entities to convene a certain workgroup to develop certain recommendations regarding certain injury reports; requiring the workgroup to make a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to a workgroup on certain injury reports”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 5 on page 1 through line 22 on page 2, inclusive, and substitute:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The Maryland Hospital Association, the Maryland State Medical Society, the Department of State Police, the Department of Health and Mental Hygiene, and other interested stakeholders shall convene a workgroup to develop recommendations regarding the reporting requirement of § 20–701 of the Health – General Article, including:

(i) whether the reporting requirement should be applicable throughout the State;

(ii) the health care providers or other individuals who should be subject to the reporting requirement and when those providers or other individuals should be required to report;

(iii) the types of injuries that should be reported; and

(iv) the penalties to be imposed for failing to report.

(b) On or before December 1, 2007, the workgroup shall 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 the recommendations developed under subsection (a) of this section.”.

On page 2, in line 24, strike “October” and substitute “July”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1219)

SPECIAL ORDERS

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

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

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

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 1057**.

The motion was adopted by a roll call vote as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 1220)

Pursuant to the provisions of Senate Rule 77(b), debate on **House Bill 1057** on Third Reading, as to such House Bill and on all questions and motions relating to such reading on such House Bill shall be limited as follows:

Debate on **House Bill 1057** shall be limited to 15 minutes in the aggregate for consideration of Third Reading and final passage and on all questions, amendments and motions relating to such reading and other actions. The President shall allocate the 15 minutes aggregate time among those Senators desiring to speak thereon, provided that not more than 7 and ½ minutes shall be allocated for the proponents and not more than 7 and ½ minutes shall be allocated for the opponents of such Bill.

FLOOR AMENDMENT

(Amendment ID: HB1057/703526/1)

BY: Senator Mooney

AMENDMENT TO HOUSE BILL 1057, AS AMENDED

(Third Reading File Bill)

On page 1 of the Finance Committee Amendments (HB1057/247170/1), strike in its entirety Amendment No. 2.

On page 4 of the bill, in lines 15 and 16, strike “SOME EXTENT TO THE OTHER INDIVIDUAL’S” and substitute “THE”; and in line 16, after “SUPPORT” insert “OF THE OTHER INDIVIDUAL AND THE RELATIONSHIP, EVEN IF BOTH INDIVIDUALS ARE NOT REQUIRED TO CONTRIBUTE EQUALLY TO THE RELATIONSHIP”.

On page 5 of the bill, after line 21, insert:

“(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”.

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

Affirmative – 15 Negative – 24 (See Roll Call No. 1221)

FLOOR AMENDMENT

(Amendment ID: HB1057/633723/1)

BY: Senator Greenip

AMENDMENTS TO HOUSE BILL 1057

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “proof” insert “; requiring a certain individual to pay the cost of the proof”.

AMENDMENT NO. 2

On page 5, in line 15, after “(D)” insert “(1)”; and in line 21, after “SECTION.” insert:

“(2) IF PROOF OF THE ELIGIBILITY OF THE DOMESTIC PARTNER OR CHILD DEPENDENT OF THE DOMESTIC PARTNER IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DOMESTIC PARTNER SHALL PAY THE COST OF THE PROOF.”

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

Affirmative – 14 Negative – 28 (See Roll Call No. 1222)

FLOOR AMENDMENT

(Amendment ID: HB1057/353127/1)

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 1057, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (HB1057/247170/1), strike Amendment No. 2 in its entirety.

AMENDMENT NO. 2

On page 4 of the bill, strike beginning with the colon in line 8 down through “(V)” in line 17.

On page 5 of the bill, after line 21, insert:

“(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”

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

Affirmative – 13 Negative – 28 (See Roll Call No. 1223)

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

Affirmative – 28 Negative – 17 (See Roll Call No. 1224)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: SB 532 SPONSOR: Senator Dyson

SUBJECT: Natural Resources - Diamondback Terrapin - Take and Possession

THIRD READING CALENDAR HOUSE NO. 33 SENATE NO. 24

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

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

(1) That the attached Environmental Matters Committee Amendment (SB0532/770113/1) be adopted.

(2) That the attached Delegate Holmes Amendments (SB0532/103929/2) be adopted.

(3) That the attached Conference Committee Amendment (SB0532/733724/1) be adopted.

(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”.

(Amendment ID: SB0532/103929/2)

BY: Delegate Holmes

AMENDMENTS TO SENATE BILL 532

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing for certain exceptions to the prohibition on possessing diamondback terrapin; requiring the Department, in consultation with the Maryland Aquaculture Coordinating Council, to adopt certain regulations before issuing certain permits;”.

AMENDMENT NO. 2

On page 4, in line 3, strike “OR”; in line 7, after “ARTICLE” insert “; **OR**”

(3) THE POSSESSION AND BREEDING OF DIAMONDBACK TERRAPIN BY A PERSON WHO HOLDS A VALID PERMIT ISSUED BY THE DEPARTMENT FOR:

(I) AQUACULTURE ACTIVITIES UNDER SUBTITLE 11A OF THIS TITLE; OR

(II) CAPTIVE WILDLIFE BREEDING UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE”;

and after line 7, insert:

“(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND AQUACULTURE COORDINATING COUNCIL, SHALL ADOPT REGULATIONS FOR DIAMONDBACK TERRAPIN AQUACULTURE AND CAPTIVE BREEDING BEFORE ISSUING ANY ADDITIONAL PERMITS RELATING TO DIAMONDBACK TERRAPIN UNDER SUBTITLE 11A OF THIS TITLE OR TITLE 10, SUBTITLE 9 OF THIS ARTICLE.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) VERIFIABLE SAFEGUARDS TO IDENTIFY LEGALLY OBTAINED DIAMONDBACK TERRAPIN;

(II) STANDARDS FOR DIAMONDBACK TERRAPIN HUSBANDRY;
AND

(III) STANDARDS FOR SHIPPING DIAMONDBACK TERRAPIN.”.

(Amendment ID: SB0532/733724/1)

BY: Conference Committee

AMENDMENT TO SENATE BILL 532, AS AMENDED

On page 1 of Delegate Holmes' Amendments (SB0532/103929/2), in line 2 of Amendment No. 1, after "on" insert "taking or".

Senate Members:

House Members:

Chairman, **Roy P. Dyson**

Chairman, **Marvin E. Holmes, Jr.**

Paul G. Pinsky

Virginia P. Clagett

Gwendolyn Britt

Anthony J. O'Donnell

Conference Committee Report read and adopted.

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

Affirmative – 41 Negative – 3 (See Roll Call No. 1225)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: HB 760 SPONSOR: Delegate V. Clagett

SUBJECT: Natural Resources - Diamondback Terrapin - Take and Possession

THIRD READING CALENDAR HOUSE NO. 21 SENATE NO. 18

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

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

- (1) That Delegate Klausmeier’s Amendments (HB0760/923128/1) be rejected.
- (2) That the attached Conference Committee Amendments (HB0760/313920/1) be adopted.

(Amendment ID: HB0760/313920/1)

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 760
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing for certain exceptions to the prohibition on taking or possessing diamondback terrapin; requiring the Department, in consultation with the Maryland Aquaculture Coordinating Council, to adopt certain regulations before issuing certain permits;”.

AMENDMENT NO. 2

On page 4, in line 6, strike “OR”; in line 10, after “ARTICLE” insert “; **OR**”

(3) THE POSSESSION AND BREEDING OF DIAMONDBACK TERRAPIN BY A PERSON WHO HOLDS A VALID PERMIT ISSUED BY THE DEPARTMENT FOR:

(I) AQUACULTURE ACTIVITIES UNDER SUBTITLE 11A OF THIS TITLE; OR

(II) CAPTIVE WILDLIFE BREEDING UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE”;

and after line 10, insert:

“(C) (1) THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND AQUACULTURE COORDINATING COUNCIL, SHALL ADOPT REGULATIONS FOR DIAMONDBACK TERRAPIN AQUACULTURE AND CAPTIVE BREEDING BEFORE ISSUING ANY ADDITIONAL PERMITS RELATING TO DIAMONDBACK TERRAPIN UNDER SUBTITLE 11A OF THIS TITLE OR TITLE 10, SUBTITLE 9 OF THIS ARTICLE.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) VERIFIABLE SAFEGUARDS TO IDENTIFY LEGALLY OBTAINED DIAMONDBACK TERRAPIN;

(II) STANDARDS FOR DIAMONDBACK TERRAPIN HUSBANDRY;
AND

(III) STANDARDS FOR SHIPPING DIAMONDBACK TERRAPIN.”.

Senate Members:

House Members:

Chairman, **Roy P. Dyson**

Chairman, **Marvin E. Holmes, Jr.**

Paul G. Pinsky

Virginia P. Clagett

Gwendolyn Britt

Anthony J. O’Donnell

Conference Committee Report read and adopted.

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1226)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1227)

ADJOURNMENT

At 11:21 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:40 P.M. on Legislative Day April 5, 2007, Calendar Day, Monday, April 9, 2007.

Annapolis, Maryland
Legislative Day: April 5, 2007
Calendar Day: Monday, April 9, 2007
11:40 P.M. Session

The Senate met at 11:46 P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 1228)

The Journal of April 4, 2007 was read and approved.

CONCURRENCE CALENDAR #40

AMENDED IN THE HOUSE

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

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

(Amendment ID: SB0400/143794/1)

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 400

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 9 down through “program;” in line 12; and in line 15, after “goal;” insert “requiring the Commission to convene one or more workgroups to study and make recommendations on certain matters concerning the availability of adequate generation and transmission assets in the State;”.

On page 2, in line 1, after “assessment” insert “, subject to certain limitations”; in line 6, after “to” insert “the status of the restructured electric utility industry and”; in line 9, strike “First”; in line 13, strike “First”; and in line 18, strike “First”.

AMENDMENT NO. 2

On page 3, in line 19, after “(a)” insert “(1)”; in line 23, after “the” insert “CURRENT AND FUTURE”; in line 25, after “customers.” insert:

“(2)”;

and after line 30, insert:

“(3) IN ITS EVALUATION, THE COMMISSION SHALL ALSO CONSIDER THE AVAILABILITY OF ADEQUATE TRANSMISSION AND GENERATION FACILITIES TO SERVE THE ELECTRICAL LOAD DEMANDS OF ALL CUSTOMERS IN THE STATE, PRICING AND PHYSICAL CONSTRAINTS ON THE ELECTRICAL TRANSMISSION AND DISTRIBUTION GRIDS IN THE STATE, AND OPTIONS AND POLICY RECOMMENDATIONS TO PROVIDE AN ADEQUATE, SAFE, AND RELIABLE SUPPLY OF ELECTRICITY AT REASONABLE COST TO ALL CUSTOMERS IN THE STATE.”.

On page 4, in line 28, strike “AND”; and in line 30, after “DEVELOPMENT” insert “; AND”

“(7) REQUIRING INVESTOR-OWNED ELECTRIC COMPANIES TO PURCHASE ACCOUNTS RECEIVABLE OF ELECTRICITY SUPPLIERS FOR RESIDENTIAL AND SMALL COMMERCIAL ACCOUNTS”.

On page 9, in line 1, after “(2)” insert “(i) In conducting its review and analysis of the availability of adequate transmission and generation facilities serving the State under Section 7(a) of Chapter 5 of the Acts of the General Assembly of the Special Session of 2006, as amended by this Act, the Commission shall convene one or more workgroups that may include, and shall otherwise encourage participation from representatives of, the following:”

1. members of the House of Delegates of Maryland, appointed by the Speaker of the House;
2. members of the Senate of Maryland, appointed by the President of the Senate of Maryland;
3. the Federal Energy Regulatory Commission;
4. PJM Interconnection, LLC;
5. the North American Electric Reliability Corporation;
6. competitive generation suppliers in the State and in the PJM region;
7. transmission suppliers in the State and in the PJM region;
8. the Office of People's Counsel;
9. the Maryland Energy Administration;
10. the Maryland Department of the Environment;
11. the Maryland Department of Natural Resources;
12. other interested State agencies;
13. local governments, through the Maryland Association of Counties and the Maryland Municipal League;
14. organizations representing environmental interests in the State;
15. organizations representing commercial and industrial electric customers in the State; and

16. other interested parties as identified by the Commission.

(ii) The workgroup or workgroups shall assist the Commission in studying and preparing recommendations for statutory and regulatory changes to increase the availability of generation and transmission assets in the State.

(3)".

AMENDMENT NO. 3

On page 5, strike beginning with "FOR" in line 23 down through "COMPANIES" in line 24.

On pages 5 through 7, strike beginning with "THE" in line 26 on page 5 through "PROGRAM." in line 12 on page 7.

On page 7, strike beginning with "REGARDLESS" in line 13 down through "THE" in line 15 and substitute "THE".

On pages 7 and 8, strike beginning with "IN" in line 21 on page 7 down through "GOAL." in line 6 on page 8.

On page 9, in line 2, strike "those sections" and substitute "Section 5 and Section 7 of Chapter 5 of the Acts of the General Assembly of the Special Session of 2006, prior to the amendment of those sections by this Act"; in line 9, strike "January 1, 2008" and substitute "December 1, 2007"; in line 19, strike "31" and substitute "1"; and strike beginning with "As" in line 23 down through "aspects." in line 30.

On page 10, in line 13, strike "\$4,000,000" and substitute "\$3,000,000"; in line 16, after "(1)" insert "except as provided in subsection (d) of this section,"; in line 30, strike "The" and substitute "For that portion of the assessment to be paid by both electricity suppliers and electric companies under subsection (d) of this section, the"; and in line 31, after the second "of" insert "multiplying".

On page 11, strike in its entirety line 2 and substitute "and"; and after line 5 insert:

"(d) (1) Of the \$3,000,000 assessment authorized under subsection (a) of this section, the Public Service Commission may not expend more than \$1,500,000 on

consultants and experts related to the issues identified in Section 2(b)(1) of this Act, either in connection with the interim report or the final report of the Commission.

(2) The portion of the assessment that is allocated to the studies of issues identified in Section 2(b)(1) of this Act:

(i) shall be paid only by each electric company; and

(ii) shall equal the product of multiplying:

1. the amount to be collected under this section; and

2. the ratio of the gross operating revenues of each electric company to the total gross operating revenue for all electric companies in the State.”.

The preceding 3 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1229)

CONCURRENCE CALENDAR #39

AMENDED IN THE HOUSE

Senate Bill 392 – Senators Kasemeyer, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Haines, Hogan, Hooper, Jones, Kelley, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, ~~and Zirkin~~ Zirkin, Dyson, Britt, Harris, and Greenip

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – ~~Voter-Verified~~ Voter-Verifiable Paper Records

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

(Amendment ID: SB0392/185467/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 392

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “clarifying” in line 7 down through “disabilities” in line 9 and substitute “requiring that certain voting systems be accessible to certain individuals with disabilities; requiring the State Board to provide certain training on the voting system to election judges”; in line 24, after “9-102” insert “ and 10-206”.

AMENDMENT NO. 2

On page 14, strike beginning with “, INCLUDING” in line 8 down through “DISABILITIES” in line 16; after line 17, insert:

“(F) A VOTING SYSTEM SELECTED, CERTIFIED, AND IMPLEMENTED UNDER THIS SECTION SHALL:

(1) PROVIDE ACCESS TO VOTERS WITH DISABILITIES THAT IS EQUIVALENT TO ACCESS AFFORDED VOTERS WITHOUT DISABILITIES WITHOUT CREATING A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES;

(2) ENSURE THE INDEPENDENT, PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF SECRET BALLOTS BY VOTERS WITH DISABILITIES IN AN ACCESSIBLE MEDIA BY BOTH VISUAL AND NONVISUAL MEANS, INCLUDING SYNCHRONIZED AUDIO OUTPUT AND ENHANCED VISUAL DISPLAY; AND

(3) COMPLY WITH BOTH THE AMERICANS WITH DISABILITIES ACT, P.L. 101-336, AND THE HELP AMERICA VOTE ACT, P.L. 107-252, INCLUDING ACCESSIBILITY STANDARDS ADOPTED AS PART OF THE VOLUNTARY VOTING SYSTEM GUIDELINES PURSUANT TO THE HELP AMERICA VOTE ACT.

(G) (1) AT LEAST ONE VOTING SYSTEM IN EACH POLLING PLACE ON ELECTION DAY SHALL PROVIDE ACCESS FOR VOTERS WITH DISABILITIES IN COMPLIANCE WITH SUBSECTION (F) OF THIS SECTION.

(2) THE STATE BOARD SHALL ENSURE THAT ADEQUATE BACKUP EQUIPMENT IS AVAILABLE AND CONTINGENCY PLANS ARE ESTABLISHED TO ENSURE COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(H) BEFORE THE SELECTION OF A VOTING SYSTEM, THE STATE BOARD SHALL:

(1) ENSURE THAT AN ACCESSIBLE VOTING SYSTEM CONFORMS TO THE ACCESS REQUIREMENTS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES DEVELOPED IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT IN EFFECT AT THE TIME OF SELECTION; AND

(2) CONDUCT AN ACCESSIBILITY AND USABILITY EVALUATION OF THE VOTING SYSTEM TO ASSESS ITS ACCESSIBILITY AND USABILITY BY VOTERS WITH DISABILITIES, INCLUDING:

(I) A PUBLIC DEMONSTRATION OF THE SYSTEM; AND

(II) AN EVALUATION BY INDIVIDUALS REPRESENTING A CROSS-SECTION OF VOTERS WITH DISABILITIES.”.

AMENDMENT NO. 3

On page 14, in line 18, strike “(F)” and substitute “(I)”.

AMENDMENT NO. 4

On page 15, after line 24, insert:

“10–206.

(a) In consultation with the local boards, the State Board shall:

(1) develop a program of instruction of election judges; and

(2) oversee the implementation of the program of instruction.

(b) The training materials utilized by the program may include:

- (1) an instruction manual and other written directives;
- (2) curriculum for training sessions; and
- (3) audiovisuals.

(c) The State Board shall develop a process for the evaluation of the training program and the performance of the polling place staff in each county.

(d) To the extent appropriate, the training program shall be specific to each of the voting systems used in polling places in the State.

(E) (1) THE STATE BOARD SHALL PROVIDE ELECTION JUDGES WITH UNIFORM STATEWIDE TRAINING ON THE VOTING SYSTEM, INCLUDING:

(I) ALL FEATURES OF THE VOTING SYSTEM THAT PROVIDE ACCESS TO VOTERS WITH DISABILITIES; AND

(II) THE RIGHTS OF VOTERS WITH DISABILITIES, INCLUDING THOSE RIGHTS GUARANTEED BY STATE AND FEDERAL LAW.

[e] **(F) Each local board shall conduct election judge training based on the program developed by the State Board.**

[f] **(G) (1) Except as provided in paragraph (2) of this subsection, each election judge shall participate in the training program provided for in subsection (a) of this section.**

(2) An election judge who is appointed under emergency circumstances is not required to attend the course of instruction.”.

The preceding 4 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1230)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #51

House Bill 358 – ~~Delegate Donoghue~~ Delegates Donoghue, Mizeur, V. Turner, Pena–Melnyk, Oaks, Montgomery, and Nathan–Pulliam

AN ACT concerning

Certified Social Workers–Clinical – Practice – Definition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1231)

The Bill was then sent to the House of Delegates.

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–Melnyk, 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

FLOOR AMENDMENT

(Amendment ID: HB1042/963024/1)

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 1042
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “amount;” insert “specifying certain additional campaign finance reporting requirements for campaign finance entities under certain circumstances;”.

AMENDMENT NO. 2

On page 4, in line 29, after “(a)” insert “(1)”; and in line 31, strike “(1)” and substitute “(I)”.

On page 5, in lines 1, 3, and 5, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively; and after line 5, insert:

“(2) IN ADDITION TO THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF A CAMPAIGN FINANCE ENTITY RECEIVES A CONTRIBUTION OF \$100 OR MORE DURING THE PERIOD COVERED BY THE CLOSING DATE OF THE CAMPAIGN FINANCE REPORT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION AND THE DATE OF THE GENERAL ELECTION, THE CAMPAIGN FINANCE ENTITY SHALL REPORT THE CONTRIBUTION TO THE STATE BOARD WITHIN 24 HOURS AFTER ITS RECEIPT.”

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

Affirmative – 20 Negative – 26 (See Roll Call No. 1232)

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1233)

The Bill was then sent to the House of Delegates.

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

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #41

AMENDED IN THE HOUSE

Senate Bill 552 – Senators Garagiola, Forehand, Hogan, Lenett, McFadden, Raskin, Rosapepe, ~~and Simonaire~~ Simonaire, Jones, and Madaleno

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

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

(Amendment ID: SB0552/165460/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 552

(Third Reading File Bill)

On page 4, in line 5, after “purchased” insert “or leased”.

The preceding amendment was read and concurred in.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1235)

AMENDED IN THE HOUSE

Senate Bill 907 – Senators Currie, Hogan, and McFadden

AN ACT concerning

Budget Accountability – Master Plans – ~~Submission~~ and Evaluations

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

(Amendment ID: SB0907/375861/1)

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 907

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “dates;” insert “repealing a certain provision of law authorizing the State Board of Education to withhold State funds from a county board under certain circumstances;”.

AMENDMENT NO. 2

On pages 6 and 7, strike in their entirety the lines beginning with line 30 on page 6 through line 3 on page 7, inclusive.

On page 7, in lines 4, 9, 13, and 15, strike “(l)”, “(m)”, “(n)”, and “(o)”, respectively, and substitute “(K)”, “(L)”, “(M)”, and “(N)”, respectively.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1236)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #50

House Bill 36 – Delegates McConkey, Boteler, Lawton, ~~and Niemann~~ Niemann, Glenn, and Shewell

AN ACT concerning

Home Financial Accountability Act of 2007

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1237)

The Bill was then sent to the House of Delegates.

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 –46 Negative – 0 (See Roll Call No. 1238)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #38**AMENDED IN THE HOUSE**

Senate Bill 356 – Senators Miller and Dyson

AN ACT concerning

Calvert County Board of Education – Compensation

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

(Amendment ID: SB0356/705863/1)

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 356

(Third Reading File Bill)

On page 2, in lines 11 and 13, in each instance, before “members” insert “president and”.

The preceding amendment was read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1239)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #41

House Bill 673 – Delegates McComas, Ali, Bartlett, Bronrott, Eckardt, George, Haddaway, Kullen, Lee, Schuler, Sossi, and Weldon

SECOND PRINTING

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 Rules.

SPECIAL ORDERS

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

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

STATUS OF BILL: BILL IS ON THIRD READING AND OPEN TO AMENDMENTS

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1240)

The Bill was then sent to the House of Delegates.

SUMMARY REPORT OF THE SENATE EXECUTIVE NOMINATIONS
COMMITTEE –
2007 SESSION OF THE GENERAL ASSEMBLY OF MARYLAND

(See Exhibit Q of Appendix III)

REPORT ON THE STATE OPERATING BUDGET (HOUSE BILL 50) AND THE
STATE CAPITAL BUDGET (HOUSE BILL 51) AND RELATED
RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND
TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON
APPROPRIATIONS – JOINT CHAIRMEN’S REPORT

(See Exhibit R of Appendix III)

MESSAGE TO THE SENATE

APRIL 9, 2007

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 9, 2007 AT TWELVE O’CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THAT THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 9, 2007, AT TWELVE O’CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,
MARY MONAHAN
CHIEF CLERK

Read and Ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

April 9, 2007

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 9, 2007, at Twelve O'clock Midnight, it stands adjourned, Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Martin O'Malley, Governor of Maryland. The House has appointed Delegates Barve and O'Donnell. The Senate appoints Senators Kasemeyer and Brinkley.

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

Read and adopted.

ADJOURNMENT

At 12:00 A.M. on motion of Senator Kasemeyer the Senate adjourned Sine Die.

Senate Rules are not available electronically.

Please see the printed Senate Journal.