

JOURNAL
of
PROCEEDINGS
of the
HOUSE OF DELEGATES
of
MARYLAND
REGULAR SESSION, 2008
VOLUME II

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Annapolis, Maryland
Friday, February 8, 2008

The House met at 11:04 A.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 49)

The Journal of February 7, 2008 was read and approved.

EXCUSES:

Del. Frush – personal

Del. Jameson – recovering from surgery

Del. Kach – personal

Del. Krysiak – illness

Del. Walkup – recovering from surgery

INTRODUCTION OF BILLS

House Bill 1160 – Delegates Malone, Ali, Aumann, Barve, Beidle, Boteler, Bromwell, Bronrott, Carr, V. Clagett, Doory, Eckardt, Elliott, Elmore, Frank, Gaines, George, Gilchrist, Glenn, Guzzone, Haddaway, Hammen, Healey, Heller, Impallaria, Ivey, Jennings, Kach, Krysiak, Love, McHale, Miller, Mizeur, Montgomery, Norman, Riley, Shank, Shewell, Smigiel, Sossi, Stukes, Stull, Tarrant, F. Turner, and Vaughn

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force

FOR the purpose of establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the

termination of this Act; and generally relating to the establishment of a Maryland Quiet Vehicles and Pedestrian Safety Task Force.

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

House Bill 1161 – Delegates Bromwell, Elliott, Hubbard, Kach, Kipke, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Tarrant, and Weldon

AN ACT concerning

Health Insurance – Carrier Provider Panels – Standards for Availability of Health Care Providers

FOR the purpose of requiring certain standards, maintained by certain health insurance carriers for certain availability of certain health care providers, to be submitted to, and approved by, the Maryland Insurance Commissioner each year; requiring the Commissioner to require certain health insurance carriers to submit certain data to the Commissioner for review in making a certain determination and a certain assessment about certain standards; and generally relating to carrier provider panels under health insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(a)(1), (3), (5), (6), (7), and (8)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1162 – Delegates Malone, DeBoy, Burns, Jones, and Nathan–Pulliam

AN ACT concerning

Creation of a State Debt – Baltimore County – Catonsville YMCA

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the Board of Directors of the YMCA of Central Maryland, Inc. for certain development or improvement purposes;

providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or the matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1163 – Delegates Kach and Olszewski

AN ACT concerning

Vehicle Excise Tax – Vehicles Equipped for Individuals with Mobility Impairments – Exemption

FOR the purpose of exempting vehicles that are specially equipped for the transportation of individuals with mobility impairments from the vehicle excise tax under certain circumstances; and generally relating to vehicle excise tax exemptions.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–810(a)(24) and (25)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 13–810(a)(26)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1164 – Delegates Oaks, Braveboy, Carter, Glenn, Holmes, and Rosenberg

AN ACT concerning

Workforce Development Pilot Program for Lead Abatement and Removal

FOR the purpose of creating a Workforce Development Pilot Program for Lead Abatement and Removal; requiring the Department of Labor, Licensing, and Regulation to establish the Pilot Program in consultation with the Coalition to End Childhood Lead Poisoning and the Department of the Environment; requiring the Department of Labor, Licensing, and Regulation to adopt certain guidelines and policies to administer the Pilot Program; providing the purpose

of the Pilot Program; requiring the Department of the Environment to provide certain technical assistance; providing for the funding for the Pilot Program; authorizing the Department of Labor, Licensing, and Regulation to accept certain moneys for the Pilot Program; requiring the Secretary of Labor, Licensing, and Regulation to submit a certain report by a certain date; defining certain terms; providing for the termination of this Act; and generally relating to the Workforce Development Pilot Program for Lead Abatement and Removal.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1004
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 11–801 through 11–803 to be under the new subtitle “Subtitle 8.
Workforce Development Pilot Program for Lead Abatement and Removal”
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1165 – Delegates Hecht, Harrison, and Kirk

AN ACT concerning

Electric Restructuring – Electricity Supply Services – Residential Customers and Small Commercial Customers

FOR the purpose of requiring the Public Service Commission to establish a Competitive Electricity Supplier Referral Program by a certain date; specifying the terms and conditions under which an electricity supplier may participate in the Program; requiring electric companies to include certain information in certain customer bills in a certain manner at certain times; requiring an electric company to offer to certain customers a certain opportunity at a certain time; requiring an electric company to provide a certain description and to offer to transfer the customer to a certain call center under certain circumstances; requiring an electric company to make available certain information on request; prohibiting certain customers from being charged certain additional fees; requiring an electric company to offer combined billing to certain customers; requiring an electric company to pay a certain supplier in a certain manner under certain circumstances; providing that an electric company retains certain rights; defining certain terms; and generally relating to electricity supply services for residential retail customers and small commercial retail customers.

BY adding to

Article – Public Utility Companies
Section 7–518
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1166 – Delegate Davis

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

FOR the purpose of expanding the definition of a Tier 1 renewable source to include poultry litter-to-energy; altering the definition of a Tier 2 renewable source to exclude the incineration of poultry litter; repealing a certain limitation on the eligibility of energy produced from certain sources for inclusion in meeting the renewable energy portfolio standard; and generally relating to poultry litter and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(g)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(l) and (m) and 7–704(a)(4)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1167 – Delegate Malone

AN ACT concerning

Motor Vehicles – Certificates of Title – Rebuilt Salvage

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

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–506(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–507
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1168 – Delegates Kramer, Aumann, Bromwell, Dwyer, Frank, Kach, Kelly, Kullen, McComas, McConkey, Myers, O'Donnell, Olszewski, Shank, Simmons, Smigiel, Sossi, and Stull

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

FOR the purpose of authorizing the use of certain auxiliary lighting on a motorcycle; and generally relating to motorcycle lighting.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–224.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1169 – Delegate Barve

AN ACT concerning

Sales and Use Tax – Computer Services Exemption – Internet-Based Publishing Services

FOR the purpose of exempting from the sales and use tax certain computer services used to provide certain Internet-based publishing services; providing for the termination of this Act; and generally relating to a sales and use tax exemption for the sale of certain computer services.

BY adding to

Article – Tax – General
Section 11–230
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1170 – Delegate King

AN ACT concerning

Election Law – Voter Fraud – Penalties

FOR the purpose of increasing the maximum fine and maximum term of imprisonment for certain offenses related to voter registration and voting; providing that an individual convicted of certain offenses related to voter registration and voting is not qualified to be a registered voter; making a person convicted of certain offenses related to voter registration and voting permanently ineligible to be elected to any public office; and generally relating to increasing the penalties for voter fraud.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102, 16–101, 16–201, and 16–1001
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1171 – Delegates Eckardt, Haddaway, Anderson, Bronrott, G. Clagett, Elliott, Elmore, Frank, George, McConkey, Morhaim, Nathan–Pulliam, O’Donnell, Ross, Shank, Sossi, Stocksdale, and Waldstreicher

AN ACT concerning

Crimes – Altering Results of Drug or Alcohol Screening Test – Synthetic Urine

FOR the purpose of clarifying that the definition of “bodily fluid adulterant” for purposes of the prohibition against altering the results of a drug or alcohol screening test includes synthetic urine; and generally relating to the crime of altering the results of a drug or alcohol screening test.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–111

Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1172 - Delegate Kach

AN ACT concerning

Homestead Tax Credit - Applications

FOR the purpose of requiring the Department of Assessments and Taxation to provide a certain notice and application form to homeowners in a certain manner; prohibiting the Department from including a certain notice and application form with an assessment notice or tax bill; requiring the Department to send an additional notice and application form to certain homeowners on certain dates; and generally relating to a requirement for homeowners to submit certain applications to qualify for the homestead tax credit.

BY repealing and reenacting, with amendments,

Article - Tax - Property
Section 9-105(d)(6)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1173 - Delegates Oaks, Braveboy, Carter, Glenn, Holmes, and Rosenberg

AN ACT concerning

Environment - Reducing Lead Risk in Housing - Risk Reduction Standard

FOR the purpose of altering the requirements for satisfying certain lead risk reduction standards relating to certain changes in occupancy; and generally relating to reducing lead risk in housing.

BY repealing and reenacting, with amendments,

Article - Environment
Section 6-815
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1174 - Delegates Dumais and Doory

AN ACT concerning

Domestic Partnerships – Establishment and Rules of Interpretation

FOR the purpose of establishing that terms under certain provisions of law that denote a spousal relationship shall be construed to include a party to a domestic partnership; authorizing certain parties to enter into domestic partnerships in the State; establishing that certain provisions that apply to marriages apply to domestic partnerships; establishing that State and local laws that apply to spouses apply to parties who have entered into a domestic partnership; and generally relating to domestic partnerships.

BY adding to

Article 1 – Rules of Interpretation

Section 38

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law

Section 2.5–101 and 2.5–102 to be under the new title “Title 2.5. Domestic Partnerships”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1175 – Delegate Kach

AN ACT concerning

Health Insurance – Provider Contracts – Conditions of Participation with Carriers

FOR the purpose of repealing a prohibition that certain health insurance carriers may not require a health care provider to serve on a provider panel of another health benefit plan of the carrier under certain circumstances; repealing a certain exception to the prohibition for a carrier that offers health care services as a managed care organization; prohibiting a provider contract from containing a provision that requires a provider, as a condition of participation with a carrier, to participate with a different carrier; authorizing a provider contract to contain the prohibited provision under certain circumstances; authorizing a carrier that offers health care services as a managed care organization to require a provider to participate with the managed care organization under certain circumstances; providing that a carrier is responsible for certain violations regardless of whether the carrier has subcontracted with certain entities; defining certain

terms; and generally relating to provider contracts and conditions of participation of health care providers with health insurance carriers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–112.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1176 – Delegates Pena–Melnyk, Ali, Braveboy, Carr, Healey, Holmes, Ivey, Kaiser, Krysiak, Mizeur, O’Donnell, Oaks, Reznik, Ross, Shank, Tarrant, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Public Health – Task Force on Childhood Obesity

FOR the purpose of establishing a Task Force on Childhood Obesity to provide certain advice and recommendations to the Governor and the General Assembly on certain issues; specifying the membership, terms, chairman, and staff of the Task Force; requiring the Task Force to issue a certain report on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Childhood Obesity.

BY adding to
Article – Health – General
Section 19–710.4
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

**House Bill 1177 – Chair, Economic Matters Committee (By Request –
Departmental – State Police)**

AN ACT concerning

**Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic
Reporting**

FOR the purpose of requiring certain secondhand precious metal object dealers and pawnbrokers to submit certain records to certain law enforcement units in a certain manner and at a certain time; exempting certain antique dealers from the reporting requirement; and generally relating to the records of secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–304
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1178 – Delegates Frick, Feldman, Hecht, and Lee

AN ACT concerning

Commercial Law – Consumer Contracts – Prohibited Provisions

FOR the purpose of prohibiting a person from including or enforcing certain provisions in certain consumer contracts; requiring a consumer contract to contain a certain statement informing the consumer of the prohibited provisions; providing that a provision included in a consumer contract in violation of certain provisions of this Act is void and unenforceable; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to consumer contracts.

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1179 – Delegate Donoghue

AN ACT concerning

Vehicle Laws – Fleeing or Eluding Police – Liability of Vehicle Owners

FOR the purpose of providing that an owner of a motor vehicle that is involved in a violation related to fleeing or eluding the police is subject to a certain civil penalty; requiring the District Court to prescribe a certain citation form and a civil penalty to be indicated on the citation for certain purposes; requiring a law enforcement agency to mail a citation in a certain manner under certain circumstances; providing that an individual receiving a citation may elect to stand trial in the District Court and request that a certain police officer be present and testify; providing a certain burden of proof; establishing defenses that may be considered; imposing certain additional penalties and authorizing certain other actions when an owner fails to pay the civil penalty, contest liability, or appear for trial; prohibiting imposition of liability under this Act from being considered a moving violation for certain purposes, being recorded on the driving record of the owner, or being considered by an insurer for certain purposes; providing that imposition of liability under this Act may be treated as a parking violation for certain purposes; requiring the Chief Judge of the District Court to adopt certain procedures; expanding the jurisdiction of the District Court; defining certain terms; and generally relating to imposition of liability on the owner of a motor vehicle that is involved in a violation related to fleeing or eluding the police.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–904
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21–904.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1180 – Delegate Kach

AN ACT concerning

Homestead Property Tax Credit – Applications

FOR the purpose of limiting the application of a requirement for homeowners to file certain applications to the State Department of Assessments and Taxation to qualify for the homestead property tax credit; and generally relating to a requirement for certain homeowners to file certain applications to qualify for the homestead property tax credit.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(d)(6)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1181 – Delegates Rudolph and James

AN ACT concerning

Teachers’ Retirement System and Teachers’ Pension System – Reemployment of Retirees – BRAC

FOR the purpose of altering the criteria for hiring certain retirees of the Teachers’ Retirement System or the Teachers’ Pension System who are exempt from a certain offset of a retirement allowance; altering a certain reporting requirement; and generally relating to the reemployment of retirees in the Teachers’ Retirement System or the Teachers’ Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–406(c)(5) and (n) and 23–407(c)(5) and (n)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1182 – Delegates Weldon, G. Clagett, and Stull

AN ACT concerning

**State Real Estate Commission – Sales Agents for Nonprofit Organization
Home Builders – Licensure**

FOR the purpose of providing an exemption for sales agents for certain nonprofit organizations under certain circumstances from the requirement that individuals who provide real estate brokerage services in the State be licensed; and generally relating to licensure of real estate brokers.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17-101(a) and (l)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17-301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1183 – Delegate Barve

AN ACT concerning

Sales and Use Tax – Computer Services – Definition

FOR the purpose of altering the definition of “computer service” under the sales and use tax to provide that charges for certain services are not a computer service; providing for the effective date of this Act; and generally relating to the definition of “computer service” under the sales and use tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11-101(c-1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

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

House Bill 1184 – Delegate Heller

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Our House Youth Home

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to extend the deadline by which the Board of Directors of Our House Youth Home, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(CP) and ZA02(AZ)

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

**House Bill 1185 - Chair, Ways and Means Committee and Chair,
Appropriations Committee (By Request - Departmental -
Transportation)**

AN ACT concerning

**Maryland Transit Administration - Public Transit Services - Efficiency and
Performance Standards**

FOR the purpose of repealing certain provisions of law relating to the percentage of operating costs that must be recovered from certain revenues for certain public transit services; requiring the Maryland Transit Administration to implement certain performance indicators to track service efficiency for certain public transit services; requiring the Administration to submit a certain annual report to certain committees of the General Assembly; requiring the Administration to provide for certain periodic management audits to be used when evaluating the performance of certain public transit services; and generally relating to performance standards for public transit services.

BY repealing and reenacting, with amendments,
Article - Transportation
Section 7-208 and 7-902
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

**House Bill 1186 - Delegates Sophocleus, Beidle, V. Claggett, Love, and
McConkey**

AN ACT concerning

Office of the State's Attorney - Repeal of Obsolete Provisions

FOR the purpose of repealing certain obsolete provisions concerning the Office of the State's Attorney, including provisions requiring the State's Attorney to aid the

Comptroller and State Treasurer in adjusting accounts of county office holders, order execution to be issued for the recovery of certain moneys, and submit certain information to certain judges for certification before receiving certain funds; and generally relating to the Office of the State's Attorney.

BY repealing

Article – Criminal Procedure

Section 15–103, 15–106, and 15–107

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter ___ (S.B. 37) of the Acts of the General Assembly of 2008)

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

House Bill 1187 – Delegates McDonough, Beitzel, Benson, Boteler, Costa, Hubbard, Kach, Kipke, Montgomery, Oaks, Riley, V. Turner, and Weldon

AN ACT concerning

Persons Who Operate Nursing Homes – Licensure

FOR the purpose of requiring a person to be licensed by the Secretary of Health and Mental Hygiene before operating a nursing home; establishing the qualifications for licensure; requiring the Secretary to evaluate the background and qualifications of certain persons; requiring applicants to provide the Secretary with certain information; requiring the Secretary to issue licenses to applicants who meet certain requirements; authorizing licensees to renew licenses under certain circumstances; requiring licensees to report to the Secretary certain changes in the financial condition of a nursing home; authorizing the Secretary to verify certain financial conditions; making certain exceptions; requiring the Secretary to adopt certain regulations; defining certain terms; and generally relating to the licensure of persons who operate nursing homes.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–1401

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health – General

Section 19–1401.1, 19–1401.2, 19–1401.3, 19–1401.4, 19–1401.5, 19–1401.6, 19–1401.7, and 19–1401.8

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1188 – Delegates DeBoy, Conway, Malone, Mathias, and Rudolph

AN ACT concerning

Public Health Work Group – Hospital Preparedness – Snakebite Antivenin

FOR the purpose of requiring the Department of Health and Mental Hygiene to convene a work group to assess the level of hospital preparedness regarding providing emergency care to patients with snakebites requiring the administration of antivenin and to make certain recommendations; providing for the composition of the work group; requiring the Department to provide staff for the work group; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a work group assessing hospital preparedness for snakebite care.

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

House Bill 1189 – Delegates Niemann, Beidle, Boteler, V. Clagett, Frush, Holmes, Krysiak, Lafferty, Malone, Norman, O'Donnell, Sossi, Stein, Weir, and Wood

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

FOR the purpose of altering the date by which certain persons are prohibited from using, selling, manufacturing, or distributing for sale certain dishwashing detergent that contains greater than a certain amount of phosphorus; and generally relating to phosphorus in dishwashing detergents.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1502
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1503
Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1190 – Delegates Heller, Krysiak, Levy, McIntosh, and Rosenberg

AN ACT concerning

Task Force to Study the Needs and Expenditures of State Programs

FOR the purpose of establishing the Task Force to Study the Needs and Expenditures of State Programs; establishing the membership and staff of the Task Force; requiring the President of the Senate and the Speaker of the House to designate the chair of the Task Force; requiring the Task Force to examine and make findings and recommendations on certain issues related to the needs and expenditures of State programs; requiring the Task Force to submit certain reports by certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study the Needs and Expenditures of State Programs.

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

House Bill 1191 – Delegates DeBoy, Aumann, Barkley, Bates, Beidle, Bohanan, Boteler, Bromwell, G. Clagett, Conway, Costa, Donoghue, Elliott, Elmore, George, Guzzone, Hammen, Hecht, James, Jameson, Kelly, King, Kipke, Kramer, Lafferty, Levy, Malone, Mathias, McHale, Miller, Minnick, Olszewski, Riley, Rudolph, Schuler, Sophocleus, Stein, Tarrant, Weldon, and Wood

AN ACT concerning

Criminal Law – Impersonation of a Police Officer – Penalties

FOR the purpose of altering the classification of the crime of impersonating certain police officers, special police officers, sheriffs, deputy sheriffs, constables, or certain other law enforcement officers wearing a certain police article without a certain authorization, or having a simulation or imitation of a certain police article under certain circumstances from a misdemeanor to a felony and increasing the penalties for a violation of the offense; and generally relating to the crime of impersonating police officers, special police officers, sheriffs, deputy sheriffs, constables, or certain other law enforcement officers.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–502

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

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

House Bill 1192 – Delegate G. Clagett

AN ACT concerning

Land Use – Development Rights and Responsibilities Agreements

FOR the purpose of altering the time period after which a certain development rights and responsibilities agreement will be void under certain circumstances; providing that a certain local jurisdiction may not enforce certain laws, rules, regulations, or policies governing the use, density, or intensity of certain real property subject to a certain agreement unless certain circumstances exist; and generally relating to development rights and responsibilities agreements.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 13.01
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1193 – Delegates McIntosh and Hucker

AN ACT concerning

Environment – Statute of Limitations

FOR the purpose of altering the statute of limitations for prosecution of and suits for certain violations of certain laws relating to the environment; declaring the intent of the General Assembly; and generally relating to laws relating to the environment.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a) and 5–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Courts and Judicial Proceedings
Section 5–106(n)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Environment
Section 1–303
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing

Article – Environment
Section 2–610.2, 8–509.1, and 9–343.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY renumbering

Article – Courts and Judicial Proceedings
Section 5–106(o) through (bb), respectively
to be Section 5–106(n) through (aa), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1194 – Chair, Appropriations Committee

AN ACT concerning

Spending Mandate Relief Act

FOR the purpose of altering a requirement that the State budget include a certain appropriation to pay rent to counties for certain space occupied by clerks of the circuit courts; altering the calculation of certain State aid to private institutions of higher education; altering the calculation of certain State aid to libraries; and generally relating to certain State spending mandates.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 1–504
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 17–104(a), 23–205(c), and 23–503(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1195 – Delegates Taylor, Ali, Glenn, Rice, and V. Turner

AN ACT concerning

Vehicle Laws – Off-Highway Recreational Vehicles – Titling

FOR the purpose of defining off-highway recreational vehicle; authorizing the Motor Vehicle Administration to alter the definition of off-highway recreational vehicle; requiring an owner of an off-highway recreational vehicle purchased after a certain date to apply to the Administration for a certificate of title of the vehicle under certain circumstances; establishing that an application for certificate of title for an off-highway recreational vehicle shall be made by electronic transmission in a certain manner; providing that a certain electronic system may provide for the electronic transmission of vehicle data to and from certain service providers; defining fair market value as to off-highway recreational vehicles for the purpose of determining the amount of the vehicle excise tax; providing that a transfer of an off-highway recreational vehicle is not subject to certain safety inspection requirements; and generally relating to off-highway recreational vehicles.

BY adding to

Article – Transportation
Section 11-140.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13-101.1, 13-104(a), 13-108.1, and 23-106
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13-809
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007
Special Session)

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

House Bill 1196 – Delegates Oaks, Braveboy, Carter, Glenn, Holmes, and Rosenberg

AN ACT concerning

Maryland Healthy Places Act

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish a certain pilot program subject to the availability and appropriation of certain funding; requiring the Secretary in coordination with certain State agencies to develop guidance and adopt regulations for certain health impact assessments; requiring that a certain pilot program provide certain funding and technical assistance to certain eligible entities to prepare certain health impact assessments; establishing that applications for certain grants include certain information; providing for the purpose and content of certain health impact assessments; requiring certain eligible entities to follow certain guidelines; requiring certain eligible entities to take into consideration certain comments and include certain responses in certain health impact assessments; requiring a certain pilot program to award certain grants to certain eligible entities to conduct environmental health assessment activities; requiring certain eligible entities to submit a certain application for a certain grant; establishing that certain grants may be used for certain purposes; requiring that the Secretary submit a certain report on or before a certain date each year; providing that a certain subtitle may be cited by a certain name; defining certain terms; and generally relating to the Maryland Healthy Places Act.

BY adding to

Article – Health – General

Section 13–2701 through 13–2706 to be under the new subtitle “Subtitle 27.
Maryland Healthy Places Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1197 – Delegates Walkup, Eckardt, Elmore, Frank, McConkey, Smigiel, and Sossi

AN ACT concerning

Sales and Use Tax – Exemption – Library Book Sales by Nonprofit Organizations

FOR the purpose of providing an exemption under the sales and use tax for certain sales by certain nonprofit organizations authorized to perform certain services for certain libraries; and generally relating to an exemption under the sales and use tax for certain sales by certain nonprofit organizations authorized to perform certain services for certain libraries.

BY repealing and reenacting, with amendments,
Article – Tax – General

Section 11-204(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1198 - Howard County Delegation

AN ACT concerning

**Howard County - Vehicle Laws - Speed Monitoring Systems
Ho. Co. 07-08**

FOR the purpose of adding Howard County as a county authorized to use certain speed monitoring systems to enforce highway speed laws under certain standards and procedures; limiting the use of speed monitoring systems in Howard County to certain highways; establishing a certain maximum fine for a violation of law enforced by means of a speed monitoring system in Howard County; requiring the Chief Judge of the District Court to consult with a certain Howard County agency in adopting certain procedures; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; requiring Howard County to report on the effectiveness of speed monitoring systems to the General Assembly on or before a certain date; altering a certain definition; prohibiting the Howard County Police Department from acquiring more than a certain number of speed monitoring systems for a certain purpose; requiring the Police Department, during a certain period, to issue only warning citations to certain motorists and to conduct a public education and awareness campaign regarding the use of speed monitoring systems in Howard County; requiring the Police Department to submit a certain annual report to the Howard County Delegation to the General Assembly; providing for the termination of this Act; and generally relating to imposition of liability on certain persons recorded by speed monitoring systems violating certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, without amendments,
Article - Courts and Judicial Proceedings
Section 4-401(13), 7-301(a), 7-302(e), and 10-311
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article - Insurance
Section 11-215(e) and 11-318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–809
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 26–305(a) and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1199 – Delegates Myers, Bates, Beitzel, Dwyer, Eckardt, Elmore, Frank, George, Haddaway, Kelly, Krebs, McKee, Norman, O'Donnell, Riley, Shank, Stocksdale, Stull, and Weldon

AN ACT concerning

Election Law – Voting Procedures – Identification

FOR the purpose of requiring an individual seeking to vote at a polling place either to present certain photo identification or to sign a certain affidavit; and generally relating to polling place procedures.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–310(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1200 – Delegates Niemann, Barnes, Beidle, Carr, V. Clagett, Frush, Haynes, Holmes, Hucker, Levi, Ross, and Stein

AN ACT concerning

Homeowner's Property Tax Credit – Administration

FOR the purpose of requiring the Comptroller to provide to the Department of Assessments and Taxation a list of resident individuals with federal adjusted gross income not exceeding a certain maximum specified for eligibility for a certain homeowner's property tax credit; requiring the Department to send notice of the credit and a copy of the application for the credit to certain homeowners; requiring the Department and the Comptroller jointly to perform a certain study and submit a certain report; and generally relating to the administration of a certain homeowner's property tax credit.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–104(f) and (m)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–104(k)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1201 – Delegate G. Clagett

AN ACT concerning

Creation of a State Debt – Frederick County – Montevue Home

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Trustees of the Community Foundation of Frederick County, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1202 – Washington County Delegation

AN ACT concerning

Creation of a State Debt – Washington County – Conococheague Aqueduct

FOR the purpose of authorizing the creation of a State Debt not to exceed \$125,000, the proceeds to be used as a grant to the Chesapeake and Ohio Canal National Historical Park for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1203 - Delegates Conway, Aumann, Bartlett, Bates, Beitzel, Bohanan, Boteler, Bromwell, Cane, Conaway, Costa, Dwyer, Eckardt, Elmore, Frank, Haddaway, Harrison, Haynes, Impallaria, Jameson, Jennings, Kach, Kelly, King, Kipke, Kirk, Kramer, Kullen, Mathias, McComas, McConkey, McDonough, McKee, Minnick, Myers, Norman, O'Donnell, Oaks, Ramirez, Schuh, Schuler, Shank, Smigiel, Sossi, Stifler, Stocksdale, Stull, Valderrama, Vaughn, Weir, and Weldon

AN ACT concerning

**Vehicle Laws - Protective Headgear Requirement for Motorcycle Riders -
Exceptions**

FOR the purpose of providing certain exceptions to the prohibition against operating or riding on a motorcycle without certain protective headgear; and generally relating to the requirement that protective headgear be worn by operators or riders of a motorcycle.

BY repealing and reenacting, with amendments,
Article - Transportation
Section 21-1306
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1204 - Delegates Proctor and Vallario

AN ACT concerning

Creation of a State Debt - Prince George's County - Rosaryville Conservancy

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Board of Directors of the Rosaryville Conservancy, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey

a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1205 – Delegates DeBoy, Aumann, Conway, Malone, and Mathias

AN ACT concerning

Creation of a State Debt – Baltimore County – Maryland Food Bank

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Maryland Food Bank, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1206 – Delegates Taylor, Ali, Carr, Hucker, Ivey, Manno, Montgomery, Nathan-Pulliam, Proctor, Ramirez, Rice, Ross, and Vaughn

AN ACT concerning

State Procurement – Structuring and Bundling of Procurements

FOR the purpose of prohibiting a unit of State government subject to the State procurement law from structuring or bundling a procurement for the purpose of precluding or limiting participation by certain entities; and generally relating to prohibitions governing the structuring or bundling of a procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–201
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1207 – Kent County Delegation

AN ACT concerning

Education – Kent County – Public School Construction

FOR the purpose of requiring a certain State and local cost-sharing formula for public school construction projects in Kent County; and generally relating to public school construction projects in Kent County.

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

House Bill 1208 – Delegate Rudolph

AN ACT concerning

Gasoline Marketing – Zone Pricing Prohibited

FOR the purpose of prohibiting a producer, refiner, wholesaler, or distributor of gasoline for retail sale from using certain pricing systems using a determination based on certain geographic locations or certain pricing systems with certain effects; prohibiting a producer, refiner, wholesaler, or distributor from discriminating in certain pricing of gasoline; requiring the disclosure and offer of certain discounts and rebates in a certain manner; providing for the construction of this Act; providing certain penalties for a violation of this Act; providing a certain exception to the application of this Act; making a stylistic correction; and generally relating to gasoline marketing practices.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 10–313 and 10–324
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 11–204(a)(3), 11–301, and 11–304(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–304(l) and (m)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 11–304(m)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1209 – Delegate Simmons

AN ACT concerning

Safe Schools Reporting Act of 2005 – Sunset Repeal

FOR the purpose of repealing the termination date for a provision of law that requires the State Department of Education to require a county board of education to report certain incidents of harassment or intimidation against certain students.

BY repealing and reenacting, with amendments,
Chapter 547 of the Acts of the General Assembly of 2005
Section 2

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

House Bill 1210 – Delegates Krebs, Aumann, Bates, Beidle, Beitzel, Bobo, Eckardt, Elliott, Elmore, Feldman, Frank, George, Howard, Hubbard, King, Kipke, Kramer, Manno, McComas, McConkey, Minnick, Montgomery, Myers, Norman, Shewell, Sossi, Stocksdale, Stull, and Walkup

AN ACT concerning

Consumer Protection – Credit Cards – Student Applicants

FOR the purpose of prohibiting credit card issuers from offering gifts in exchange for the completion of a credit card application as a part of a certain marketing program conducted on a campus of or at an athletic event of an institution of higher education in the State; prohibiting credit card issuers from purchasing or otherwise obtaining from an institution of higher education certain information about the students at the institution of higher education; defining certain terms; and generally relating to the solicitation of student credit card applicants.

BY adding to
Article – Commercial Law
Section 13–319
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1211 – Delegates Oaks and McIntosh

EMERGENCY BILL

AN ACT concerning

Tax Sales – Minimum Tax Due – Redemption Payments – Reimbursement of Expenses on Redemption

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when total taxes due on the property amount to less than a certain amount; altering the manner by which a person redeeming a property shall pay the collector certain expenses and fees under certain circumstances; altering the type and amount of expenses for which a plaintiff or holder of a certificate of sale is entitled to be reimbursed under certain circumstances; making this Act an emergency measure; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–811, 14–828(a), and 14–843
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1212 – Delegates Oaks, Carter, Conaway, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Creation of a State Debt – Baltimore City – Gaudenzia at Park Heights

FOR the purpose of authorizing the creation of a State Debt in the amount of \$200,000, the proceeds to be used as a grant to the Board of Directors of the Gaudenzia Foundation, Inc. for certain development or improvement purposes, providing for disbursement of the loan proceeds; subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1213 – Delegates Haynes, Branch, Conaway, DeBoy, Doory, Glenn, Griffith, Harrison, Kirk, Oaks, Robinson, Schuler, Stukes, Taylor, V. Turner, and Valderrama

AN ACT concerning

Youth Crime Prevention and Diversion Parole Fund

FOR the purpose of establishing the Youth Crime Prevention and Diversion Parole Fund; requiring the Director of the Division of Parole and Probation to administer the Fund, establish certain procedures, and make certain grant awards; providing that the Fund consists of money appropriated in the State budget, investment earnings, and certain other money accepted for the benefit of the Fund; requiring a certain law enforcement agency or Police Athletic League center to provide the Director with certain information; requiring the Director to report to the Governor and the General Assembly on or before a certain date; defining certain terms; and generally relating to the Youth Crime Prevention and Diversion Parole Fund.

BY adding to

Article – Correctional Services

Section 6–301 through 6–304 to be under the new subtitle “Subtitle 3. Youth Crime Prevention and Diversion Parole Fund”

Annotated Code of Maryland

(1999 Volume and 2007 Supplement)

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

House Bill 1214 – Delegates Hecht, Harrison, Krysiak, and McHale

AN ACT concerning

Maryland Not–For–Profit Development Center Program

FOR the purpose of establishing the Maryland Not–For–Profit Development Center Program in the Department of Business and Economic Development; requiring the Program to provide certain training and technical assistance services to not–for–profit entities; establishing the Maryland Not–For–Profit Development Center Program Fund; establishing certain moneys and fees to be distributed to the Fund; providing for the purpose of the Fund; requiring the Department to designate a certain number of organizations to implement the Program and providing certain criteria for the designations; defining certain terms; increasing the amount of a certain processing fee paid by certain nonstock corporations under certain circumstances and requiring a portion of the processing fee to be credited to the Fund; and generally relating to the Maryland Not–For–Profit Development Center Program.

BY adding to

Article – Economic Development

Section 5–1201 through 5–1205 to be under the new subtitle “Subtitle 12. Maryland Not–For–Profit Development Center Program”

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. ____)(8lr0698) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–203(a), (b)(10), and (d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–203(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Corporations and Associations
Section 1–203(b)(11) and (e)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1215 – Delegates Eckardt, Dwyer, Frank, George, King, Krebs, Sossi, and Stocksdale

AN ACT concerning

Task Force to Study Task Forces, Commissions, Temporary or Ad Hoc Committees, and Related Panels

FOR the purpose of establishing a Task Force to Study Task Forces, Commissions, Temporary or Ad Hoc Committees, and Related Panels; providing for the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to study certain issues; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study Task Forces, Commissions, Temporary or Ad Hoc Committees, and Related Panels.

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

House Bill 1216 – Delegates Stein, Cardin, George, Morhaim, and Niemann

AN ACT concerning

Income Tax – Subtraction Modification – Contributions to Volunteer Fire Companies

FOR the purpose of providing a subtraction modification under the Maryland income tax for certain contributions by a corporation to a volunteer fire company; requiring the Comptroller to issue certain donation certificates; authorizing certain volunteer fire companies to provide certain donation certificates to corporations for certain charitable contributions; providing that a donation certificate may not be carried forward; providing for the application of this Act; and generally relating to a subtraction modification for certain donations made by a corporation to certain volunteer fire companies.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–308(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–308(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1217 – Delegates Kramer, Barkley, Beitzel, Carr, Heller, Kelly, Lee, Manno, and Montgomery

AN ACT concerning

Task Force to Study Offshore Wind Farms

FOR the purpose of establishing a Task Force to Study Offshore Wind Farms; establishing the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation, but authorizing certain reimbursement for certain expenses; requiring the Task Force to study and make recommendations regarding certain issues; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Offshore Wind Farms.

BY adding to

Article – State Government
Section 9–2009
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1218 – Delegates Kramer, Barkley, Carr, Heller, Kelly, Lee, Manno, Montgomery, and Simmons

AN ACT concerning

Missing Senior Adult Alert Program – Establishment

FOR the purpose of requiring the State Police to develop policies and procedures for the creation of a certain alert program to assist in locating certain missing adults who are over a certain age and suffer certain cognitive impairments; requiring the State Police to inform local law enforcement agencies of the policies and procedures to be used in handling reports of certain missing senior adults; requiring the State Police to assist in determining the geographic scope of a certain alert for certain missing senior adults; requiring the State Police to establish procedures and standards by which a local law enforcement agency shall verify that a certain individual is missing and report that information to the State Police; requiring the State Police to provide assistance to a local law enforcement agency as necessary to assist in the safe recovery of certain missing individuals; requiring a certain person to notify a certain local law enforcement agency and the State Police regarding certain information under certain circumstances; providing for the construction of this Act; defining certain terms; and generally relating to the establishment of a missing senior adult alert program.

BY adding to

Article – Public Safety
Section 3–604
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1219 – Delegates Kach, Elliott, Kipke, Kullen, Nathan–Pulliam, and Riley

AN ACT concerning

Health Insurance – Health Care Provider Panels – Provider Contracts

FOR the purpose of repealing a prohibition that certain health insurance carriers that offer coverage for health care services in a certain manner may not require certain health care providers to serve on certain provider panels under certain circumstances; repealing a certain exception to the prohibition; repealing certain requirements for providers that elect to terminate participation on certain provider panels; prohibiting certain provider contracts from containing a provision that requires certain health care providers to participate in certain provider panels under certain circumstances; authorizing certain provider contracts to contain a requirement that certain providers participate in a certain managed care organization under certain circumstances; requiring certain provider contracts to disclose certain information; prohibiting certain provider contracts from containing a provision requiring providers to accept certain schedules of fees under certain circumstances; prohibiting a provider contract from requiring providers to treat certain enrollees of certain carriers under certain circumstances; defining certain terms; making stylistic changes; and generally relating to health care provider panels and provider contracts under health insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–112(a)(1), (3), (5), (7), and (8)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Article – Insurance
Section 15–112(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112(m), (n), (o), and (p)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 15–112.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1220 – Delegates G. Clagett, Barkley, Benson, Gaines, Heller, Jones, Manno, Montgomery, Nathan-Pulliam, Proctor, Ramirez, Rosenberg, F. Turner, and Valderrama

AN ACT concerning

State Personnel – Collective Bargaining – Procedures

FOR the purpose of clarifying the application of certain provisions of law relating to the failure to comply with certain orders of the State Labor Relations Board and the State Higher Education Labor Relations Board; altering certain dates by which certain actions relating to certain collective bargaining negotiations must be taken; clarifying that certain fact finders must make certain written recommendations to certain representatives; providing that a certain memorandum of understanding is valid for more than a certain number of years under certain circumstances; providing that certain matters of agreement in a memorandum of understanding are not valid for more than a certain number of years; providing that a certain memorandum of understanding is not effective until it is ratified by a certain exclusive representative; defining a certain term; and generally relating to collective bargaining for State employees.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101, 3–209, 3–2A–09, 3–501(c), and 3–601
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 3–501(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1221 – Delegates Griffith, Braveboy, and Davis

AN ACT concerning

Creation of a State Debt – Prince George’s County – Suitland Technology Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Board of Directors of the Suitland Family and Life Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund;

establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1222 - Delegates Proctor and Vallario

AN ACT concerning

Attorney General - State Legal Business - Hiring Counsel

FOR the purpose of making more uniform certain exceptions to certain roles of the Attorney General or a designee of the Attorney General; authorizing an officer or unit of State government to employ or be represented by certain individuals under certain circumstances; and generally relating to State legal business.

BY repealing and reenacting, without amendments,
Article - State Finance and Procurement
Section 13-107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article - State Government
Section 6-105
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article - State Government
Section 6-106
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1223 - Delegate Feldman

AN ACT concerning

Credit Regulation - Debt Settlement and Debt Management Services Providers

FOR the purpose of prohibiting a person from providing debt settlement services to certain consumers unless the person is licensed by the Commissioner of Financial Regulation or exempt from licensing under the Maryland Debt

Management and Debt Settlement Services Act; altering a certain exemption from certain provisions of law; applying certain provisions of law relating to debt management services, debt management services businesses, and debt management services providers, licensees, and agreements to debt settlement services, debt settlement services businesses, and debt settlement services providers, licensees, and agreements; altering the name, contents, and purpose of a certain fund; providing that a debt settlement services license authorizes the licensee to provide debt settlement services; requiring a person who provides both debt management services and debt settlement services to obtain both a debt management services license and a debt settlement services license; specifying the information a licensee who provides debt settlement services must provide to the Commissioner if the licensee surrenders its license; prohibiting a licensee from performing debt settlement services for a consumer unless certain conditions are met; establishing certain requirements for a debt settlement services agreement; requiring a debt settlement services licensee to maintain certain records; authorizing a debt settlement services licensee to allow a consumer to establish a certain account under certain circumstances; prohibiting a debt settlement services provider from paying any funds from certain accounts without the express written authorization of the consumer; prohibiting a debt settlement services licensee from imposing certain fees or other charges or receiving any funds, voluntary contributions, or other payments except under certain circumstances; requiring a debt settlement services licensee to disclose certain services and charges to a consumer; establishing the right of a consumer to modify or rescind a debt settlement services agreement under certain circumstances; providing that a debt settlement services agreement shall be void and the debt settlement services licensee shall return certain fees, charges, funds, and payments to a consumer under certain circumstances; prohibiting a debt settlement services licensee from making a certain representation relating to a consumer's debt; prohibiting a debt settlement services licensee from requiring or advising a consumer to stop making certain payments; requiring a debt management services licensee and a debt settlement services licensee to file a certain report with the Commissioner if a certain legal proceeding is instituted against the licensee; requiring the Commissioner to examine the business of each debt management services licensee and each debt settlement services licensee in accordance with a certain schedule; altering a certain short title; altering certain definitions; defining certain terms; making certain stylistic, clarifying, and conforming changes; allowing certain persons providing debt settlement services in the State on the effective date of this Act to continue to provide debt settlement services without being licensed until a certain time under certain circumstances; and generally relating to the regulation of debt management services providers and debt settlement services providers.

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 12–901 through 12–908, 12–911, 12–913, 12–914, 12–916(b) and (c),
12–917 through 12–921, 12–922(a) and (f), 12–923(a), 12–924 through

12-926, and 12-931 to be under the amended subtitle "Subtitle 9. Maryland Debt Management and Debt Settlement Services Act"
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Financial Institutions
Section 12-916.1 and 12-918.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1224 – Delegate Nathan-Pulliam (By Request) and Delegates Benson, Bobo, Branch, Donoghue, Hucker, Lafferty, Levy, Malone, McDonough, Montgomery, and V. Turner

AN ACT concerning

Hospitals – Nursing Care Committees, Staffing Plans, and Commission on Nursing Acuity

FOR the purpose of requiring certain facilities to provide the Health Services Cost Review Commission with certain information; requiring hospitals to create a nursing care committee that performs certain duties; requiring the nursing care committee to include a certain percentage of certain registered nurses; requiring hospitals to adopt and implement a certain written staffing plan; requiring a hospital to give consideration to certain factors when adopting and implementing the staffing plan; requiring the written staffing plan to be posted in a certain location; establishing the Commission on Nursing Acuity; providing for the membership of the Commission; requiring the Governor to designate the chair of the Commission; requiring the Commission to meet a certain number of times a year; providing for the staffing of the Commission; providing that a member of the Commission may not receive a certain compensation but is entitled to a certain reimbursement; providing for the duties of the Commission; requiring the Commission to submit a certain annual report to certain committees of the General Assembly; and generally relating to hospitals and nursing care committees, staffing plans, and the Commission on Nursing Acuity.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19-218(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health – General
Section 19–310.2 and 19–310.3
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations
Section 8–7C–01 through 8–7C–06 to be under the new subtitle “Subtitle 7C.
Commission on Nursing Acuity”
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1225 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Licenses Held by Revenue Authority for Public Golf Courses

MC 807–08

FOR the purpose of authorizing the Executive Director of the Montgomery County Revenue Authority or the Executive Director’s designee to hold certain alcoholic beverages licenses for the limited use of public golf courses that are under the jurisdiction of the Revenue Authority; specifying that certain licenses be signed by the Executive Director or the Executive Director’s designee; requiring the Executive Director or the Executive Director’s designee to designate individuals to complete certain training; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9–102.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1226 – Delegate Barve

AN ACT concerning

State Operations – Study of the State’s Reliance on and the Costs of High Volume Transaction Processing Systems

FOR the purpose of establishing a Study of the State's Reliance on and the Costs of High Volume Transaction Processing Systems; requiring the Chief of Information Technology to conduct the Study; providing for the duties of the Chief of Information Technology in conducting the Study; requiring the Chief of Information Technology to report the Chief's findings and recommendations to the Governor, the Information Technology Board, the Secretary of Budget and Management, and the General Assembly on or before a certain date; requiring the protection of certain sensitive or confidential commercial information; defining certain terms; providing for the termination of this Act; and generally relating to a Study of the State's Reliance on and the Costs of High Volume Transaction Processing Systems.

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

House Bill 1227 – Delegates F. Turner, Gilchrist, Rice, Stukes, and Walker

AN ACT concerning

Horse Racing Heritage Act

FOR the purpose of establishing a special fund for the distribution of certain State lottery revenues to horse racing purses and bred funds; requiring that horse racing purses and bred funds be increased according to a certain formula; authorizing the Governor to request a certain deficiency appropriation under certain conditions; requiring that all funds for purses and bred funds under this Act be in addition to and not supplant certain other funds; establishing certain conditions on the distribution of certain funds; and generally relating to lottery proceeds and purse and bred fund supplements for horse racing in the State.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–120.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–120.2
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1228 - Delegates Rosenberg, Aumann, Eckardt, Heller, James, Levy, Robinson, and Schuh

AN ACT concerning

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 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; 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 retirement plans; providing for participation in a certain 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; providing for the effective date of certain provisions of this Act; and generally relating to the 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 2007 Supplement)

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

House Bill 1229 - Delegate G. Clagett

AN ACT concerning

Tax Credits for Energy Star Appliances and Solar Water Heaters

FOR the purpose of allowing a credit against the State income tax for a certain taxable year for certain costs of certain Energy Star appliances or solar water heaters purchased during a certain period of time; prohibiting the carryover of certain unused credit to certain taxable years; limiting a certain credit against the State income tax by a certain amount; requiring the Comptroller to submit certain information to the General Assembly; defining a certain term; and generally relating to certain State income tax credits for certain individuals who purchase certain Energy Star appliances or solar water heaters.

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

House Bill 1230 – Delegate G. Clagett

AN ACT concerning

Creation of a State Debt – Frederick County – Agriculture and Education Complex

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Supervisors of the Frederick Soil Conservation District and the Board of Supervisors of the Catoctin Soil Conservation District for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantees provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1231 – Delegates Malone, Aumann, Bromwell, Dwyer, Frank, Kach, Kelly, Kullen, McComas, McConkey, Myers, O'Donnell, Shank, Sossi, and Stull

AN ACT concerning

Vehicle Laws – Failure to Yield Right-of-Way – Penalties for Death or Serious Bodily Injury

FOR the purpose of establishing that if a person fails to yield the right-of-way in violation of certain provisions of law and the violation contributes to an accident that results in the death or serious bodily injury of another, the person is subject to a certain fine and the Motor Vehicle Administration is authorized to suspend the person's license for a certain period of time; providing that a licensee may request a hearing on a license suspension imposed under this Act; and generally relating to penalties for a failure to yield the right-of-way that contributes to an accident that results in death or serious bodily injury.

BY adding to

Article – Transportation
Section 27–114
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1232 – Delegates McDonough, Boteler, Elmore, George, Impallaria, Kach, Kipke, McConkey, and O'Donnell

AN ACT concerning

Citizens Rights Act

FOR the purpose of providing that a registered voter under the laws of the State may file a complaint alleging certain actions against certain officers and employees of the State or of a local government for declaratory judgment and injunctive relief; specifying that a person has standing to file a certain action against certain officers and employees under certain circumstances; authorizing a court to direct certain officers and employees to reimburse a person for certain fees and costs under certain circumstances; providing that certain persons may not avail themselves of the remedies provided under this Act; and generally relating to the right to file actions against State and local officers and employees.

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–502
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government
Section 8–502.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1233 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

**Blue Ribbon Commission to Study Retiree Health Care Funding Options –
Extension of Reporting and Termination Dates**

FOR the purpose of altering the date by which the Blue Ribbon Commission to Study Retiree Health Care Funding Options is required to submit a certain report; extending the termination date of the Blue Ribbon Commission to Study Retiree Health Care Funding Options until a certain date; and generally relating to the reporting and termination dates of the Blue Ribbon Commission to Study Retiree Health Care Funding Options.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 34–201(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 433 of the Acts of the General Assembly of 2006
Section 3

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

House Bill 1234 – Delegate Kach

AN ACT concerning

**State Residential Centers and State Facilities – Study – Services for
Developmentally Disabled Individuals**

FOR the purpose of requiring the Department of Health and Mental Hygiene to engage an independent consultant to study and make recommendations on issues related to the provision of services for developmentally disabled individuals in State residential centers and State facilities; requiring the independent consultant to work with the Department and a certain employee organization in developing certain recommendations; requiring the Department to submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study of services for developmentally disabled individuals in State residential centers and State facilities.

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

House Bill 1235 – Delegates Feldman, Ali, Barkley, Barnes, Barve, Benson, Braveboy, Bronrott, Frush, Gaines, Gilchrist, Gutierrez, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Howard, Hucker, Ivey, Kirk, Kullen, Lee, Levi, Manno, Montgomery, Niemann, Oaks, Pena-Melnyk,

**Ramirez, Rice, Ross, Stukes, Tarrant, Taylor, V. Turner, Valderrama,
and Vaughn**

AN ACT concerning

Maryland Wage and Hour Law – Payment of Overtime – Exemptions

FOR the purpose of exempting certain employers from the requirement to pay a certain overtime wage; altering the manner in which a wage for overtime is computed by employers for employees; and generally relating to overtime pay.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–401 and 3–415(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–415(c) and 3–420
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1236 – Delegates Hixson, Ramirez, Ali, Anderson, Barkley, Barnes, Bobo, Bronrott, Cane, Carter, Davis, Feldman, Frush, Gaines, Griffith, Gutierrez, Holmes, Hucker, Ivey, Kirk, Kramer, Krysiak, Lee, Manno, McIntosh, Mizeur, Montgomery, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Reznik, Robinson, Rosenberg, Ross, Simmons, Stukes, Taylor, V. Turner, Valderrama, and Vallario

AN ACT concerning

Higher Education – Tuition Charges – Maryland High School Students

FOR the purpose of establishing that certain individuals, other than certain nonresident individuals, shall be exempt from paying nonresident tuition at certain public institutions of higher education under certain circumstances; requiring certain individuals to provide certain documentation regarding Maryland income tax withholding; requiring the governing board of each public institution of higher education to adopt certain policies; and generally relating to tuition charges for certain individuals attending public institutions of higher education in the State.

BY adding to
Article – Education

Section 15-106.7
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1237 - Delegates Walker, Anderson, Barnes, Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Ivey, Levi, Niemann, Pena-Melnyk, Proctor, Ramirez, Ross, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

State Highways - Designation - Thurgood Marshall Memorial Highway

FOR the purpose of requiring the State Highway Administration to designate a certain State highway as the Thurgood Marshall Memorial Highway.

BY adding to

Article - Transportation
Section 8-655
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1238 - Delegates Hixson, Elmore, Gilchrist, Howard, Ivey, Kaiser, Olszewski, Rice, Ross, and Stukes

AN ACT concerning

Transportation - Public-Private Partnerships - Notice to the General Assembly

FOR the purpose of requiring the Maryland Transportation Authority or the State Department of Transportation to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to issuing a public notice of procurement related to a public-private partnership; requiring the Authority or the State Department of Transportation to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to entering into a public-private partnership; defining certain terms; repealing certain redundant provisions of law relating to disclosure of certain public-private partnerships involving the Authority; and generally relating to providing notice to the General Assembly of public-private partnerships involving the Maryland Transportation Authority and the State Department of Transportation.

BY adding to

Article – Transportation

Section 3.5–101 and 3.5–201 to be under the new title “Title 3.5. Public–Private Partnerships”

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4–205(c)

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 383 of the Acts of the General Assembly of 2007)

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

House Bill 1239 – Delegates Stocksdale, McDonough, Shewell, and Stukes

AN ACT concerning

Education – Foster Child Incentive Program

FOR the purpose of establishing a Foster Child Incentive Program; authorizing a certain foster parent or legal guardian of an eligible student to enroll the eligible student in a participating school and use scholarship funds to offset certain costs relating to the attendance at the participating school of the eligible student; establishing eligibility to participate in the Program; establishing certain criteria a participating school must meet to be eligible to participate in the Program; authorizing a certain participating school to accept or deny admission to a certain qualifying student under certain circumstances; requiring certain participating schools and certain county boards to provide certain notices and information at certain times; providing for the administration of funds for the Program; establishing the amount of a scholarship; prohibiting a participating school from refunding, rebating, or sharing scholarship moneys with a certain eligible student or a certain foster parent or legal guardian; requiring the State Department of Education to develop a certain application, certify certain schools, debar certain schools under certain circumstances, ensure the annual distribution of certain information, and adopt certain regulations; prohibiting the Department from regulating the educational curriculum or program of a certain participating school and imposing certain regulations beyond those necessary to enforce the requirements of the Program; requiring the Department to conduct a review of the Program or contract with a private consulting firm to conduct a review of the Program on or before a certain date; establishing requirements for the review of the Program; requiring a certain report on or before a certain date;

defining certain terms; and generally relating to the Foster Child Incentive Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–122(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 4–122.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1240 – Delegate Frush

AN ACT concerning

Juvenile Justice – Disposition on Petition – Alternative Education Program

FOR the purpose of authorizing a certain court to order a certain child to attend a certain Juvenile Justice Alternative Education Program or similar type of school under certain circumstances in making a disposition on a certain petition; and generally relating to a disposition on a petition against a juvenile.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1241 – Delegates Rosenberg, Carter, Anderson, Barnes, Benson, Bobo, Bronrott, Burns, Conaway, Gutierrez, Guzzone, Hucker, Kullen, Manno, McHale, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Robinson, Schuler, Stukes, and V. Turner

AN ACT concerning

Maryland State and Children’s Lead Poisoning Recovery Act

FOR the purpose of requiring certain manufacturers of lead pigment to reimburse certain persons for certain damages caused by lead–based paint; establishing

the types of damages for which certain manufacturers of lead pigment are required to pay reimbursement; providing that certain manufacturers of lead pigment may be held liable under any legally recognized theory of liability; providing that failure to join a certain manufacturer in a certain action does not constitute failure to join a required party for any purpose; providing that a person is not required to prove that a manufacturer manufactured the lead pigment contained in certain lead-based paint that caused the damage to establish the liability of the manufacturer; requiring the person to prove by a preponderance of the evidence certain elements in order to recover damages; requiring a trier of fact, if a party satisfies a certain burden of proof against a certain manufacturer to find the manufacturer liable, unless the manufacturer establishes certain facts by a preponderance of the evidence; requiring the trier of fact, if a certain manufacturer is found liable for certain damages, to make a certain finding and enter a certain judgment based on certain factors; providing that a certain manufacturer who is found to be liable is subject to joint and several liability; establishing a duty of a certain attorney to notify and reimburse the State for certain expenses; declaring a certain action under this Act is not exclusive and is independent of and in addition to any right, remedy, or cause of action available to the State; allowing medical assistance expenditures attributable to lead paint to be proved or disproved by evidence of statistical analysis; creating the Lead Paint Restitution Fund; declaring a certain intent of the General Assembly; defining certain terms; providing for the application of this Act; and generally relating to the liability of manufacturers for damage caused by lead pigment in lead-based paint.

BY adding to

Article – Courts and Judicial Proceedings

Section 3-1801 through 3-1809 to be under the new subtitle “Subtitle 18.

Maryland State and Children’s Lead Poisoning Recovery Act”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1242 – Delegates Stein, Bronrott, Burns, Cardin, Healey, Lafferty, Morhaim, Olszewski, Schuler, and Weir

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State

FOR the purpose of creating a Task Force to Study How to Improve Financial Literacy in the State; providing for the composition, co-chairs, and staffing of the Task Force; providing that a member of the Task Force may not receive compensation but may be reimbursed for certain expenses; requiring the Task Force to study the ability of certain consumers to understand certain financial concepts and the problems created for certain consumers by a lack of financial literacy or

knowledge; requiring the Task Force to make certain recommendations; requiring the Task Force to report certain findings and recommendations to the Governor and to the General Assembly; providing for the termination of this Act; and generally relating to the Task Force to Study How to Improve Financial Literacy in the State.

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

House Bill 1243 - Delegate Conaway

AN ACT concerning

State Department of Education and the Maryland Higher Education Commission Study - Sexual Offenses Against Spouses - Student Knowledge

FOR the purpose of requiring the State Department of Education and the Maryland Higher Education Commission to collaborate on a certain study relating to student knowledge of certain issues relating to domestic violence, spousal sexual abuse, spousal assault, and marital rape; requiring the Department and the Commission to conduct certain surveys and utilize certain methodologies; specifying the purpose of the study; requiring the Department and the Commission to make a certain report by a certain date; providing for the termination of this Act; and generally relating to the study of student knowledge of sexual offenses against spouses.

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

House Bill 1244 - Chair, Appropriations Committee

AN ACT concerning

Central Collection Unit - Special Fund Balances

FOR the purpose of providing that certain balances in the Central Collection Fund at the end of each fiscal year revert to the General Fund; authorizing the Governor to transfer to the General Fund certain amounts from the Central Collection Fund for a certain fiscal year; providing for the application of this Act; and generally relating to the Central Collection Fund.

BY repealing and reenacting, with amendments,
Article - State Finance and Procurement
Section 3-306
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1245 – Cecil County Delegation

AN ACT concerning

Cecil County – Correctional Officers’ Bill of Rights Act

FOR the purpose of providing for certain rights of a correctional officer in Cecil County relating to employment, investigation, and discipline under certain circumstances; providing for the procedures for the investigation or interrogation of a correctional officer; establishing procedures for an application for a show cause order under certain circumstances; establishing a certain limitation on administrative charges against a correctional officer in Cecil County; providing for procedures for a hearing board for an investigation against a correctional officer in Cecil County; providing for expungement of a record of a formal complaint against a correctional officer in Cecil County under certain circumstances; providing for certain disciplinary actions against a correctional officer in Cecil County under certain circumstances; providing that this Act supersedes inconsistent provisions of any other State or local law that conflicts with this Act to the extent of the conflict; providing for the effect of this Act in relation to the duties of a managing official; prohibiting certain false statements; establishing a criminal penalty for providing a false statement to certain persons; providing for the scope of this Act; defining certain terms; and generally relating to rights of a correctional officer in Cecil County.

BY adding to

Article – Correctional Services

Section 11-1001 through 11-1014 to be under the new subtitle “Subtitle 10.
Correctional Officers’ Bill of Rights”

Annotated Code of Maryland

(1999 Volume and 2007 Supplement)

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

House Bill 1246 – Delegates Hucker, Glenn, and Haynes

AN ACT concerning

**Transition Costs – Return to Baltimore Gas and Electric Company
Customers – Condition of Approval to Construct a Nuclear Reactor**

FOR the purpose of prohibiting the Public Service Commission from taking a certain final action on an application for a certificate of public convenience and necessity to construct a certain nuclear reactor until Constellation Energy Group, Inc., returns certain money collected as certain costs to Baltimore Gas and Electric Company; requiring Baltimore Gas and Electric Company to return certain transition costs in a certain manner and proportion to certain customer classes; and generally relating to the return of transition costs to Baltimore Gas

and Electric Company customers and the condition of approval for an application to construct a nuclear reactor.

BY adding to
Article – Public Utility Companies
Section 7–518
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1247 – Delegates Hucker and Weir

AN ACT concerning

Real Property – Mechanic’s Lien – Certified Interior Design Services

FOR the purpose of establishing that work done for or about a building, for purposes of establishing a mechanic’s lien, includes certified interior design services; and generally relating to mechanics’ liens.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 9–102(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1248 – Delegate Levi

AN ACT concerning

**Criminal Procedure – Witness Security and Relocation – Oversight by
Governor’s Office of Crime Control and Prevention**

FOR the purpose of requiring an employee of the Governor’s Office of Crime Control and Prevention to oversee witness security and relocation efforts in the State; and generally relating to witness security and relocation.

BY adding to
Article – Criminal Procedure
Section 11–908
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1249 - Delegates Smigiel, Dwyer, Frank, Kramer, McComas, McConkey, and Sossi

AN ACT concerning

Public Schools - Classes and Extracurricular Activities - Home-Schooled Students

FOR the purpose of including certain home-schooled students in the calculation of certain funding formulas; authorizing a public elementary or secondary school to allow certain students who are not enrolled in the school to participate in certain academic classes and extracurricular activities at the school to a certain extent; defining certain terms; and generally relating to the participation of and funding for home-schooled students in certain public school academic classes and extracurricular activities.

BY repealing and reenacting, without amendments,

Article - Education

Section 5-202(a)(5)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article - Education

Section 5-202(a)(6)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article - Education

Section 7-119

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1250 - Delegates McComas, Aumann, Bates, DeBoy, Eckardt, Elliott, Frank, George, Haddaway, Krebs, McConkey, McDonough, Miller, Norman, O'Donnell, Schuh, Shank, Shewell, Smigiel, Sossi, and Stocksdale

AN ACT concerning

Administrative Procedure Act - Exemption - Death Penalty Protocols

FOR the purpose of exempting from the requirements of the Administrative Procedure Act the protocols of the Department of Public Safety and Correctional Services governing the administration of the death penalty, including any execution operations manual; and generally relating to death penalty protocols and the Administrative Procedure Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–102
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1251 – Delegate Olszewski

AN ACT concerning

Homeowner’s Property Tax Credit – Cost-of-Living Adjustment

FOR the purpose of altering the computation of the homeowner’s property tax credit for certain taxable years based on a certain cost-of-living adjustment percentage; requiring the Department of Assessments and Taxation to determine a certain cost-of-living adjustment percentage by a certain date based on the increase in a certain consumer price index for a certain period; providing for the application of this Act; and generally relating to altering the computation of the homeowner’s property tax credit.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–104 (a)(13), (h), and (k)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1252 – Delegates McComas, Aumann, Beitzel, DeBoy, Eckardt, George, McConkey, McDonough, Miller, Myers, Norman, Shewell, Smigiel, and Stocksdale

EMERGENCY BILL

AN ACT concerning

Motor Vehicles – Accident Reports – Access and Disclosure

FOR the purpose of authorizing the employees and agents of certain prosecutors to access a certain motor vehicle accident report during a certain time period after the report is filed; exempting certain prosecutors and the employees and agents of certain prosecutors from a requirement that a person accessing a certain motor vehicle accident report within a certain time period after the report is filed must present a certain driver's license or identification card, proof of certain authorization, and a certain statement to a certain officer; altering certain penalties imposed for, and altering the classification of certain offenses related to, obtaining or knowingly disclosing a certain motor vehicle accident report in violation of certain provisions of law; making a stylistic change; making this Act an emergency measure; and generally relating to reports of motor vehicle accidents.

By repealing and reenacting, with amendments,
Article – Transportation
Section 20–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1253 – The Speaker (By Request – Administration) and Delegates Ali, Beidle, Bobo, Bronrott, Cane, V. Clagett, Frush, Gaines, Gutierrez, Holmes, Kullen, Lafferty, Malone, McIntosh, Montgomery, Morhaim, Niemann, Pena–Melnyk, and Rosenberg

AN ACT concerning

**Chesapeake and Atlantic Coastal Bays Critical Area Protection Program –
Administrative and Enforcement Provisions**

FOR the purpose of authorizing the Maryland Home Improvement Commission to deny, reprimand, suspend, or revoke certain licenses for failure to comply with certain legal terms or requirements in the Chesapeake and Atlantic Coastal Bays Critical Area; requiring the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to notify the Maryland Home Improvement Commission on a contractor's failure to comply with certain terms or requirements in the Critical Area; authorizing the Critical Area Commission to adopt and amend certain regulations; requiring the Critical Area Commission to adopt certain regulations; requiring that local Critical Area programs contain certain procedures, penalty provisions, and other elements; requiring a local jurisdiction to consider certain factors in the determination of certain penalties; requiring that the Critical Area Commission receive certain notice from a local jurisdiction within a certain time; establishing that certain development activities violate certain provisions of law; prohibiting a local jurisdiction from accepting certain applications for a variance unless certain conditions are satisfied; requiring a local jurisdiction to deny a variance and order certain

actions under certain circumstances, and authorizing a local jurisdiction to grant proposed approval to a variance under certain circumstances; requiring the Critical Area Commission to review certain proposed variance approvals and issue certain decisions; specifying the applicability of certain standards under certain circumstances; requiring the Critical Area Commission to consider certain factors when reviewing certain map amendments or refinements; prohibiting lot coverage in the buffer in excess of a certain amount, except under certain circumstances; specifying the applicability of certain limitations to the extent of lot coverage, with certain exceptions; requiring the establishment of a certain buffer in a certain area, and allowing for certain reductions under certain circumstances; requiring that certain erosion protections consist of nonstructural shoreline stabilization measures, except under certain circumstances; requiring that the Critical Area Commission consider a local jurisdiction's determination of a classification mistake and make a certain determination; authorizing a local authority to obtain access and enter a certain property for certain purposes and under certain circumstances; requiring a local authority to take certain actions under certain circumstances related to certain violations; authorizing the Chairman of the Critical Area Commission to invoke certain sanctions and remedies and bring certain actions under certain circumstances; requiring that certain criminal prosecutions and suits for civil penalties be instituted within a certain time; modifying the initial planning areas for the determination of the Chesapeake Bay Critical Area and Atlantic Coastal Bays Critical Area by the use of a certain map; providing for the preparation, distribution, review, refinement, formal adoption, and periodic update of a certain map; clarifying the applicability of certain provisions of law; specifying certain legislative findings; defining certain terms; requiring certain local jurisdictions to report to the Critical Area Commission by a certain date regarding certain procedures; prohibiting a certain construction of this Act; making the effective date of a certain provision of this Act subject to a certain contingency; and generally relating to the Chesapeake and Atlantic Coastal Bays Critical Area Protection Program.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 8–101(g) and 8–311(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 8–506

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–1801, 8–1802(a)(15) through (18), 8–1806, 8–1807(a) and (b),
8–1808(c), (d), and (e), 8–1808.1(c) and (e)(2)(i), 8–1808.3, 8–1809(h) and
(o)(1), 8–1811(b)(2), 8–1815(a), and 8–1815.1(b)

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–1802(a)(1)

Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article – Natural Resources

Section 8–1802(a)(15), 8–1808.10, and 8–1808.11

Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1254 – Delegate Bartlett

AN ACT concerning

Vehicle Laws – Operation of Low Speed Vehicles – Highway Restrictions

FOR the purpose of altering a certain maximum speed limit for purposes of a certain provision of law that prohibits the operation of a low speed vehicle on a highway for which the maximum posted speed exceeds a certain limit; and generally relating to prohibition against driving low speed vehicles on certain highways.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 21–1125

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1255 – Delegates Bartlett, Elliott, and Stull

AN ACT concerning

Study to Evaluate Strategies to Reduce Deer-Vehicle Collisions

FOR the purpose of requiring the Department of Natural Resources, the Department of Transportation, and the Department of State Police to jointly conduct a study to evaluate strategies to reduce deer-vehicle collisions; requiring the study to include certain reviews, evaluations, and examinations; requiring the Departments to use certain personnel and resources in the Departments and prohibiting the Departments from entering into a contract, agreement, or memorandum of understanding with an outside entity; requiring the Departments to jointly submit a report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a study to evaluate strategies to reduce deer-vehicle collisions.

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

House Bill 1256 – Delegates Bartlett, Bates, Bromwell, DeBoy, Elliott, George, Guzzone, James, Jennings, Kipke, McComas, McConkey, McHale, Minnick, Morhaim, Norman, Schuh, Shank, Shewell, Smigiel, Sossi, Stifler, Stull, Weir, and Weldon

EMERGENCY BILL

AN ACT concerning

Homestead Property Tax Credit

FOR the purpose of repealing a requirement for homeowners to file certain applications to the State Department of Assessments and Taxation to qualify for the homestead property tax credit; repealing certain provisions relating to a certain application requirement; making this Act an emergency measure; and generally relating to the homestead property tax credit.

BY repealing

Article – Tax – Property
Section 9–105(d)(6), (l), and (m)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing

Chapter 564 of the Acts of the General Assembly of 2007
Section 2

BY repealing

Chapter 565 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(d)(1)
Annotated Code of Maryland
(2007 Replacement Volume)

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

**House Bill 1257 – Delegates McComas, Eckardt, Frank, George, Haddaway,
McDonough, Shank, and Shewell**

AN ACT concerning

Stalking and Domestic Violence – Cruelty Toward a Pet or Service Animal

FOR the purpose of altering a certain definition of “stalking” to include a malicious course of conduct that puts another person in reasonable fear that a certain pet or service animal likely will suffer cruelty or aggravated cruelty; authorizing a District Court Commissioner, in a certain interim protective order, and a judge in a temporary protective order or final protective order, to order a respondent to remain away from a certain pet or service animal, to refrain from cruelty or aggravated cruelty toward the pet or service animal, or in certain circumstances, to give the pet or service animal to a certain person; providing certain penalties for failure to comply with certain relief ordered in a certain interim protective order, temporary protective order, or final protective order; amending a certain definition; defining certain terms; and generally relating to stalking and domestic violence and cruelty toward a pet or service animal.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–802
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), 4–506(d)(12) and (13), and 4–509(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law

Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1258 – Delegates Carter, Anderson, Branch, Bronrott, Conaway, Glenn, Haynes, Kramer, Lafferty, Lee, McHale, O'Donnell, Oaks, Robinson, Rosenberg, Stukes, Tarrant, and Waldstreicher

AN ACT concerning

Baltimore City Public Schools – High School Students – Voter Education

FOR the purpose of declaring the intent of the General Assembly that teachers of Baltimore City public high school students inform students about certain election processes and the importance of exercising the right to vote and registering to vote; and generally relating to voter education of high school students enrolled in Baltimore City public schools.

BY adding to

Article – Education

Section 4–309(d)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1259 – Delegates Ross, Barnes, Kaiser, and Niemann

AN ACT concerning

Tobacco Tax – Tax Stamps

FOR the purpose of requiring the tobacco tax stamps that are required to be affixed to certain cigarettes to be capable of being read by certain technology and encrypted with certain information; providing for a delayed effective date; and generally relating to tobacco tax stamps.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 12–101(e)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 12–304
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1260 – Delegates Hucker, Ali, Aumann, Bobo, Cardin, Carr, V. Clagett, Frick, Gilchrist, Haddaway, Kullen, McComas, Mizeur, Montgomery, Niemann, Ross, Sossi, Stein, Taylor, F. Turner, Vallario, and Waldstreicher

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipper’s License

FOR the purpose of repealing provisions that provide for a direct wine seller’s permit; establishing a direct wine shipper’s license to be issued by the Office of the Comptroller to certain persons in or outside of the State; requiring a person to be licensed before the person may engage in shipping wine directly to a resident in the State; requiring a direct wine shipper to perform certain actions; prohibiting a direct wine shipper from performing certain actions; providing for the qualifications and requirements of license applicants; providing for the fee and renewal of a license; specifying certain requirements and conditions to receive a direct shipment of wine; authorizing the Office of the Comptroller to adopt certain regulations; prohibiting a person without a license from shipping wine directly to consumers in the State; providing a certain penalty; defining certain terms; altering certain definitions; and generally relating to the establishment of a direct wine shipper’s license.

BY repealing
Article 2B – Alcoholic Beverages
Section 7.5–101 through 7.5–110 and the title “Title 7.5. Direct Wine Seller’s Permit”
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(b)(1)(i)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 7.5–101 through 7.5–110 to be under the new title “Title 7.5. Direct
Wine Shipper’s License”

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 5–101(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 5–101(f) and 5–201(d)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

**House Bill 1261 – Delegates Hucker, Ali, Bobo, Cane, Carr, Frush, Glenn,
Guzzone, Healey, Holmes, Nathan–Pulliam, Niemann, Reznik, and
Taylor**

AN ACT concerning

Housing – Discrimination Based on Source of Income – Prohibitions

FOR the purpose of altering the housing policy of the State to provide for fair housing to all citizens regardless of source of income; establishing certain qualifications and limitations on the general prohibition against discrimination in housing based on source of income; making it unlawful to refuse to sell or rent a dwelling to any person because of source of income; making it unlawful to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling because of source of income; making it unlawful for a person whose business includes engaging in residential real estate transactions to discriminate against any person in making available a transaction because of source of income; making it unlawful to discriminate against a person in the terms or conditions of membership or participation in an organization relating to the business of selling or renting dwellings based on source of income; making it unlawful, by force or threat of force, to willfully injure, intimidate, or interfere with any person because of source of income and because the person is negotiating for the sale or rental of any dwelling or participating in any service

relating to the business of selling or renting dwellings; defining certain terms; and generally relating to prohibitions against discrimination in housing based on source of income.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 19(a), 20(t), 22(a), 23, and 37
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 49B – Human Relations Commission
Section 20(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 20(v) and 21(k)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1262 – Delegates Hucker, Bronrott, Donoghue, Feldman, Hubbard, Kullen, Manno, McConkey, Montgomery, Nathan–Pulliam, Pena–Melnik, Ramirez, Reznik, Schuler, Valderrama, and Weir

AN ACT concerning

Department of Health and Mental Hygiene – Behavioral Health Services for Veterans of War in Iraq or Afghanistan

FOR the purpose of requiring the Department of Health and Mental Hygiene to establish a program to provide behavioral health services for certain veterans; authorizing the behavioral health services to be provided through certain mechanisms; requiring the Department to work with the State Department of Veterans Affairs and certain organizations to identify certain veterans in need of benefits from the program; and generally relating to behavioral health services for veterans.

BY adding to
Article – Health – General
Section 13–2701 to be under the new subtitle “Subtitle 27. Behavioral Health Services for Veterans of War in Iraq or Afghanistan”
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1263 - Delegates Bates, Aumann, Barkley, Boteler, Conaway, DeBoy, Eckardt, George, Haddaway, Kelly, Kullen, Miller, Myers, Robinson, Shank, Shewell, Sossi, Stukes, F. Turner, and Wood

AN ACT concerning

Vehicle Laws - Emergency and Police Vehicle and Personnel Protection Act

FOR the purpose of requiring drivers approaching emergency or police vehicles stopped, standing, or parked on a highway and using any visual signals, except when otherwise directed by a police officer, to vacate the lane closest to the emergency or police vehicle under certain circumstances and to slow to a speed that is sufficient to ensure the safety of police officers or emergency services personnel in the vicinity of the emergency or police vehicle under certain circumstances; establishing a certain penalty for a violation of this Act; and generally relating to requiring drivers to take certain actions when approaching emergency or police vehicles on a highway.

BY repealing and reenacting, with amendments,
Article - Transportation
Section 21-405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1264 - Delegate Harrison (By Request)

AN ACT concerning

Worcester County - Liquor Control Board - Repeal of Monopoly Control

FOR the purpose of repealing the absolute monopoly of the Liquor Control Board of Worcester County with respect to the sale and distribution of liquor and sparkling or fortified wine; providing for the application of this Act; and generally relating to the Liquor Control Board of Worcester County.

BY repealing and reenacting, with amendments,
Article 2B - Alcoholic Beverages
Section 15-204
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1265 – Delegates Frush and Vallario

AN ACT concerning

Criminal Law – Unauthorized Removal of Property – Elements of Crime

FOR the purpose of repealing the requirement that a person enter or be on the premises of another for a conviction of the crime of taking and carrying away from the premises or out of the custody of another or the use of the other, or the other's agent, or a governmental unit any property without the permission of the owner of the property; and generally relating to the unauthorized removal of property of another.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–203
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1266 – Delegates Cane, Eckardt, and Haddaway

AN ACT concerning

Wetlands – Construction of Structure on Pier – Dorchester County

FOR the purpose of exempting Dorchester County from certain provisions limiting the construction of a dwelling unit or other non–water dependent structure on a pier located on State or private wetlands in Dorchester County; and generally relating to construction of dwelling units or other non–water dependent structures on piers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–104
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1267 – Delegate Haddaway (By Request) and Delegates Eckardt, Elmore, Sossi, and Walkup

AN ACT concerning

State Designations – Soybean – State Crop

FOR the purpose of designating the soybean as the State crop.

BY adding to

Article – State Government
Section 13–320
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1268 – Delegates Impallaria, Boteler, McDonough, Miller, Shewell, and Weir

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Budget – Limits on Growth of State Spending

FOR the purpose of prohibiting any increase in the total of certain State budget appropriations for certain fiscal years over the total appropriations for the preceding fiscal year; limiting the increase in the total of certain State budget appropriations in certain fiscal years to no more than the growth in inflation and in the State’s population over a certain period; submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection; and generally relating to the State budget.

BY proposing an addition to the Maryland Constitution

Article III – Legislative Department
Section 52(5b) and (5c)

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

House Bill 1269 – Delegates Impallaria, McDonough, and Weir

AN ACT concerning

Property Tax Credit – Dwellings Owned by Disabled or Injured Police Officers, Firefighters, and Correctional Officers

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to grant, by law, a certain property tax credit against the county or municipal corporation property tax

imposed on certain dwellings owned by certain retired police officers, firefighters, or correctional officers under certain circumstances; providing for the calculation of the property tax credit; defining a certain term; providing for the application of this Act; and generally relating to a property tax credit for certain dwellings owned by certain retired police officers, firefighters, or correctional officers.

BY adding to

Article – Tax – Property
Section 9–248
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1270 – Delegates Impallaria, Dwyer, and Murphy

AN ACT concerning

Video Lottery Terminals – Gaming Cards

FOR the purpose of providing that the State Lottery Commission shall require that each video lottery terminal be operated only by the insertion of a video lottery gaming card; requiring an individual who seeks to obtain a video lottery gaming card to provide the operator of the video lottery facility with certain proof of identification; requiring the operator of a video lottery facility to use video lottery gaming cards for certain purposes; requiring the Commission to adopt certain regulations after consulting with certain units of State government; making this Act contingent on the passage and ratification of a certain constitutional amendment; and generally relating to video lottery terminals.

BY adding to

Article – State Government
Section 9–1A–24(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007
Special Session)

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

House Bill 1271 – Delegate Stein

AN ACT concerning

State Board of Education – Development of Curriculum Content – Financial Literacy

FOR the purpose of requiring the State Board of Education to develop curriculum content for a certain course in financial literacy; requiring certain curriculum content to include certain instruction; requiring certain county boards of education to implement certain curriculum content in certain high schools; requiring certain students to complete a certain course in order to graduate from high school; and generally relating to the development and implementation of a course in financial literacy.

BY adding to

Article – Education

Section 7–205.2

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1272 – Delegates Bates, George, Miller, Sossi, and Stocksdales

AN ACT concerning

Higher Education – Disclosure of Education Records – Notice to Students and Parents

FOR the purpose of requiring public institutions of higher education in the State to enclose with letters of admission certain information regarding disclosure of education records; requiring public institutions of higher education to send certain information to the mailing address of certain parents or guardians; requiring the Maryland Higher Education Commission to adopt certain regulations; and generally relating to the disclosure of education records to parents or guardians by public institutions of higher education.

BY repealing and reenacting, with amendments,

Article – Education

Section 15–101

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1273 – Delegates Haddaway, Bartlett, Bates, Cane, Eckardt, Elmore, Frank, George, Harrison, Haynes, Howard, Kirk, Krebs, McComas, Miller, Myers, Norman, O'Donnell, Oaks, Ross, Shank, Shewell, Sossi, Stocksdales, Stull, Taylor, and Valderrama

AN ACT concerning

**Department of Public Safety and Correctional Services – Employees Serving
as Members of County Governing Bodies**

FOR the purpose of providing that an individual employed by the Department of Correctional Services in a certain capacity is not prohibited from serving in a certain elective office; requiring the Secretary of Correctional Services, in consultation with the State Ethics Commission, to adopt certain regulations; and generally relating to conflicts of interest and limitations on employment.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 2–304(a) and (b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–109
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 1274 – Delegates Haddaway, Eckardt, Bates, Elmore, Feldman, George, Harrison, Hecht, Impallaria, Jennings, King, Kipke, Kirk, Krebs, Kullen, Manno, McComas, McHale, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdales, Stull, Walkup, and Wood

AN ACT concerning

**Boiler and Pressure Vessel Safety – Inspections – Antique Boilers
or Pressure Vessels**

FOR the purpose of authorizing certain inspections of certain antique boilers or pressure vessels to be made by certain private inspectors under certain circumstances; requiring certain private inspectors who make certain inspections to file a certain report with the Chief Boiler Inspector; requiring the Chief Boiler Inspector to issue a certain certificate to the owner or user of certain antique boilers or pressure vessels under certain circumstances; and generally relating to inspections of boilers and pressure vessels.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–909
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1275 – Delegates Frush, Gaines, and Niemann

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Circuit Court Judges – Election and Term of Office

FOR the purpose of proposing an amendment to the Maryland Constitution relating to the selection and tenure of circuit court judges; altering the method of filling vacancies in the office of a judge of a circuit court; providing for retention elections following an appointment to fill a vacancy in the office of a judge of a circuit court; altering the term of office of circuit court judges; providing for a transitional period under which the terms of certain amendments are to become effective; making stylistic changes; generally relating to the selection, election, appointment, tenure, and term of office for judges of the circuit courts; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article IV – Judiciary Department
Section 3, 5, 5A, and 11

BY proposing an addition to the Maryland Constitution
Article XVIII – Provisions of Limited Duration
Section 6

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

House Bill 1276 – Delegates Carr and Waldstreicher

AN ACT concerning

Property Tax – Tax Sales

FOR the purpose of altering a provision allowing a property tax collector to withhold property from a tax sale when the total taxes on the property amount to less than a certain amount; including Montgomery County within a provision of law limiting the right of certain persons to be reimbursed for certain expenses relating to the foreclosure of a right of redemption within a specified period following a tax sale; providing for the application of this Act; and generally relating to tax sales.

BY repealing and reenacting, with amendments,

Article – Tax – Property
Section 14–811 and 14–843(b)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–843(a)
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1277 – Delegates Walker, Taylor, Ali, Benson, Braveboy, Burns, Cane, Carter, Conaway, Doory, Frush, Gutierrez, Haynes, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Rice, Robinson, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

State Government – Brokerage and Investment Banking Services – Use of Certified Minority Business Enterprises

FOR the purpose of requiring certain State entities responsible for the management of certain funds to attempt to use to a certain extent certified minority business enterprise brokerage and investment banking firms; requiring the entities to undertake steps to remove any barriers that limit participation by certified minority business enterprises in certain brokerage and investment banking opportunities; requiring the entities to adopt certain guidelines; requiring the entities to submit a certain annual report to certain persons on certain matters relating to certified minority business enterprise brokerage and investment banking firms; and generally relating to the use of certified minority business enterprise brokerage and investment banking firms for certain purposes by certain State entities.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22G(a), (b), (h), and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–303
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–122
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–222
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1278 – Delegates Carr, Glenn, Hucker, Ivey, Kaiser, Minnick, Montgomery, Shewell, and Waldstreicher

AN ACT concerning

Municipal Corporations – Green Tax Reform

FOR the purpose of exempting certain personal property from the municipal corporation property tax; authorizing a municipal corporation to impose a sales and use tax on certain fuel or energy used by commercial or industrial businesses in the municipal corporation; providing for the application of certain provisions of this Act; and generally relating to certain taxing authority of municipal corporations.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–109(a) and 7–222
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–608
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

**House Bill 1279 – Delegates V. Turner, Elliott, Hammen, Hubbard, Kullen,
Morhaim, Nathan-Pulliam, and Tarrant**

AN ACT concerning

Maryland Community Health Resources Commission – Modifications

FOR the purpose of authorizing a certain member of the Maryland Community Health Resources Commission to be employed by a certain community health resource; establishing the terms of Commission members; authorizing the Governor to remove a member under certain circumstances; establishing requirements for Commission decisions, compensation, and staff; authorizing the Commission to implement certain programs; repealing certain standing committees; requiring the Commission to adopt regulations that implement a certain subsidy program; authorizing a community health resource that employs a member of the Commission to apply for and be eligible to receive a grant under certain circumstances; establishing the terms of certain Commission members; extending the termination date of certain provisions; and generally relating to modifications to the Maryland Community Health Resources Commission.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–2102
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–2103, 19–2106, 19–2109(a), and 19–2201(f) and (h)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article – Health – General
Section 19–2110
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2005, as amended by
Chapter 333 of the Acts of the General Assembly of 2001
Section 14

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

House Bill 1280 – Delegates V. Turner, Barnes, Benson, Bromwell, Costa, Elliott, Gaines, Hammen, Healey, Holmes, Howard, Hubbard, Ivey, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Proctor, Riley, Tarrant, and Valderrama

AN ACT concerning

Public Health Dental Hygiene Act

FOR the purpose of altering the authorization of a general license to practice dental hygiene to include the application of certain sealants or fluoride agents under certain supervision in certain facilities; providing that a certain waiver is not required to practice dental hygiene under certain supervision in accordance with certain provisions of law; increasing the types of facilities a general license to practice dental hygiene authorizes a dental hygienist to practice in under certain supervision; altering the requirements for certain facilities in which certain dental hygienists are authorized to practice under certain supervision; defining a certain term; and generally relating to the practice of dental hygiene.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(k) and (l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–308(e) and (h)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1281 – Delegates Waldstreicher, Bronrott, Carr, Hecht, Kramer, Montgomery, Ross, and Taylor

AN ACT concerning

Teen Driving Safety Act of 2008

FOR the purpose of extending the period of time during which certain driving restrictions apply to certain holders of learner's instructional permits or provisional driver's licenses; making a stylistic change; and generally relating to

learner's instructional permits, provisional driver's licenses, and driver's licenses.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–113(d) and (d–1), 21–1123, and 21–1124
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1282 – Delegates Hucker, Donoghue, Manno, Reznik, Taylor, and Valderrama

AN ACT concerning

**State Construction Projects – Contractors and Subcontractors –
Employer–Paid Health Care Required**

FOR the purpose of requiring a contractor and subcontractor under a public work contract to provide employer paid health care or health insurance to its employees for medical care, prescription drugs, and vision care; and generally relating to employer paid health care for employees of certain contractors and subcontractors.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–214
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1283 – Delegates Haynes, Anderson, Branch, Carter, Conaway, Doory, Glenn, Hammen, Kirk, Krysiak, McHale, Oaks, Robinson, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Public School Construction – State Funding

FOR the purpose of requiring the State to provide for certain fiscal years a certain State share of eligible public school construction costs in Baltimore City; prohibiting the source of the public school construction funding to be from the reduction or transfer of funds from another jurisdiction; and generally relating to State funding for public school construction in Baltimore City.

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

House Bill 1284 – Chair, Appropriations Committee

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Account – Transfer of Funds

FOR the purpose of authorizing certain funds in a certain account of the Maryland Health Care Provider Rate Stabilization Fund to be transferred to certain accounts to be used for certain purposes; and generally relating to the use of certain funds in a certain account of the Maryland Health Care Provider Rate Stabilization Fund.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–804(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 19–804(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1285 – Chair, Appropriations Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

FOR the purpose of altering a certain fee assessed for the Drinking Driver Monitor Program; repealing the termination of a certain fee; and generally relating to the Drinking Driver Monitor Program.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–115(b) and (c)
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 1286 – Delegate Jennings

AN ACT concerning

Real Property – Recordation of Deeds – Liability

FOR the purpose of requiring certain persons that assume the duty of recording a deed in connection with a sale of property to record the deed in accordance with certain provisions within a certain time after the transfer of ownership; authorizing a purchaser of property to bring a certain action against a person that violates this Act and to recover a certain amount; providing that this Act does not limit the remedies that are otherwise available to a purchaser of property; and generally relating to recordation of deeds.

BY adding to

Article – Real Property

Section 3–503

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1287 – Delegates Haynes, Ali, Anderson, Aumann, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carr, Carter, G. Clagett, V. Clagett, Davis, Donoghue, Doory, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Hecht, Heller, Holmes, Howard, Hucker, Ivey, James, Jones, Kach, Kaiser, Kirk, Krysiak, Kullen, Lafferty, Lee, Levi, Levy, Love, Manno, Mathias, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Proctor, Ramirez, Reznik, Rice, Robinson, Ross, Schuler, Stocksdale, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

AN ACT concerning

Parren J. Mitchell Public Service Summer Internship Scholarship Program

FOR the purpose of establishing the Parren J. Mitchell Public Service Summer Internship Scholarship Program at Morgan State University; requiring Morgan State University to administer the Program; requiring Morgan State University to award certain scholarships of a certain amount; limiting the number of scholarships that may be awarded by Morgan State University in certain years;

requiring Morgan State University to adopt certain policies; providing for the funding of the Program; requiring certain reports; and generally relating to the creation of the Parren J. Mitchell Public Service Summer Internship Scholarship Program.

BY adding to

Article – Education

Section 18–17A–01 through 18–17A–05 to be under the new subtitle “Subtitle 17A. Parren J. Mitchell Public Service Summer Internship Scholarship Program”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1288 – Delegates Jennings, McDonough, and Smigiel

AN ACT concerning

Election Law – Voting Procedures – Identification

FOR the purpose of requiring an individual seeking to vote at a polling place to present to the election judge a current and valid photo identification; and generally relating to polling place procedures.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 10–310(a)

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

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

House Bill 1289 – Delegates Jennings, Aumann, Boteler, Frank, and Stifler

AN ACT concerning

Maryland Estate Tax – Exclusion for Family Farm Subject to Agricultural Preservation Easements

FOR the purpose of altering the determination of the Maryland estate tax under certain circumstances to exclude from the value of the gross estate the value of certain real property subject to certain agricultural preservation easements; providing for the application of this Act; and generally relating to the Maryland estate tax.

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 7–309(b)(1) and (2)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 7–309(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1290 – Delegate Frush

AN ACT concerning

Courts – Civil Penalties – Failure to Sterilize Rescued Dog or Cat

FOR the purpose of requiring a certain releasing agency to have a certain dog or cat sterilized or enter into a certain written agreement with a certain adopting party at a certain time; requiring that a certain adopting party sterilize a certain dog or car within a certain period of time under certain circumstances; creating certain exceptions; requiring a certain written agreement to contain certain items; requiring a certain releasing agency to set a certain amount for a certain deposit; requiring a certain releasing agency to keep a certain deposit in a certain account; requiring a certain releasing agency to refund a certain deposit to a certain party under certain circumstances; requiring a certain releasing agency to send a certain party a certain letter under certain circumstances; providing that a certain deposit shall be forfeited if a certain party does not respond to a certain letter under certain circumstances; requiring a certain releasing agency to use certain forfeited and unclaimed deposits for certain purposes; requiring a certain adopting party to present a certain certificate to a certain agency as proof of a certain sterilization; providing that a certain adopting party shall forfeit a certain deposit as liquidated damages under certain circumstances; providing that a certain adopting party is liable to pay a certain releasing agency a certain civil penalty, court costs, and certain attorney's fees and shall relinquish ownership of a certain dog or cat to a certain releasing agency under certain circumstances; specifying certain procedures to be followed for seeking a certain civil penalty under this Act; providing for the exclusive original civil jurisdiction of the District Court for actions filed under this Act; providing that local jurisdictions are not prevented from enacting laws or ordinances that are more stringent than this Act; providing for the application of this Act; defining certain terms; and generally relating to civil penalties for failure to sterilize a rescued dog or cat.

BY adding to

Article – Courts and Judicial Proceedings
Section 3–1801 through 3–1811 to be under the new subtitle “Subtitle 18. Civil Penalties for Failure to Sterilize Rescued Dog or Cat”; and 4–401(18)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(16) and (17)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1291 – Delegates Jennings, Aumann, Boteler, and Haddaway

AN ACT concerning

Election Law – Prerecorded Phone Messages – Sponsor Identification

FOR the purpose of prohibiting a person from failing to ensure that certain messages relating to a candidate, campaign, or political committee meet certain requirements; prohibiting a person from sending a certain message that does not contain certain information; providing for certain penalties for a willful and knowing violation of the requirements of this Act; defining certain terms; and generally relating to identification requirements for prerecorded or artificial phone messages.

BY adding to
Article – Election Law
Section 16–904
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1292 – Delegates Barnes, Pena-Melnyk, Frush, Barkley, Bohanan, Bronrott, DeBoy, Feldman, Gaines, Gilchrist, Holmes, Lee, Ramirez, Ross, and Schuler

AN ACT concerning

State Aid for Police Protection – Grants

FOR the purpose of requiring a certain grant for police protection to be paid from the State to each municipality that contains a certain institution of higher education with a certain undergraduate enrollment; requiring a certain

municipality to provide a certain matching fund for a grant received under this Act; and generally relating to grants from the State Aid for Police Protection Fund.

BY adding to

Article 41 – Governor – Executive and Administrative Departments
Section 4–403(b–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1293 – Delegates Jennings, Aumann, Bates, Boteler, Frank, Haddaway, Krebs, McComas, Miller, Schuler, Sossi, and Stein

AN ACT concerning

Corporations and Associations – Filing Fees – Family Farms

FOR the purpose of altering the documents that may be filed with the State Department of Assessments and Taxation to qualify as a family farm; requiring the Department to send a certain notice within a certain time after the filing of a certain personal property tax return; requiring the Department, on request, to refund a certain amount under certain circumstances; and generally relating to certain filing fees for family farms.

BY repealing and reenacting, without amendments,

Article – Corporations and Associations
Section 1–203(b)(3)(ii)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Corporations and Associations
Section 1–209
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1294 – Delegates McConkey, Kelly, Kramer, and Smigiel

AN ACT concerning

Vehicle Laws – Carrying and Displaying Proof of Required Security – Requirements

FOR the purpose of requiring an individual who is operating a vehicle to carry a certain proof of required security in the vehicle and to display the proof of required security on demand of a police officer; providing that certain requirements regarding proof of required security for a rental vehicle may be satisfied by carrying and making available a valid rental agreement under certain circumstances; providing that a certain penalty applies to a failure to carry or display a certain proof of required security; defining a certain term; and generally relating to requirements for drivers to carry and provide proof of required security.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 17-103(a) and 27-101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 17-111
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1295 – Delegates Barnes, King, Manno, Pena–Melnyk, and Vaughn

AN ACT concerning

Vehicle Laws – Required Security – Minimum Amounts

FOR the purpose of increasing the minimum amounts of required security for the payment of certain claims for bodily injury or death arising from a motor vehicle accident; and generally relating to the minimum required security for motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 17-103
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1296 – Delegate Feldman

AN ACT concerning

Certified Public Accountants – Licensed Out-of-State Certified Public Accountants – Practice Privilege

FOR the purpose of providing that an individual who practices certified public accountancy whose principal place of business is outside of the State is, under certain circumstances, exempt from certain licensure laws of the State for certified public accountants and is considered to have qualifications that are substantially equivalent to a certified public accountant licensed in the State; providing that an individual who qualifies for an exemption under this Act may exercise all of the privileges of a licensed certified public accountant in the State; providing that an individual who qualifies for a practice privilege established under this Act may practice certified public accountancy in the State by any means and without any notice or fee; providing for certain conditions to be met by individuals who practice certified public accountancy under the practice privilege established by this Act; providing that certain firms that operate a business through which certified public accountancy is practiced must, under certain circumstances, hold a permit issued by the State Board of Public Accountancy; repealing certain provisions relating to certain limited permits for the practice of certified public accountancy; altering provisions of law relating to permits for the practice of certified public accountancy by partnerships, limited liability companies, and corporations; authorizing a firm to use the title “CPA” or “CPA firm” without a permit under certain circumstances; defining certain terms; and generally relating to the practice of certified public accountancy.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–101, 2–102(b), 2–301, 2–308, 2–321, 2–402, 2–402.1, 2–403, 2–406,
and 2–601 through 2–604
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 2–302, 2–404, 2–405, 2–501, and 2–605
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Business Occupations and Professions
Section 2–310, 2–320, 2–401, and 2–416
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 2–401

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1297 – Delegates Feldman and Harrison

AN ACT concerning

Consumer Protection – Internet Auction Sales

FOR the purpose of prohibiting a person in the State from selling or offering to sell, by means of an Internet auction, any food, drug, or cosmetic product that is subject to certain expiration dating requirements, any infant formula or baby food, and certain value loaded cards in excess of a certain amount over a certain period of time; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to Internet auctions.

BY adding to

Article – Commercial Law

Section 14–3601 through 14–3603 to be under the new subtitle “Subtitle 36.
Internet Auction Sales”

Annotated Code of Maryland

(2005 Volume and 2007 Supplement)

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

House Bill 1298 – Delegate King

AN ACT concerning

State Board of Security Systems Technicians and Locksmiths – Licensing

FOR the purpose of creating the State Board of Security Systems Technicians and Locksmiths in the Department of Labor, Licensing, and Regulation; providing for the purposes of this Act; providing for the composition, appointment, terms, and expenses of the Board members; specifying the terms of the initial members of the Board; establishing certain powers and duties of the Board; requiring certain persons be licensed by the Board to provide security systems services or as a locksmith before performing certain work; establishing certain qualifications for licensed security systems technicians and locksmiths; establishing certain licensing, renewal, and reinstatement requirements for security systems technicians and locksmiths; repealing certain provisions requiring certain applicants to submit fingerprints for a certain criminal records check; establishing certain examination requirements for certain licensees;

providing for the waiver of certain licensing requirements in certain circumstances; establishing requirements for the issuance and display of certain pocket identification cards to certain licensees; authorizing the Board to issue an apprentice locksmith license under certain circumstances; authorizing the Board to take certain disciplinary actions; establishing certain hearing and appeal procedures for certain security systems technicians, locksmiths, and apprentice locksmiths; establishing certain insurance requirements for security systems technicians and locksmiths; requiring locksmiths to complete a form developed by the Board to elicit client information; providing for certain criminal penalties; providing for the termination of this Act under the Maryland Program Evaluation Act; providing for a certain evaluation by a certain date; providing for the terms of the initial members of the Board; defining certain terms; and generally relating to the State Board of Security Systems Technicians and Locksmiths.

BY repealing

Article – Business Occupations and Professions
Section 18–201 through 18–204 and the subtitle “Subtitle 2. Duties of the Secretary”; and 18–304, 18–3A–04, and 18–402
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
Section 18–101, 18–102, 18–301 through 18–303, 18–305 through 18–307, 18–308, 18–309, 18–310, 18–311, 18–3A–01 through 18–3A–03, 18–3A–05 through 18–3A–11, 18–401, 18–501 through 18–504, and 18–601
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Business Occupations and Professions
Section 18–102; 18–201 through 18–206 to be under the new subtitle “Subtitle 2. State Board of Security Systems Technicians and Locksmiths”; and 18–302.1, 18–304, 18–305, 18–308, 18–310, 18–402, and 18–403
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions
Section 18–701
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1299 – Delegates Miller, Bates, Boteler, Eckardt, Elmore, Frank, George, Haddaway, Impallaria, King, McComas, McDonough, O'Donnell, Shewell, Smigiel, Sossi, Stocksdales, and Stull

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Taxpayers' Bill of Rights

FOR the purpose of proposing an amendment to the Maryland Constitution that establishes a certain Bill of Rights for individual income taxpayers in the State; requiring certain voter approval for new State or local taxes, tax rate increases, and repeal of tax exemptions; imposing certain spending limits on the State; requiring that a certain Rainy Day Fund be maintained; requiring that certain revenues received in excess of certain estimates be transferred to a certain Rainy Day Fund; prohibiting use of the Rainy Day Fund except under certain circumstances; requiring that under certain circumstances certain balances in excess of certain amounts be returned to individual income taxpayers; prohibiting certain transfers from State special funds to the State General Fund; prohibiting appropriations from State special funds that supplant General Fund appropriations or that if not made would necessitate a State General Fund appropriation; prohibiting the State from imposing certain obligations on local units of government under certain circumstances; providing for the severability of certain provisions; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution
Declaration of Rights
Article 15A

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

House Bill 1300 – Delegate King

AN ACT concerning

Family Investment Program – Eligibility – Drug Testing

FOR the purpose of requiring individuals applying for or receiving temporary cash assistance benefits under the Family Investment Program to comply with certain eligibility requirements related to drug testing; authorizing temporary cash assistance benefits that have been terminated to resume under certain circumstances; requiring an addictions specialist to notify the Family Investment Program case manager if the applicant or recipient does not complete certain drug testing; requiring an addictions specialist to take certain actions under certain circumstances and in a certain manner; authorizing

certain individuals to reapply for temporary cash assistance in a certain manner; requiring a local department to reduce temporary cash assistance benefits under certain circumstances; prohibiting a local department from paying temporary cash assistance to certain applicants under certain circumstances; requiring a local department to make temporary cash assistance benefits payments to a third party payee or a compliant adult recipient under certain circumstances; defining a certain term; and generally relating to eligibility for the Family Investment Program and drug testing.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(f)

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 5–301, 5–308, 5–312, and 5–314

Annotated Code of Maryland

(2007 Volume)

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

House Bill 1301 – Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr, Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais, Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser, Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and Taylor

AN ACT concerning

The Jane E. Lawton Loan Program

FOR the purpose of establishing the Jane E. Lawton Conservation Loan Program; establishing the Jane E. Lawton Conservation Fund to finance the Program; consolidating certain programs administered by the Maryland Energy Administration into the Program; consolidating certain funds into the Fund; providing for the management and composition of the Fund; providing the powers and duties of the Administration with respect to the Program; providing that entities seeking loans under the Program comply with certain application procedures; establishing the purposes for which loans made under the Program may be used; providing that borrowers that receive loans under the Program must document that the anticipated energy cost savings over a defined period after the completion of the project funded by the loan are greater than the cost of the project; providing for repayment of the loans; authorizing the Administration to enter into contracts with third parties to make, service, or

sell loans under this Act; prohibiting false statements to be made in applications for loans and providing certain penalties for entities that violate the prohibition; defining certain terms; providing that certain assets, liabilities, and obligations of the programs subject to repeal by this Act shall remain the assets, liabilities, and obligations of the fund established by this Act; and generally relating to the Jane E. Lawton Conservation Loan Program and Conservation Fund.

BY repealing

Article – State Government

Section 9–20A–01 through 9–20A–09 and the subtitle “Subtitle 20A. Energy Efficiency and Economic Development Loan Program”; and 9–2101 through 9–2109 and the subtitle “Subtitle 21. Community Energy Loan Program”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government

Section 9–20A–01 through 9–20A–09 to be under the new subtitle “Subtitle 20A. Jane E. Lawton Conservation Loan Program”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1302 – Delegates Jennings and Morhaim

AN ACT concerning

Property Tax Credit – Programmable Thermostats

FOR the purpose of requiring 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 in a certain amount against the county or municipal corporation property tax imposed on real property equipped with programmable thermostats; providing for the application of this Act; and generally relating to a local property tax credit for property equipped with programmable thermostats.

BY adding to

Article – Tax – Property

Section 9–110

Annotated Code of Maryland

(2007 Replacement Volume)

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

House Bill 1303 – Delegates Conway and Mathias

AN ACT concerning

State Board for Professional Land Surveyors – License Renewal – Continuing Professional Competency Requirement – Exemption

FOR the purpose of prohibiting the State Board for Professional Land Surveyors from requiring a professional land surveyor who has held a license for a certain number of years to fulfill a certain continuing professional competency requirement as a condition of license renewal; and generally relating to renewal of licenses issued by the State Board for Professional Land Surveyors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 15–314(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1304 – Delegates Vaughn, Branch, Carter, Griffith, Jameson, Krysiak, Lee, Manno, Oaks, and Valderrama

AN ACT concerning

Recipients of State Incentives or Financial Assistance – Diversity Initiatives

FOR the purpose of requiring certain units of State government to ensure that an entity that receives a certain State incentive or financial assistance has adopted and implemented a certain diversity initiative and embraces minority business enterprise participation in its activities; requiring certain entities to submit an annual report to the Governor’s Office of Minority Affairs; providing for the application of this Act; and generally relating to the utilization of minority business enterprises by entities receiving certain State incentives or financial assistance.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–204(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–302
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1305 – Delegates Hubbard, Burns, Feldman, Haddaway, Harrison, Love, Manno, McHale, Minnick, and Taylor

AN ACT concerning

Burglary and Robbery Alarm Systems – Response Verification – Requirements

FOR the purpose of requiring certain alarm system contractors to call certain persons within a certain period of time to attempt to verify whether a certain signal from certain alarms requires a certain response except in certain circumstances; providing that certain requirements do not apply to certain signals from certain alarm systems; authorizing certain local law enforcement units to establish certain standards for a certain exemption from certain response verification requirements, issue a certain written exemption, and maintain a certain list; authorizing certain law enforcement units to issue a certain civil citation; establishing a certain penalty; and generally relating to burglary and robbery alarm systems and the requirements for response verification.

BY adding to

Article – Criminal Law

Section 9–608.1

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

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

House Bill 1306 – Delegates Gutierrez, Vallario, Ali, Anderson, Barnes, Carter, Pena-Melnyk, Ramirez, Reznik, and Valderrama

AN ACT concerning

Vehicle Laws – Federally Compliant Identification Cards – Issuance

FOR the purpose of requiring the Motor Vehicle Administration to issue a federally compliant identification card to any individual who meets certain requirements; requiring the Administration, in determining what documentation is acceptable to show a certain proof of U.S. citizenship or lawful presence in the United States, to comply with the requirements of the federal REAL ID Act of 2005 and certain amendments and regulations; requiring the Administration to ensure that a federally compliant identification card issued under this Act is acceptable for certain federal purposes; authorizing the Administration to establish a

certain fee; requiring a certain fee to be calculated to recover certain costs; providing that a certain fee be retained by the Administration to recover certain costs and not credited to a certain account; prohibiting a person from committing fraud or misrepresentation in applying for or using a federally compliant identification card; providing that the federally compliant identification card is to be tamperproof, to the extent possible, and of the size and design that the Administration requires; establishing the contents of a federally compliant identification card; providing for the expiration and renewal of a federally compliant identification card; establishing that a federally compliant identification card does not replace a driver's license or alter certain identification card or driver's license requirements; providing that a person may have both a federally compliant identification card and a driver's license; establishing that a person may not be required to apply for a federally compliant identification card; authorizing the Administration to cancel a federally compliant identification card under certain circumstances; requiring the holder of a federally compliant identification card to surrender the card under certain circumstances; providing for the construction of this Act; and generally relating to the issuance of federally compliant identification cards by the Motor Vehicle Administration.

BY adding to

Article – Transportation
Section 12–302
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1307 – Delegate Sophocleus

AN ACT concerning

Criminal Law – Criminal Gangs – Underlying Crime

FOR the purpose of altering the definition of “underlying crime” as used in certain provisions of law concerning criminal gang offenses to include misdemeanor assault, malicious destruction, human trafficking, receiving earnings of a prostitute, and betting, wagering, and gambling; and generally relating to criminal gangs.

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 9–801(a)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 9–801(f)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1308 – Delegate Sophocleus

AN ACT concerning

Criminal Law – Definition of “Criminal Gang”

FOR the purpose of altering the definition of “criminal gang” to include any association of a certain number of persons meeting certain criteria; and generally relating to criminal gangs.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–801(c)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1309 – Delegate McHale

AN ACT concerning

Business Regulation – Mold Remediation – Licensing

FOR the purpose of requiring certain persons to be licensed by the Maryland Home Improvement Commission to provide mold remediation services; requiring the Secretary to adopt regulations for the licensure and regulation of mold remediation services; providing that this Act does not limit the rights of certain individuals to engage in mold remediation; establishing the purpose of this Act; providing for the powers and duties of the Commission in licensing and regulating mold remediation service providers; requiring all fees collected by the Commission to be paid into the General Fund; requiring certain licensees to maintain certain general liability insurance; providing for the qualifications and applicant requirements of mold remediation supervisors and technicians; authorizing the issuance and renewal of certain licenses; providing for the expiration and renewal of certain licenses; authorizing the Secretary to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for mold remediation technicians and supervisors; prohibiting a licensee from employing certain

individuals or from engaging in certain practices; providing for certain criminal and civil penalties; requiring certain persons performing mold remediation services to be licensed on or before a certain date; defining certain terms; and generally relating to the licensure and regulation of mold remediation services.

BY renumbering

Article – State Government
Section 8–403(b)(39) through (69), respectively
to be Section 8–403(b)(40) through (b)(70), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Business Regulation
Section 8–701 through 8–718 to be under the new subtitle “Subtitle 7. Mold Remediation Services”
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government
Section 8–403(b)(39)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1310 – Delegates Bronrott, Ali, Anderson, Barkley, Barnes, Bobo, Burns, Carr, Carter, Dumais, Feldman, Gaines, Gilchrist, Glenn, Hecht, Holmes, Hucker, Ivey, Kullen, Lee, Mizeur, Montgomery, Nathan–Pulliam, Niemann, Robinson, Rosenberg, Ross, Tarrant, Taylor, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Alcoholic Beverage Tax – Special Fund for Adult and Adolescent Addiction Treatment and Prevention Services

FOR the purpose of altering State tax rates for alcoholic beverages sold in Maryland; altering the distribution of the alcoholic beverage tax revenue; requiring the Comptroller to distribute a portion of the alcoholic beverage tax revenue to a

special fund to be used only for certain purposes; and generally relating to the alcoholic beverage tax and the dedication of certain alcoholic beverage tax revenue for certain purposes for certain fiscal years.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–301 and 5–105
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1311 – Delegates Bronrott, Aumann, Barkley, Barve, Carr, Dumais, Feldman, Frick, Gaines, Glenn, Hucker, Ivey, Levi, Montgomery, and V. Turner

AN ACT concerning

State Designations – Walking as the State Exercise

FOR the purpose of designating walking as the State exercise.

BY adding to
Article – State Government
Section 13–320
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1312 – Delegates Bronrott, Ali, Barkley, Barve, Bobo, Carr, V. Clagett, Feldman, Frick, Glenn, Holmes, Hucker, Ivey, Kullen, Lafferty, Mizeur, Montgomery, Nathan–Pulliam, Niemann, Pena–Melnyk, Shewell, Stein, Valderrama, and Waldstreicher

AN ACT concerning

Vehicle Laws – Child Safety Seats – Age and Weight Requirements

FOR the purpose of expanding a certain requirement relating to the use of child safety seats to include certain trucks; providing that certain provisions establishing a certain age requirement for the use of child safety seats apply to certain vehicles registered in another state or Puerto Rico; altering certain requirements for the use of child safety seats to require a person transporting a child under a certain age to secure the child in a child safety seat and eliminating a certain weight requirement; repealing a certain requirement for

the use of child safety seats that applied to a person transporting a child in a motor vehicle registered in another state or country; adding height to the list of reasons that a physician may use to certify that the use of a child safety seat by a particular child is impractical; making certain clarifying changes; and generally relating to child safety seats.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22-412.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1313 – Delegates Bronrott, Waldstreicher, Barve, Bromwell, Carr, Dumais, Frick, Gaines, Glenn, Hammen, Heller, Holmes, Hucker, Ivey, Kullen, Lafferty, Lee, McComas, McKee, Niemann, Ross, Shank, Shewell, Stein, Stocksdale, Stull, V. Turner, and Weldon

AN ACT concerning

**Vehicle Laws – Drivers’ Licenses and Learners’ Instructional Permits –
Minors**

FOR the purpose of altering the minimum ages required for eligibility for a learner’s instructional permit, a provisional driver’s license, and a driver’s license; altering the hour restriction that limits when a holder of a provisional driver’s license who is under a certain age may drive; extending the period of time from the date a provisional driver’s license is issued to a minor during which the minor is prohibited from transporting certain individuals under a certain age as passengers except under certain circumstances; and generally relating to drivers’ licenses and learners’ permits for minors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-103(c), 16-113(d), and 21-1123
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1314 – Delegates McHale, Bobo, Conaway, Elliott, Hecht, Impallaria, Krebs, Krysiak, Lafferty, Lee, Love, Manno, Mathias, Morhaim, Robinson, Rosenberg, Rudolph, Vaughn, and Walkup

AN ACT concerning

Electric Restructuring – Purposes and Duties of the Public Service Commission

FOR the purpose of altering and adding to the purposes of the electric restructuring law; requiring the Public Service Commission to exercise its authority to ensure that electric companies satisfy certain reliability needs and electricity supply needs and provide certain customers with safe and reliable electricity supply at prices that reflect a certain balance; providing the Commission with oversight over certain generating facilities and generation, supply, price, and sale of electricity from these facilities; requiring the Commission to participate in certain federal agency proceedings to protect certain interests; and generally relating to the purposes of electric restructuring and enhanced duties of the Public Service Commission.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–504, 7–505(a), and 7–509(b)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–509(a)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–510(c)(10)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1315 – Delegates Vaughn, Benson, and Howard

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Capitol Heights
Municipal Building**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$350,000, the proceeds to be used as a grant to the Mayor and Town Council of the Town of Capitol Heights for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the

encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1316 – Delegates Vaughn, Burns, Feldman, Haddaway, Hecht, King, Krysiak, Miller, and Taylor

AN ACT concerning

Real Estate Brokers – Record Keeping

FOR the purpose of requiring a real estate broker to retain certain records for a certain period of time; authorizing a broker to store records in a certain manner under certain circumstances; requiring a real estate broker to make certain records available to the State Real Estate Commission; and generally relating to record keeping requirements for real estate brokers.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a), (d), and (n) and 17–508
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–507
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1317 – Delegate Benson

AN ACT concerning

Crimes – Sale of Kits, Pipes, Cigarette Rolling Papers, and Cigar Leaf Wrappers – Prohibition

FOR the purpose of prohibiting a person from selling cocaine freebase kits, glass or ceramic tubes of a certain size that are sold with or without a screen-like device, cigarette rolling papers, and cigar leaf wrappers subject to a certain exception; establishing penalties for a violation of this Act; providing that a commercial wholesale or retail establishment may sell cigarette rolling papers and cigar leaf wrappers under certain circumstances; and generally relating to drug paraphernalia.

BY adding to
Article – Criminal Law
Section 5–619.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1318 – Delegate Bronrott

AN ACT concerning

**Sales and Use Tax on Computer Services and Motor Vehicle Excise Tax –
Rates**

FOR the purpose of altering the distribution of sales and use tax revenues to the Transportation Trust Fund; altering the sales and use tax rate applied to certain computer services; altering the motor vehicle excise tax rate for certain vehicles having a certain manufacturer's shipping weight; exempting certain vehicles equipped to transport certain disabled individuals from the increased motor vehicle excise tax rate; providing for the termination of certain provisions of this Act; and generally relating to transportation funding.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007
Special Session)

BY adding to
Article – Tax – General
Section 11–104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007
Special Session)

BY repealing
Article – Tax – General

Section 11-104(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 1319 – Delegates Hucker, Barve, Carr, Donoghue, Doory, Gilchrist, Hixson, Holmes, Howard, Jennings, Kullen, McHale, McIntosh, Myers, Ross, Sossi, Taylor, F. Turner, Valderrama, Waldstreicher, and Weir

AN ACT concerning

Expanded Early Childhood Education

FOR the purpose of altering certain definitions to provide that certain children whose families meet certain eligibility requirements are eligible for certain publicly funded prekindergarten programs; and generally relating to eligibility requirements for publicly funded prekindergarten programs.

BY repealing and reenacting, with amendments,
Article – Education
Section 7-101.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1320 – Delegates Bronrott and Hecht

AN ACT concerning

Maryland Energy Administration – Maryland Clean Energy Center

FOR the purpose of establishing a Maryland Clean Energy Center in the State; providing for the powers, purposes, and duties of the Center; establishing a Board of Directors of the Center, with certain membership, powers, duties, and officers; providing for the staffing of the Center, including appointment of an Executive Director with certain duties; providing that the Attorney General is the legal advisor of the Center; providing for the application of certain laws to the Center; providing for the effect of a certain determination of the Board; requiring the establishment of certain financial controls for the Center; authorizing the Center to exercise certain powers, including those relating to grants, projects, and borrowing; requiring the Center to act as a clearinghouse of information regarding clean energy for certain purposes; establishing a Maryland Clean Energy Fund as a special, nonlapsing fund from certain sources and for certain purposes; exempting the Center from certain taxes;

providing that the books and records of the Center are subject to audit in a certain manner; requiring the Center to report each year to certain persons; establishing a Maryland Clean Energy Technology Incubator Program in the Center for certain purposes; requiring the Center to adopt certain standards for the Program in a certain manner; authorizing the Center to award certain financial assistance to certain entities; requiring matching contributions for certain assistance; authorizing the Center to issue bonds and other evidences of indebtedness in certain manners; authorizing the Center to authorize certain persons to take certain actions regarding bond issuance for certain purposes, subject to certain limitations; providing for the contents of a certain trust agreement for certain purposes; authorizing the pledging of certain revenues for certain purposes in a certain manner; authorizing certain persons to invest in certain bonds; providing that certain bonds are not a debt or liability or a pledge of the faith and credit of the State or of a political subdivision; authorizing the Center to fix and collect certain rates, rents, fees, and charges for certain purposes; providing for the application of certain proceeds; authorizing the issuance of certain refunding bonds in a certain manner; authorizing the issuance of certain negotiable bond anticipation notes for certain purposes in a certain manner; providing for the enforcement of certain rights by certain persons; providing that certain projects, property, and bonds are exempt from certain taxes under certain circumstances; stating findings and intent of the General Assembly; defining certain terms; providing for the construction of this Act; and generally relating to the Maryland Clean Energy Center.

BY adding to

Article – Economic Development

Section 10–801 through 10–855 to be under the new subtitle “Subtitle 8.
Maryland Clean Energy Center”

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of
2008)

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

House Bill 1321 – Delegate Sophocleus

AN ACT concerning

Criminal Law – Criminal Gang Participation – Sentencing

FOR the purpose of altering a provision of law to require that a certain sentence for a violation of the prohibition against participation in a criminal gang under certain conditions be separate from and consecutive to a sentence for the underlying crime; and generally relating to sentencing for criminal gang participation.

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 9–804(a) and (b)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 9–804(c)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1322 – Delegate Sophocleus

AN ACT concerning

Criminal Law – Gang Activity – Jurisdiction over Juvenile Offenders

FOR the purpose of excluding from the jurisdiction of juvenile court a child of at least a certain age alleged to have committed, as a member of a criminal gang, a certain act that would be a crime if committed by an adult; providing for the application of this Act; and generally relating to the jurisdiction of the court over a juvenile offender involved in criminal gang activity.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–03(d)(4)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–03(d)(4)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 9–802, 9–803, and 9–804
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1323 – Delegates Vallario, Ali, Barkley, Carter, Conaway, Costa, DeBoy, Dumais, Glenn, Healey, Kipke, Love, Manno, Montgomery, Pendergrass, Ramirez, Riley, Shank, Shewell, and Sophocleus

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

FOR the purpose of requiring the Criminal Injuries Compensation Board to reduce the amount of a certain award or deny a certain claim if the Board finds that the victim contributed to the victim's own injury under certain circumstances; repealing a provision authorizing the Board to disregard the responsibility of the victim for the victim's own injury under certain circumstances; repealing a provision prohibiting a certain claimant from receiving an award unless the claimant proves a certain lack of knowledge; repealing a provision prohibiting a claimant from receiving an award under certain circumstances; repealing a reference to a certain schedule of benefits as it existed on a certain date and providing that the effective schedule of benefits applies; modifying certain definitions; providing that certain limitations regarding eligibility for an award do not apply with respect to certain victims; and generally relating to claims by victims for awards from the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–801, 11–808(a), 11–810(a) and (d), and 11–811(a)(1)(i)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

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

House Bill 1324 – Delegates Rosenberg, Frick, Gilchrist, Hubbard, Manno, Montgomery, Pena–Melnyk, Ross, and Waldstreich

AN ACT concerning

Family Support Act

FOR the purpose of establishing the Family Planning and Reproductive Health Program in the Family Health Administration; providing for the purpose of the Program; requiring the Program to provide certain family planning services; requiring the Program to be operated through certain clinics and agencies; requiring the Department of Health and Mental Hygiene, in collaboration with the Department of Human Resources and the State Department of Education, to establish a program to increase educational supports for certain adolescents; providing for the purpose of the program; requiring the program to be offered in a certain number of jurisdictions in the State; requiring the program to enroll certain adolescents and to include certain services; authorizing the Department

of Health and Mental Hygiene to contract with an entity to design and implement the program and to provide certain services; requiring the Family Health Administration, in collaboration with the Department of Human Resources, to develop and implement a program to reduce teen pregnancy that focuses on engaging fathers; providing for the purpose of the program; requiring the program to include certain education, training, and services; authorizing the Department of Health and Mental Hygiene to contract with an entity to design and implement the program and an independent evaluator to design and implement an evaluation plan; requiring the Department of Health and Mental Hygiene to develop a certain public education campaign; authorizing the Department of Health and Mental Hygiene to collaborate with an entity to develop the public education campaign; requiring the Governor to include certain funding in the annual budget bill for a certain purpose; and generally relating to family support services.

BY adding to

Article – Health – General

Section 20–1301 through 20–1305 to be under the new subtitle “Subtitle 13. Family Support Services”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1325 – Delegates Rosenberg, Beidle, Bronrott, Carr, Elmore, Lee, Mizeur, O’Donnell, Simmons, and Waldstreicher

AN ACT concerning

Family Law – CINA, Guardianship, Adoption, and Custody Proceedings – Blindness of Parent, Guardian, or Custodian

FOR the purpose of prohibiting a court, in a certain hearing concerning a child in need of assistance (CINA), from considering the blindness of the child’s parent, guardian, or custodian in making a certain finding; prohibiting a court, in making a disposition on a CINA petition, from finding that a child is in need of assistance for the sole reason that the parent, guardian, or custodian of the child is blind; prohibiting a court, in determining whether to grant custody and guardianship of a CINA to a relative or nonrelative, from considering whether the relative or nonrelative is blind; defining “parental disability”, under certain provisions of law relating to guardianship of a child, to exclude blindness; prohibiting a local department of social services, a guardian, or a child placement agency, in certain adoption proceedings, from withholding consent on an adoption petition solely because a prospective adoptive parent is blind; prohibiting a court, in ruling on a certain adoption petition, from denying the petition solely because the petitioner is blind; prohibiting a child from being

committed to a local department of social services and placed in an out-of-home placement solely because the child's parent or guardian is blind; requiring the Social Services Administration to adopt certain regulations prohibiting a local department from taking certain actions solely because a child's parent or guardian is blind; prohibiting a court, in making a decision regarding custody or visitation, from considering whether a party to the proceeding is blind; and generally relating to the blindness of a child's parent, guardian, custodian, relative, nonrelative, or prospective adoptive parent in a CINA, guardianship, adoption, custody, or visitation proceeding.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–816.1(d), 3–819(b), and 3–819.2(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–819.2(e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–323(a), 5–338(b), 5–350(b), 5–3A–35(b), 5–3B–19(b), and 5–525(c)(2)(i)
and (i)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–323 (d)(2)(iii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Family Law
Section 9–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**House Bill 1326 – Delegates Rosenberg, Busch, Conway, Doory, Harrison,
Hixson, James, Levy, McIntosh, Oaks, Proctor, and Vallario**

AN ACT concerning

Annotated Code of Maryland – Dedicated to Roger D. Redden

FOR the purpose of dedicating the Annotated Code of Maryland to Roger D. Redden.

BY adding to

Article – State Government

Section 13–601 to be under the amended title “Title 13. Emblems; Commemorations” and the new subtitle “Subtitle 6. Dedication of the Annotated Code of Maryland”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1327 – Delegates Waldstreicher and Dumais

AN ACT concerning

Child Abuse and Neglect – Monitoring of Abusers

FOR the purpose of requiring a representative of a local department of social services, when removing a child from a household under certain circumstances, to decide in writing on the safety of any other children in the household and authorizing the representative to remove other children under certain circumstances; requiring a local department of social services, if a court terminates the parental rights of an individual due to abuse or neglect of a child, to file with the court an affidavit setting forth certain findings, to monitor the individual and any children in the care or custody of the individual in a certain manner and for a certain period of time, and to forward the name of the monitored individual to the Social Services Administration for a certain purpose; requiring the local department to state certain information related to the pregnancy of a monitored individual in the individual’s file; extending the monitoring period under certain circumstances; requiring the Administration to maintain a certain registry of monitored individuals and in collaboration with the Department of Health and Mental Hygiene, cross-reference the registry with the database of births; requiring the Administration to forward certain information to the appropriate local department of social services; requiring the Administration to adopt certain regulations; and generally relating to child abuse and neglect.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 5–709

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law

Section 5–715

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1328 – Delegates Rosenberg, Ali, Anderson, Barnes, Benson, Bobo, Branch, Burns, Cane, Carter, V. Clagett, Conaway, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Jones, Kaiser, Kirk, Krysiak, Lafferty, Lee, Love, Manno, McIntosh, Mizeur, Montgomery, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Robinson, Stukes, Tarrant, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Criminal Law – Death Penalty – Repeal

FOR the purpose of repealing the death penalty; repealing procedures and requirements related to the death penalty; providing that certain inmates who have been sentenced to death may not be executed and shall be considered as having received a sentence of life imprisonment without the possibility of parole under certain circumstances; providing that in certain cases in which the State has filed a notice to seek a sentence of death, the notice shall be considered withdrawn and it shall be considered a notice to seek a sentence of life imprisonment without the possibility of parole under certain circumstances; providing that certain persons serving life sentences are not eligible persons for Patuxent Institution under certain circumstances; altering the circumstance concerning parole for persons serving life sentences when the State sought a certain penalty; making conforming and clarifying changes; and generally relating to the repeal of the death penalty.

BY repealing

Article – Correctional Services

Section 3–901 through 3–909 and the subtitle “Subtitle 9. Death Penalty Procedures”

Annotated Code of Maryland

(1999 Volume and 2007 Supplement)

BY repealing

Article – Criminal Procedure

Section 7–201 through 7–204 and the subtitle “Subtitle 2. Proceedings After Death Sentences”; 8–108 and 11–404

Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 4–101(e)(2), 4–305(b)(2), 6–112(c), 7–301(d)(2), and 7–601(a)
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–404, 8–420, 9–204, and 12–307
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 3–105(b), 3–106(a), 3–107(a), 5–101(c), 7–101, 7–103(b), and 7–107(b)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 2–201(b), 2–304(a), 2–305, and 14–101
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing
Article – Criminal Law
Section 2–202, 2–301, and 2–303; and 2–401 and the subtitle “Subtitle 4.
Review by Court of Appeals”
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8–505(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1329 – Delegates Valderrama, Vallario, and Lee

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

FOR the purpose of authorizing the Criminal Injuries Compensation Board to adopt regulations for the approval of attorneys' fees for representation before the Office of Administrative Hearings; repealing the authority of the Board to hear and determine a certain claim, hold hearings, administer oaths, examine any person under oath, and issue certain subpoenas; authorizing the Board to tentatively determine a certain claim and request certain subpoenas; repealing the authority of the Board to delegate certain power to a certain member or employee; requiring the Board to provide a certain report to a certain claimant and a certain attorney; requiring the Secretary of Public Safety and Correctional Services to delegate the authority to conduct a certain hearing to the Office of Administrative Hearings under certain circumstances; requiring the Office to hold a certain hearing at a certain location under certain circumstances; altering a certain provision of law to require the Secretary to modify, affirm, or reverse a certain decision within a certain time period under certain circumstances; requiring that a certain claimant and a certain attorney be given a copy of a certain decision; authorizing a certain claimant to appeal a certain decision within a certain time period; authorizing the transfer and appropriation of certain money in a certain manner to the Office for a certain purpose; providing for the application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–805, 11–814, and 11–815
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1330 – Delegate Rosenberg

AN ACT concerning

Circuit Courts – Confirmation of Arbitration Awards

FOR the purpose of specifying a certain fee for filing a petition in a circuit court for an order confirming an arbitration award; providing for certain procedures concerning a petition for an order confirming an arbitration award; making stylistic and corrective changes; providing for the application of this Act; and generally relating to confirmation of an arbitration award in a circuit court.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–227

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1331 - Delegate Rosenberg

AN ACT concerning

Income Tax - Earned Income Tax Credit - Noncustodial Parent

FOR the purpose of allowing certain individuals to claim an income tax credit in a certain amount against the State income tax for earned income under certain circumstances; providing for certain limitations on the credit; providing for the application of this Act; and generally relating to a credit against the State income tax for certain earned income.

BY repealing and reenacting, without amendments,

Article - Tax - General

Section 10-704(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,

Article - Tax - General

Section 10-704(b)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

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

House Bill 1332 - Delegate Dumais

AN ACT concerning

Criminal Procedure - Offender Registry - Minors

FOR the purpose of establishing that a certain part of a police or court record pertaining to a child may be accessed and used by the Department of Public Safety and Correctional Services and certain supervising authorities for certain purposes relating to a certain offender registry; altering the definitions of "child sexual offender" and "sexually violent offender" for purposes of a certain offender registry to include certain persons who have been adjudicated

delinquent for acts that would constitute certain offenses if committed by an adult; altering the definition of “supervising authority” for purposes of a certain offender registry to include the court in which certain persons are adjudicated delinquent; requiring a certain person to register with a supervising authority for inclusion on a certain offender registry if the person was at least a certain age at the time a certain act was committed, is determined by the court at the time a certain court jurisdiction is terminated to be at risk of committing certain offenses, and is at least a certain age; requiring the State’s Attorney to serve a certain written notice within a certain period; requiring the Department of Juvenile Services to provide the court with certain information and conduct certain follow-up; establishing that a certain person is required to register with a supervising authority within a certain time after a certain jurisdiction of the juvenile court terminates; altering the definition of “resident” for purposes of a certain offender registry; requiring that a certain person is required to register with a certain local law enforcement unit after a certain jurisdiction of the juvenile court is terminated; establishing that, for a certain person, a term of registration on a certain offender registry is computed from the time a certain jurisdiction of the juvenile court is terminated; defining a certain term; and generally relating to the inclusion of minors on the offender registry.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)(1) and (b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–27(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(b), (f), and (i), 11–704, 11–705, and 11–707
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–701(g)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1333 – Delegate Morhaim

AN ACT concerning

Maryland Institute for Emergency Medical Services Systems – Executive Director – Appointment

FOR the purpose of requiring the Governor to appoint the Executive Director of the Maryland Institute for Emergency Medical Services Systems; providing that the Executive Director serves at the pleasure of the Governor; making stylistic changes; and generally relating to the Executive Director of the Maryland Institute for Emergency Medical Services Systems.

BY repealing and reenacting, with amendments,

Article – Education

Section 13–506

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1334 – Delegates Morhaim, Elliott, and Nathan–Pulliam

AN ACT concerning

Health Regulatory Boards – Additional Powers and Duties

FOR the purpose of establishing additional powers and duties of health regulatory boards; defining certain terms; requiring the Governor to appoint the members of health regulatory boards in a certain manner; requiring health regulatory boards and certain professional organizations to notify licensees or certificate holders of certain vacancies and conduct certain balloting; establishing certain procedures for the filing of complaints and the initiation and conduct of investigations by health regulatory boards; requiring health regulatory boards to adopt certain regulations regarding matters referred to the Office of Administrative Hearings; establishing certain procedures regarding matters referred to the Office of Administrative Hearings; establishing certain timeframes for health regulatory boards to take disciplinary action against licensees and certificate holders; authorizing health regulatory boards to stay final orders under certain circumstances; establishing certain requirements for individuals who conduct certain investigations; establishing certain requirements for peer reviewers; altering certain voting requirements regarding disciplinary actions; and generally relating to the establishment of additional powers and duties of health regulatory boards.

BY adding to

Article – Health Occupations

Section 1-601 through 1-607 to be under the new subtitle "Subtitle 6. Health Regulatory Boards; Additional Powers and Duties"; and 8-316(a-1), 12-313(b-1), 14-404(a-1), and 16-311(a-1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1A-309, 2-314, 3-313, 4-315, 8-316(a), 10-315, 11-313, 12-313(b), 13-316, 14-404(a), 15-314, 16-311(a), 17-313, 18-313, and 19-311
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1335 – Delegate Davis

AN ACT concerning

Creation of a State Debt – Prince George’s County – Walker Mill Daycare and Training Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Directors of Walker Mill Development, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1336 – Delegate Davis

AN ACT concerning

Public Service Commission – Telecommunications Services – Regulation

FOR the purpose of requiring that a certain alternative form of regulation of telephone companies protects consumers by ensuring that certain regulatory burdens decrease as certain market competition increases; authorizing the Public Service Commission to engage in certain negotiation or mediation with a certain telephone company regarding the terms of an alternative form of regulation under certain circumstances; altering certain charges for telephone lifeline services; providing that the Commission has jurisdiction over certain services

provided by a telephone company; prohibiting the Commission from regulating certain revenues received from, or the rates, terms, and conditions of, certain telephone services; prohibiting the Commission from adopting or enforcing certain regulations after a certain date; requiring certain telephone companies to provide certain notice of certain terms, conditions, and rates of certain unregulated telephone services in a certain manner; defining certain terms; and generally relating to the regulation of telecommunications services by the Public Service Commission.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 4–204 and 8–501
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 4–301 and 8–201(c) and (d)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 8–502
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1337 – Delegates Stein, Hecht, Cardin, Carr, and Morhaim

AN ACT concerning

Maryland Clean Energy Center

FOR the purpose of establishing a Maryland Clean Energy Center in the State; providing for the powers, purposes, and duties of the Center; establishing a Board of Directors of the Center, with certain membership, powers, duties, and officers; providing for the staffing of the Center, including appointment of an Executive Director with certain duties; providing that the Attorney General is the legal advisor of the Center; providing for the application of certain laws to the Center; providing for the effect of a certain determination of the Board; requiring the establishment of certain financial controls for the Center; authorizing the Center to exercise certain powers, including those relating to grants, projects, and borrowing; requiring the Center to act as a clearinghouse of information regarding clean energy for certain purposes; exempting the Center from certain taxes; providing that the books and records of the Center

are subject to audit in a certain manner; requiring the Center to report each year to certain persons; establishing a Maryland Clean Energy Technology Incubator Program in the Center for certain purposes; requiring the Center to adopt certain standards for the Program in a certain manner; authorizing the Center to award certain financial assistance to certain entities; requiring matching contributions for certain assistance; authorizing the Center to issue bonds and other evidences of indebtedness in certain manners; authorizing the Center to authorize certain persons to take certain actions regarding bond issuance for certain purposes, subject to certain limitations; providing for the contents of a certain trust agreement for certain purposes; authorizing the pledging of certain revenues for certain purposes in a certain manner; authorizing certain persons to invest in certain bonds; providing that certain bonds are not a debt or liability or a pledge of the faith and credit of the State or of a political subdivision; authorizing the Center to fix and collect certain rates, rents, fees, and charges for certain purposes; providing for the application of certain proceeds; authorizing the issuance of certain refunding bonds in a certain manner; authorizing the issuance of certain negotiable bond anticipation notes for certain purposes in a certain manner; providing for the enforcement of certain rights by certain persons; providing that certain projects, property, and bonds are exempt from certain taxes under certain circumstances; stating findings and intent of the General Assembly; defining certain terms; providing for the construction of this Act; and generally relating to the Maryland Clean Energy Center.

BY adding to

Article – Economic Development

Section 10–801 through 10–854 to be under the new subtitle “Subtitle 8. Maryland Clean Energy Center”

(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008)

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

House Bill 1338 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Garrett County, from time to time, to borrow not more than \$10,000,000 in order to finance, with certain restrictions, certain projects in Garrett County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the

County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds or refunding bonds, if the interest on or income derived from the bonds is not exempt from State, local, or other taxation in the State; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

House Bill 1339 – Delegate Morhaim

AN ACT concerning

Mental Health – Psychiatric Medication – Administration Without Consent

FOR the purpose of altering the reasons for which an individual who is involuntarily hospitalized may be administered psychiatric medication when the individual refuses medication; altering a certain definition; and generally relating to the administration of psychiatric medication without consent.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–708(a) and (g)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–708(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1340 – Delegates Boteler, Aumann, George, Kach, McDonough, and Shewell

AN ACT concerning

Energy Companies – Net Energy Metering

FOR the purpose of removing a certain limitation on the number of eligible customer–generators that may enter into a net energy metering contract or tariff; requiring a certain net energy metering contract or tariff to require a certain electric company to purchase all excess energy generated by a certain customer–generator during each monthly cycle; repealing a limitation on the period of time that a certain customer–generator may accrue certain generation credit; repealing a limitation on the time that a certain electric company shall carry forward a certain generation credit or negative kilowatt–hour reading; repealing a provision relating to the reversion of certain generation credit to a certain electric company; requiring the amount of generation credit that a certain electric company credits to a certain customer–generator to be at a certain rate; requiring certain generation credit to appear on a customer–generator’s bill in a dollar amount; requiring a certain electric company to reimburse a certain customer–generator for the amount of a certain generation credit under certain circumstances; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1341 – Delegates Morhaim, Aumann, Beidle, Bobo, V. Clagett, Kach, Lafferty, Manno, Riley, Rosenberg, and Smigiel

AN ACT concerning

Courts – Nonprofit Associations – Standing to Participate in Governmental Proceedings

FOR the purpose of authorizing a certain nonprofit association to institute, defend, intervene, or participate in certain governmental proceedings or forms of alternative dispute resolution under certain circumstances; authorizing a certain nonprofit association to assert a claim in its name on behalf of its members under certain circumstances; requiring a certain unincorporated nonprofit association to designate a resident agent and file a certain written consent of a person to be resident agent with the State Department of Assessments and Taxation before it may participate in certain governmental proceedings; defining a certain term; expressing the intent of the General Assembly; providing for the construction and application of this Act; and generally relating to the standing of a nonprofit association to participate in certain governmental proceedings and forms of alternative dispute resolution under certain circumstances.

BY renumbering

Article – Courts and Judicial Proceedings
Section 6–406.1
to be Section 6–406.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 6–406.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Corporations and Associations
Section 1–208
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1342 – Delegates Cardin, Bartlett, Jennings, and Olszewski

AN ACT concerning

Horse Racing – Bred Fund Supplements

FOR the purpose of requiring that certain lottery revenues for a certain fiscal year be distributed to a special fund to be used only for certain purposes; requiring that horse racing bred funds be increased according to a certain formula; requiring that all funds for bred funds under this Act be in addition to and not supplant certain other funds; establishing certain conditions on the distribution of certain funds; providing for the termination of this Act; and generally relating to bred fund supplements for horse racing in the State.

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

House Bill 1343 – Delegates Healey, V. Clagett, Elmore, George, Howard, Ivey, Krebs, Ross, Stocksdales, F. Turner, and Walker

AN ACT concerning

Income Tax – Credit and Subtraction Modification for Long-Term Care Insurance

FOR the purpose of repealing certain limitations on a certain credit against the State income tax for certain long-term care premiums paid by an individual;

providing a subtraction modification under the State income tax for the payment of certain eligible long-term care insurance premiums; providing for the application of this Act; and generally relating to a certain income tax credit and subtraction modification for eligible long-term care premiums.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–208(q)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–718
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1344 – Delegates Glenn, Branch, Bronrott, Carr, Carter, Conaway, Doory, Hammen, Harrison, Hucker, Kirk, Lafferty, McHale, Oaks, Robinson, Stein, Stukes, and Tarrant

AN ACT concerning

Real Property – Retaliatory Action by Landlords and Mobile Home Park Owners

FOR the purpose of repealing certain provisions of law prohibiting a retaliatory eviction of a tenant or resident by a landlord or mobile home park owner; prohibiting a landlord or park owner from taking retaliatory action against a tenant or resident because the tenant or resident engaged in certain protected activities; providing for a certain standard of proof for determining whether an action qualifies as a retaliatory action; providing for a certain rebuttable presumption that an action is a retaliatory action under certain circumstances; authorizing a tenant or resident to bring an action or counterclaim for damages against a landlord or park owner under certain circumstances; providing that a landlord or park owner's retaliatory action is a defense to an action for possession; authorizing a court to invalidate a landlord's or park owner's action under certain circumstances; authorizing a court to enter judgment for costs and reasonable attorney's fees against a landlord, park owner, tenant, or

resident under certain circumstances; prohibiting this Act from being construed to alter a landlord's, park owner's, tenant's, or resident's rights arising from a breach of a provision of the lease; providing that this Act preempts or prevails over any ordinance, resolution, law, or rule, unless the ordinance, resolution, law, or rule provides greater protection to the tenant or resident; defining certain terms; and generally relating to retaliatory action against a tenant of leased property or a resident of a mobile home park by a landlord or park owner.

BY repealing

Article – Real Property
Section 8–208.1 and 8A–1301
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Real Property
Section 8–208.1 and 8A–1301
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1345 – Delegates Dwyer, Aumann, Bartlett, Bates, Beitzel, Boteler, Burns, Eckardt, Elliott, Elmore, Frank, George, Haddaway, Impallaria, Jennings, Kelly, King, Kipke, Krebs, McComas, McConkey, McDonough, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Sossi, Stifler, Stocksdale, Stull, Walkup, and Wood

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Maryland's Marriage Protection Act

FOR the purpose of adding a new section to the Maryland Constitution to establish that only a marriage between a man and a woman is valid in this State; establishing that certain unions or relationships between individuals of the same sex are not valid in this State; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an addition to the Maryland Constitution

Article XV – Miscellaneous
Section 8

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

House Bill 1346 – Delegates Glenn, Bronrott, Cardin, Doory, Hucker, Stein, Stukes, F. Turner, and Walker

AN ACT concerning

Education – Student Health and Nutrition – School Programs and Policies

FOR the purpose of requiring public schools to offer a program of physical education meeting certain requirements to students in certain grades; requiring certain schools to include information concerning anorexia and bulimia in a certain program of instruction; requiring each county board of education to adopt certain policies concerning the contents of certain meals; and generally relating to policies concerning student health and nutrition.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–409
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 7–409.1 and 7–429
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1347 – Queen Anne’s County Delegation

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Licenses – Board of License Commissioners

FOR the purpose of altering the fees of certain alcoholic beverages licenses issued in Queen Anne’s County; altering the annual compensation for the chairman and members of the Board of License Commissioners; specifying that a certain restriction applies to the distance between a licensed premises and a school, place of worship, library, or youth center; and generally relating to alcoholic beverages in Queen Anne’s County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 3–101(a)(1), 3–201(a)(1), 3–301(a)(1), 3–401(a)(1), 5–101(a)(1),
5–201(a)(1), 5–401(a)(1), 6–201(a)(1), 6–301(a)(1), and 7–101(d)(1)(i)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 3–101(s), 3–201(s), 3–301(s)(1), 3–401(s), 5–101(s), 5–201(s), 5–401(s),
6–201(s)(1) and (2), 6–301(s)(1) and (2), 7–101(b)(12) and (13) and (d)(12),
9–218(b), and 15–109(s)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 7–101(b)(12) and (d)(12)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1348 – Delegates Stein, Carr, Glenn, and Hucker

AN ACT concerning

Vehicle Laws – “Road Rage” Offenses

FOR the purpose of establishing the motor vehicle offense of maliciously violating certain provisions of the Maryland Vehicle Law; establishing certain maximum penalties for a conviction for the offense; and generally relating to certain vehicle law offenses committed with malice.

BY repealing and reenacting, without amendments,

Article – Transportation

Section 14–104(b), 21–303(c) and (e), 21–309(b), 21–310, 21–604(e), 21–804(a),
21–1102, and 27–101(a) and (b)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Transportation

Section 21–901.3 and 27–101(bb)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1349 – Delegates Weir, Boteler, and Minnick

AN ACT concerning

Vehicle Laws – Driver Improvement Programs – Deduction of Accumulated Points

FOR the purpose of authorizing an individual who has accumulated a certain number of points on the individual's driving record to request the Motor Vehicle Administration to deduct a certain number of points from the individual's driving record if the individual attends a certain driver improvement program or driver safety program; prohibiting the Administration from deducting more than a certain number of points from an individual's driving record in a certain time period; requiring the Administration to apply a certain point deduction in a certain manner; requiring the Administration to provide a certain notification to a individual who accumulates a certain number of points; and generally relating to the accumulation of points against a driving record.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 16–212
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–404
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1350 – Delegates Stein and Kach

AN ACT concerning

Consumer Protection – Advertisement of Rebate for Consumer Goods

FOR the purpose of prohibiting merchants from advertising rebates for consumer goods by displaying the net price of the consumer goods in the advertisement unless the amount of the rebate is provided to the consumer by the merchant at the time of the purchase of the consumer goods; providing that a merchant need not provide the amount of a rebate for consumer goods to a consumer if the advertisement for the consumer goods states that a rebate is available without displaying the net price of the consumer goods; defining a certain term; and generally relating to the advertisement of rebates for consumer goods by merchants.

BY adding to
Article – Commercial Law

Section 13-319
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1351 – Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein

AN ACT concerning

Continuing Care Retirement Communities – Subscriber Complaints and Investigations

FOR the purpose of adding to the requirements for a continuing care retirement community's internal grievance procedure; shortening the time frame within which certain subscribers have the right to meet with management of a provider; requiring certain providers to submit certain information to the Department of Aging and to the Health Education and Advocacy Unit in the Office of the Attorney General on a certain basis; authorizing the Health Education and Advocacy Unit to identify, investigate, and resolve certain complaints under certain circumstances; and generally relating to continuing care retirement communities and subscriber complaints and investigations.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10-428
Annotated Code of Maryland
(2007 Volume)

BY adding to
Article – Human Services
Section 10-430
Annotated Code of Maryland
(2007 Volume)

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

House Bill 1352 – Delegates V. Turner, Valderrama, Walker, Barkley, Barnes, Benson, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Hubbard, Ivey, Kullen, Levi, Levy, Oaks, Pena-Melnyk, Proctor, Ramirez, Ross, Vallario, and Vaughn

AN ACT concerning

**Creation of a State Debt – Prince George’s County – National Children’s
Museum**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$2,000,000, the proceeds to be used as a grant to the Board of Directors of the National Children’s Museum, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1353 – Delegates Rudolph, Impallaria, and Mathias

AN ACT concerning

Omnibus Coastal Property Insurance Reform Act

FOR the purpose of altering the requirements an insurer must meet before refusing to issue or renew certain insurance contracts solely because the insured property or the applicant’s or insured’s address is located within a certain geographic area of the State; requiring an insurer to adopt a certain underwriting standard and file the underwriting standard with the Maryland Insurance Commissioner for approval; specifying the contents of certain filings; establishing that certain underwriting standards may not take effect until a certain number of days after it is filed with the Commissioner; establishing certain exceptions; establishing certain requirements for certain underwriting standards; providing that certain information shall be open to public inspection; authorizing the Commissioner to disapprove a filing under certain circumstances; requiring the Commissioner to send certain notice of disapproval of a filing under certain circumstances; requiring the Commissioner to hold a hearing under certain circumstances; requiring the Commissioner to give certain notice of the hearing; prohibiting an insurer from adopting an underwriting standard that requires a certain deductible unless the insurer has made a certain filing and obtained approval from the Commissioner; providing that if an insurer has adopted a certain underwriting standard that requires a deductible equal to a percentage of the policy limits of a policy, the deductible may only be applicable during a certain time; requiring an insurer that has adopted a certain underwriting standard to send a certain annual statement; requiring certain insurers to offer a premium discount under certain circumstances; requiring certain insurers that use catastrophic risk planning or other models in setting rates to file certain information with the Commissioner and explain certain information; providing that certain information is proprietary and confidential commercial information under a certain provision of law; authorizing the Commissioner to adopt certain regulations; requiring the Maryland Department of Planning to conduct a

certain review and make a certain report by a certain date; providing for the application of this Act; and generally relating to coastal property insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 19–208 through 19–210
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1354 – Delegates Branch and Conway

AN ACT concerning

Child Welfare Accountability – Caseload Ratios – Modifications

FOR the purpose of repealing certain requirements that the Department of Human Resources develop a certain methodology to calculate caseload ratios in child welfare cases and to enter into certain contracts to annually review the calculation of caseload ratios use by the Department; repealing certain obsolete requirements that the Secretary of Human Resources consult with the Child Welfare League of America to develop a certain methodology to calculate certain ratios by a certain date; and generally relating to caseload ratios and child welfare accountability.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–1310
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing
Chapter 31 of the Acts of the General Assembly of 2006
Section 7

BY repealing
Chapter 475 of the Acts of the General Assembly of 2006
Section 7

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

House Bill 1355 – Delegates Dwyer, Aumann, Bates, Boteler, Costa, Eckardt, Elliott, Frank, George, Haddaway, Impallaria, Kach, King, Kipke, Krebs, Kullen, Love, McConkey, McDonough, O’Donnell, Riley, Schuh, Smigiel, Sophocleus, Sossi, and Stocksdale

AN ACT concerning

Election Law – Identification of Voters

FOR the purpose of altering the requirements for the identification of voters by election judges at polling places; requiring a voter to present to an election judge certain identification or certain identifying documents; and generally relating to polling place procedures.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–310(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1356 – Delegates Branch and Conway

AN ACT concerning

Family Investment Program Recipients – Child-Specific Benefit – Repeal

FOR the purpose of repealing certain provisions prohibiting the payment of certain temporary cash assistance benefits as a result of the birth of certain children under certain circumstances; and generally relating to the receipt of temporary cash assistance benefits by Family Investment Program (FIP) recipients.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–313
Annotated Code of Maryland
(2007 Volume)

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

House Bill 1357 – Delegates Kipke, Dwyer, and Schuh

AN ACT concerning

Power of Attorney Accountability Act (Loretta’s Law)

FOR the purpose of establishing certain duties of an agent under a power of attorney; requiring an agent to disclose certain receipts, disbursements, or transactions if ordered by a court or requested by certain persons; requiring an agent to comply with a certain request within a certain period; establishing that an agent that violates certain provisions is liable for certain amounts; requiring that a power of attorney executed in this State contain a certain notice; authorizing certain persons to petition a court to construe a power of attorney or review the agent's conduct; providing for the application of certain provisions of this Act; and generally relating to powers of attorney.

BY adding to

Article – Estates and Trusts
Section 13–604 through 13–606
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1358 – Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan–Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena–Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

FOR the purpose of prohibiting certain owners, employees, and operators of tanning facilities from allowing minors to use certain tanning devices unless the minors have certain prescriptions or are accompanied by certain individuals; requiring certain owners, employees, and operators of tanning facilities to require certain documentation before allowing certain individuals access to tanning facilities; authorizing the Secretary of Health and Mental Hygiene to impose certain penalties and adopt certain regulations; defining certain terms; and generally relating to artificial tanning devices.

BY adding to

Article – Health – General
Section 20–106
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1359 – Delegate Impallaria

AN ACT concerning

Insurance – Motor Vehicle Damages – Claims for Repairs and Repair Service Facilities

FOR the purpose of altering the effect of certain provisions of law on insurers in connection with claims for repairs to motor vehicles; authorizing a claimant or insured to choose any repair service facility for the repair or replacement of property damage to a motor vehicle; requiring certain repair service facilities to make a certain disclosure to a claimant or insured at a certain time; expanding the application of certain prohibited actions to agents of an insurer; altering a certain prohibition; prohibiting an insurer, an adjuster, an appraiser, or an insurance producer, agent, or employee of an insurer from taking certain actions; altering the application of a certain penalty; establishing a certain penalty; establishing the liability of an insurer that accepts financial responsibility for a certain civil penalty; and generally relating to claims for repairs to motor vehicles and repair service facilities.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 10–501

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–502, 10–503, and 10–504

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance

Section 10–503.1

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1360 – Delegates Barnes, Cardin, Frush, Hubbard, Tarrant, and Valderrama

AN ACT concerning

Motor Vehicles – Smoking in Vehicle with Child Passenger – Prohibition

FOR the purpose of prohibiting the driver of a motor vehicle from smoking or allowing a passenger to smoke a tobacco product in the motor vehicle if any passenger in the motor vehicle is under a certain age; excluding motorcycle drivers from the provisions of this Act; authorizing a police officer to enforce this Act only as a secondary action when detaining a driver for another suspected violation of law; establishing that a violation of this Act is not a moving violation for certain purposes; establishing a certain penalty; and generally relating to a prohibition on smoking in a motor vehicle in which a child is a passenger.

BY adding to

Article – Transportation
Section 21–1127 and 27–106(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1361 – Delegates Stein and Cardin

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer from stating in any advertisement as the selling price of a vehicle an amount that represents the balance that would be owed after deduction of a down payment, trade-in allowance, or other allowance; and generally relating to the advertising practices of vehicle dealers.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 15–313
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1362 – Delegates Conway, Barkley, Bohanan, Cane, Eckardt, Elmore, Gaines, Griffith, Jones, Levy, Mathias, Proctor, and Rudolph

AN ACT concerning

Vehicle Laws – Fatality or Life-Threatening Injury – Tests for Alcohol, Drugs, or Controlled Dangerous Substances

FOR the purpose of requiring a person to submit to certain tests for alcohol, drugs, or controlled dangerous substances if detained by a police officer who has

reasonable grounds to believe that the person contributed to causing a motor vehicle accident that resulted in the death of, or a life-threatening injury to, another person; making a stylistic change; and generally relating to certain motor vehicle accidents and tests for alcohol, drugs, or controlled dangerous substances.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16-205.1(c)(1), (d)(1), and (f)(1), (7)(i), and (8)(i), (ii), and (iii)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1363 – Delegates Murphy, Glenn, Hucker, Mizeur, Nathan-Pulliam, and Weldon

AN ACT concerning

Social Services Administration – Kinship Care Navigator

FOR the purpose of requiring the Social Services Administration to designate a Kinship Care Navigator; providing for the purpose of the Kinship Care Navigator; requiring the Kinship Care Navigator to inform certain kinship parents of the availability of and eligibility requirements for certain services available to certain children and kinship parents; authorizing the Administration to adopt certain regulations; and generally relating to the Kinship Care Navigator.

BY adding to

Article – Family Law

Section 5-534.1

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1364 – Delegate Sossi

AN ACT concerning

Medical Records – Disclosure – Blood Alcohol Concentration

FOR the purpose of authorizing a health care provider to disclose a certain medical record without the authorization of a person in interest to a certain law enforcement agency or officer if a certain health care provider becomes aware that the individual's blood alcohol concentration meets or exceeds a certain

percentage under certain circumstances; and generally relating to disclosure of medical records relating to blood alcohol concentration.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–305
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1365 – Delegates V. Clagett, Elmore, Glenn, Hecht, King, Malone, Olszewski, Ramirez, Rudolph, Stein, and Weldon

AN ACT concerning

State Lottery – Lottery for Benefit of Thoroughbred and Standardbred Breeders

FOR the purpose of requiring the State Lottery Agency to conduct in each fiscal year a certain number of horse racing lottery games for the benefit of the Maryland Thoroughbred Breeders Fund and the Maryland Standardbred Breeders Fund; requiring that certain advertising and tickets be identified in a certain way; requiring that the proceeds from the games be distributed in a certain way; providing for the termination of this Act; and generally relating to State lottery games for the benefit of the Maryland Thoroughbred Breeders Fund and the Maryland Standardbred Breeders Fund.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–120
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Government
Section 9–120.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1366 – Delegate Jones

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior Acts of the General Assembly that authorized the creation of State Debt through the issuance, sale, and delivery of general obligation bonds, the proceeds of which were designated for funding certain capital projects; requiring certain loan proceeds to be encumbered by the Board of Public Works or expended for certain purposes by a certain date; altering the names of certain grantees; altering and expanding the authorized uses of certain grants; removing a requirement that a certain grantee provide and expend a certain matching fund; requiring that a certain grantee provide and expend a certain type of matching fund; altering the location of certain capital projects; extending the deadline by which a certain grantee must present evidence to the Board of Public Works that certain matching funds will be provided; making other technical changes; and generally relating to prior authorizations of State Debt by the General Assembly to fund certain capital projects.

BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 673 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 243 of the Acts of the General Assembly of 2001, as amended by
Chapter 219 of the Acts of the General Assembly of 2004
Section 1

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA02(Y)

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA01(K) and (BW)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item KA05(A)(4), ZA00(B), ZA01(Z), and ZA02(BI) and (BO)

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

House Bill 1367 – Delegates Stull, Bartlett, G. Clagett, Elmore, George, Hecht, Kelly, McIntosh, Myers, Norman, Shank, Sossi, and Weldon

AN ACT concerning

Commercial Law – Below Cost Sales – Fluid Milk Products

FOR the purpose of prohibiting certain milk dealers from selling or offering to sell certain fluid milk products to certain entities in the State at less than a certain cost; prohibiting certain milk dealers from selling certain fluid milk products in combination with certain other items under certain circumstances; providing for the calculation of certain costs of certain fluid milk products in a certain manner; requiring certain milk dealers to present certain cost to the Secretary of Agriculture for certification in a certain manner; requiring the Secretary to consider certain information as confidential under certain circumstances; requiring the Secretary to enforce this Act in a certain manner; requiring the Secretary to adopt certain regulations; requiring the Secretary to issue certain stop-sale notices under certain circumstances; authorizing the Secretary to make certain recommendations to the Secretary of Health and Mental Hygiene; authorizing the Secretary to develop certain procedures for certain assessments to be paid by certain milk dealers; authorizing the circuit court to enjoin a certain milk dealer from certain acts in a certain manner; providing for the intent and applicability of this Act; providing that the Maryland Sales Below Cost Act does not apply to this Act; defining certain terms; and generally relating to sales of fluid milk products in the State.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11-402
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 11-1501 through 11-1507 to be under the new subtitle “Subtitle 15.
Sales Below Cost of Fluid Milk Products”
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1368 – Delegate King

AN ACT concerning

**Task Force to Study the Feasibility of Establishing a Law Enforcement
Officers’ Memorial**

FOR the purpose of establishing a Task Force to Study the Feasibility of Establishing a Law Enforcement Officers’ Memorial; providing for the membership and

duties of the Task Force; providing for the election of a chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a Task Force to Study the Feasibility of Establishing a Law Enforcement Officers' Memorial.

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

House Bill 1369 - Delegates Kipke, Burns, George, Krebs, Love, McComas, McDonough, Schuh, Shewell, Stocksdales, and Wood

AN ACT concerning

Vehicle Laws - Uninsured Motorists - Waiver of Right to Noneconomic Damages

FOR the purpose of establishing that an individual driving a motor vehicle that is not covered by insurance is considered to have waived the right to recover noneconomic loss damages under certain circumstances; exempting certain individuals from the waiver under certain circumstances; creating a rebuttable presumption that an individual knows or has reason to know that the motor vehicle is not covered by insurance under certain circumstances; defining a certain term; making stylistic changes; making technical changes; providing for the termination of certain provisions of this Act; and generally relating to operating a motor vehicle that does not have insurance coverage.

BY repealing and reenacting, with amendments,
Article - Transportation
Section 17-107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1370 - Delegates King, Kipke, Schuh, and Walker

AN ACT concerning

State Government - Law Enforcement Officers - Application for Lost Pay and Attorneys' Fees

FOR the purpose eliminating a requirement to have the Attorney General or the Attorney General's designee make a determination of the good faith of a certain applicant for lost pay and attorneys' fees under certain circumstances;

authorizing the Board of Public Works to approve payment of lost wages and reasonable attorneys' fees resulting from a certain suspension without pay to an applicant from a State law enforcement agency under certain circumstances; prohibiting the Board of Public Works from approving certain payments under certain circumstances; providing for the application of this Act; and generally relating to an application to the Board of Public Works by a law enforcement officer for lost back pay or reasonable attorneys' fees under certain circumstances.

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3-112(c)

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 12-314

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 12-315

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government

Section 12-315.1

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1371 – Delegates Bronrott, Barve, Carr, Feldman, Frick, Kullen, Lee, Levi, Manno, Mizeur, Rice, and Waldstreicher

AN ACT concerning

General Assembly – Internet Webcasting of Committee Meetings

FOR the purpose of requiring the General Assembly to provide, on the Internet, an audio and video webcast of each meeting of a committee or other public body of the Legislative Branch; specifying that the requirement does not apply to a public body that is meeting in an authorized closed session; requiring that the webcasts be available both as contemporaneous transmissions and as certain

archived files; defining certain terms; and generally relating to the webcasting of legislative meetings.

BY adding to

Article – State Government

Section 2–1804

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1372 – Delegates Myers, Beitzel, Elliott, Jennings, Kelly, McKee, Shank, Shewell, and Stifler

AN ACT concerning

**Unemployment Insurance – Exemption from Covered Employment –
Teachers Providing Music Lessons**

FOR the purpose of establishing that certain work performed under certain circumstances by public or private school teachers who provide music lessons at a certain place is not covered employment for purposes of unemployment insurance; providing for the application of this Act; and generally relating to teachers providing music lessons under the unemployment insurance law.

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–206

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1373 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Liquor Dispensaries – Liquor Purchases and Sales

FOR the purpose of authorizing the Liquor Control Board of Worcester County to acquire liquor from a primary source for resale and to sell at wholesale certain alcoholic beverages to licensees at certain times; making certain stylistic changes; and generally relating to the Liquor Control Board of Worcester County.

BY adding to

Article 2B – Alcoholic Beverages
Section 2–101(i)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–205(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1374 – Delegates Myers, Beitzel, Elliott, Jennings, Kelly, McKee, Shank, Shewell, and Stifler

AN ACT concerning

Landlord and Tenant – Eviction – Abandoned Chattels

FOR the purpose of providing that certain chattels that remain on property repossessed by a landlord shall be presumed abandoned under certain circumstances; providing that a landlord or a landlord's agent may not be liable for any loss or damage to abandoned chattels; authorizing a landlord to dispose of abandoned chattels by certain means; and generally relating to removal of a tenant's chattels from property repossessed by a landlord.

BY adding to
Article – Real Property
Section 8–405 and 8–406
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1375 – Delegates Ivey, Ramirez, and Niemann

AN ACT concerning

**Creation of a State Debt – Prince George's County – Gwendolyn T. Britt
Memorial Safe Passage Emergency Shelter Expansion**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Family Crisis Center of Prince George's County, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing

a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1376 – Delegates Bobo and McIntosh

AN ACT concerning

Task Force to Study Debt Management Services

FOR the purpose of establishing a Task Force to Study Debt Management Services; establishing the membership of the Task Force; providing for the designation of a chair of the Task Force; providing for staff for the Task Force; prohibiting a member of the Task Force from receiving compensation, but authorizing certain reimbursement for certain expenses; requiring the Task Force to study and make recommendations regarding certain issues; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Debt Management Services.

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

House Bill 1377 – Delegates Myers, Beitzel, Elliott, Jennings, McKee, Shewell, and Stifler

AN ACT concerning

Criminal Law – Unauthorized Access to Wireless Internet Service

FOR the purpose of prohibiting a person from intentionally, willfully, and without authorization accessing, attempting to access, causing to be accessed, or exceeding the person's authorized access to wireless Internet service with a certain knowledge; applying certain penalties; and generally relating to unauthorized access to computers and related material.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 7–302

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

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

House Bill 1378 – Delegates Ivey, Ali, Glenn, Mizeur, Rosenberg, and V. Turner

AN ACT concerning

Public Safety - Possession and Sale of Ammunition for Regulated Firearms - Penalties

FOR the purpose of prohibiting a person from possessing ammunition solely designed for a certain regulated firearm if the person was previously convicted of certain crimes, does not have a firearm application approved by the Secretary of State Police or the Secretary's designee, and is not exempted from the requirements of a regulated firearm application; raising the penalty for the offense of a person under a certain age possessing ammunition solely designed for a regulated firearm, with certain exceptions; prohibiting a certain dealer or other person from selling, renting, or transferring ammunition solely designed for a certain regulated firearm to a purchaser, lessee, or transferee who was previously convicted of certain crimes, does not have a firearm application approved by the Secretary of State Police or the Secretary's designee, and is not exempted from the requirements of a regulated firearm application; raising the penalty for the offense of a person selling, renting, or transferring certain ammunition to a person under a certain age, with certain exceptions; providing penalties for a violation of this Act; providing that this Act supersedes any restriction that a local jurisdiction in the State imposes on the possession or transfer by a private party of ammunition solely designed for a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession or transfer of ammunition solely designed for a regulated firearm; making certain conforming changes; and generally relating to the possession and sale of ammunition for regulated firearms.

BY repealing and reenacting, without amendments,
Article - Public Safety
Section 5-101(p)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article - Public Safety
Section 5-133(d) and 5-134(d)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article - Public Safety
Section 5-133.1 and 5-134.1
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1379 – Delegates Ivey, Barkley, Beidle, Benson, Branch, V. Clagett, Doory, Gilchrist, Harrison, Lee, Montgomery, Pena–Melnik, Ramirez, Rice, Valderrama, and Walker

AN ACT concerning

Health Insurance – Waiver for Older Adults Expansion Fund

FOR the purpose of establishing the Waiver for Older Adults Expansion Fund; establishing the sources and uses of the Fund; requiring the State Treasurer to invest the money in the Fund in a certain manner; providing that any investment earnings of the Fund shall be retained to the credit of the Fund; requiring expenditures from the Fund to be made only in accordance with the State budget; providing that the Fund is subject to audit by the Office of Legislative Audits; altering the purposes of the Maryland Health Care Provider Rate Stabilization Fund; requiring certain funds remaining in the Rate Stabilization Account at the end of a certain fiscal year to be transferred to the Waiver for Older Adults Expansion Fund; and generally relating to the Waiver for Older Adults Expansion Fund.

BY adding to

Article – Health – General
Section 15–132.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance
Section 19–802(a) and 19–804(c) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 19–802(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance
Section 19–804(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1380 - Delegate Rudolph

AN ACT concerning

Maryland Transportation Authority - Interstate 95 Study - Jurisdiction

FOR the purpose of requiring the Maryland Transportation Authority and the State Highway Administration to jointly study certain issues related to extending the jurisdiction of the Authority to include a certain portion of Interstate 95; requiring the study to include certain analyses; requiring the Authority and the Administration to submit a certain report to the Governor and the General Assembly by a certain date; and generally relating to the jurisdiction of the Maryland Transportation Authority.

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

House Bill 1381 - Delegate Mizeur

AN ACT concerning

Health Occupations - Optometrists - Therapeutic Contact Lenses

FOR the purpose of authorizing a therapeutically certified optometrist to prescribe and dispense a certain therapeutic contact lens; defining a certain term; and generally relating to therapeutic contact lenses and optometrists.

BY repealing and reenacting, with amendments,
Article - Health Occupations
Section 11-404.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1382 - Howard County Delegation

AN ACT concerning

**Howard County - Mobile Home Parks - Right of First Refusal
Ho. Co. 13-08**

FOR the purpose of requiring owners of mobile home parks in Howard County to notify all residents of the park and the director of the Howard County Department of Housing and Community Development of an offer to buy or sell the park; establishing notice requirements; establishing the right of the residents or a certain homeowners association to make an offer to buy the park

under certain circumstances; requiring the park owner to accept the offer under certain circumstances; requiring the park owner to provide additional notice to certain persons and to accept a certain offer under certain circumstances; providing for certain exemptions from this Act; providing for the application of this Act; prohibiting a certain deed transferring title to certain land from being executed and recorded unless certain conditions are satisfied; and generally relating to the sale of mobile home parks in Howard County.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8A–101(d), (e), and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 8A–802
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1383 – Delegate Schuh

AN ACT concerning

Good Samaritan – State of Emergency – Liability Protection

FOR the purpose of providing that certain persons that provide services or goods in response to a state of emergency proclaimed by the Governor are not liable in damages, under certain circumstances, for personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission, in providing the services or goods; providing for certain exceptions; providing for the construction and application of this Act; and generally relating to certain liability protection for certain persons that provide services or goods in response to a state of emergency proclaimed by the Governor under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–642
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1384 – Delegate Rudolph

AN ACT concerning

Public Utility Companies – Maryland Energy Generation Authority

FOR the purpose of establishing the Maryland Energy Generation Authority; providing for the membership of the Authority; providing for the designation of a chair of the Authority; prohibiting a member of the Authority from receiving compensation, but authorizing certain reimbursement for certain expenses; providing for the appointment of certain officers of the Authority; designating the Attorney General as the legal advisor to the Authority; authorizing the Authority to employ certain staff and consultants; exempting the Authority from certain finance and procurement provisions; exempting the Authority from certain open meetings laws; providing that Authority projects are subject to certain electric generation facility planning provisions; providing that the Authority and its officers and employees are subject to certain ethics laws; authorizing the Authority to perform certain acts; prohibiting payment of certain expenses from certain money; authorizing officers of the Authority to perform certain acts; providing that records of the Authority are public records; requiring the Authority to have its books audited annually at the Authority's expense; requiring the Authority to submit to the Governor certain reports; prohibiting certain laws from taking effect until certain obligations of the Authority are paid; providing for the disposition of Authority property on termination of the Authority; authorizing the Authority to issue certain bonds for certain purposes under certain circumstances; authorizing the Authority to issue certain bond anticipation notes; authorizing the Authority to take certain actions in connection with bonds issued by the Authority; requiring the Authority to pass a certain resolution in connection with each issue of its bonds; authorizing the Authority to enter into certain trust agreements in connection with bonds issued by the Authority; requiring the Authority to convey title and release certain collateral under certain circumstances; authorizing certain persons to bring certain actions; exempting the Authority from certain taxes and assessments; exempting bonds issued by the Authority from certain taxes; requiring the Authority to procure the electric supply on behalf of certain purchasing pool members; requiring the Authority to give preference to certain sources of electricity when procuring electricity supply; requiring the Authority, in conjunction with the Maryland Energy Administration, to submit a certain plan and updates to the Public Service Commission before certain dates; authorizing the Commission to require gas and electric companies to establish certain programs or services; requiring the Commission to submit certain reports to the General Assembly; requiring the Authority and the Commission to hold certain hearings on or before a certain date each year; requiring the Authority to provide certain notice of the hearings; requiring the Authority to keep minutes of the hearings; defining certain terms; and generally relating to the Maryland Energy Generation Authority.

BY adding to

Article – Public Utility Companies
Section 14–101 through 14–504 to be under the new title “Title 14. Maryland
Energy Generation Authority”
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1385 – Allegany County Delegation

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

FOR the purpose of authorizing local impact grants from proceeds of certain video lottery terminals be used in Allegany County for certain improvements and to pay down certain debt incurred in the construction and related costs for certain video lottery terminals and the hotel, golf course, lodge, and other improvements in Rocky Gap State Park; making this Act contingent on the taking effect of another Act; and generally relating to video lottery gaming and local impact grants from gaming proceeds in Allegany County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–02(b)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007
Special Session)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–31(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2007
Special Session)

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

House Bill 1386 – Delegate Rudolph

AN ACT concerning

Exhibitors – Licensure – National Convention Exemption

FOR the purpose of specifying that the exemption from the trader's license requirement imposed on exhibitors applies to exhibitors that provide the promoter with an affidavit stating that the exhibitor has not participated in more than three shows, not including participation in a certain national show, in addition to the current annual income requirements; and generally relating to the licensure of exhibitors.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–1801 and 17–1804(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1804(d)(2)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1387 – Delegates Mizeur, Costa, Davis, Donoghue, Elliott, Hubbard, Pena–Melnyk, and Riley

AN ACT concerning

Health Occupations – Board of Pharmacy – Remote Automated Medication Systems

FOR the purpose of authorizing certain pharmacists to dispense certain medication from certain pharmacies or from certain remote locations; requiring certain pharmacists to be responsible for certain dispensing, repackaging, delivery, control of, and accountability of certain medications in certain remote automated medication systems; requiring certain pharmacists to review certain medication orders for accuracy, completeness, and appropriateness before being placed in certain systems subject to certain exceptions; exempting certain health care facilities and certain systems from certain requirements under certain circumstances; requiring certain pharmacists, in consultation with certain health care facilities, to develop and implement certain quality assurance programs; defining certain terms; and generally relating to remote automated medication systems regulated by the Board of Pharmacy.

BY adding to
Article – Health Occupations
Section 12–605
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1388 - Delegates Mizeur, Beidle, Bobo, Bohanan, Bronrott, Carr, V. Clagett, Dumais, Feldman, Frick, Gutierrez, Healey, Hecht, Howard, Hucker, Ivey, Kaiser, Kelly, Kipke, Kullen, Lafferty, Lee, Manno, McComas, Montgomery, Pena-Melnyk, Rice, Schuler, Stein, Stukes, Tarrant, F. Turner, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Higher Education - Maryland Truth in Tuition Act

FOR the purpose of requiring a governing board to develop, on or before a certain date, a long-term tuition plan for certain public senior higher education institutions; providing that the purpose of the long-term tuition plan is to ensure that certain students enrolling in and certain individuals who apply for admission to certain public senior higher education institutions are informed of the tuition that will be charged for a certain number of academic years of enrollment; requiring a governing board or public senior higher education institution to publish certain tuition rates in certain materials; requiring tuition rates for certain years to be included in certain published materials; authorizing the inclusion of certain tuition increases in certain long-term tuition plans under certain circumstances; requiring a governing board to update a long-term tuition plan on or before a certain date each year; prohibiting a governing board from changing tuition rates developed previously under a certain long-term tuition plan; defining certain terms; and generally relating to the development of a long-term tuition plan for certain public senior higher education institutions and the publication of certain tuition rates.

BY adding to

Article - Education

Section 15-106.7

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1389 - Delegate Mizeur

AN ACT concerning

Maryland Smart Grid Initiative

FOR the purpose of establishing a pilot program on smart grid deployment under the authority of the Public Service Commission; stating certain findings of the

General Assembly; providing for the purposes of the pilot program; requiring the Commission to conduct certain proceedings concerning the pilot program; requiring the initial deployment of smart grid technology under the pilot program to begin on or before a certain date; authorizing a certain electric company to recover certain costs under certain circumstances; requiring the Maryland Energy Administration, along with a certain electric company and a certain smart grid company, to submit a certain joint application to the U.S. Department of Energy for certain Smart Grid Funding Programs; requiring certain funding received from a certain program to be used by the Administration, in coordination with the Commission, the electric company, and the smart grid company, in a certain manner; authorizing the Commission to use certain funds from the sale of certain carbon allowances under the Regional Greenhouse Gas Initiative and certain other funds in a certain manner; requiring the Commission to make certain reports to certain committees on or before a certain date each year; defining a certain term; and generally relating to a pilot program on smart grid deployment.

BY adding to

Article – Public Utility Companies
Section 7–106
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1390 – Delegates Valderrama, Anderson, Carter, Dumais, Gutierrez, Lee, and Ramirez

AN ACT concerning

Courts – Limited Immunity – Alcohol or Drug–Related Overdose Incidents

FOR the purpose of providing a certain person who seeks medical assistance for a person experiencing an alcohol or drug–related overdose certain immunity from civil liability or criminal prosecution under certain circumstances; providing that a certain person who seeks medical assistance for a person experiencing an alcohol or drug–related overdose may not be detained on or prosecuted in connection with a certain warrant under certain circumstances; creating a certain exception; providing a certain person experiencing an alcohol or drug–related overdose certain immunity from criminal prosecution under certain circumstances; providing that a certain person experiencing an alcohol or drug–related overdose may not be detained on or prosecuted in connection with a certain warrant under certain circumstances; providing that the act of seeking medical assistance for a certain person may be used as a mitigating factor in a certain criminal prosecution; and generally relating to limited immunity for alcohol or drug–related overdose incidents.

BY adding to

Article – Courts and Judicial Proceedings
Section 5–642
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1391 – Delegates Mizeur, Hammen, Benson, Donoghue, Elliott, Gutierrez, Hixson, Howard, Ivey, Kipke, Lafferty, McIntosh, Morhaim, Nathan–Pulliam, Pena–Melnik, Pendergrass, Reznik, and Schuh

AN ACT concerning

Kids First Act

FOR the purpose of requiring the Comptroller to send a certain notice regarding eligibility for the Maryland Medical Assistance Program or the Maryland Children’s Health Program to a certain taxpayer if certain income reported on a tax return does not exceed a certain amount; requiring a taxpayer to report on the income tax return in a certain form the presence or absence of certain health care coverage for each dependent child; requiring the Comptroller, under certain circumstances, to send a taxpayer applications for the Maryland Medical Assistance Program and the Maryland Children’s Health Program; requiring the Comptroller to adopt certain regulations; requiring the Department of Health and Mental Hygiene, in consultation with certain other State agencies, to study, make recommendations, and report on health care coverage and enrollment for certain children; requiring the Comptroller to publicize widely the requirements of this Act for a certain purpose; prohibiting a taxpayer from deducting a certain exemption for a dependent child unless the dependent child had health care coverage; providing for certain exceptions; defining certain terms; making a certain technical correction; providing for the application of certain provisions of this Act; providing for delayed effective dates for certain provisions of this Act; and generally relating to health care coverage and income tax exemptions for dependent children.

BY repealing and reenacting, with amendments,

Article – Insurance
Section 15–1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 10–211
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to

Article – Tax – General

Section 10–211.1

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1392 – Delegates Ramirez, Barkley, Barnes, Davis, Feldman, Frush, Griffith, Haynes, Healey, Hucker, Ivey, Kaiser, Kirk, Krysiak, Kullen, Lee, Manno, Mizeur, Montgomery, Murphy, Niemann, Taylor, Valderrama, and Vaughn

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Civil Penalties

FOR the purpose of establishing certain civil penalties for violations of certain wage and hour laws; allowing an employee to recover certain damages under certain circumstances; requiring a court to allow specified costs against an employer for a certain recovery in a certain action; and generally relating to violations of the wage and hour laws.

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 3–403, 3–413, 3–415, 3–419, and 3–420

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 3–427

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1393 – Delegates Ramirez, Anderson, Barkley, Barnes, Conaway, Dumais, Healey, Lee, Levi, Mizeur, Niemann, Rosenberg, Valderrama, and Vallario

AN ACT concerning

Labor and Employment – Maryland Wage and Hour Law – Criminal Penalties

FOR the purpose of increasing certain criminal penalties for violations of certain wage and hour laws; providing for imprisonment for a certain period; establishing that each occurrence of a certain violation for a certain period is considered a separate offense; and generally relating to violations of the wage and hour laws.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–428
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1394 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

Courts – Immunity from Liability – Leaving Unharmed Newborn – Time Period

FOR the purpose of altering the time period within which a person may leave an unharmed newborn with a responsible adult and be immune from civil liability or criminal prosecution for the act; and generally relating to immunity from liability for leaving an unharmed newborn with a responsible adult.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–641(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1395 – Delegates Tarrant, Pena–Melnyk, and Riley

AN ACT concerning

Chronic Care and Prevention Partnership Act

FOR the purpose of establishing the Chronic Care and Prevention Program in the State; requiring the Secretary of Health and Mental Hygiene to develop and implement the Program in consultation with a certain task force; requiring the Secretary to seek to obtain certain waivers; authorizing the Secretary to accept certain grants and donations; establishing the Chronic Care and Prevention Program Fund; establishing the Task Force on Chronic Care and Prevention;

establishing the composition and duties of the Task Force; establishing the duties of certain regional chronic care and prevention partnerships; authorizing the Secretary to transfer certain funds to the partnerships; authorizing the Secretary to establish a certain advisory council; defining certain terms; and generally relating to the establishment of the Chronic Care and Prevention Program in the State.

BY adding to

Article – Health – General

Section 13–2701 through 13–2708 to be under the new subtitle “Subtitle 27.
State Chronic Care and Prevention Program”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1396 – Delegates Valderrama, Braveboy, Feldman, Ivey, Pena–Melnyk, V. Turner, Vaughn, and Walker

AN ACT concerning

Public High Schools – Safety Education Program – Self-Defense Training

FOR the purpose of requiring each public high school program of safety education to include a self–defense training course; requiring each student to take a certain course; and generally relating to public high school safety education programs.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–410

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1397 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Forest Heights
Municipal Building**

FOR the purpose of authorizing the creation of a State Debt in the amount of \$300,000, the proceeds to be used as a grant to the Mayor and Town Council of the Town of Forest Heights for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the

encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1398 – Delegates Valderrama, Carter, Gutierrez, Ivey, Lee, Pena-Melnyk, Ramirez, Reznik, V. Turner, and Walker

EMERGENCY BILL

AN ACT concerning

Foreclosure – Subprime Mortgages – Moratorium

FOR the purpose of prohibiting a creditor from maintaining suit in an action to foreclose a certain mortgage under certain circumstances; establishing that a certain creditor may be liable for certain damages under certain circumstances; defining certain terms; providing for the termination of this Act; making this Act an emergency measure; and generally relating to imposing a moratorium on foreclosure of certain subprime mortgages.

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

House Bill 1399 – Delegates Valderrama, V. Turner, and Walker

AN ACT concerning

Business Regulation – Tobacco Paraphernalia

FOR the purpose of establishing certain requirements for the storage, display, and sale of tobacco paraphernalia; requiring certain information to be recorded for certain transactions; prohibiting a retailer from selling certain tobacco paraphernalia unless the purchaser complies with certain requirements; establishing certain record keeping requirements; providing for the confidentiality of certain records; establishing certain civil and criminal penalties for certain violations of this Act; requiring the Comptroller to adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to the sale of tobacco paraphernalia.

BY adding to

Article – Business Regulation

Section 16–701 through 16–706 to be under the new subtitle “Subtitle 7. Sale of Tobacco Paraphernalia”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–101(c) and 10–107(b), (c), and (d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1400 – Delegates Wood, Bohanan, Murphy, and O'Donnell

AN ACT concerning

Workers' Compensation – Covered Employees – State Government Volunteer Workers

FOR the purpose of providing that a volunteer worker for a unit of State government is a covered employee under the Maryland Workers' Compensation Act; specifying that, for certain purposes, the State is the employer of a certain volunteer worker; using the federal minimum wage in effect at a certain time to calculate a certain average weekly wage for certain purposes; and generally relating to covered employment under workers' compensation law.

BY adding to
Article – Labor and Employment
Section 9–231.1 and 9–602(m)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1401 – Delegates Ali and Smigiel

AN ACT concerning

Radio Frequency Identification (RFID) Chip Implantation Prevention Act

FOR the purpose of providing that an employer may not require, coerce, or compel an employee to undergo the subcutaneous implantation of an RFID chip; defining certain terms; providing certain civil penalties; authorizing the Attorney General to bring certain civil actions; providing a civil cause of action for an employee who is required, coerced, or compelled to undergo the subcutaneous implantation of an RFID chip; authorizing the recovery of certain damages and costs; and generally relating to prohibiting the implantation of certain devices in employees under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings

Section 3-1801
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1402 - Delegate Valderrama

AN ACT concerning

Condominiums - Annual Proposed Budget - Required Form and Information

FOR the purpose of requiring an annual proposed budget submitted to a council of unit owners of a condominium to include certain information reasonably necessary for the informed adoption of the annual budget; requiring certain information to be provided for each item included in the budget; and generally relating to the form and contents of an annual proposed budget of a condominium.

BY repealing and reenacting, with amendments,
Article - Real Property
Section 11-109.2
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1403 - Delegates Gutierrez, Carr, and Waldstreicher

AN ACT concerning

Creation of a State Debt - Montgomery County - MacDonald Knolls Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$750,000, the proceeds to be used as a grant to the Board of Directors of CHI Centers, Inc., for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1404 - Delegates Mizeur, Benson, Bobo, Bromwell, Donoghue, Gutierrez, Hixson, Howard, Hubbard, Hucker, Ivey, Kullen, McIntosh, Montgomery, Nathan-Pulliam, O'Donnell, Pena-Melnyk, Reznik, Stein, V. Turner, and Weldon

AN ACT concerning

Eliminating Barriers to Enrollment Act

FOR the purpose of requiring the Maryland Medical Assistance Program and the Maryland Children's Health Program to provide guaranteed eligibility for a certain time period to enrollees who are under a certain age and to provide presumptive eligibility to enrollees who are under a certain age; requiring the Department of Health and Mental Hygiene to provide a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the Maryland Medical Assistance Program and the Maryland Children's Health Program.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–103(a)(1) and (b)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–103(b)(3)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

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

House Bill 1405 – Delegate Cardin

AN ACT concerning

Criminal Law – Prohibited Transfer of Recorded Sounds or Images – Restitution

FOR the purpose of requiring a court to order a person who violates the law prohibiting the transfer of certain recorded sounds or images to make restitution to the owner or lawful producer of a certain master recorded article that has suffered injury resulting from the violation, or to the trade association representing the owner or lawful producer; providing that the order of restitution shall be based on an amount equal to the number of recorded articles or devices involved in the violation times the wholesale value of a corresponding

lawfully manufactured and authorized recorded article and shall include investigative costs relating to the violation; defining a certain term; and generally relating to the transfer of recorded sounds or images.

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 7–306 through 7–310
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to

Article – Criminal Law
Section 7–311
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1406 – Delegates Mizeur, Murphy, Benson, Donoghue, Elliott, Gutierrez, Hixson, Howard, Hubbard, Hucker, Ivey, Kipke, Kullen, Lafferty, McIntosh, Montgomery, Nathan–Pulliam, Pena–Melnik, Reznik, Riley, Stein, Tarrant, and V. Turner

AN ACT concerning

Foster Kids Coverage Act

FOR the purpose of requiring the Maryland Medical Assistance Program to provide, subject to certain conditions, certain health care services for independent foster care adolescents; defining a certain term; and generally relating to Maryland Medical Assistance Program services for independent foster care adolescents.

BY repealing and reenacting, without amendments,

Article – Health – General
Section 15–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health – General
Section 15–101(d–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 15–103(a)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007
Special Session)

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

House Bill 1407 – Delegates Mizeur, Pena–Melnyk, and Ivey

AN ACT concerning

Birth Options Preservation Act

FOR the purpose of prohibiting the State Board of Nursing from requiring nurse midwives to have certain written agreements with physicians; requiring nurse midwives to make available to the Board a copy of certain Practice Guidelines under certain circumstances; defining a certain term; and generally relating to the practice of nurse midwifery.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–601 and 8–602
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Health Occupations
Section 8–602.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1408 – Delegates Mizeur and Rosenberg

AN ACT concerning

**Janet L. Hoffman Loan Assistance Repayment Program – Exemption from
Taxation**

FOR the purpose of providing a subtraction from the federal adjusted gross income of a resident to determine Maryland adjusted gross income for amounts received by an individual under the Janet L. Hoffman Loan Assistance Repayment Program; providing for the application of this Act; and generally relating to

exemption from taxation under the Maryland income tax for amounts received under the Janet L. Hoffman Loan Assistance Repayment Program.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Tax – General
Section 10–207(y)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1409 – Delegates Mizeur, Hecht, Ali, Barkley, Bobo, Bronrott, Carr, G. Clagett, Feldman, Frick, Gutierrez, Hixson, Ivey, Lafferty, Lee, Levi, Manno, McComas, Morhaim, Murphy, Pena–Melnyk, Riley, and Waldstreicher

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

FOR the purpose of establishing the Coordinating Emerging Nanobiotechnology Research in Maryland Program to be administered by the Maryland Technology Development Corporation to provide grants for certain nanobiotechnology research projects; establishing the purposes of the Program; establishing certain types of grants to be awarded under the Program; declaring the intent of the General Assembly; requiring the Corporation to adopt certain regulations; requiring the Corporation to include certain information in a certain report to the General Assembly; defining certain terms; expressing certain legislative intent related to certain appropriations to the Program; and generally relating to the creation of a program for nanobiotechnology research.

BY adding to
Article – Economic Development
Section 10–445 through 10–451 to be under the new part “Part IV. Coordinating Emerging Nanobiotechnology Research in Maryland Program”
Annotated Code of Maryland
(As enacted by Chapter __ (H.B.__)(8lr0698) of the Acts of the General Assembly of 2008)

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

House Bill 1410 – Delegate Ali

AN ACT concerning

Truth in Advertising Real Estate Taxes Act

FOR the purpose of prohibiting a seller or seller's agent from producing or distributing certain material in connection with the advertisement for sale of certain residential real property unless the material discloses certain estimated taxes in a certain manner; requiring the Division of Consumer Protection of the Office of the Attorney General to assist sellers and sellers' agents in estimating certain information required to be disclosed; providing that a seller or seller's agent is not liable for certain incorrect information disclosed under certain circumstances; imposing certain penalties for certain violations; requiring the Division to enforce certain provisions; defining certain terms; and generally relating to certain real estate tax disclosure requirements for the sale of certain residential property.

BY adding to

Article – Real Property

Section 10–801 to be under the new subtitle “Subtitle 8. Truth in Advertising Real Estate Taxes”

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1411 – Delegates Kaiser, Bronrott, Carr, Conway, Healey, Love, Manno, and Montgomery

AN ACT concerning

Fitness and Athletics Equity for Students with Disabilities Act

FOR the purpose of requiring county school systems to ensure the participation of students with disabilities in certain physical education and athletic programs; requiring county school systems to provide certain accommodations; requiring county school systems to develop certain programs, policies, and procedures; requiring county school systems to provide opportunities meeting certain criteria to students; requiring county school systems to designate a certain employee to handle certain duties and responsibilities; requiring each county school system to provide notice of certain information to certain individuals; requiring each county school system to adopt and publish grievance procedures meeting certain criteria; requiring the State Department of Education to monitor compliance by county school systems with certain requirements; authorizing the Department to investigate and take or require certain action in

response to certain complaints; authorizing the Department to make certain determinations; authorizing the State Board of Education to take certain actions; requiring county school systems and the Department to provide certain reports; requiring the Department to adopt certain regulations; clarifying the availability of certain legal remedies; providing for the availability of certain legal action for noncompliance with certain provisions; defining certain terms; providing for a deadline for local school system compliance with certain provisions; providing for the construction of this Act; and generally relating to access to physical education and athletic programs in public schools by students with disabilities.

BY adding to

Article – Education

Section 7-4B-01 through 7-4B-07 to be under the new subtitle “Subtitle 4B. Physical Education and Athletic Programs for Students with Disabilities”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1412 – Delegates Kaiser, Montgomery, and Taylor

AN ACT concerning

Creation of a State Debt – Montgomery County – Sharp Street United Methodist Church Modular Building

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Board of Trustees of the Sharp Street United Methodist Church, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1413 – Delegates Dumais and Vallario

AN ACT concerning

Peace Orders – Referral to Mediation

FOR the purpose of authorizing the District Court to refer a certain case relating to peace orders to a District Court mediator at any time under certain circumstances; and generally relating to peace orders.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–1501(a), (c), (d), (e), (f), (h), and (i) and 3–1503(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1502.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1414 – Delegates Ali, Benson, Costa, Elliott, Kipke, McDonough, Montgomery, Oaks, Pena–Melnyk, Reznik, Riley, Stull, F. Turner, V. Turner, and Weldon

AN ACT concerning

Patient Referrals for Radiation Therapy Services

FOR the purpose of repealing radiation therapy services from the services not included in the definition of in–office ancillary services of health care professionals under the laws relating to patient referrals; providing that certain prohibitions on referrals do not apply to referrals for certain radiation therapy services; and generally relating to patient referrals for radiation therapy.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–301
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 1–302(a) and (d)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1415 – Delegates Cane, Conway, Glenn, Mathias, and Sossi

AN ACT concerning

**Economic Development – One Maryland Economic Development Tax Credits
– Eligibility**

FOR the purpose of specifying that in order to be eligible for certain One Maryland Economic Development tax credits, a person must establish or expand a business facility that is located in a county that is a qualified distressed county or has been designated a qualified distressed county within a certain number of months; and generally relating to the One Maryland Economic Development tax credits.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 6–402(b)(1)

Annotated Code of Maryland

(As enacted by Chapter___(H.B.1050) of the Acts of the General Assembly of 2008)

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

House Bill 1416 – Delegates Stein, Ali, Barnes, Bobo, Bromwell, Cane, Carter, V. Clagett, Frush, Gutierrez, Healey, Holmes, Hubbard, Hucker, Kaiser, Kipke, Lafferty, Malone, McConkey, Mizeur, Montgomery, Niemann, Olszewski, Pena–Melnik, Schuh, Schuler, Tarrant, and F. Turner

AN ACT concerning

Intercounty Connector – Impact on Global Warming – Study

FOR the purpose of requiring the Maryland Department of Transportation and the Department of the Environment to conduct a certain study on the impact the Intercounty Connector could have on certain greenhouse gas emissions; requiring the study to quantify certain costs attributable to the Intercounty Connector; requiring a certain public comment period; requiring the publication and submission of the study to the Governor and to the General Assembly; prohibiting the financing of the Intercounty Connector by the State until the requirements of this Act have been met; and generally relating to the Intercounty Connector.

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

House Bill 1417 – Delegates Stein, Boteler, Cardin, Glenn, Morhaim, Shewell, and Weldon

AN ACT concerning

Housing and Community Development – Program for Military Health Care Workers

FOR the purpose of requiring the Department of Housing and Community Development to develop and administer a program that assists first-time home buyers who are current or former military health care workers to receive certain benefits; requiring the Department to consult the Department of Health and Mental Hygiene to establish incentives for the health care workers to participate in the program; requiring that participants in the program have certain training and experience and be in the health care workforce in the State or be in training to enter the workforce; requiring the Department to allow home buyers to use certain loans in a certain way and to require a home purchased under the program to be used as a principal residence; requiring the Department to facilitate the marketing of the program in a certain way and to adopt certain regulations; and generally relating to housing programs for current or former military health care workers.

BY adding to

Article – Housing and Community Development
Section 4-203.1
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

House Bill 1418 – Delegates Aumann, Boteler, and Lafferty

AN ACT concerning

Task Force to Study Occupancy Limits on Rental Housing Near University Campuses

FOR the purpose of establishing a Task Force to Study Occupancy Limits on Rental Housing Near University Campuses; providing for the composition of the Task Force; requiring the Task Force to elect a chair from among its members; requiring the Maryland Higher Education Commission to provide staff for the Task Force; prohibiting a member from receiving compensation but entitling a member to reimbursement for certain expenses; providing for the duties of the Task Force; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force; and generally relating to the Task Force to Study Occupancy Limits on Rental Housing Near University Campuses.

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

House Bill 1419 – Delegates Taylor, Donoghue, Feldman, Hucker, Kaiser, Montgomery, Nathan-Pulliam, and F. Turner

AN ACT concerning

Criminal Law – Dangerous Dogs – Spaying and Neutering

FOR the purpose of requiring a person who owns a dangerous dog or a dog that has been determined to be potentially dangerous by an appropriate unit of a county or municipal corporation to have the dog spayed or neutered within a certain period; applying certain penalties to a violation of this Act; and generally relating to dangerous dogs and owner responsibilities.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10-619
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1420 – Delegates Taylor, Ali, Benson, Bronrott, Hubbard, King, Kipke, and Schuler

AN ACT concerning

Condominiums – Liens – Submission of Disputes

FOR the purpose of providing that a certain notice shall notify the unit owner that a certain assessment payment may be a lien on the unit under certain circumstances; prohibiting a condominium from imposing a lien on a unit for certain assessments, interest, late charges, costs of collection, or reasonable attorney's fees while a certain dispute is pending; providing that a unit owner may dispute the validity or amount of certain assessments, interest, late charges, costs of collection, or reasonable attorney's fees assessed against a unit by submitting the dispute to the Consumer Protection Division of the Office of the Attorney General; making certain stylistic changes; and generally relating to submission of disputes regarding assessments, interest, late charges, costs of collection, or reasonable attorney's fees.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11-110
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1421 – Delegate Braveboy

AN ACT concerning

Education – High School Diploma – GED Options Program

FOR the purpose of requiring the State Board of Education to establish a GED Options Program that provides certain students with an alternative course for obtaining a high school diploma beginning on a certain date; providing for certain program requirements; requiring students enrolled in a certain program to be counted in the average daily attendance of a certain school system; requiring the State Board to adopt certain regulations; and generally relating to the GED Options Program for obtaining a high school diploma.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–206

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education

Section 7–208

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 7–301(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 20 – Senator Simonaire

AN ACT concerning

Vehicle Laws – School Buses and Former School Buses – Seat Belts

FOR the purpose of clarifying that a certain type of school vehicle used by certain schools, camps, day nurseries, or day care centers to transport children is not required to be equipped with seat belts and is not subject to certain regulations; establishing that a motor vehicle that formerly was registered as a certain type of school vehicle is not required to be equipped with seat belts and is not subject to certain regulations if it is used by certain schools, camps, day nurseries, or day care centers to transport children; making a stylistic change; and generally relating to seat belts on school buses.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–154 and 11–173
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 39 – ~~Senator Dyson~~ Senators Dyson, Conway, Rosapepe, Colburn, Greenip, Lenett, and Peters

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

FOR the purpose of increasing the membership of the Joint Committee on Base Realignment and Closure; and generally relating to the Joint Committee on Base Realignment and Closure.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–12
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 103 – Senator Frosh

AN ACT concerning

Maryland Uniform Interstate Depositions and Discovery Act

FOR the purpose of enacting the Maryland Uniform Interstate Depositions and Discovery Act; establishing procedures for requesting and issuing certain subpoenas; providing for the service of certain subpoenas; establishing that certain Maryland Rules apply to certain subpoenas; requiring that an application for a protective order or to enforce, quash, or modify certain subpoenas comply with certain rules and statutes and be filed in a certain court; requiring certain consideration to be given in applying and construing this Act; defining certain terms; repealing existing provisions of law relating to foreign depositions; providing for the application of this Act; and generally relating to interstate depositions and discovery.

BY repealing

Article – Courts and Judicial Proceedings

Section 9–401 through 9–403 and the subtitle “Subtitle 4. Foreign Depositions”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 9–401 through 9–407 to be under the new subtitle “Subtitle 4. Maryland Uniform Interstate Depositions and Discovery Act”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 104 – Senator Stoltzfus

AN ACT concerning

Working Waterfront Commission – Reporting and Sunset Extension

FOR the purpose of altering the date by which the Working Waterfront Commission must make a certain report; altering the termination date of the Commission; and generally relating to the Working Waterfront Commission.

BY repealing and reenacting, with amendments,

Chapter 30 of the Acts of the General Assembly of 2007

Section 1 and 2

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

Senate Bill 180 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Lottery)

AN ACT concerning

State Lottery – Purchasing, Selling, or Cashing Lottery Tickets or Prizes

FOR the purpose of prohibiting the purchasing, selling, or cashing of lottery tickets or prizes validated by the State Lottery Agency under certain circumstances; prohibiting a licensed agent of the State Lottery Agency from paying a prize winner less than the lawful amount or seeking a certain payment, reimbursement, or cashing fee under certain circumstances; and generally relating to the purchase and redemption of State lottery tickets and prizes.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–124
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

INTRODUCTION OF BILLS**House Bill 1422 – Delegates Busch, V. Clagett, George, and Love**

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Goshen House

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Anne Arundel County Board of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1423 – Delegates Hecht, Barkley, Beidle, Cardin, G. Clagett, V. Clagett, Howard, Kaiser, Lafferty, Lee, Niemann, Schuler, Shank, Sossi, Stull, Waldstreicher, and Weldon

AN ACT concerning

Water Resources – Groundwater Appropriation or Use – Priority Funding Areas

FOR the purpose of authorizing the Maryland Department of the Environment to give priority to a public water system that supplies water to a certain priority funding area when appropriating or using groundwater of the State; and generally relating to the appropriation or use of groundwater of the State.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–501
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1424 – Delegates Barve, Barnes, Carr, Gaines, Gilchrist, Kaiser, Pena–Melnyk, and Weldon

AN ACT concerning

Counties and Municipal Corporations – Transfer Tax

FOR the purpose of authorizing certain counties to impose a transfer tax on certain instruments of writing; authorizing municipal corporations to impose, by ordinance or resolution, a transfer tax on instruments of writing for properties transferred within a municipal corporation; requiring the governing body of a county or of a municipal corporation to hold a public hearing before adopting a transfer tax; limiting the rate of the transfer tax that a county or municipal corporation may impose; providing for the assessment and collection of the transfer tax; providing that a county or municipal corporation may provide certain exemptions from the transfer tax; requiring that a portion of the revenues from the transfer tax be distributed to a special fund, to be used only for certain costs of certain public works, improvements, and facilities; providing for a delayed effective date; and generally relating to certain authority for counties and municipal corporations to impose a transfer tax.

BY adding to
Article – Tax – Property
Section 13–402.2; and 13–601 to be under the new subtitle “Subtitle 6.
Municipal Corporation Transfer Taxes”
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1425 – Chair, Environmental Matters Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Vehicle Laws – Gold Star Registration Plates

FOR the purpose of authorizing a recipient of the U.S. Department of Defense Gold Star as the surviving spouse, parent, or next of kin of a member of the armed forces whose life was lost in combat to apply under certain circumstances to the Motor Vehicle Administration for assignment of a special registration plate; requiring the surviving spouse, parent, or next of kin applying for a special Gold Star registration plate to provide certain proof to the Administration; requiring the special Gold Star registration plate to display certain information; clarifying language; and generally relating to eligibility for special vehicle registration plates.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13-619.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1426 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Young Drivers – Driving Privileges

FOR the purpose of altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances; altering the period for which a learner's instructional permit is valid; repealing exceptions in law allowing an individual who is at least a certain age to drive on Maryland highways without obtaining a learner's instructional permit; altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised; requiring the Motor Vehicle Administration to impose certain restrictions on a provisional driver's license and suspend or revoke the license under certain circumstances; altering a certain definition; modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances; and generally relating to driving privileges for young drivers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-105(d), 16-113(d), 16-213, and 21-1123
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing

Article – Transportation
Section 16–105.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Transportation
Section 16–113(d–2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1427 – Delegates McIntosh, Anderson, and Doory

AN ACT concerning

**Creation of a State Debt – Baltimore City – Community Mediation Program
Building Renovation**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$175,000, the proceeds to be used as a grant to the Board of Directors of the Community Mediation Program, Inc. for certain development or improvement purposes, providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 50)

ADJOURNMENT

At 11:25 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, February 11, 2008.

Annapolis, Maryland
Monday, February 11, 2008

The House met at 8:03 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Gail H. Bates of Howard County.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 51)

The Journal of February 8, 2008 was read and approved.

EXCUSES:

Del. Griffith – illness – flu

Del. Jameson – recovering from surgery

Del. Miller – personal

Del. Simmons – illness – flu

INTRODUCTION OF BILLS

House Bill 1428 – Delegates Griffith, Barkley, Bohanan, Braveboy, Bronrott, Dumais, Feldman, Frick, Gaines, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, Lee, Levi, Montgomery, Pena-Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vaughn, and Walker

AN ACT concerning

Creation of a State Debt – Capital Area Food Bank

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of the Capital Area Food Bank, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1429 – Delegate James

AN ACT concerning

Maryland Medical Assistance Program – Pharmacy Dispensing Fees

FOR the purpose of requiring the Department of Health and Mental Hygiene to set certain pharmacy dispensing fees for multiple source drugs under the Maryland Medical Assistance Program at certain times and in a certain manner; establishing certain standards for setting pharmacy dispensing fees for multiple source drugs under the Maryland Medical Assistance Program; requiring the Department to set certain pharmacy dispensing fees in an amount that reflects the findings of a certain survey; requiring the Department to set certain pharmacy dispensing fees by utilizing certain information; authorizing the Department to create certain incentives in setting certain pharmacy dispensing fees; defining a certain term; and generally relating to pharmacy dispensing fees under the Maryland Medical Assistance Program.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–101(h)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health – General

Section 15–118.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1430 – Delegates Manno, Feldman, and Morhaim

AN ACT concerning

Higher Education – Maryland Biotechnology Scholarship Program

FOR the purpose of establishing the Maryland Biotechnology Scholarship Program; authorizing the Maryland Higher Education Commission to make scholarship awards, not to exceed a certain amount per recipient, that may be used at certain institutions of higher education for certain purposes; requiring a scholarship recipient to meet certain eligibility criteria to obtain and retain an

award; requiring a recipient to sign an agreement that on graduation the recipient will commence employment in a certain field within a certain period or else repay the State the amount of the scholarship award; establishing a certain scholarship fund to receive money and other property; providing that it is the intent of the General Assembly that certain higher education institutions form relationships with employers in a certain sector; and generally relating to the establishment of the Maryland Biotechnology Scholarship Program for students studying to pursue a career in a biotechnology-related field.

BY adding to

Article – Education

Section 18-2801 through 18-2807 to be under the new subtitle “Subtitle 28.
Maryland Biotechnology Scholarship Program”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1431 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Procurement – Small Business Preference Program – Veteran-Owned and Disabled Veteran-Owned Small Businesses

FOR the purpose of increasing the amount of a percentage price preference that certain State agencies must establish for small businesses under certain circumstances; establishing a percentage price preference for certain small businesses that are a certain percentage owned and controlled by one or more veterans or disabled veterans; defining certain terms; and generally relating to the Small Business Preference Program.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 14-201 and 14-206

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1432 – Delegates Ivey and Vallario

AN ACT concerning

Election Law – Campaign Finance – Affidavit and Signature

FOR the purpose of authorizing the State Board of Elections to accept a certain electronic signature for certain documents; requiring a certain campaign finance report submitted using an electronic form to be made under oath or affirmation, require an electronic signature from a campaign finance entity's treasurer at a certain time, and be made subject to the penalties for perjury; repealing certain provisions for filing and maintaining a certain affidavit; authorizing a certain treasurer to file a certain affidavit at certain times stating that the campaign finance entity has not raised or spent a certain amount instead of filing a certain report; providing that a campaign finance entity may file a certain affidavit instead of filing a certain report; providing that a campaign finance report preceded by a certain affidavit shall cover a certain period; prohibiting a person from making an electronic submission of certain documents on behalf of another person without that person's express consent; defining a certain term; and generally relating to an affidavit of limited fundraising activity and an electronic signature.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101, 13–304, 13–312, and 13–601
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Election Law
Section 13–104 and 13–305
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing
Article – Election Law
Section 13–305
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–309
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1433 – Chair, Appropriations Committee (By Request – Departmental – Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

FOR the purpose of extending the date by which the Maryland Stadium Authority and Baltimore City are obligated to contribute to pay a certain percentage of the operating deficits of the Baltimore Convention Center and to pay a certain amount to a certain capital improvement reserve fund for a certain period; extending the date after which Baltimore City is to be solely responsible for all operating deficits and capital improvements for the Baltimore Convention Center; and generally relating to the financing and payment of certain costs associated with the Baltimore Convention Center.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–628(c) and 10–640(f)(2)(ii)

Annotated Code of Maryland

(As enacted by Chapter ___ (H.B. ___) (8lr0698) of the Acts of the General Assembly of 2008)

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

House Bill 1434 – Delegates Montgomery, Barkley, Carr, and Lee

AN ACT concerning

**Health Insurance – Conversion from Group to Individual Policy –
Preexisting Conditions While Under Group Coverage**

FOR the purpose of prohibiting certain individual policies of health insurance issued after coverage under certain group health insurance policies is terminated under certain circumstances from denying, excluding, or limiting certain benefits related to certain preexisting conditions under certain circumstances; altering the authority of the Maryland Insurance Commissioner to establish certain benefit limitations for certain individual policies of health insurance; providing for the application of this Act; defining a certain term; making stylistic changes; and generally relating to conversion from a group policy to an individual policy of health insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–412

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1435 - Chair, Appropriations Committee (By Request - Departmental - Veterans Affairs)

AN ACT concerning

State Employees - Veterans Seniority Points

FOR the purpose of altering the calculation, for purposes of a layoff, seniority points for State employees who are eligible veterans; defining a certain term; and generally relating to layoffs in the State Personnel Management System.

BY repealing and reenacting, with amendments,
Article - State Personnel and Pensions
Section 11-205
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 50 - Senator Brochin

AN ACT concerning

Education - Special Education Services - Children in a Home School Setting

FOR the purpose of requiring that a child with a disability in a home school setting be given the same consideration as a child with a disability in a private school setting for the purpose of passing through federal funds for the provision of certain special education services; defining a certain term; and generally relating to the provision of special education services.

BY adding to
Article - Education
Section 8-403.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 77 – Senators Kelley, Colburn, Conway, Della, Exum, Madaleno, McFadden, Pinsky, Pugh, Raskin, Rosapepe, and Stone

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

FOR the purpose of requiring a superintendent of schools of a county to allow a child to attend a public school in a school attendance area other than the school in the school attendance area where the child is domiciled with the child's parent or legal guardian if the child lives with a relative in the school attendance area in an informal kinship care relationship due to a serious family hardship; and generally relating to children who live with relatives who provide informal kinship care due to a serious family hardship.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 147 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Archives, Maryland State)

AN ACT concerning

State Archives – Records and Other Services – Fees

FOR the purpose of authorizing the State Archivist to establish certain fees for certain purposes; providing that certain fees may be in certain forms; requiring a certain percentage of fees collected to be deposited into a certain fund; requiring the Comptroller to credit certain money to a certain fund; authorizing the Hall of Records Commission to use certain fees to create a certain Endowment Account under certain circumstances; and generally relating to fees established by the State Archivist.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1007 and 9–1013
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Maggie McIntosh, Chairman, ENV
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 588	APP

Read and ordered journalized.

MEMORANDUM

To: Hon. Peter A. Hammen, Chairman, HGO
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1044	JUD

Read and ordered journalized.

MEMORANDUM

To: Hon. Maggie McIntosh, Chairman, ENV
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1046	JUD

Read and ordered journalized.

LINCOLN'S DAY ADDRESS

DELEGATE MICHAEL D. SMIGIEL, SR.
Caroline, Cecil, Kent & Queen Anne's Counties

Mr. Speaker, honored guests, my esteemed colleagues. In agreeing to give this address, I risk violating one of Lincoln's greatest admonishments in that "It is better to remain silent and thought the fool, than to speak and remove all doubt."

Today I am honored to have been asked to be your Lincoln Day speaker. To be selected by your peers is a great privilege, and I am humbled to give voice on behalf of a great statesman among so many dedicated public servants. This is a difficult business that we are in, and even though we may often feel under-appreciated by those whom we serve, there is no higher calling.

This chamber is full of people who have sacrificed on behalf of the citizens of this state. This is a room full of ideas, of hard work, and of dedication to the idea that public service is all about helping others. I salute my fellow delegates. I am proud to be among your ranks, on both sides of the aisle, and to serve shoulder to shoulder with you in this noble cause.

Today I'd like to talk about majorities and minorities and what that might mean to those we represent.

If everyone agreed on every issue we would have no need for political parties.

Only very rarely do we Americans act with absolute unity. One could say that the last time we were all together was perhaps World War II, but even then, there were differences over the execution of that conflict. The cynical may say that in truth, bi-partisanship is often just a fleeting condition when it is advantageous for the parties to agree (often for partisan purposes). Even though we may disagree, we manage to get along somehow. It was not always so.

Abraham Lincoln presided over the darkest days of the Republic as we struggled in a great Civil War. It was the point in time when we most disagreed. One could say the Civil War was the result of a failure to compromise. It was a time when our leaders could not "agree to disagree" peacefully. The Civil War was the ultimate political struggle. The resultant bloody clash was a wrenching struggle that touched everyone in America.

It is difficult to imagine that we would fight another Civil War today, over say, taxation, healthcare, abortion, or foreign policy.

Today, we do "agree to disagree". We don't have military coups. We don't have regional warlords. We don't experience a guerrilla insurrection, or assassination as an everyday tool of intimidation. We settle our differences through a representative, accountable, public process. It is transparent for the most part, and accessible to the man and

woman in the street. It is really quite remarkable that we do this, all based upon some words on a piece of paper.

We owe this in no small measure to Mr. Lincoln. In June, 1858 at the Republican State Convention in Springfield, Illinois when he said, "*A house divided against itself cannot stand....I do not expect the union to be dissolved – I do not expect the house to fall – but I do expect it will cease to be divided. It will become all one thing, or all the other.*"

He led us to become *all one thing*. A democratic government, with a strong belief in the rule of law. We became a truly UNITED states as a result. We are united behind a constitutional republic of representative democracy.

We owe our offices to the voters who elected us, but we must nevertheless govern all the people, not just the voters. There's the rub. To be an effective candidate for office one must appeal to the majority. But to be an effective leader, one must heed the minority as well. Whether you won their vote or not, the fate of all the citizens is in your hands.

Our beliefs are important to us. And our political parties all have rock solid core principles that reflect those beliefs. When we blindly adhere to party doctrine and close our eyes to all else, then we lessen our effectiveness as servants of the people. We elected officials feel underappreciated, as polls show the people's displeasure at their government. We all take the hit in matters of public opinion, for the sin of orthodoxy and toeing a disciplined party line past the point where it makes sense.

As Judge Frank Williams wrote, "Lincoln's rise to the Presidency, his achievements once in office, and his eventual success in keeping the country together, transcend party politics. His memory belongs to the history of the nation and in some sense the history of democracy itself, not a political party."

Party politics tends to push us away from the center, but *the center is precisely where the public votes to put it*.

The minority party does the majority the favor of reminding them in what direction that center lies. And as a consequence, it helps to prevent a tyranny of the majority in our system of government.

In a perfect world, the two parties would largely overlap at the center. In an imperfect world, there would be so much polarization that a gap would exist at the center. Something like this happened regionally in the United States at the time of the Civil War. It is something we must guard against. People want choices, but they don't want open conflict.

For those times when we feel the burdens of our obligations to the public, our party and our conscience and the conflict of alternative positions, it will serve us well to remember the story that Lincoln told to the Wisconsin State Agricultural Society

September 1859, about the Eastern Monarch who charged his wise men to invent him a sentence which would be true and appropriate in all times and situations. They presented him the words: "And this too shall pass away." So the next time you feel the stress from the inherent conflicts of these duties, remember "this too shall pass."

We need each other. Our differences strengthen the ship of state. Our differences prevent the rigidity of orthodoxy from setting our government into rigor mortis. Our differences are a source of innovation and new ideas. Our differences celebrate the great bazaar of interests that swirl in the maelstrom of public life. They create options and choices.

Each of us brings personal convictions to the office, but I think I can say that all of us want to do what is best for our state. We simply disagree about the best way to go about that daunting task.

We face many problems and challenges. We may disagree over the best solutions, but we have common ground in the recognition of the obstacles to our forward progress. I think we can all agree that we want health, prosperity, education, and opportunity. We are together as we battle disease, poverty, ignorance, and prejudice.

We were elected to represent the will of the voters. They have given us their trust. They have been characterized by some as, "the people, the mob, the mindless masses" and so on. But in our system of government they are sovereign. And we are accountable to them. They possess the power and the wisdom to tend to their own best interests. In the end we are pledged to represent them and their interests. There is no room for disdain in our line of work. You can be cynical about politics but you'd better not hold the voters in low regard or you will soon be out of a job.

At a Speech in Columbus Ohio, Sept. 16, 1858, Mr. Lincoln said, "*Public opinion in this country is everything*". He was correct. I'd add that not just opinion, but our beliefs, our very core values, even our faith, is at the foundation of our form of government. Without it, we would crumble as a civilization. To disrespect or to ignore this truth would be political suicide.

So, we have agreed to disagree. And we have established that discourse, debate, and differences can be a positive and healthy thing. Nevertheless, we are not paid to discourse and debate. We are expected by our citizens to actually accomplish something here. Politics is the great art of compromise. It necessitates moving to that elastic and broad center where the voters define their interests. We have to find ways to agree sometimes. We are tasked to make the effort to find common ground and make some forward progress on our vexing problems.

As I seek guidance on how best to exercise my responsibility, I return to the basics that define our duties. I turn to the Maryland Constitution's **Article Six, Maryland Declaration of Rights**. *That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty*

manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Mr. Lincoln captured the same notion in plainer language.

In his first inaugural address in 1861, he said, *“This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.”*

I see our task as to prevent the people from “growing weary of the government”. We’ve got to respect our citizens, and be their champion. We collectively have a commitment to govern with wisdom, amity, and enlightenment. So on this Lincoln Day, I offer respect for your beliefs, and ask for yours in mine. I extend the hand of cooperation, in an effort to find our common interests. I pledge my shoulder to the wheel of the people’s business. We are not always going to agree, but we can “agree to disagree” in a productive way. Thank you and God bless you.

Delegate O’Donnell moved the Delegate’s remarks be journalized.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 52)

ADJOURNMENT

At 8:38 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, February 12, 2008.

Annapolis, Maryland
Tuesday, February 12, 2008

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Hattie N. Harrison of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 120 Members present.

(See Roll Call No. 53)

The Journal of February 11, 2008 was read and approved.

EXCUSES:

Del. Bates – personal
Del. Carter – business
Del. Jameson – recovering from surgery
Del. Ramirez – personal
Del. Schuler – personal
Del. Simmons – illness – flu
Del. Walkup – personal

INTRODUCTION OF BILLS

House Bill 1436 – Delegates Weir, Boteler, Holmes, Impallaria, and Minnick

AN ACT concerning

Natural Resources – Fishing Restrictions – Net Setting

FOR the purpose of altering the distance that a person is prohibited from setting a net within a certain distance in any direction of any other net; altering the method used to measure the distance between nets for enforcement purposes; and generally relating to fishing restrictions on the use of nets.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–728(a)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1437 – Delegate G. Clagett

AN ACT concerning

Creation of a State Debt – Frederick County – Weinberg Center for the Arts

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Mayor and Board of Aldermen of the City of Frederick for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; providing that the grantee must grant and convey a preservation easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1438 – Delegate Holmes

AN ACT concerning

Income Tax – Credit for Long-Term Care Premium

FOR the purpose of repealing a certain limitation on a certain credit against the State income tax for certain long-term care premiums paid by an individual; altering the amount a taxpayer may claim as credit; providing for the application of this Act; and generally relating to a certain income tax credit for eligible long-term care premiums.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–718
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1439 – Delegates Bromwell and Olszewski

AN ACT concerning

Registered Sex Offenders – Residence Adjacent to Locations Where Children Congregate – Prohibition

FOR the purpose of prohibiting a registered sex offender from residing within a certain distance of a school, child care facility, or location where children congregate; establishing criminal penalties for a violation of this Act; specifying how distance shall be measured for purposes of this Act; creating a certain exception; defining certain terms; and generally relating to prohibiting a registered sex offender from residing adjacent to locations where children congregate.

BY adding to

Article – Criminal Procedure
Section 11–722.1
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1440 – Delegates Bromwell and Olszewski

AN ACT concerning

Baltimore County – Registered Sex Offenders – Residence Adjacent to Locations Where Children Congregate – Prohibition

FOR the purpose of prohibiting a registered sex offender in Baltimore County from residing within a certain distance of a school, child care facility, or location where children congregate; establishing criminal penalties for a violation of this Act; specifying how distance shall be measured for purposes of this Act; creating a certain exception; defining certain terms; and generally relating to prohibiting a registered sex offender in Baltimore County from residing adjacent to locations where children congregate.

BY adding to

Article – Criminal Procedure
Section 11–722.1
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1441 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

**Baltimore City – Tax Increment Financing and Special Tax Districts –
MEDCO**

FOR the purpose of providing that certain special funds established with respect to certain development districts in Baltimore City may be used to pay or reimburse the Mayor and City Council of Baltimore under certain circumstances for certain debt service on certain bonds, notes, or similar instruments issued by the Maryland Economic Development Corporation; providing that certain special funds established with respect to certain special taxing districts in Baltimore City may under certain circumstances be applied in a certain manner for certain purposes, accumulated for payment of certain debt service on certain bonds, or used to pay or reimburse the Mayor and City Council of Baltimore for certain debt service on certain bonds, notes, or similar instruments issued by certain entities; defining certain terms; and generally relating to certain authority for tax increment financing and special taxing districts in Baltimore City.

BY adding to

The Charter of Baltimore City
Article II – General Powers
Section (62)(b)(18) and (62A)(b)(7)
(2006 Edition, as amended)

BY repealing and reenacting, with amendments,

The Charter of Baltimore City
Article II – General Powers
Section (62)(e)(2)(iii) and (62A)(f)
(2006 Edition, as amended)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #1

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

House Bill 36 – Delegate Bohanan

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 133 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

**Commission to Develop the Maryland Model for Funding Higher Education –
Membership and Extension of Sunset**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 256 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 467 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 471 – St. Mary’s County Delegation

AN ACT concerning

St. Mary's County - Public Facility Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #1

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

House Bill 75 - Delegates Shewell, Dumais, Rosenberg, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Beitzel, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Haddaway, Healey, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Murphy, Myers, O'Donnell, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, Weir, and Weldon

AN ACT concerning

Juveniles - Arrests for Reportable Offenses - Expansion of Notification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 87 - Chair, Judiciary Committee (By Request - Maryland Judicial Conference)

AN ACT concerning

District Court - Commissioners - Jurisdiction

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 88 - Delegate Vallario

AN ACT concerning

Maryland Uniform Interstate Depositions and Discovery Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 130 – Delegates Conaway and Vallario

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 149 – Delegate Dumais

AN ACT concerning

Family Law – Counsel for Minor – Payment of Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 165 – Howard County Delegation

AN ACT concerning

Howard County – Criminal History Records Checks – Fingerprinting Requirement

Ho. Co. 05-08

HB0165/632314/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 165

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “cards” in line 10 and substitute “altering certain provisions relating to requests for a criminal history records check for prospective employees of Howard County; requiring the Administrator of Howard County to apply to the Criminal Justice Information System Central Repository for a criminal history records check for a prospective employee of the county; requiring the Administrator to submit certain information and fees with the application; requiring the Central Repository to forward certain criminal history record information to the prospective employee and to the Administrator; specifying that certain information obtained from the Central Repository is confidential and may not be disseminated and shall be used only for a certain purpose; authorizing the subject of a criminal history records check to contest, in a certain manner, the contents of the printed statement issued by the Central Repository”.

AMENDMENT NO. 2

On page 1, in line 21, strike “may request” and substitute “**SHALL APPLY TO THE CENTRAL REPOSITORY FOR**”; and in line 22, strike “from the Central Repository for a” and substitute “**FOR EACH**”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 9, inclusive, and substitute:

“(B) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATOR OF HOWARD COUNTY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(1) TWO COMPLETE SETS OF THE PROSPECTIVE EMPLOYEE’S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(C) IN ACCORDANCE WITH THIS SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE EMPLOYEE AND THE ADMINISTRATOR OF HOWARD COUNTY THE PROSPECTIVE EMPLOYEE'S CRIMINAL HISTORY RECORD INFORMATION.

(D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND

(2) SHALL BE USED ONLY FOR THE EMPLOYMENT PURPOSE AUTHORIZED BY THIS SECTION.

(E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10-223 OF THIS SUBTITLE."

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 263 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Police Training Commission – Membership and Chairman

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 265 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – Emergency Placement of Children – Criminal History Records Checks

HB0265/192411/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 265

(First Reading File Bill)

On page 2, in line 20, after “15” insert “CALENDAR”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 266 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Injuries Compensation Board – Criminal Offense Outside of the United States

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #1

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

House Bill 17 – Delegate Sossi

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 74 – Delegates Healey, Gaines, and Ross

AN ACT concerning

Maryland Housing Rehabilitation Program – Loans to Members of Cooperative Housing Corporations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Maggie McIntosh, Chmn., ENV and Hon. Sheila E. Hixson, Chmn., W&M
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 764	W&M and ENV

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 54)

ADJOURNMENT

At 10:22 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, February 13, 2008.

Annapolis, Maryland
Wednesday, February 13, 2008

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Speaker Michael E. Busch of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 120 Members present.

(See Roll Call No. 55)

The Journal of February 12, 2008 was read and approved.

EXCUSES:

Del. Bartlett – inclement weather
Del. Carter – inclement weather
Del. V. Clagett – personal
Del. Conaway – inclement weather
Del. Heller – surgery
Del. Jameson – recovering from surgery
Del. Kirk – injury
Del. McConkey – stuck in traffic
Del. Walkup – personal

INTRODUCTION OF BILLS

House Bill 1442 – Delegate Donoghue

AN ACT concerning

**Correctional Officers' Retirement System – Membership – Correctional Case
Managers**

FOR the purpose of altering the membership of the Correctional Officers' Retirement System; clarifying that certain members of the Correctional Officers' Retirement System are eligible to receive a normal service retirement allowance or a deferred vested retirement allowance; requiring the transfer of certain member contributions to the annuity savings fund of the Correctional Officers' Retirement System; providing for a refund of certain member contributions

under certain circumstances; providing that certain transfers of credit between the Employees' Retirement and Pension Systems and the Correctional Officers' Retirement System are not governed by certain provisions of law; and generally relating to membership in the Correctional Officers' Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 25–201, 25–401, and 29–302(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1443 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

EMERGENCY BILL

AN ACT concerning

Department of Human Resources – Reorganization

FOR the purpose of repealing the Community Services Administration in the Department of Human Resources; repealing provisions of law relating to the Administration's purposes, personnel, powers, and duties; transferring the Office of Home Energy Programs and the Energy Assistance Program to the Family Investment Administration; placing the Commission on Responsible Fatherhood in the Department, rather than the Child Support Enforcement Administration, for certain purposes; making certain conforming changes; providing for the continuity of certain units and the terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interests, and real and personal property; providing for certain corrections in cross-references and terminology; making this Act an emergency measure; and generally relating to reorganizing the Department of Human Resources.

BY renumbering
Article – Human Services
Section 6–301 through 6–308, respectively, and the subtitle “Subtitle 3. Energy Assistance Program”
to be Section 5–5A–01 through 5–5A–08, respectively, and the subtitle “Subtitle 5A. Energy Assistance Program”
Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,

Article – Human Services
Section 2–301, 5–205(a), 6–101, 6–412(a), 6–413(c) and (d), and 6–602
Annotated Code of Maryland
(2007 Volume)

BY repealing

Article – Human Services
Section 6–201 through 6–206 and the subtitle “Subtitle 2. Community Services
Administration”
Annotated Code of Maryland
(2007 Volume)

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

**House Bill 1444 – Chair, Appropriations Committee (By Request –
Departmental – University System of Maryland)**

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of Maryland; authorizing the University System of Maryland to issue bonds, in a certain total principal amount of money, to finance certain projects; providing that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority.

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

House Bill 1445 – Delegates Hammen, Krysiak, and McHale

AN ACT concerning

Creation of a State Debt – Baltimore City – Helping Up Mission

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,500,000, the proceeds to be used as a grant to the Board of Directors of the Helping Up Mission, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1446 – Delegates Haynes, Kirk, and Stukes

AN ACT concerning

Creation of a State Debt – Baltimore City – Everyman Theatre

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of the Everyman Theatre, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1447 – Delegates Krysiak, Ali, Barve, Bobo, Burns, Dumais, Elmore, Feldman, Gutierrez, Harrison, Hecht, Hucker, Kirk, Krebs, Lee, Love, Manno, McComas, McHale, McIntosh, Minnick, Shewell, Taylor, and Vaughn

AN ACT concerning

Maryland Individual Tax Preparers Act

FOR the purpose of creating the State Board of Individual Tax Preparers in the Department of Labor, Licensing, and Regulation; providing for the composition of the Board and the appointment, terms, and expenses of the Board members; authorizing the Board to investigate certain complaints in a certain manner; authorizing the Board to seek a certain injunction under certain circumstances; authorizing the Board or its designee to administer oaths, hold hearings, take testimony, and issue subpoenas under certain circumstances; authorizing the Board to set certain fees for certain purposes; requiring certain individual tax preparers to pay certain fees; requiring the Board to pay certain fees to the State Comptroller; requiring the Comptroller to distribute certain fees to a certain fund; establishing a certain fund; providing for the purpose of the Fund; requiring the Board to administer the Fund; providing that the Fund is a special fund, requiring the State Treasurer to hold the Fund separately, and requiring the Comptroller to account for the Fund; providing for the contents of the Fund; providing for certain uses of the Fund; requiring the Treasurer to invest the money of the Fund in a certain manner and requiring certain

investment earnings to be credited to the General Fund of the State; providing that certain expenditures must be made in accordance with the State budget; establishing certain powers and duties of the Board; requiring certain individuals to be registered by the Board as individual tax preparers before performing certain work; establishing certain education and experience requirements for individual tax preparers; establishing certain registration and registration renewal requirements for individual tax preparers; establishing certain examination requirements for individual tax preparers; authorizing the Board to deny a registration to an applicant, refuse to renew a registration, reprimand a registered individual, suspend or revoke a registration, or impose certain penalties under certain circumstances; establishing certain prohibited acts; providing for certain criminal penalties; requiring certain fees and penalties collected by the Board to be used in a certain manner; requiring an individual tax preparer to make certain disclosures prior to rendering certain services; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; providing for the staggering of certain terms; requiring the Board to grant a waiver of certain requirements under this Act to certain individuals under certain circumstances; requiring the Governor to include a certain appropriation in the State budget under certain circumstances; defining certain terms; and generally relating to the State Board of Individual Tax Preparers.

BY renumbering

Article – Business Regulation

Section 2–108(a)(23) through (33), respectively
to be Section 2–108(a)(24) through (34), respectively

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY renumbering

Article – State Government

Section 8–403(b)(32) through (69), respectively
to be Section 8–403(b)(33) through (70), respectively

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 21–101 through 21–502 to be under the new title “Title 21. Individual
Tax Preparers”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Business Regulation

Section 2–108(a)(23)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government

Section 8–403(b)(32)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1448 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Family Law – Final Protective Orders – Surrender of Firearms

FOR the purpose of altering a provision of law to require, instead of authorizing, a final protective order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order; and generally relating to protective orders.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–506

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1449 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Juvenile Causes – Confidentiality of Records – Access by Division of Parole and Probation and Parole Commission

FOR the purpose of altering access to juvenile records by the Division of Parole and Probation and the Parole Commission; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3–8A–27(d)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1450 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants, Supervision, and Penalties

FOR the purpose of repealing the requirement that the Maryland Parole Commission administer extended sexual offender parole supervision; providing a certain offender is considered to be released when the offender is placed on probation or probation before judgment; establishing that a person is a resident for purposes of a certain offender registry if the person has a home or other place that the person habitually lives located in the State at the time of a certain event; establishing that a certain registrant shall register with a certain supervising authority within a certain period of time after the registrant begins to habitually live in the State; requiring a certain homeless registrant to register in person with a local law enforcement unit within certain time periods; requiring a certain homeless registrant to register with a local law enforcement unit at certain intervals; requiring a certain homeless registrant to provide certain information each time the registrant registers with a local law enforcement unit; requiring a local law enforcement unit to obtain a digital image and fingerprints of a certain homeless registrant; providing that a certain homeless registrant may be required to provide certain information to a local law enforcement unit; establishing that certain registration requirements for a homeless registrant are in addition to certain other requirements; requiring a registrant who was homeless and obtains a fixed address to register with a local law enforcement unit within a certain time period; requiring a certain homeless registrant who changes the county in which the registrant habitually lives to send a certain notice to a certain State registry within a certain time period; adding to the requirements of a certain registration statement; requiring a certain registrant to provide a digital image instead of a photograph under certain circumstances; expanding certain notification requirements relating to the residence of a certain registrant to include the county where the registrant habitually lives or intends to habitually live; expanding the authority of a local law enforcement unit to notify entities of the location of a certain child sexual offender to include notifying child care centers issued a certain letter of compliance; clarifying that certain authorizations and requirements apply to a parole and probation agent; altering a certain provision to prohibit a certain registrant from knowingly entering onto the real property of a child care center issued a certain letter of compliance instead of a child care institution; altering

certain provisions relating to extended sexual offender parole supervision of certain offenders; requiring a sentence for certain persons to include a term of extended sexual offender supervision; altering the term of extended sexual offender supervision; establishing that extended sexual offender supervision is imposed on a defendant for a crime committed on or after a certain date; providing that a certain sentencing court require a certain presentence investigation; requiring a certain sentencing court to impose certain conditions of extended sexual offender supervision on a certain defendant; authorizing a certain sentencing court to adjust certain conditions of extended sexual offender supervision under certain circumstances; requiring the court, when imposing a certain extended sexual offender supervision, to enter into certain agreements, hear and adjudicate certain cases, and impose certain sanctions; establishing a certain penalty; requiring a certain Offender Review Committee to hear and adjudicate certain petitions for discharge from extended sexual offender supervision; requiring the Sexual Offender Advisory Board to appoint a certain administrator; altering the composition of a certain sexual offender management team; requiring certain progress reports of a sexual offender management team to be reported to the Offender Review Committee; altering the membership of the Sexual Offender Advisory Board; specifying the terms of the initial members of the Board; requiring the Secretary of Public Safety and Correctional Services and the Secretary of Health and Mental Hygiene to serve as cochairs of the Board; altering the duties of the Board; requiring the Board to create the Offender Review Committee; establishing the membership of the Offender Review Committee; establishing the duties of the Offender Review Committee; defining certain terms; altering certain terms; repealing certain terms; and generally relating to sexual offender registration.

BY repealing and reenacting, with amendments,

Article – Correctional Services
Section 7–206
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 3–303 and 3–305
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 11–701, 11–705 through 11–709, 11–710(a), 11–713, 11–714, 11–717,
11–718(a), and 11–722 through 11–726
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 1–401
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1451 – Delegate Heller

AN ACT concerning

Task Force to Study Standardizing Introductory Courses in Higher Education in Maryland

FOR the purpose of establishing the Task Force to Study Standardizing Introductory Courses in Higher Education in Maryland; providing for the composition, chair, and staffing of the Task Force; prohibiting members of the Task Force from receiving compensation but entitling members to reimbursement for expenses under certain regulations; requiring the Task Force to study and make recommendations regarding the standardization of introductory level courses at public institutions of higher education and community colleges in the State; requiring the Task Force to consult certain representatives when developing certain recommendations; requiring the Task Force to submit a certain report to the Governor, Maryland Higher Education Commission, and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Standardizing Introductory Courses in Higher Education in Maryland.

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 59 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

FOR the purpose of authorizing a circuit court to end a period of probation at any time, ~~issue a warrant or give notice in connection with a violation of probation,~~

remand or release a probationer or defendant pending a hearing of a violation of probation, and, on a finding of violation, revoke probation or suspension of sentence and impose a certain sentence; altering a requirement that the District Court issue a warrant or give notice of a hearing on violation of probation during the period of probation; requiring that a certain hearing date be timely; making stylistic changes; and generally relating to a proceeding in the District Court or circuit courts for a violation of a condition of probation or suspension of sentence.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–223
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

Senate Bill 123 – Senator Astle

AN ACT concerning

**Anne Arundel County – Department of Detention Facilities Correctional
Employees – Polygraph Examinations**

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test, individuals who apply for employment or are employed as correctional officers for the Anne Arundel County Department of Detention Facilities or in any other capacity that involves direct personal contact with an inmate in the Department; and generally relating to the Anne Arundel County Department of Detention Facilities.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–702(a) and (c)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Senate Bill 179 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Racing Commission – Mile Thoroughbred Racing – Payment of Taxes

FOR the purpose of extending the time within which a mile thoroughbred licensee must pay pari-mutuel taxes to the State Racing Commission after each racing day; and generally relating to the State Racing Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–509
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 194 – Chair, Finance Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Department of Human Resources – New Hires Registry Quarterly Report – Repeal

FOR the purpose of repealing an uncodified provision of law requiring the Department of Human Resources to establish a certain task force, to report to the General Assembly by a certain date, and to report quarterly to the Joint Committee on Welfare Reform; and generally relating to the development of a new hire registry.

BY repealing
Chapter 351 of the Acts of the General Assembly of 1996
Section 16

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

Senate Bill 197 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Harness Racing – Maryland Standardbred Race Fund

FOR the purpose of repealing the requirement that a certain race funded by the Maryland Standardbred Fund be canceled by the State Racing Commission under certain circumstances; and generally relating to the State Racing Commission.

BY repealing

Article – Business Regulation

Section 11–636

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #1

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

House Bill 152 – Delegate Rudolph

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 154 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 409 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

**Maryland Home Improvement Commission – Home Improvement Guaranty
Fund – Claims**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 417 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Financial Institutions – Cooperative Agreements and Information Sharing
with Government Agencies**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #2

Delegate Davis, Chair, for the Committee on Economic Matters recommended the following Bill be re-referred to the Committee on Economic Matters and the Committee on Environmental Matters:

House Bill 686 – Delegate Rosenberg

AN ACT concerning

Condominiums – Rules and Regulations – Smoking

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

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #1**

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

House Bill 118 – Delegates Frush and Hubbard

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership**HB0118/606982/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 118

(First Reading File Bill)

AMENDMENT NO. 1On page 1, in line 22, strike “**21**” and substitute “**22**”.AMENDMENT NO. 2On page 2, in line 11, strike “15” and substitute “**16**”; in line 23, strike “and”; and in line 25, after “issues” insert “; **AND**”**(XIII) ONE REPRESENTATIVE OF THE HOSPITAL INDUSTRY**”.The preceding 2 amendments were read and adopted.Favorable report, as amended, adopted.Read the second time and ordered prepared for Third Reading.

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

House Bill 214 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

**Bottled Water – Standard of Identity and Labeling Requirements –
Out-of-State Registration of Bottled Water and Soft Drinks**Favorable report adopted.Read the second time and ordered prepared for Third Reading.

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

House Bill 219 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Bedding Law – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 233 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Physicians and Pharmacists – Therapy Management Contracts – Extension of Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 237 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland AIDS Drug Assistance Program – Special Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 279 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

**Board of Physical Therapy Examiners - Issuance of Temporary Licenses -
Repeal**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 289 - Delegate Pendergrass

AN ACT concerning

Task Force on Health Care Access and Reimbursement - Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 438 - Delegate Hubbard

AN ACT concerning

**Department of Health and Mental Hygiene - Birth Defects
Research - Medical Information**

HB0438/736584/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 438

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, after "research;" insert "including guardians of children with birth defects among the individuals who may be appointed to a certain committee that determines certain information to be prepared on birth defects and certain services;".

AMENDMENT NO. 2

On page 5, in line 25, after "Parents" insert "OR GUARDIANS".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Maggie McIntosh, Chairman, ENV
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 941	HGO

Read and ordered journalized.

MEMORANDUM

To: Hon. Maggie McIntosh, Chairman, ENV
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1348	JUD

Read and ordered journalized.

MEMORANDUM

To: Hon. Joseph F. Vallario, Jr., Chairman, JUD
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

Bill No. Reassignment

HB 1369 ECM

Read and ordered journalized.

SPEAKER'S MEDALLION AWARD

Awarded to: Sister Helen Amos, RSM

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 56)

ADJOURNMENT

At 10:34 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, February 14, 2008.

**Annapolis, Maryland
Thursday, February 14, 2008**

The House met at 10:12 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Mary Ann Love of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 57)

The Journal of February 13, 2008 was read and approved.

EXCUSES:

Del. G. Clagett – business

Del. Donoghue – doctor’s appointment

Del. Jameson – recovering from surgery

Del. McDonough – illness

Del. Nathan–Pulliam – legislative business

Del. Walkup – illness

INTRODUCTION OF BILLS

House Bill 1452 – Delegate Weldon

AN ACT concerning

**Medical Assistance Program – Long–Term Care Eligibility – Consolidation
Plan**

FOR the purpose of requiring the Department of Health and Mental Hygiene and the Department of Human Resources, in consultation with certain groups, to develop a certain plan; requiring the Department of Health and Mental Hygiene and the Department of Human Resources to submit a certain report to the Governor and the General Assembly on or before a certain date; and generally relating to the Medical Assistance Program and eligibility for long–term care services.

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

House Bill 1453 – Chair, Judiciary Committee and Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Bail Bonds – Bail and Bail Bondsmen – Licensure and Regulation

FOR the purpose of requiring licensure of property bondsmen; altering certain definitions; requiring designation of bail bond commissioners by circuit administrative judges; setting out certain duties of bail bond commissioners and the Chief Clerk of the District Court under certain supervision; transferring from State's Attorneys to the Attorney General certain responsibilities in connection with forfeitures of recognizances; authorizing referral to the Central Collection Unit of matters relating to forfeitures of recognizances; making the Unit responsible for collection in connection with referred matters; providing for distribution of collections; repealing authority for circuit courts to adopt rules in connection with bail bonds and bail bondsmen; clarifying a reference to private sureties; repealing authority for appointment of a bail bond commissioner by an individual circuit court; repealing a provision as to contempt for violation of certain rules; repealing a prohibition against unregulated business as a surety; repealing a surcharge on bonds written in a certain circuit; limiting the authority of a court to authorize bail bond services by unlicensed persons; repealing a limitation on acceptance of security by clerks; repealing provisions relating to property bondsmen in certain circuits; repealing a reference to forfeiture of a bond by a District Court commissioner; repealing a provision as to preemption as to taxation and regulation of certain bail bondsmen; authorizing the Insurance Commissioner to take certain disciplinary action in connection with certain violations; clarifying the authority of the Commissioner in connection with withholding funds improperly; defining the scope of certain provisions; repealing a certain requirement for annual certification of income; repealing certain local provisions for posting of the names of licensees; repealing certain local provisions as to compensation of certain licensees; repealing certain local provisions relating to acceptance and form of bonds; repealing certain local provisions for annual reports as to assets and debts; repealing certain local provisions for mailing copies of surety bonds; repealing certain local provisions as to returns by a sheriff as to forfeitures; providing for repeal of certain inconsistent laws; providing for construction of this Act; making certain stylistic changes; providing for the delayed effective date of this Act; and generally relating to bail bonds and bail bondsmen.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 13–101(j)(1)(iv)

Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 2–513
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 11–513
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing

Article – Criminal Procedure
Section 5–203, 5–204(c), and 5–209
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY adding to

Article – Criminal Procedure
Section 5–203
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure
Section 5–205, 5–210, and 9–118
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 1–205, 10–126(a), 10–301, 10–304(a), and 10–305
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing

Article – Insurance
Section 10–302 and 10–308
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 3-302
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Finance and Procurement
Section 3-305(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing

The Public Local Laws of Baltimore City
Section 22-13, 22-14, 22-15, 22-16, 22-17, 22-18, 22-19, 22-20, 22-22, 22-23,
22-24, 22-53, and 22-54
Article 4 – Public Local Laws of Maryland
(1979 Edition, and 1997 Supplement, and 2000 Supplement, as amended)

BY repealing

The Public Local Laws of Montgomery County
Section 12-29, 12-30, 12-31, 12-32, 12-33, 12-34, 12-34A, 12-35, 12-35A,
12-35B, and 12-35C
Article 16 – Public Local Laws of Maryland
(2004 Edition, and December 2007 Supplement, as amended)

BY repealing

The Public Local Laws of Washington County
Section 3-202(c) and (d)
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

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

House Bill 1454 – Delegates Nathan-Pulliam, Benson, Braveboy, Burns, Costa, Jones, Mizeur, Oaks, Pena-Melnyk, Stukes, Tarrant, and V. Turner

AN ACT concerning

Maryland Medical Assistance Program – Hospitals – Managed Care Organizations – Access and Health Care Disparities Elimination

FOR the purpose of requiring the Department of Health and Mental Hygiene to require certain hospitals and their affiliated specialty care networks to contract with certain managed care organizations to provide hospital and specialty care to Maryland Medical Assistance Program recipients under certain circumstances; requiring a managed care organization to meet certain criteria

to qualify under this Act; and generally relating to hospitals and managed care organizations under the Maryland Medical Assistance Program.

BY adding to

Article – Health – General

Section 15–146

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1455 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Dorchester County; providing for the termination of this Act; and generally relating to the length of time a school bus may be operated in Dorchester County.

BY repealing and reenacting, with amendments,

Article – Education

Section 7–804

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1456 – Delegates Morhaim, Cardin, and Stein

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2007 – Baltimore County –
United Cerebral Palsy Facility**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007 to change the location of the United Cerebral Palsy Facility.

BY repealing and reenacting, with amendments,

Chapter 488 of the Acts of the General Assembly of 2007

Section 1(3) Item ZA01(X)

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

House Bill 1457 – Delegates Howard, Benson, Griffith, and Vaughn

AN ACT concerning

Creation of a State Debt – Prince George’s County – United Communities Against Poverty Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of the United Communities Against Poverty, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1458 – Allegany County Delegation

AN ACT concerning

Creation of a State Debt – Allegany County – Allegany County Museum

FOR the purpose of authorizing the creation of a State Debt in the amount of \$250,000, the proceeds to be used as a grant to the Board of Directors of Western Maryland Station Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1459 – Delegates Krysiak, Barve, Donoghue, Guzzone, Harrison, Kirk, Love, McHale, Pendergrass, and Stukes

AN ACT concerning

Motor Vehicle Insurance – Use of Credit History in Rating Policies

FOR the purpose of prohibiting an insurer, with respect to private passenger motor vehicle insurance, from rating a risk based, in whole or in part, on the credit

history of an applicant or insured in any manner; repealing certain provisions of law authorizing an insurer to use the credit history of an applicant or insured to rate a new policy of private passenger motor vehicle insurance subject to certain limitations and requirements; making conforming and clarifying changes; providing for the application of this Act; and generally relating to rating policies of private passenger motor vehicle insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–501(e–2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

FOR the purpose of altering the period after which certain campaign loans that remain unpaid are considered contributions; and generally relating to loans made to a candidate's campaign.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–230
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1461 – Delegate Beitzel

AN ACT concerning

Creation of a State Debt – Garrett County – Adventure Sports Center International

FOR the purpose of authorizing the creation of a State Debt not to exceed \$500,000, the proceeds to be used as a grant to the Board of Directors of Adventure Sports Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the

encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1462 - Delegates Ali and Niemann

AN ACT concerning

Credit Regulation - Credit Agreements - Actions to Enforce or Seek Damages for Breach

FOR the purpose of prohibiting an action to enforce or seek damages for the breach of a term or condition of certain credit agreements unless the term or condition has been agreed to in writing and signed by a certain party; defining a certain term; providing for the application of this Act; and generally relating to credit agreements and actions to enforce or seek damages for breach of an agreement.

BY adding to

Article - Commercial Law

Section 12-902.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 191 - Chair, Education, Health, and Environmental Affairs Committee (By Request - Departmental - Ethics, State Commission on)

AN ACT concerning

State Ethics Commission - Electronic Filing Under Oath or Affirmation - Electronic Signature

FOR the purpose of clarifying that, for purposes of certain financial disclosure statements and reports filed electronically with the State Ethics Commission, certain oaths or affirmations must be made by electronic signature that subjects the individual making the electronic signature to the penalties of perjury; and generally relating to electronic filing of certain statements and reports under oath or affirmation.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–602(e) and 15–709
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 192 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Application of Insurance Fraud Law

FOR the purpose of providing that certain provisions of law relating to fraudulent insurance acts that apply to insurers also apply to the Maryland Health Insurance Plan.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–402
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 200 – Senators Dyson and Middleton

AN ACT concerning

Commission to Study Southern Maryland Transportation Needs

FOR the purpose of authorizing the Commission to Study Southern Maryland Transportation Needs to reconvene for certain purposes; altering the date by which the Commission is required to report its findings and recommendations to the Governor and the General Assembly; altering the date for the termination of certain provisions of law; and generally relating to the Commission to Study Southern Maryland Transportation Needs.

BY repealing and reenacting, with amendments,
Chapter 14 of the Acts of the General Assembly of 2006
Section 1 and 2

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

Senate Bill 324 – Senator Forehand (Chair, Joint Committee on Federal Relations)

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of Virginia Member

FOR the purpose of altering the agency of the Commonwealth of Virginia from which the Governor of Virginia is required to appoint the Virginia member of the Washington Metropolitan Area Transit Commission; making this Act subject to a certain contingency; and generally relating to the appointment of the Virginia member of the Washington Metropolitan Area Transit Commission.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 10–203 Title I Article I and Article II
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–203 Title I Article III Section 1(a)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

LETTERS OF REASSIGNMENT

MEMORANDUM

To: Hon. Sheila E. Hixson, Chairman, W&M
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1185	W&M and APP

Read and ordered journalized.

MEMORANDUM

To: Hon. Peter A. Hammen, Chairman, HGO
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1284	APP and HGO

Read and ordered journalized.

MEMORANDUM

To: Hon. Peter A. Hammen, Chairman, HGO
From: Michael E. Busch, Speaker
Re: Reassignment of Bill(s)

In accordance with Rule 33, you are hereby requested to return to the Office of the Chief Clerk, the following legislation for reassignment as indicated below:

<u>Bill No.</u>	<u>Reassignment</u>
HB 1358	ECM

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 58)

ADJOURNMENT

At 10:33 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, February 15, 2008.

Annapolis, Maryland
Friday, February 15, 2008

The House met at 11:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Justin D. Ross of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 59)

The Journal of February 14, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. McKee – personal

Del. Walkup –illness

Del. Wood – funeral

INTRODUCTION OF BILLS

House Bill 1463 – Delegates Conway, Elmore, and Mathias

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

FOR the purpose of establishing the Somers Cove Marina Commission; providing that the Commission is a body politic and corporate and an instrumentality of the State; providing that the commission is not subject to State procurement law but is required to comply with the minority business enterprise requirements for certain purposes; authorizing the Commission to take certain actions under certain circumstances; providing for the membership and terms of members of the Commission; prohibiting a member of the Commission from receiving certain compensation; authorizing a member to receive certain reimbursement; providing for the election of a chair, vice chair, and secretary–treasurer of the Commission; prohibiting a secretary–treasurer who is not a member of the Commission from voting on matters before the Commission; requiring the Commission to meet at certain intervals; requiring written notice to be given to

each member of the Commission a certain period of time before each meeting; establishing certain quorum and voting requirements; authorizing the Secretary of Natural Resources to remove a member of the Commission upon a certain vote of members; providing for the selection and evaluation of an Executive Director; requiring the Executive Director to perform certain duties under certain circumstances; providing that the Marina Manager is an employee of the State who has certain responsibilities; authorizing the Executive Director to execute certain leases, contracts, events, or concessions under certain circumstances; providing that a lease entered into before the creation of the Commission shall stay in effect; prohibiting the Executive Director from executing certain leases or contracts under certain circumstances; authorizing the Secretary of Natural Resources to approve certain matters; requiring the Secretary to respond to a certain request within a certain period of time; providing that certain staff are employees of the Commission; providing that the Executive Director is an employee of the State and serves at the pleasure of the Secretary; requiring the Commission to perform certain duties under certain circumstances; authorizing the Commission to accept gifts, contributions, or loans of money, supplies, goods, and services; authorizing the Commission to accept appropriations, allotments, and loans of money from certain sources; altering provisions relating to the administration of the Somers Cove Improvement Fund; providing that any money obtained by the Commission from Somers Cove Marina shall be credited to the Fund; providing that moneys in the Fund are not moneys of the State; providing that moneys of the Fund are subject to certain audits; providing that moneys pledged for use by the State for Somers Cove Marina before the creation of the Commission shall be used for a certain purpose; defining certain terms; requiring the Department and the Commission to begin conducting a certain evaluation on a certain date; requiring the Department and the Commission to report certain findings and recommendations on a certain date; providing that certain State employees may remain employed at Somers Cove as State employees under certain circumstances; requiring the Commission to reimburse the Department for certain salaries under certain circumstances; providing for a delayed effective date; and generally relating to Somers Cove Marina.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–908.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1464 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

**State Personnel – Baltimore City Department of Social Services Legal
Services Division – Transfer of Personnel**

FOR the purpose of expanding the kinds of attorneys required to represent a local department of social services; transferring the contractual employees of the Baltimore City Department of Social Services, Legal Services Division, to the Department of Human Resources; requiring the creation of certain Position Identification Numbers for transferred employees; requiring each transferred employee to be placed in a certain classification in the State Personnel Management System; requiring each transferred employee to be placed in a comparable position classification without further examination or qualification and credited with a certain number of years of State service for purposes of seniority; and generally relating to the transfer of certain personnel to the Department of Human Resources.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 3–601(a)
Annotated Code of Maryland
(2007 Volume)

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

**House Bill 1465 – Delegates Davis, Braveboy, Griffith, Ivey, Oaks,
Pena-Melnyk, and Vaughn**

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Deamonte Driver Mobile
Dental Unit**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Board of Directors of the Robert T. Freeman Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

**House Bill 1466 – Chair, Economic Matters Committee (By Request –
Departmental – Environment)**

AN ACT concerning

Environment – Coal Combustion By-Products – Fees

FOR the purpose of authorizing the Department of the Environment to establish a fund for the management of coal combustion by-products; providing that the fund is a special, continuing, nonlapsing fund; authorizing the Department to establish and collect a certain fee; requiring the Department to consider certain factors in establishing a fee; requiring the fee to be paid into the fund at a certain time; requiring the Department to use the fund for certain purposes; requiring the Department annually to submit a certain report; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to coal combustion by-products.

BY adding to

Article – Environment

Section 9-281 through 9-286, to be under the new part “Part VII. Coal Combustion By-Products Management Fund”

Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1467 – Delegates Carter, Vallario, Anderson, and Conaway

AN ACT concerning

Uniform Prudent Management of Institutional Funds Act

FOR the purpose of repealing certain provisions of law relating to the management of institutional funds; establishing the Maryland Uniform Prudent Management of Institutional Funds Act; establishing a standard of conduct in managing and investing a certain institutional fund; authorizing a certain institution to appropriate for expenditure or accumulate so much of a certain endowment fund as the institution determines is prudent for certain purposes; requiring the institution to consider certain factors in making a certain determination; providing certain rules of construction; providing for a certain rebuttable presumption of imprudence; providing for the delegation of certain management and investment functions; establishing how certain restrictions on management, investment, or purpose of an institutional fund may be released or modified; requiring that compliance with this Act be determined in a certain manner; providing for the application of this Act; establishing that this Act modifies, limits, and supersedes certain provisions of federal law; defining certain terms; and generally relating to the management of institutional funds.

BY repealing

Article – Estates and Trusts
Section 15–401 through 15–409
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to

Article – Estates and Trusts
Section 15–401 through 15–410 to be under the amended subtitle “Subtitle 4.
Maryland Uniform Prudent Management of Institutional Funds Act”
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1468 – Delegate Morhaim

AN ACT concerning

Health Insurance – Outpatient Mental Health Treatment – Elimination of Tiered Copayments

FOR the purpose of repealing certain minimum rates, and the applicability of certain minimum rates, at which certain health insurance policies, contracts, and certificates must provide certain benefits, with respect to certain outpatient coverage, for certain covered expenses arising from certain services provided to treat mental illnesses, emotional disorders, drug abuse disorders, and alcohol abuse disorders; requiring certain health insurance policies, contracts, and certificates to provide certain benefits at a certain minimum rate, with respect to certain outpatient coverage, for certain covered expenses arising from certain services provided to treat mental illnesses, emotional disorders, drug abuse disorders, and alcohol abuse disorders; providing for the application of this Act; and generally relating to benefits for treatment of mental illnesses, emotional disorders, drug abuse disorders, or alcohol abuse disorders under health insurance.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 19–703.1(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance
Section 15–802(b) and (c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–802(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1469 – Delegate Bromwell

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

FOR the purpose of establishing the Athletic Trainers Advisory Committee as a subunit of the State Board of Physicians; establishing certain fees for services provided by the Board to athletic trainers; providing for the composition, appointment, and terms of the Committee members; establishing certain powers and duties of the Committee; requiring certain persons to be licensed by the Board as athletic trainers before performing certain work in the State; establishing certain education and experience requirements to qualify for a license; establishing certain application fees and requirements for obtaining a license; establishing certain terms and procedures for the renewal and reinstatement of a license; establishing certain terms and conditions for a temporary license; prohibiting a licensee from surrendering a license under certain circumstances; authorizing the Board to deny a license or temporary license to an applicant, reprimand a licensee or holder of a temporary license, place a licensee or temporary licensee on probation, or suspend or revoke a license or temporary license under certain circumstances; establishing certain requirements for reinstatement of a revoked license; providing for certain criminal and civil penalties; establishing certain hearing and appeal procedures for athletic trainers; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act; requiring that an evaluation of the Committee and statutes and regulations that relate to the Committee be performed on or before a certain date; defining certain terms; providing for the termination of this Act; specifying the terms of the initial members of the Board; and generally relating to the establishment of an athletic trainers license and the Athletic Trainer Advisory Committee.

BY renumbering
Article – State Government
Section 8–403(b)(7) through (69), respectively
to be Section 8–403(b)(8) through (70), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 14–5D–01 through 14–5D–20 to be under the new subtitle “Subtitle 5D.
Athletic Trainers”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Government

Section 8–403(b)(7)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1470 – Delegates Frush, Barnes, and Pena–Melnyk

AN ACT concerning

Special Taxing Districts – Residential Property – Prohibition – Property Tax Credit

FOR the purpose of prohibiting a county from creating a special taxing district that includes residential property or modifying an existing special taxing district to include residential property; requiring a county to grant a certain property tax credit against the county property tax imposed on residential property within a special taxing district; defining certain terms; providing for the application of this Act; and generally relating to special taxing districts and residential property.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1302

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Tax – Property

Section 9–110

Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1471 - Delegates Frush, Barnes, Beidle, Bobo, Bromwell, Cardin, Carr, Carter, V. Clagett, Conaway, Dwyer, Gutierrez, Healey, Heller, Holmes, Hubbard, Hucker, Impallaria, Ivey, Kaiser, Kipke, Lafferty, Montgomery, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Ramirez, Robinson, Ross, Schuh, Schuler, Stein, Stukes, Tarrant, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Transportation - Intercounty Connector - Elimination of Funding

FOR the purpose of requiring the Governor to include a certain appropriation to the Transportation Trust Fund under certain circumstances; limiting the cumulative amount of certain appropriations to the Transportation Trust Fund; providing that a certain appropriation to the Revenue Stabilization Account under a certain provision of law is not required except under certain circumstances; altering the amount of a certain appropriation under certain circumstances; prohibiting the State Department of Transportation and the Maryland Transportation Authority from financing the Intercounty Connector or expending any funds for the Intercounty Connector; repealing certain provisions of law concerning the financing of the Intercounty Connector; requiring the Maryland Transportation Authority to retire certain bonds secured by a pledge of future federal aid in a certain manner; and generally relating to the financing of the Intercounty Connector.

BY adding to

Article - Transportation
Section 3-216(g)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article - Transportation
Section 4-321
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1472 – Delegates Malone and DeBoy

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

FOR the purpose of amending the Baltimore County – Arbutus Community Center Loan of 2000 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by June 1, 2010.

BY repealing and reenacting, without amendments,

Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007

Section 1(1)

BY adding to

Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002, Chapter 149 of the Acts of the General Assembly of 2004, and Chapter 76 of the Acts of the General Assembly of 2007

Section 1(6)

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

House Bill 1473 – Delegate Malone

AN ACT concerning

Forest and Park Wardens – Responsibilities

FOR the purpose of repealing a certain requirement that a forest or park warden take certain actions on learning of a forest fire; making certain stylistic changes; and generally relating to the responsibilities of a forest or park warden.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–701

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1474 – Delegates Sophocleus, Beidle, Benson, Branch, V. Clagett, Costa, Dumais, Dwyer, Gaines, George, Holmes, Mathias, McConkey, and Wood

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

FOR the purpose of prohibiting the use of certain firearms in the commission of certain crimes of violence or felonies; defining a certain term; and generally relating to the use of certain firearms in the commission of certain crimes of violence or felonies.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–204
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1475 – Delegate Sophocleus

AN ACT concerning

Drunk and Drugged Driving – Refusal to Take a Blood or Breath Test – Prohibition

FOR the purpose of prohibiting a person who is detained for certain alcohol– or drug–related driving offenses from knowingly refusing to take a certain blood or breath test if the person was detained previously for certain alcohol– or drug–related driving offenses and refused to take a certain blood or breath test; providing for certain criminal penalties; and generally relating to establishing a criminal offense of refusal to take a certain blood or breath test under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–902 and 27–101(x)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21–902.2 and 27–101(bb)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 12 – Senator McFadden

AN ACT concerning

**Income Tax – Subtraction Modification – United States Coast Guard
Auxiliary – Requirements**

FOR the purpose of altering certain requirements for an individual to be eligible for a certain subtraction modification under the Maryland income tax for service in certain fire, rescue, or emergency medical services organizations; repealing certain obsolete language; providing for the application of this Act; and generally relating to a subtraction modification under the Maryland income tax for service in certain fire, rescue, or emergency medical services organizations.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(i–1)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

**Senate Bill 117 – Senators Stone, Brochin, Haines, Harris, Kasemeyer, Kelley,
~~and Klausmeier~~ Klausmeier, and Zirkin**

AN ACT concerning

Baltimore County – State’s Attorney – Salary

FOR the purpose of ~~clarifying~~ establishing the salary of the State's Attorney for Baltimore County beginning with the State's Attorney elected in a certain year; providing that the salary be increased annually by a certain ~~amount~~ percentage; clarifying language; providing that this Act does not apply to the salary or compensation of the incumbent State's Attorney for Baltimore County; and generally relating to the State's Attorney for Baltimore County.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 15–404(a)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter ____ (S.B. 37) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 15–404(b)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter ____ (S.B. 37) of the Acts of the General Assembly of 2008)

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

Senate Bill 120 – Senator Astle

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive Investigations – Deputy Fire Marshal

FOR the purpose of requiring that an Anne Arundel County or City of Annapolis fire and explosive investigator have the rank of deputy fire marshal or higher; and generally relating to fire and explosive investigations in Anne Arundel County and the City of Annapolis.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–208.2

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

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

Senate Bill 195 – Chair, Budget and Taxation Committee (By Request – Departmental – Baltimore City Community College) and Senator McFadden

AN ACT concerning

Law Enforcement Officers' Pension System – Baltimore City Community College – Police Officers

FOR the purpose of providing for the membership of certain police officers in the Baltimore City Community College Police Force in the Law Enforcement Officers' Pension System; requiring that a certain budget for the Baltimore City Community College include an appropriation for the purpose of transferring certain police officers into the Law Enforcement Officers' Pension System; and generally relating to the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 26–201(a)(19) and (20) and (b)(12) and (13) and 26–202(b)(1)(xvi) and (xvii)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 26–201(a)(21) and (b)(14) and 26–202(b)(1)(xviii)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 300 – Chair, Budget and Taxation Committee (By Request – Departmental – Transportation) and Senators Currie, Brinkley, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Motor Vehicle Excise Tax – Exemption for Returning Military Members

FOR the purpose of expanding the eligibility for a certain motor vehicle excise tax credit to include a member of the military who returns to Maryland from, or on, active duty and, within a certain time period, applies for titling and registration of a vehicle previously titled and registered in another state; and generally relating to the motor vehicle excise tax.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–809(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007
Special Session)

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

Senate Bill 308 – Senator Pinsky

AN ACT concerning

**Town of Berwyn Heights Employees – Participation in the Employees’
Pension System**

FOR the purpose of requiring certain employees of the Town of Berwyn Heights to participate in the Employees’ Pension System of the State of Maryland as of a certain date; providing that membership in the Employees’ Pension System is optional for certain employees of the Town of Berwyn Heights; requiring certain employees of the Town of Berwyn Heights to make a certain election on a certain date; requiring certain employees of the Town of Berwyn Heights, in order to elect to be a member of the Employees’ Pension System, to file a written application with the Board of Trustees of the State Retirement and Pension System; providing for certain employees of the Town of Berwyn Heights to receive service credit for certain prior service; providing that certain employees of the Town of Berwyn Heights who become members of the Employees’ Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of Berwyn Heights participating in the Employees’ Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–201(a), 23–204(b), and 31–111
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 23–204(e) and 31–111.4
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 60)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 75 - Delegates Shewell, Dumais, Rosenberg, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Beitzel, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Haddaway, Healey, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Murphy, Myers, O'Donnell, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, Weir, and Weldon

AN ACT concerning

Juveniles - Arrests for Reportable Offenses - Expansion of Notification

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

Affirmative - 131 Negative - 0 (See Roll Call No. 61)

The Bill was then sent to the Senate.

House Bill 87 - Chair, Judiciary Committee (By Request - Maryland Judicial Conference)

AN ACT concerning

District Court - Commissioners - Jurisdiction

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

Affirmative - 133 Negative - 0 (See Roll Call No. 62)

The Bill was then sent to the Senate.

House Bill 88 - Delegate Vallario

AN ACT concerning

Maryland Uniform Interstate Depositions and Discovery Act

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

Affirmative – 133 Negative – 0 (See Roll Call No. 63)

The Bill was then sent to the Senate.

House Bill 130 – Delegates Conaway and Vallario

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

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

Affirmative – 115 Negative – 17 (See Roll Call No. 64)

The Bill was then sent to the Senate.

House Bill 149 – Delegate Dumais

AN ACT concerning

Family Law – Counsel for Minor – Payment of Fees

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

Affirmative – 135 Negative – 0 (See Roll Call No. 65)

The Bill was then sent to the Senate.

House Bill 165 – Howard County Delegation

AN ACT concerning

Howard County – Criminal History Records Checks – Fingerprinting Requirement

Ho. Co. 05-08

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

Affirmative – 136 Negative – 0 (See Roll Call No. 66)

The Bill was then sent to the Senate.

House Bill 263 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Police Training Commission – Membership and Chairman

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

Affirmative – 134 Negative – 2 (See Roll Call No. 67)

The Bill was then sent to the Senate.

House Bill 265 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Family Law – Emergency Placement of Children – Criminal History Records Checks

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

Affirmative – 136 Negative – 0 (See Roll Call No. 68)

The Bill was then sent to the Senate.

House Bill 266 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Injuries Compensation Board – Criminal Offense Outside of the United States

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

Affirmative – 127 Negative – 9 (See Roll Call No. 69)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Bill 17 – Delegate Sossi

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

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

Affirmative – 135 Negative – 1 (See Roll Call No. 70)

The Bill was then sent to the Senate.

House Bill 36 – Delegate Bohanan

AN ACT concerning

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

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

Affirmative – 134 Negative – 1 (See Roll Call No. 71)

The Bill was then sent to the Senate.

House Bill 74 – Delegates Healey, Gaines, and Ross

AN ACT concerning

**Maryland Housing Rehabilitation Program – Loans to Members of
Cooperative Housing Corporations**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 72)

The Bill was then sent to the Senate.

House Bill 133 – Delegate Bohanan

EMERGENCY BILL

AN ACT concerning

**Commission to Develop the Maryland Model for Funding Higher Education –
Membership and Extension of Sunset**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 73)

The Bill was then sent to the Senate.

House Bill 256 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bonds

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

Affirmative – 135 Negative – 1 (See Roll Call No. 74)

The Bill was then sent to the Senate.

House Bill 467 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 134 Negative – 1 (See Roll Call No. 75)

The Bill was then sent to the Senate.

House Bill 471 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Public Facility Bonds

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

Affirmative – 135 Negative – 1 (See Roll Call No. 76)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #3**House Bill 118 – Delegates Frush and Hubbard**

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

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

Affirmative – 136 Negative – 0 (See Roll Call No. 77)

The Bill was then sent to the Senate.

House Bill 152 – Delegate Rudolph

AN ACT concerning

Joint Committee on Base Realignment and Closure – Additional Members

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

Affirmative – 135 Negative – 0 (See Roll Call No. 78)

The Bill was then sent to the Senate.

House Bill 154 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

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

Affirmative – 136 Negative – 0 (See Roll Call No. 79)

The Bill was then sent to the Senate.

House Bill 214 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

**Bottled Water – Standard of Identity and Labeling Requirements –
Out-of-State Registration of Bottled Water and Soft Drinks**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 80)

The Bill was then sent to the Senate.

House Bill 219 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Bedding Law – Repeal

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

Affirmative – 133 Negative – 0 (See Roll Call No. 81)

The Bill was then sent to the Senate.

House Bill 233 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Physicians and Pharmacists – Therapy Management Contracts – Extension of Law

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

Affirmative – 136 Negative – 0 (See Roll Call No. 82)

The Bill was then sent to the Senate.

House Bill 237 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland AIDS Drug Assistance Program – Special Fund

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

Affirmative – 136 Negative – 0 (See Roll Call No. 83)

The Bill was then sent to the Senate.

House Bill 279 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

**Board of Physical Therapy Examiners – Issuance of Temporary Licenses –
Repeal**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 84)

The Bill was then sent to the Senate.

House Bill 289 – Delegate Pendergrass

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Extension

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

Affirmative – 135 Negative – 1 (See Roll Call No. 85)

The Bill was then sent to the Senate.

**House Bill 409 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Maryland Home Improvement Commission – Home Improvement Guaranty
Fund – Claims**

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

Affirmative – 136 Negative – 0 (See Roll Call No. 86)

The Bill was then sent to the Senate.

**House Bill 417 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Financial Institutions – Cooperative Agreements and Information Sharing
with Government Agencies**

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

Affirmative – 126 Negative – 8 (See Roll Call No. 87)

The Bill was then sent to the Senate.

House Bill 438 – Delegate Hubbard

AN ACT concerning

**Department of Health and Mental Hygiene – Birth Defects
Research – Medical Information**

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

Affirmative – 135 Negative – 0 (See Roll Call No. 88)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 89)

ADJOURNMENT

At 11:39 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, February 18, 2008.

Annapolis, Maryland
Monday, February 18, 2008

The House met at 8:04 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Joseph J. Minnick of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 97)

The Journal of February 15, 2008 was read and approved.

EXCUSES:

Del. Anderson – illness

Del. Bobo – personal

Del. Davis – sick child

Del. Doory – illness

Del. Jameson – recovering from surgery

Del. McIntosh – personal

Del. Stull – business

INTRODUCTION OF BILLS

House Bill 1476 – Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety – Industrialized Building – Definition

FOR the purpose of excluding a building that has less than a certain width and length from certain standards and regulations adopted by the Department of Housing and Community Development for certain industrialized buildings; and generally relating to industrialized buildings.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–301(d)

Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1477 - Delegates Ramirez, Barnes, Braveboy, Frush, Healey, Ivey, Pena-Melnyk, V. Turner, Valderrama, Vaughn, and Walker

AN ACT concerning

Prince George's County - Defenses to Wrongful Foreclosures Act

PG 427-08

FOR the purpose of providing that, in Prince George's County, a record owner of certain residential real property may raise certain defenses in an action to foreclose a mortgage or deed of trust; providing that a record owner of certain residential real property is entitled to conduct certain discovery in an action to foreclose a mortgage or deed of trust; providing that discovery in an action to foreclose a mortgage or deed of trust shall be completed within a certain time; providing that certain record owners of certain residential real property are entitled to a certain hearing in an action to foreclose a mortgage or deed of trust; providing certain remedies for certain record owners of residential real property; and generally relating to foreclosure actions in Prince George's County.

BY adding to

Article - Real Property

Section 7-105.1

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1478 - Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County - Alcoholic Beverages - Waterfront Entertainment Retail Complex and Wine Festival

PG 332-08

FOR the purpose of exempting a certain hotel issued a Class BH license in Prince George's County from certain requirements relating to dining facilities and average daily receipts from the hire of rooms and the sale of food; establishing in Prince George's County certain alcoholic beverages licenses to be issued for use in a waterfront entertainment retail complex as defined by county ordinance; prohibiting the Board of License Commissioners from issuing certain licenses within the complex unless a certain percentage of the licenses are held by certain persons; setting maximum limits on the number of certain licenses that the Board may issue in certain years; establishing a special Class B entertainment venue (on-sale) beer, wine and liquor license and a Class A waterfront plaza (off-sale) beer and wine license; requiring that the entertainment venue and waterfront plaza licenses be issued for use within the complex; providing for fees, restrictions on, and requirements for the entertainment venue and waterfront plaza licenses; authorizing the Board to transfer or issue certain licenses to a supermarket or grocery store of a certain size within a waterfront entertainment retail complex; establishing a wine festival license; restricting the issuance of the wine festival license to certain persons; authorizing wine festival licensees to display and sell wine under certain circumstances; authorizing the Board to establish a license fee and issue a certain license for the festival; requiring the Board to choose a certain location for the festival; requiring the Board to adopt certain regulations; defining certain terms; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6-201(r)(4)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6-201(r)(4)(iii)2.C. and 3. and 9-102(a-1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6-201(r)(4)(viii), 8-217(e), 8-217.1, 8-310.2, and 9-102(a-2)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1479 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County - Alcoholic Beverages - Convention Center License

PG 331-08

FOR the purpose of establishing a Class B-CC (convention center) beer, wine and liquor license in Prince George's County; specifying that a license may be issued only to a certain establishment that is equipped with certain rooms and facilities; providing for an annual license fee; requiring that the total average daily receipts from certain sources exceed the average daily receipts from the sale of alcoholic beverages; specifying certain hours of sale; authorizing the sale of alcoholic beverages from locked, prestocked private bars under certain circumstances; authorizing the sale of alcoholic beverages and dancing and live entertainment throughout the licensed establishment; specifying that this Act does not preclude a license holder from having an interest in certain other licenses; providing for certain exceptions to certain licensing restrictions; making this Act an emergency measure; and generally relating to the Class B-CC (convention center) alcoholic beverages license in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B - Alcoholic Beverages
Section 6-201(r)(1)(i) and 9-217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B - Alcoholic Beverages
Section 6-201(r)(16)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B - Alcoholic Beverages
Section 9-101(d)(6), 9-102(a), and 9-217(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1480 - Delegates Boteler, Bromwell, Frank, Impallaria, Jennings, Kach, McDonough, Minnick, Olszewski, Schuler, Shewell, Sossi, and Weir

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

FOR the purpose of authorizing the State Highway Administration to request the use of certain farm trucks to assist in snow removal; authorizing the owner of a farm truck to refuse to allow the Administration to use the farm truck; requiring the Administration to compensate the owner of a farm truck that is used by the Administration for snow removal; authorizing the Administration to adopt certain regulations; defining a certain term; and generally relating to the use of farm trucks by the State Highway Administration for snow removal.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–602
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–921
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1481 – Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim

AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

FOR the purpose of repealing the authority of the State Board of Veterinary Medical Examiners to issue a special permit to a certain humane society or animal shelter to administer a certain drug to euthanize animals; authorizing the Board to issue a license, on application of an animal control facility, to allow the facility to administer certain drugs to sedate or euthanize animals; requiring the application to designate one individual responsible for the drugs; establishing an annual fee for the license; authorizing the Board to reject an application or suspend or revoke a license for certain reasons in accordance with certain procedures; requiring a licensed facility to comply with certain employee training requirements; authorizing a member of the Board or the Board's designated inspector to enter a licensed facility at any reasonable hour to enforce certain regulations; requiring the Board, in consultation with the

Department of Health and Mental Hygiene to adopt regulations; repealing a provision that exempts a certain humane society or animal shelter with a special permit from certain registration requirements; defining a certain term; altering a certain definition; and generally relating to animal control facilities and a license to administer scheduled drugs to animals.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–305
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–101(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a) and (d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1482 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

FOR the purpose of removing Harford County from the list of counties in which deer hunting on private property on certain Sundays is prohibited; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to deer hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources

Section 10-410(a)
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapter 361 of the Acts of the General Assembly of 2006)

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

House Bill 1483 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Maryland State Boychoir Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,500,000, the proceeds to be used as a grant to the Board of Directors of The Maryland State Boychoir, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1484 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Mount Pleasant Family Life Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the Board of Directors of the Mount Pleasant Community Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1485 – Delegate Glenn

AN ACT concerning

Creation of a State Debt – Baltimore City – Youth Sports Program Facility

FOR the purpose of authorizing the creation of a State Debt in the amount of \$405,000, the proceeds to be used as a grant to the Board of Directors of the Youth Sports Program, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1486 – Delegates Tarrant, Braveboy, Glenn, Oaks, Rice, and Walker

AN ACT concerning

Education – Maryland School–Based Wellness Program

FOR the purpose of establishing the Maryland School–Based Wellness Program in the State Department of Education; requiring the State Superintendent of Schools or a designee to develop, implement, and administer the Program in consultation with a certain advisory board; authorizing the State Superintendent to accept certain grants and donations; establishing the Advisory Board on School–Based Wellness Initiatives; establishing the composition and duties of the Advisory Board; establishing the Maryland School–Based Wellness Program Fund; specifying the terms of certain initial members of the Advisory Board; defining certain terms; and generally relating to the establishment of the Maryland School–Based Wellness Program.

BY adding to

Article – Education

Section 7–1301 through 7–1304 to be under the new subtitle “Subtitle 13. Maryland School–Based Wellness Program”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1487 – Delegate Rosenberg

AN ACT concerning

Public Safety – Emergency Management – Essential Goods and Services

FOR the purpose of prohibiting a person from selling or offering to sell certain goods or services for a certain price during a state of emergency; prohibiting a person from selling or offering to sell certain services for a certain price during a state of emergency and for a certain amount of time following a state of emergency; creating a certain exception; requiring the Office of the Attorney General to provide a person an opportunity to present evidence that a price increase was not unlawful; providing that a certain sale or offer for sale is an unfair or deceptive trade practice; altering a certain definition; defining certain terms; and generally relating to the sale of goods or services during or following a state of emergency.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–101(a)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–101(c)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 14–1101 through 14–1104 to be under the new subtitle “Subtitle 11.
Essential Goods and Services”
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1488 – Delegate Rosenberg

AN ACT concerning

State Lottery Agency – Performance Incentive Program for Employees

FOR the purpose of authorizing the Director of the State Lottery Agency to establish a certain performance incentive program for certain employees of the Agency; specifying that performance incentives may be provided only if funds are appropriated in the Agency’s budget; providing that the program is in lieu of

any other State performance incentive program; and generally relating to the operation of the State Lottery Agency.

BY adding to

Article – State Government

Section 9–111(e)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1489 – Delegate Rosenberg

AN ACT concerning

Transportation – Crimes Against Public Transit Employees – Penalties

FOR the purpose of prohibiting an individual from committing certain offenses against certain public transit employees who are acting in the course of their duties; defining certain terms; establishing certain penalties; and generally relating to offenses committed against public transit employees.

BY adding to

Article – Transportation

Section 7–705.1

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1490 – Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel

AN ACT concerning

State Government – Maryland Tort Claims Act – Broadcasting of AMBER Alert

FOR the purpose of altering a certain definition so as to bring within the scope of the Maryland Tort Claims Act a person or officer, director, employee, or agent of the person who broadcasts or otherwise disseminates a certain AMBER alert under certain circumstances; providing for the application of this Act; and generally relating to the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,

Article – State Government
Section 12–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1491 – Delegate Beitzel

AN ACT concerning

Garrett County – Outdoor Advertising Signs Adjacent to Highways

FOR the purpose of including Garrett County under certain provisions of law prohibiting certain persons from leasing, renting, using, or permitting the use of property for the purpose of erecting certain outdoor advertising signs that are adjacent to certain highways; providing for the application of this Act; authorizing Garrett County to pay certain compensation for the removal of certain outdoor advertising signs under certain circumstances; providing for the application of this Act; and generally relating to outdoor advertising signs in Garrett County.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 122D
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 122E
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1492 – The Speaker (By Request – Administration) and Delegates Hammen, Beitzel, Benson, Bromwell, Busch, Costa, Donoghue, Eckardt, Elliott, Hubbard, Kach, Kaiser, Kipke, Kullen, Manno, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Pendergrass, Reznik, Riley, Rudolph, Tarrant, V. Turner, and Weldon

AN ACT concerning

**Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D
Coverage Gap**

FOR the purpose of requiring a certain corporation, beginning on a certain date and under certain circumstances, to transfer a certain amount of money to the separate account for the Senior Prescription Drug Assistance Program within the Maryland Health Insurance Plan; authorizing the corporation not to make the transfer, under certain circumstances; providing for a certain exception; requiring the Program to provide a certain subsidy for the Medicare Part D coverage gap, subject to the availability of certain funds; requiring the Board of Directors of the Maryland Health Insurance Plan to determine annually the amount of the subsidy; requiring the segregated account for the Senior Prescription Drug Assistance Program to include certain money deposited by a nonprofit health service plan; repealing a certain source of funds for the Maryland Health Insurance Plan Fund; altering requirements for a certain segregated account; altering requirements for the amount a nonprofit health service plan is required to deposit to the Fund; requiring a nonprofit health service plan to deposit to the Maryland Health Insurance Plan Fund the amount required for the Medicare Part D coverage gap subsidy; defining a certain term; making technical corrections; and generally relating to a subsidy for the Medicare Part D coverage gap for enrollees of the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–102(h), 14–501(i) and (j), 14–504(b), 14–512(c) and (e), and 14–513

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance

Section 14–106.2 and 14–501(i)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 14–501(a), 14–504 (a)(1) and (e), and 14–512(a) and (b)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS**Senate Bill 1 – Senator Lenett**

AN ACT concerning

Maryland ~~Legislative~~ Youth Advisory Council

FOR the purpose of establishing the Maryland ~~Legislative~~ Youth Advisory Council; providing for the appointment, selection, membership, terms, and duties of the Council; establishing an executive board; providing for the selection of the executive board; requiring the consideration of certain factors in the appointment or selection of certain members by certain persons; providing for the appointment of the cochairs of the Council; providing for the development of a certain initial application and application process; providing for the staffing for the Council; requiring the Council to work with the State Department of Education regarding the granting of school credit for Council service; requiring the State Department of Education and the Maryland Higher Education Commission to notify certain individuals of the creation of the Council for a certain purpose; requiring the Council to hold certain public meetings, conduct certain public hearings, propose legislation, and conduct a public awareness campaign; providing that a member of the Council may not receive compensation as a member of the Council, but is entitled to certain reimbursement; requiring the Council to make an annual report to the Governor and the General Assembly; defining certain terms; and generally relating to the Maryland ~~Legislative~~ Youth Advisory Council.

BY adding to

Article – State Government

Section 9–2701 to be under the new subtitle “Subtitle 27. Maryland ~~Legislative~~ Youth Advisory Council”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 61 – Senators Kelley, Della, Exum, Garagiola, Klausmeier, Middleton, and Pugh

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

FOR the purpose of establishing the Commission to Study the Title Insurance Industry in Maryland; providing for the membership, staffing, and purposes of the Commission; prohibiting Commission members from receiving compensation for serving on the Commission; requiring the Commission to report to certain

persons by a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Title Insurance Industry in Maryland.

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

Senate Bill 63 – Harford County Senators

AN ACT concerning

Harford County – Alcoholic Beverages – Cafe License

FOR the purpose of authorizing in Harford County a Class B Cafe beer and wine license; specifying an annual license fee; specifying that the license entitles the holder to sell beer and wine for consumption on and off the premises; specifying that the license is a 7–day license with an on–premises wine tasting privilege for a certain number of days; prohibiting the Liquor Control Board from issuing more than a certain number of cafe licenses; requiring the Liquor Control Board to set a maximum and a minimum seating capacity for certain licenses; authorizing the license to be issued only if certain conditions are met; prohibiting the license from being used for certain purposes; specifying certain hours and days of sale; and generally relating to a Class B Cafe beer and wine license in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 5–201(n)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–513
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 177 – Chair, Finance Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Personnel – Accrual and Carryover of Annual Leave

FOR the purpose of altering the maximum number of days and hours of annual leave that State employees may accumulate and carry over from 1 calendar year to the next calendar year; and generally relating to the accrual of annual leave by State employees.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 9–304 and 9–305
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

**Senate Bill 184 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

Family Law – Child Care Centers – Emergency Suspensions

FOR the purpose of requiring the licensee or holder of a letter of compliance to cease operation of a child care center immediately upon delivery of an emergency suspension notice; repealing a provision requiring a stay of an emergency suspension under certain circumstances; authorizing the licensee or letter holder to request a certain hearing; making a conforming change; and generally relating to the regulation of child care centers by the Maryland State Department of Education.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–580
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**Senate Bill 188 – Chair, Finance Committee (By Request – Departmental –
Comptroller)**

AN ACT concerning

Comptroller – Cigarette Business Licenses – Grounds for Disciplinary Action

FOR the purpose of clarifying that applicants for cigarette business licenses and licensees must buy cigarettes for resale from a licensed cigarette manufacturer in order to be in compliance with certain provisions of law and not be subject to certain disciplinary action by the Comptroller; and generally relating to the regulation of cigarette business licenses in the State.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–210(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

**Senate Bill 193 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Human Resources)**

AN ACT concerning

Family Law – Social Services Administration – Definition

FOR the purpose of altering the definition of “Administration” for purposes of certain provisions of law relating to child care and foster care to include certain units in the Department of Human Resources to which the Secretary of Human Resources has delegated certain responsibilities; and generally relating to child care and foster care.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–501(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–501(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

WASHINGTON’S DAY ADDRESS

DELEGATE ANNE HEALEY
Prince George’s County

Before I begin, I would like to thank Mimi Culver and the researchers at the Maryland Archives for their assistance in providing the timeline I used for this address.

Mr. Speaker, Ladies and Gentlemen of the House, distinguished guests:

Tonight we are honoring George Washington, the First President of the United States, and in a larger way the institution of the Presidency and of the United States itself.

At this remarkable moment in our national history, it is good to reflect for a few moments on the beginnings of this great experiment in self-government.

George Washington himself was aware what was just beginning on the first day of his Presidency. In his first Inaugural address he said, "The preservation of the sacred fire of liberty and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked on the experiment entrusted to the hands of the American people."

Yet, this man we call "The Father of our Country," whom we honor for his integrity, courage and unselfish leadership of our nation in its infancy, was also a man of his own time and place. As such, he shared in what we today must see as the blindness and prejudices of the world in which he lived.

Tonight, we are at a new crossroad in history, in the midst of a history-making Presidential election. Here, in this Chamber we, the members of the Maryland House of Delegates are the living embodiment of how far our State and Nation have come in the 219 years since Washington's first Inauguration.

To illustrate just how far we have come, I ask the members now to help me with a little audience-participation exercise.

Would all the members please stand.

Look around the Chamber and notice the diversity among us on this February night in 2008. Now, Let us take a backwards look through history and measure how far we have come:

Let us go back to the milestone year of 1920. That was when the 19th amendment to the U.S. Constitution gave women the right to vote. The following year Mary Risteau was elected to the House of Delegates, becoming the first woman to serve in this body. **Would all the women members please be seated.**

Now, go back another 50 years, to 1870 and another milestone, when the 15th Amendment to the U.S. Constitution gave African Americans the right to vote and hold office. That was not as great a leap forward as it might seem, for the first African Americans to serve in the General Assembly were elected "four score and seven years"

later, in 1954. They were Delegates Emory Cole and Truly Hatchett, and Senator Harry Cole. Verna Welcome became the first African American woman to be elected to this body in 1959. (And, by the way, Maryland didn't ratify the 15th Amendment until 1973.) **Would all African American members please be seated.**

From 1870, let us go back still farther into history -- to 1826, when the General Assembly passed Del. Thomas Kennedy's landmark bill abolishing any religious qualifications for civil office. This bill, sometimes called the "Jew Bill," led to Del. Kennedy losing his next election. In 1847, Delegate Mendes I. Cohen became the first Jewish member of the General Assembly. **Will all the non-Christian members please be seated.**

For those who are still standing, we might be tempted to think this is how it was at the time of George Washington, but we would be mistaken to think so. In 1810, property qualifications for state office holding were abolished by a Maryland Constitutional Amendment, which also for the first time did away with oral voting and allowed ballots to be used. This followed an 1802 amendment, which had restricted the right to vote to "every free white male citizen of this state, and no other, above 21 years of age." This amendment not only did away with the property qualification for voting, but also disenfranchised free African Americans. Before that, beginning in 1776, the First State Constitution granted the right to vote to all free men over 21 who owned 50 acres of land (or an equivalent amount of cash). To hold office in 1776, you would also have to give "a declaration of belief in Christian religion." **Would anyone who owns less than 50 acres please be seated.**

Now we are at the time of the American Revolution, a pivotal moment. Please look around the Chamber again and see who among us could hold these offices under the rules of 1776. If anyone is left standing, now is a good time to be seated.

Ladies and Gentlemen of the House of Delegates, let us take one more backward glance before returning to the 21st Century. Maryland's Colonial history was even more restrictive. In 1718, Catholics were disenfranchised by the Assembly – they could not vote, hold office or worship in public. In 1670 office holding was restricted to owners of 1,000 acres or more. In 1664, slavery was sanctioned by law and slaves were to serve for life. (It was not until 1796 that voluntary slave emancipation was permitted and Maryland law forbade the import of slaves for sale.)

So, let us consider again the man George Washington, who was called "First in War, First in Peace and First in the Hearts of his countrymen." We must admit that, in spite of all his admirable traits, he was not immune to the blindness of his own time. Here was a man who spoke eloquently about human freedom, and indeed fought and endured the hardships of the terrible winter in Valley Forge for that ideal. Yet here too was one whose lifestyle as a gentleman farmer was built on slave labor at his plantation in Virginia. There can be no glossing over this ugly fact.

Looking back from the 21st Century, we can see clearly in the light of history how terribly flawed our First President and his contemporaries were. Nevertheless, we

still acknowledge them for what they were able to do. Washington and his compatriots found a way to begin a noble experiment. That experiment continues to this day, and has evolved over the centuries into ever more enlightened understanding of the ideal of human freedom.

As members of this House of Delegates, we are part of that experiment in self-government. Let us look forward in hope as we struggle to make laws that will not be judged harshly by those who come after us. Let us strive to see past our own blind spots and make way for the aspirations of all the people. Let us continue to make progress towards a time when there is truly liberty and justice for all.

Good night, and may God Bless the United States of America, and Maryland, the Free State.

Delegate Barve moved the Delegate's remarks be journalized.

The motion was adopted.

Fallen Heroes Remembrance Ceremony

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 98)

ADJOURNMENT

At 8:47 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, February 19, 2008.

Annapolis, Maryland
Tuesday, February 19, 2008

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jay Walker of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 99)

The Journal of February 18, 2008 was read and approved.

EXCUSES:

Del. Bohanan – business

Del. Doory – illness

Del. Jameson – recovering from surgery

Del. Stull – business

INTRODUCTION OF BILLS

House Bill 1493 – Delegate Kullen

AN ACT concerning

**Calvert County – Authorization to Harvest Seafood and Engage in the
Seafood Industry**

FOR the purpose of authorizing the governing body of Calvert County to adopt an ordinance, resolution, or regulation or take other action to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood; clarifying that the governing body of Calvert County is required to hold a public hearing and obtain the written consent of the Secretary of Natural Resources before adopting a certain ordinance, resolution, or regulation; providing that an ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act without written consent of the Secretary is void; providing that in the event of a certain conflict, federal law, State law, or a certain written program guidance preempts a certain ordinance, resolution, or regulation adopted by the governing body of Calvert County under this Act;

and generally relating to the authority of the governing body of Calvert County to authorize a person to engage in certain activities related to the seafood industry and to harvest seafood.

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 232
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1494 – Delegate Feldman

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Insurers – Waiver of Defenses

FOR the purpose of providing that the failure of an uninsured motorist insurer to respond to a certain notice of a certain settlement offer or the consent of an uninsured motorist insurer to acceptance of a certain settlement offer shall not operate as a waiver of any defense of the uninsured motorist insurer available in an action between the uninsured motorist insurer and a person injured in a motor vehicle accident; and generally relating to waivers of defenses available to uninsured motorist insurers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–511
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1495 – Cecil County Delegation

AN ACT concerning

Cecil County – Volunteer Length of Service Award Program – Age of Eligibility

FOR the purpose of authorizing certain members of volunteer fire departments, rescue squads, and ambulance corps to receive certain benefits at a certain age under the Volunteer Length of Service Award Program in Cecil County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–209
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1496 – Delegate Bohanan

AN ACT concerning

Condominiums – Property Insurance Coverage and Repair of Units

FOR the purpose of authorizing the council of unit owners of a condominium with less than a certain number of units to choose not to maintain property insurance on the units of the condominium under certain circumstances; providing that certain provisions regarding the repair or replacement of damaged condominium property do not apply to the repair or replacement of a unit in a condominium with less than a certain number of units under certain circumstances; and generally relating to property insurance coverage and repair of units in a condominium.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–114
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1497 – Delegates Carr, Gutierrez, and Waldstreicher

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Circle Manor

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to alter the authorized uses of a certain grant and to extend the date by which the County Executive and County Council of Montgomery County must present evidence that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006

Section 1(3) Item ZA01(BB)

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

House Bill 1498 – Delegate Kullen

AN ACT concerning

Calvert County – Soft-Shell Clam Harvesting

FOR the purpose of altering in Calvert County the distances from the shoreline, a natural oyster bar, or a leased oyster bottom within which a person may not catch or attempt to catch soft-shell clams with certain gear; making a technical correction; making a stylistic change; providing for the effective date of this Act; and generally relating to the catching of soft-shell clams in Calvert County.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-1037

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 260 of the Acts of the General Assembly of 2007)

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

House Bill 1499 – Delegates Boteler, Aumann, Frank, Impallaria, Kach, Niemann, Shewell, Stein, and Weir

AN ACT concerning

Public Health – Food Containing a Product of Cloned Animals – Labeling

FOR the purpose of requiring persons that manufacture, process, or prepare certain foods that contain any product of a cloned animal or the progeny of a cloned animal to make a certain statement on the label or packaging of certain foods or a sign near foods that are not packaged; requiring the lettering of a certain statement on a certain label, package, or sign to be a certain size or be conspicuous and easily legible to consumers; requiring certain persons that sell or offer for sale certain foods to maintain certain records that include certain information for a certain period of time and make certain records available to the Department of Health and Mental Hygiene for inspection on request of the Department; defining certain terms; and generally relating to labeling foods that contain a product of a cloned animal.

BY adding to

Article – Health – General
Section 21–214
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1500 – Delegates Boteler, Aumann, Bromwell, Frank, Impallaria, and Kach

AN ACT concerning

Health Occupations Boards – Investigators – Confidentiality of Medical Information and Records

FOR the purpose of requiring the Department of Health and Mental Hygiene to provide a certain office space to each investigator for a health occupations board; requiring an investigator for a health occupations board to maintain the confidentiality of certain medical information and medical records in accordance with the purposes and requirements of certain State and federal law; and generally relating to the confidentiality of medical information and records by health occupations boards investigators.

BY adding to
Article – Health Occupations
Section 1–214
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1501 – Delegates Griffith, Barnes, Frush, Healey, Holmes, Howard, Ivey, Pena–Melnyk, Proctor, Valderrama, and Walker

AN ACT concerning

Tuition Cap and College Opportunity Act of 2008

FOR the purpose of requiring the State to provide certain General Fund support for the University System of Maryland and Morgan State University; requiring the Maryland Higher Education Commission to calculate, on or before a certain date each year, the funding guideline for the constituent institutions of the University System of Maryland and for Morgan State University; requiring the Governor to include in the annual budget submission for certain fiscal years a certain amount of State General Fund support for the University System of

Maryland and Morgan State University; requiring the Board of Regents of the University System of Maryland to submit a biannual report beginning on a certain date regarding certain policies and procedures; limiting, to no more than a certain percent for certain academic years, the amount of the annual increase in tuition that may be charged each academic year to a resident undergraduate student at certain public senior higher education institutions in Maryland; providing that a certain tuition limitation only applies if certain institutions receive a certain General Fund appropriation and the Board of Public Works does not reduce the funding of certain institutions; declaring the intent of the General Assembly; defining certain terms; and generally relating to State support for and tuition at public senior higher education institutions in Maryland.

BY repealing and reenacting, with amendments,
Article – Education
Section 10–101
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 10–203(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 11–108, 12–117, and 15–106.7
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1502 – Delegate Hixson

AN ACT concerning

Elections – Instant Runoff Method of Voting

FOR the purpose of establishing an instant runoff method for casting and tabulating votes in the State; defining a certain term; establishing certain procedures, standards, and requirements relating to the implementation of an instant runoff method of voting; requiring the State Board of Elections and local boards of elections to take certain actions to accommodate and implement an instant runoff method of voting; requiring the State Board to adopt certain regulations;

providing for a delayed effective date; and generally relating to an instant runoff method of voting in the State.

BY renumbering

Article – Election Law

Section 9–212 through 9–217, respectively

to be Section 9–213 through 9–218, respectively

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

BY adding to

Article – Election Law

Section 9–212

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 96 – Senators Pugh, Conway, Currie, Della, Forehand, Gladden, Klausmeier, Madaleno, McFadden, Peters, and Stone

AN ACT concerning

Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs

FOR the purpose of requiring a county board of education to require certain schools with certain truancy rates to implement a positive behavioral interventions and support program or certain behavior modification programs in collaboration with the State Department of Education under certain circumstances; requiring certain schools to expand certain programs under certain circumstances; clarifying language; and generally relating to the requirement that certain schools implement certain programs relating to truancy rates.

BY repealing and reenacting, without amendments,

Article – Education

Section 1–101(a) and (d)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 7–304.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**Senate Bill 141 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

Maryland Graduate and Professional Scholarship Program – Qualifications

FOR the purpose of expanding eligibility under the Maryland Graduate and Professional Scholarship Program to include certain students attending certain institutions in the State offering a certain degree program in pharmacy; making a stylistic change; and generally relating to the Maryland Graduate and Professional Scholarship Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–2601(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**Senate Bill 183 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Education)**

AN ACT concerning

**Prince George’s County Board of Education – Repeal of Requirement for a
Comprehensive Review**

FOR the purpose of repealing certain uncodified provisions of law relating to the conduct of a certain review of the Prince George’s County Board of Education by a consultant; and generally relating to a review of the Prince George’s County Board of Education.

BY repealing
Chapter 289 of the Acts of the General Assembly of 2002, as amended by
Chapter 344 of the Acts of the General Assembly of 2005
Section 17 and 18

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

Senate Bill 601 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

FOR the purpose of correcting certain errors and omissions in certain articles of the Annotated Code and Public Local Laws and in certain uncodified laws; clarifying language; correcting certain obsolete references; reorganizing certain sections of the Annotated Code; validating and ratifying certain corrections made by the publishers of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the correction of certain errors and obsolete provisions by the publishers of the Annotated Code; providing for the effect and construction of certain provisions of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(q)(6) and 8–404.1(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 2–112.2(g)(1)(ii)1.
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing
Article 41 – Governor – Executive and Administrative Departments
Title designation “Title 6. Department of Human Resources”
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 13–510(h)(1)(i)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission

Section 11D(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–403(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–101
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxi) and 23–101(e)(2)(iii), (iv), and (v)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(o)(4)(i) and (r)(8)(i)3., 3–8A–26, 5–401(b)(1)(iii)1.C., 5–603(b),
7–302(a), and 10–408(g)(4) and (5)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–104(i)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 2–205(j)(1), 6–407(c)(5)(iii)1., and 6–504(d)(3)(ii)1.
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–428(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 478 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–207(e), 2–303(a)(1), and 13–305(e)
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–215(d), 4–401(i)(1) and (k), 4–410(b), 4–412(a)(2), 5–101(h)(1),
9–268, and 15–308
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 11–102(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–401(c)(1)(i), 5–506(e), 5–539(b)(4) and (5), 5–539.1(g)(1) and (h),
5–545(a)(2), 5–1306(1), 10–113(h), and 10–119(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–206(c), 2–207(e)(2), 18–215(f)(1), and 19–134(e)(3)(ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 17–104(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 74 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–207(b)(2) and (3)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapters 212 and 213 of the Acts of the General Assembly of
2007)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–305(b)(3)(i), 7–205(a)(9), 7–601, and 15–206(b)(2)(ii)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–310.1(b)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 391 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 7–101(a) and the title “Title 7. Morticians and Funeral Directors”;
7–201 and the subtitle “Subtitle 2. State Board of Morticians and Funeral
Directors”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–202(b)(1)(iii)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 544 of the Acts of the General Assembly of 2007)

BY repealing

Article – Health Occupations

Section 20–101(h)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–115(d)(11)(iii)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–606(1)(iii) and 14–609(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 629 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 8–607(b)(1)(iv)

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 471 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–234(r)

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–702(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–301.1(c)(3)

Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 3–105(d)(3)(i), 11–136(a)(1) and (e), and 14–125.2(a)(3)(iii)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–108.1(a)(3)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 286 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 7–315(f)(2)(iv), 18–102(a)(1), 18–103(c)(2), 19–107(a) and (d)(2)(ii), and
19–110(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–10A–03(b)(2)(i), 8–403(b), 9–802(h)(4), 15–704(c)(1), and 15–705(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 34–101(i)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 355 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 37–203.1(b)(3)(i)1.

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 2–1103, 10–207(c–1)(1)(i), 10–704.3(g), 13–901(f)(1)(ii)3. through 5., and
13–1001(f)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–211(b)(1)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 3 of the Acts of the General Assembly of the 2007
Special Session)

BY adding to

Article – Tax – General

Section 13–901(f)(1)(ii)6.

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 1–101(x)(3), 7–511(b)(1), and 14–1009(a)

Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9-246(a)
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Chapters 558 and 559 of the Acts of the General Assembly of
2007)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4-312(a)(1), 7-1003(3)(ii), and 8-402(b)(4)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21-809(a)(4)(ii)3. and 23-202(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 636 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2-13-13(a)
Article 11 – Public Local Laws of Maryland
(2004 Edition and November 2007 Supplement, as amended)

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

**Senate Bill 620 – The President (By Request – Department of Legislative
Services)**

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title or other defects; altering the minimum amount of capital investment for restaurant facilities required for the issuance of a certain beer, wine and liquor license for use by a restaurant in Baltimore City or Baltimore County; expanding the relief available for certain discriminatory acts in an administrative proceeding under the Maryland Human Relations Commission law; repealing a certain limitation on certain monetary relief for certain

discriminatory acts under the Maryland Human Relations Commission law; requiring the Department of Health and Mental Hygiene to distribute grants to administer the Charles County Prostate Cancer Pilot Program to the local health department or a federally qualified health center in Charles County; providing that the proceedings, records, and files of a certain organization or State agency are confidential and not discoverable or admissible in a civil or criminal action; requiring the Secretary of Health and Mental Hygiene to develop and distribute a certain document that informs employees of forensic laboratories of certain procedures; requiring a forensic laboratory to post the document in a certain place; providing that the dependents of certain individuals eligible for workers' compensation benefits under certain provisions of law are entitled to receive workers' compensation benefits in addition to certain retirement benefits, subject to a certain limitation; requiring the Governor to make certain appointments on or before a certain date; requiring the Washington County Commissioners to present a certain plan to the members of the General Assembly representing the county on or before a certain date; requiring the plan to establish certain goals; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title or other defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–3A)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 49B – Human Relations Commission
Section 11
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 83A – Department of Business and Economic Development
Section 5–1805(a) and (b)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–301
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 13–2606, 17–2A–03(c), and 17–2A–10(d) and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–316(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–503
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter
86 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA02(AS)

BY repealing and reenacting, without amendments,
Chapter 147 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, without amendments,
Chapter 392 of the Acts of the General Assembly of 2007
Section 11

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

THE COMMITTEE ON JUDICIARY REPORT #2

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

House Bill 76 – Delegates Shewell, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Dumais, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Myers, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, and Weldon

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 90 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Child Welfare – Permanency Planning and Interstate Placement of Foster Children

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 282 – Delegates Simmons and Kramer

AN ACT concerning

Criminal Law – Possessing Stolen Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #1

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

House Bill 54 – Delegate Guzzone

AN ACT concerning

Property Tax – Credit – Accessibility Features

HB0054/195067/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 54
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “with” insert “a”; in lines 6 and 10, in each instance, strike “features” and substitute “feature”; and in line 10, strike the second “credit” and substitute “a certain”.

AMENDMENT NO. 2

On page 1, in line 20, strike “FEATURES” and substitute “FEATURE”.

On page 2, in lines 8 and 9, strike “THOSE ACCESSIBILITY FEATURES” and substitute “ANY ACCESSIBILITY ENHANCING DESIGN FEATURE”; in line 15, after “WITH” insert “AN”; in the same line, strike “FEATURES” and substitute “FEATURE”; in line 20, strike “AND”; after line 20, insert:

“(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”;

and in line 21, strike “(2)” and substitute “(4)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 169 – Delegates Jones, Branch, Burns, Dumais, Gaines, Haynes, Hecht, Morhaim, Nathan–Pulliam, and F. Turner

AN ACT concerning

Education – Children in Informal Kinship Care Relationships

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 402 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Transfer Tax – Termination Provision

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 445 – St. Mary’s County Delegation

AN ACT concerning

Property Tax Credits – St. Mary’s County – Land Preservation Easements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 100)

ADJOURNMENT

At 10:23 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, February 20, 2008.

Annapolis, Maryland
Wednesday, February 20, 2008

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Wendell R. Beitzel of Garrett and Allegany counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 101)

The Journal of February 19, 2008 was read and approved.

EXCUSES:

Del. Doory – illness – flu

Del. Jameson – recovering from surgery

Del. Taylor – personal – taking mother to doctor

INTRODUCTION OF BILLS

House Bill 1503 – Kent County Delegation

AN ACT concerning

Certificate of Need – Hospital Closure

FOR the purpose of requiring a certificate of need for certain hospital closures in certain counties; repealing a requirement for a certain public hearing; and generally relating to certificate of need requirements for hospital closures.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–120(l)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1504 – Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

FOR the purpose of requiring the Department of Natural Resources to apply to the United States Army Corps of Engineers for a certain permit to dredge fossil oyster shells; and generally relating to the dredging of fossil oyster shells.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1505 – Delegates Oaks, Costa, Donoghue, Elliott, Hubbard, Morhaim, Pena–Melnik, Riley, Tarrant, and Weldon

AN ACT concerning

Health Insurance – Reimbursement for Preauthorized or Approved Health Care Services

FOR the purpose of prohibiting certain health insurance carriers from altering the amount of reimbursement to health care providers for preauthorized or approved health care services delivered to a patient except under certain circumstances; requiring certain carriers to establish a mechanism for providers to submit certain fees to the carriers; requiring certain carriers or the carriers' private review agents to provide certain notification to providers or patients at a certain time; and generally relating to reimbursement for preauthorized or approved health care services under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1009
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks,

Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Task Force to Study Thoroughbred Racing at Rosecroft Raceway

FOR the purpose of establishing a Task Force to Study Thoroughbred Racing at Rosecroft Raceway; providing for the membership, appointment of members, chair, and staff of the Task Force; providing for the reimbursement for the members of the Task Force; requiring the Task Force to study the feasibility of conducting thoroughbred racing at Rosecroft Raceway, submit a report, and make certain recommendations by a certain date; terminating the Task Force on a certain date; and generally relating to a Task Force to Study Thoroughbred Racing at Rosecroft Raceway.

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

House Bill 1507 - Delegates Oaks, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, McIntosh, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City - Binding Arbitration - Police Officers

FOR the purpose of requiring binding arbitration between certain employee organizations representing certain Baltimore City police officers and the City of Baltimore under certain circumstances; applying certain procedures governing binding arbitration for firefighters and fire officers to certain police officers; providing for the selection of a certain board of arbitration; requiring a certain board of arbitration to consider certain matters; requiring the adoption of certain salary and wage scales for certain police officers under certain circumstances; making a technical change; and generally relating to binding arbitration between certain police officers and the City of Baltimore.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II - General Powers
Section (55)
(2007 Replacement Volume, as amended)

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

House Bill 1508 - Delegates Carter, Oaks, and Rosenberg

AN ACT concerning

Creation of a State Debt - Baltimore City - Wayland Senior Village

FOR the purpose of authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the Board of Directors of the Wayland Baptist Church Community Development Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1509 - Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request - Departmental - Environmental Service, Maryland)

AN ACT concerning

Maryland Environmental Service - Energy Generation Projects

FOR the purpose of authorizing the Maryland Environmental Service to engage in certain energy projects and services; clarifying the authority of the Maryland Environmental Service to provide recycling and certain other projects; altering certain exemptions for the Maryland Environmental Service from certain provisions relating to finance and procurement; authorizing counties and municipalities to enter into certain agreements with the Maryland Environmental Service without regard to certain limitations or other provisions regulating the procurement or awarding of public contracts; confirming the authority of the Maryland Environmental Service to establish and collect rates, fees, and charges for certain projects, products, and services; authorizing the Maryland Environmental Service to collect certain unpaid rates, fees, and charges by tax sale; altering the authority of the Maryland Environmental Service to issue certain bonds and notes; authorizing counties and municipalities to enter into certain agreements with the Maryland Environmental Service for energy projects; clarifying the jurisdiction of the Public Service Commission over disputes regarding certain rates, fees, and other charges exacted by the Maryland Environmental Service; altering certain notice requirements; and generally relating to the Maryland Environmental Service.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3–101, 3–102, 3–103(g), 3–104, 3–105, 3–107, 3–108, 3–113, 3–116
through 3–118, 3–120, 3–122, 3–126, 3–127, and 3–128

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 3–129 and 3–130

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1510 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Premium Finance Companies – Calculation of Finance Charge

FOR the purpose of altering the calculation of the finance charge under premium finance agreements; and generally relating to premium finance companies.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 23–304

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1511 – Chair, Health and Government Operations Committee and Chair, Ways and Means Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Maryland Veterans Trust Fund

FOR the purpose of establishing the Maryland Veterans Trust Fund within the Department of Veterans Affairs to be used to provide grants and loans to veterans and their families and to public and private programs that support veterans and their families; requiring the Secretary of Veterans Affairs to adopt certain regulations; requiring the Secretary to submit a certain report each year

to the General Assembly on the administration of the Fund; requiring the Comptroller to include a checkoff on individual income tax return forms for voluntary contributions to the Fund and to include certain information in each individual income tax return package; requiring the Comptroller to collect and account for contributions made through the checkoff system and to credit the proceeds to the Fund after deducting the amount necessary to administer the checkoff; providing for the application of this Act; and generally relating to the administration of the Maryland Veterans Trust Fund.

BY adding to

Article – State Government

Section 9–949 to be under the new part “Part VII. Maryland Veterans Trust Fund”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – Tax – General

Section 2–113 and 10–804(i)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1512 – Delegate V. Clagett

AN ACT concerning

Procurement – Chesapeake Bay Trust – State Contracts and Grants

FOR the purpose of providing that the State procurement law does not apply to a contract or grant from a unit of State government to the Chesapeake Bay Trust for certain projects; providing that the State procurement law applies to certain expenditures by the Trust; excepting units of State government from a requirement under certain circumstances that the units adopt certain procurement policies and procedures; and generally relating to the application of the State procurement law to State contracts and grants awarded to the Chesapeake Bay Trust.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 8–1901

Annotated Code of Maryland

(2007 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–1909
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–202
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–401(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1513 – Delegate Hucker

AN ACT concerning

Maryland Affordable Housing Trust – Board of Trustees – Membership

FOR the purpose of removing the representative of a certain organization from the membership of the Maryland Affordable Housing Trust; altering the number of voting trustees who are representatives of the public that the Governor is authorized to appoint; and generally relating to the Maryland Affordable Housing Trust.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 10–104
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

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

House Bill 1514 – Delegate Hucker

AN ACT concerning

State Department of Transportation – Board of Review – Repeal

FOR the purpose of repealing provisions of law relating to the Board of Review of the State Department of Transportation; abolishing the Board of Review of the Department; and generally relating to the Board of Review of the State Department of Transportation.

BY repealing

Article – Transportation

Section 2–501 through 2–506 and the subtitle “Subtitle 5. Board of Review of Department”

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

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

House Bill 1515 – Delegates McComas and McConkey

AN ACT concerning

Condominiums – Ownership Classes – Vote Percentage

FOR the purpose of requiring the bylaws of a condominium to contain a provision expressing that, notwithstanding any other provision of law or certain governing documents of a council of unit owners, a unit owner in a condominium that contains a certain number of certain ownership classes may cast a vote in any matter before the council of unit owners or board of directors that equals the percentage interest of common expenses assessed against the unit owner; and generally relating to voting rights in a certain condominium regime.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 11–104

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 11–107

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Real Property

Section 11–107.1

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1516 – Delegates Busch, V. Clagett, and George

AN ACT concerning

State Government – Commemorative Days – Annapolis Charter Day

FOR the purpose of requiring the Governor annually to proclaim a certain day as Annapolis Charter Day; and generally relating to commemorative days.

BY adding to

Article – State Government

Section 13–406

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1517 – Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists – Various Changes

FOR the purpose of repealing the State Board of Physician's authority to place respiratory care practitioners on inactive status and issue temporary licenses to respiratory care practitioners; altering certain qualifications for consumer members on the Respiratory Care Professional Standards Committee and on the Radiation Therapy, Radiography, and Nuclear Medicine Technology Advisory Committee; requiring the committees to elect chairmen at certain times; altering the duties of the committees; establishing that certain students of respiratory care, radiation therapy, radiography, and nuclear medicine technology who are enrolled and practicing in certain education programs are not required to hold certain licenses; repealing certain provisions regarding veterans in certain respiratory care educational programs; altering certain licensure, renewal, and reinstatement requirements for respiratory care

practitioners, radiation therapists, radiographers, and nuclear medicine technologists; repealing a requirement that the Board send certain notice by a certain method; establishing certain civil penalties for failure by respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists to complete certain continuing education credits; establishing that certain licenses may not be renewed for longer than a certain number of years; requiring that certain respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists notify the Board of certain changes of address within a certain time and establishing a certain administrative penalty for failure to comply; establishing that certain Board votes require the affirmative vote of a majority of a quorum; altering certain causes for disciplining respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists; establishing an appeal process for certain persons aggrieved by certain Board decisions; prohibiting certain physicians, hospitals, related institutions, alternative health systems and employees from employing certain unlicensed individuals and authorizing the Board to impose a certain civil penalty; clarifying certain types of radiation practices regulated by the Board; substituting licensure for certification as the credential for radiation therapists, radiographers, and nuclear medicine technologists; establishing that certain individuals employed by the federal government to practice radiation therapy, radiography, or nuclear medicine technology are not required to hold certain licenses; repealing a certain internship program; authorizing the Board to issue certain temporary licenses to practice radiation therapy, radiography, and nuclear medicine technology; establishing that certain certified individuals are not required to meet certain requirements; and generally relating to respiratory care practitioners, radiation therapists, radiographers, and nuclear medicine technologists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14-5A-01, 14-5A-06, 14-5A-07 through 14-5A-09, 14-5A-13, 14-5A-16, 14-5A-17, 14-5A-19, 14-5A-23, 14-5B-01, 14-5B-03 through 14-5B-10, 14-5B-12 through 14-5B-18, and 14-5B-20

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing

Article – Health Occupations

Section 14-5A-14, 14-5A-15, and 14-5B-11

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 14-5A-14, 14-5A-17.1, 14-5A-22.1, 14-5B-11, 14-5B-12.1, 14-5B-14.1, and 14-5B-18.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1518 – Delegates Howard, Ali, Barkley, Barnes, Benson, Braveboy, Cane, G. Clagett, Costa, DeBoy, Dumais, Feldman, Frush, Gaines, Glenn, Griffith, Gutierrez, Guzzone, Healey, Heller, Holmes, Hubbard, Huckler, Ivey, Kaiser, Kirk, Lafferty, Levi, Malone, McHale, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Proctor, Riley, Ross, Schuler, Stein, Stukes, F. Turner, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

Education – Collective Bargaining – Public School Labor Relations Board

FOR the purpose of establishing a Public School Labor Relations Board; specifying the manner of appointment, membership, duties, and responsibilities of the Board; providing for staffing of the Board; providing for the staggering of terms; authorizing the Board to adopt and enforce certain regulations, guidelines, and policies; permitting the Board to petition a circuit court to seek enforcement of an order of the Board; providing that a hearing and determination under this Act is a contested case; requiring the Board to decide any controversy or dispute involving a labor organization of certificated or noncertificated public school employees; providing that a certain decision of the Board is a final decision; requiring the Board to supervise the election of certain exclusive employee representatives; altering the determination of certain matters which may be negotiated by a certain designated representative; authorizing a certain party to petition the Board over certain matters; authorizing the Board to make a certain determination of impasse during certain negotiations under certain circumstances; authorizing the Board to provide certain assistance during a certain impasse; requiring that certain provisions are subject to certain other provisions concerning a fiscal relationship between certain parties; authorizing the Board to make a certain determination concerning bad faith bargaining and unfair labor practices; defining certain terms; altering provisions relating to the negotiation of certain matters by a public school employer; specifying certain requirements and procedures relating to the use of mediation, fact-finding, and arbitration by certain parties in certain matters subject to dispute resolution; and generally relating to the Public School Labor Relations Board and collective bargaining for certificated and noncertificated public school employees.

BY repealing and reenacting, with amendments,

Article – Education

Section 2–205(e), 6–401, 6–405(f), 6–408, 6–501, 6–506(f), and 6–510

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education

Section 6–801 through 6–807 to be under the new subtitle “Subtitle 8. Public School Labor Relations Board”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 176 – Chair, Finance Committee (By Request – Departmental – Comptroller)

SECOND PRINTING

AN ACT concerning

Motor Fuel – Use of Dyed Diesel Fuel – Violations

FOR the purpose of establishing certain offenses involving the use of dyed diesel fuel in the propulsion tank of a motor vehicle on State highways; and generally relating to the use of dyed diesel fuel on State highways.

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 10–323.2

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 146 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Tuition Reduction for Nonresident Nursing Students – Service Obligation

FOR the purpose of altering the service obligation for certain nursing students receiving a certain tuition reduction at a public institution of higher education; and generally relating to the tuition reduction program for nonresident nursing students.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–110(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**Senate Bill 187 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Higher Education
Commission)**

AN ACT concerning

Institutions of Postsecondary Education – Certificate of Approval

FOR the purpose of authorizing the Maryland Higher Education Commission to require a certain fee from certain institutions of postsecondary education applying for certain certificates of approval; and generally relating to the approval of institutions of postsecondary education.

BY repealing and reenacting, with amendments,
Article – Education
Section 11–105(o)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 11–202(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #3

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

House Bill 64 – Delegate Kipke

AN ACT concerning

Fallen Soldier Privacy Act of 2008

HB0064/353591/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 64
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “from” insert “knowingly”; in line 5, after “individuals;” insert “providing for the application of this Act;”; and in line 9, strike “19-403” and substitute “19-404”.

AMENDMENT NO. 2

On page 2, after line 17, insert:

“19-402.

THIS SECTION DOES NOT APPLY TO:

(1) THE USE OF A SOLDIER’S NAME, PORTRAIT, PICTURE, OR IMAGE IN AN ATTEMPT TO PORTRAY, DESCRIBE, OR IMPERSONATE THAT SOLDIER IN A LIVE PERFORMANCE, SINGLE AND ORIGINAL WORK OF FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK, IF THE PERFORMANCE, FINE ART, PLAY, BOOK, ARTICLE, FILM, MUSICAL WORK, RADIO OR TELEVISION PROGRAMMING, OR OTHER AUDIO OR AUDIOVISUAL WORK DOES NOT CONSTITUTE A COMMERCIAL ADVERTISEMENT FOR ANY PRODUCT, GOOD, WARE, OR MERCHANDISE;

(2) THE USE OF A SOLDIER’S NAME, PORTRAIT, PICTURE, OR IMAGE FOR NONCOMMERCIAL PURPOSES, INCLUDING ANY NEWS, PUBLIC AFFAIRS, OR SPORTS BROADCAST OR ACCOUNT;

(3) THE USE OF A SOLDIER'S NAME IN TRUTHFULLY IDENTIFYING THE SOLDIER AS THE AUTHOR OF A PARTICULAR WORK OR PROGRAM OR AS THE PERFORMER IN A PARTICULAR PERFORMANCE;

(4) ANY PROMOTIONAL MATERIALS, ADVERTISEMENTS, OR COMMERCIAL ANNOUNCEMENTS FOR A USE DESCRIBED IN ITEM (1), (2), OR (3) OF THIS SECTION;

(5) UNLESS THE EXHIBITION IS CONTINUED BY THE PROFESSIONAL PHOTOGRAPHER AFTER WRITTEN NOTICE OBJECTING TO THE EXHIBITION BY A PERSON WITH THE AUTHORITY TO GRANT CONSENT FOR USE UNDER § 19-403 OF THIS SUBTITLE, THE USE OF PHOTOGRAPHS, VIDEO RECORDINGS, AND IMAGES BY A PERSON PRACTICING PROFESSIONAL PHOTOGRAPHY TO EXHIBIT, IN OR ABOUT THE PROFESSIONAL PHOTOGRAPHER'S PLACE OF BUSINESS OR PORTFOLIO, SAMPLES OF THE PROFESSIONAL PHOTOGRAPHER'S WORK;

(6) THE USE OF A SOLDIER'S PICTURE, PORTRAIT, OR IMAGE THAT IS NOT FACIALLY IDENTIFIABLE; AND

(7) A PHOTOGRAPH OF A MONUMENT OR A MEMORIAL THAT IS PLACED ON ANY PRODUCT, GOOD, WARE, OR MERCHANDISE.”;

and in lines 18, 26, and 27, strike “**19-402.**”, “**19-403.**”, and “**19-402**”, respectively, and substitute “**19-403.**”, “**19-404.**”, and “**19-403**”, respectively.

AMENDMENT NO. 3

On page 2, in line 19, after “NOT” insert “**KNOWINGLY**”; strike beginning with the comma in line 20 down through “BY” in line 21 and substitute “**IN**”; in line 21, after “FOR” insert “**THE**”; in line 22, after “SALE” insert “**OF**”; in the same line, after “SERVICE,” insert “**FOR THE PURPOSE OF GAINING A COMMERCIAL ADVANTAGE,**”; in the same line, strike “FIRST”; in line 23, after “OBTAINING” insert “**PRIOR**”; in the same line, after “FROM” insert “**THE SOLDIER OR**”; in line 27, strike “THAT” and substitute “**WHO**”; and in line 28, in each instance, strike the comma.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 404 - Chair, Economic Matters Committee (By Request -
Departmental - Insurance Administration, Maryland)**

AN ACT concerning

Insurance Fraud - Required Disclosure Statements

HB0404/733491/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 404

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 4 down through “payments;” in line 5 and substitute “and certain claim forms; providing that the lack of a certain statement does not constitute a defense in certain proceedings;”; in line 5, strike “a certain exception” and substitute “certain exceptions”; and in line 6, strike “providing for the application of this Act” and substitute “requiring certain insurers to comply with this Act on or before a certain date”.

AMENDMENT NO. 2

On page 2, in line 2, strike “ALL” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ALL**”; strike beginning with “PROVIDED” in line 3 down through the comma in line 4; in line 5, strike “A” and substitute “**THE FOLLOWING**”; strike beginning with the comma in line 5 down through “FOLLOWING” in line 6 and substitute “**OR A SUBSTANTIALLY SIMILAR STATEMENT**”; strike in their entirety lines 7 through 12, inclusive, and substitute:

“ANY PERSON WHO KNOWINGLY AND WILLFULLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR WHO KNOWINGLY AND WILLFULLY PRESENTS FALSE INFORMATION IN AN

APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN PRISON.”;

after line 15, insert:

“(B) SUBSECTION (A)(1) OF THIS SECTION DOES NOT APPLY TO:

(1) REINSURANCE APPLICATIONS OR CLAIM FORMS; OR

(2) THE UNIFORM CLAIMS FORM FOR REIMBURSEMENT OF HOSPITAL SERVICES OR THE UNIFORM CLAIMS FORM FOR REIMBURSEMENT OF HEALTH CARE PRACTITIONERS SERVICES ADOPTED BY THE COMMISSIONER UNDER § 15-1003 OF THIS ARTICLE.”;

and strike in their entirety lines 16 through 28, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 405 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Homeowner’s Insurance – Loss from Water and Sewer Backup – Offer of Coverage

HB0405/513797/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 405
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “writing” and substitute “a certain manner”.

AMENDMENT NO. 2

On page 1, in line 18, before “An” insert “**(A)**”; and after line 23, insert:

“(B) IF AN APPLICATION OR RENEWAL IS MADE BY TELEPHONE, THE INSURER IS DEEMED TO BE IN COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION IF, WITHIN 7 CALENDAR DAYS AFTER THE DATE OF APPLICATION OR RENEWAL, THE INSURER SENDS BY CERTIFICATE OF MAILING THE OFFER TO THE APPLICANT OR INSURED.

“(C) IF AN APPLICATION OR RENEWAL IS MADE USING THE INTERNET, THE INSURER IS DEEMED TO BE IN COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION IF THE INSURER PROVIDES THE OFFER TO THE APPLICANT OR INSURED PRIOR TO SUBMISSION OF THE APPLICATION OR RENEWAL.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 407 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety – Authorized Inspection Agencies

HB0407/753091/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 407

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike beginning with “authorized” through “bond” and substitute “the Commissioner to establish certain insurance requirements by regulation”; and in line 13, after “term;” insert “making a technical correction;”.

On the same page, in line 17, after “(c)” insert “and (h)”.

AMENDMENT NO. 2

On pages 4 and 5, strike beginning with “(1)” in line 27 on page 4 down through “COMMISSIONER” in line 9 on page 5 and substitute “BY REGULATION, THE COMMISSIONER SHALL ESTABLISH INSURANCE REQUIREMENTS, BASED ON NATIONALLY ACCEPTED STANDARDS, THAT MUST BE SATISFIED BY AN AUTHORIZED INSPECTION AGENCY BEFORE A COMMISSION MAY BE ISSUED TO THE AUTHORIZED INSPECTION AGENCY”.

AMENDMENT NO. 3

On page 8, after line 10, insert:

“(h) (1) The Board shall provide for public safety and therefore has jurisdiction over the interpretation and application of the inspection requirements provided in the regulations adopted under this subtitle.

(2) Inspection requirements of operating equipment shall:

(i) be in accordance with generally accepted practice; and

(ii) be compatible with the actual service conditions, including:

1. previous experience, based on records of performance and maintenance;

2. location, with respect to personnel hazard;

3. provision for related safe operation OF controls; and

4. interrelation with other operations outside the scope of this subtitle.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 415 - Chair, Economic Matters Committee (By Request -
Departmental - Labor, Licensing and Regulation)**

AN ACT concerning

**Department of Labor, Licensing, and Regulation - Occupational and
Professional Licensing Design Boards - Fee-Setting Authority**

HB0415/293796/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 415

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “repealing” and substitute “altering”; in line 6, strike “rendered inapplicable by this Act” and substitute “related to certain fees that are no longer applicable”; in line 13, strike “and 8”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Chapter 227 of the Acts of the General Assembly of 2003

Section 8”.

AMENDMENT NO. 2

On page 1, in lines 20 and 23, in each instance, strike the bracket; in line 20, strike “2, 6, and 7” and substitute “**2 and 6**”; in line 21, strike “5” and substitute “**10**”; and in line 22, strike “2008” and substitute “**2013**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 750 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation of Binders or Policies – Certificate of Mail

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #3

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

House Bill 208 – Delegates Riley, Beitzel, Norman, James, Jennings, McComas, Smigiel, and Sossi

AN ACT concerning

Agriculture – Seed and Nursery Stock for Native Plants – Funding

HB0208/240311/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 208

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Seed and Nursery Stock for Native Plants – Funding” and substitute “Wild Pollinators Program”; in line 3, strike “Native Plants” and substitute “Wild Pollinators”; in the same line, after “establishing” insert “subject to funding in the State budget.”; in line 4, after “awareness” insert “and availability”; in line 5, strike “native plants” and substitute “noninvasive plants that are pollinator friendly”; strike beginning with “requiring” in line 5 down through “years;” in line 7; strike beginning with “the” in line 7 down through “plants” in line 8 and substitute “awareness of wild pollinators and availability of noninvasive plants that are pollinator friendly”; in lines 11 and 12, strike “Native Plants” and substitute

“Wild Pollinators”; in line 19, strike “native” and substitute “noninvasive”; in the same line, after “plants” insert “that are pollinator friendly”; and in lines 19 and 20, strike “native plants” and substitute “noninvasive plants that are pollinator friendly”.

AMENDMENT NO. 2

On page 2, in lines 1, 3 and 4, and 5, in each instance, strike “**NATIVE PLANTS**” and substitute “**WILD POLLINATORS**”; in line 5, strike “**THERE**” and substitute “**SUBJECT TO FUNDING IN THE STATE BUDGET, THERE**”; strike beginning with the third “**THE**” in line 6 down through “**NATIVE**” in line 7 and substitute “**AWARENESS OF WILD POLLINATORS AND THE AVAILABILITY OF NONINVASIVE**”; in lines 11 and 13, in each instance, strike “**NATIVE PLANTS**” and substitute “**NONINVASIVE PLANTS THAT ARE POLLINATOR FRIENDLY**”; and strike in their entirety lines 14 through 16, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 227 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Animal Health – Administrative Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 228 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Hospital Inspections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #2**

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

House Bill 115 – Delegates Tarrant, Barve, Braveboy, Cane, Conaway, Glenn, Hammen, Harrison, Ivey, Kipke, Kullen, Montgomery, Oaks, Pendergrass, Reznik, Riley, Robinson, Stukes, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

**Medical Assistance Programs and Maryland Children’s Health Program –
Statements on State-Issued Checks**

HB0115/146586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 115
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Checks” and substitute “Check Stubs”; and in lines 9 and 12, in each instance, strike “checks” and substitute “check stubs”.

AMENDMENT NO. 2

On page 2, in line 6, after “CHECK” insert “STUB”; strike beginning with “ON” in line 7 down through “3.” in line 9; and in line 10, after “PAYCHECK” insert “STUB;
AND

**3. ON EACH STATE-ISSUED CHILD SUPPORT
PAYMENT CHECK STUB**”.

AMENDMENT NO. 3

On page 3, in line 1, after "CHECK" insert "STUB"; strike beginning with "ON" in line 2 down through "3." in line 4; and in line 5, after "PAYCHECK" insert "STUB; AND

3. ON EACH STATE-ISSUED CHILD SUPPORT PAYMENT CHECK STUB".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 142 – Delegate Morhaim

AN ACT concerning

Department of Health and Mental Hygiene – Renaming and Review of Reports and Commissions

HB0142/956785/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 142

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Renaming and"; strike beginning with "renaming" in line 4 down through "Health;" in line 6; in line 6, strike "Health to" and substitute "Health and Mental Hygiene to"; in line 8, after "date;" insert "providing that a certain review does not include a review of certain health occupations boards;"; strike beginning with "requiring" in line 8 down through "used;" in line 11; in line 11, strike "renaming"; strike in their entirety lines 14 through 23, inclusive; in line 25, strike beginning with "the" through "follows"; and strike line 26 in its entirety.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 12, inclusive; in line 13, after “Health” insert “and Mental Hygiene”; and after line 24, insert:

“(c) The review of the Department required under subsection (a) of this section does not include a review of the health occupations boards under the jurisdiction of the Department.”;

and in line 25, strike “(c)” and substitute “(d)”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 7 through 18, inclusive; and in line 19, strike “5.” and substitute “2.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 213 – Chair, Health and Government Operations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Personal Records – Collection of Personal Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Vital Records – Copies to County Registrars of Vital Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 235 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Medical Assistance Program – Emergency Service Transporters – Payments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 238 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Status, Operation, and Regulation

HB0238/586685/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 238
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 11, strike “certain fiscal years” and substitute “a certain fiscal year”.

AMENDMENT NO. 2

On page 3, in line 13, strike “nine” and substitute “**11**”; in line 24, strike “two” and substitute “**THREE**”; and in line 32, strike “AND”.

On page 4, in line 3, after “**HYGIENE**” insert “;**AND**”

(9) ONE SHALL BE APPOINTED BY THE GOVERNOR TO REPRESENT HOSPITALS IN THE STATE".

AMENDMENT NO. 3

On page 14, in line 9, strike "2008" and substitute "2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 271 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medical Review Committees

HB0271/886383/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 271

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike beginning with "altering" through "include" and substitute "providing that, for purposes of certain provisions of law,"; in line 4, after "staff" insert "is a medical review committee"; in line 5, strike the first "and"; in the same line, after "circumstances;" insert "defining a certain term;"; in line 9, strike "(a) and (b)"; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 4, in line 12, strike "**(C)(1) OR (2)**" and substitute "(C)"; and after line 24, insert:

“(d) (1) Except as otherwise provided in this section, the proceedings, records, and files of a medical review committee are not discoverable and are not admissible in evidence in any civil action.

(2) The proceedings, records, and files of a medical review committee are confidential and are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being reviewed and evaluated by the medical review committee if requested by the following:

(i) The Department of Health and Mental Hygiene to ensure compliance with the provisions of § 19–319 of the Health – General Article;

(ii) A health maintenance organization to ensure compliance with the provisions of Title 19, Subtitle 7 of the Health – General Article and applicable regulations;

(iii) A health maintenance organization to ensure compliance with the National Committee for Quality Assurance (NCQA) credentialing requirements; or

(iv) An accrediting organization to ensure compliance with accreditation requirements or the procedures and policies of the accrediting organization.

(3) If the proceedings, records, and files of a medical review committee are requested by any person from any of the entities in paragraph (2) of this subsection:

(i) The person shall give the medical review committee notice by certified mail of the nature of the request and the medical review committee shall be granted a protective order preventing the release of its proceedings, records, and files; and

(ii) The entities listed in paragraph (2) of this subsection may not release any of the proceedings, records, and files of the medical review committee.

(e) Subsection (d)(1) of this section does not apply to:

(1) A civil action brought by a party to the proceedings of the medical review committee who claims to be aggrieved by the decision of the medical review committee; or

(2) Any record or document that is considered by the medical review committee and that otherwise would be subject to discovery and introduction into evidence in a civil trial.

(f) (1) A person shall have the immunity from liability described under § 5–637 of the Courts and Judicial Proceedings Article for any action as a member of the medical review committee or for giving information to, participating in, or contributing to the function of the medical review committee.

(2) A contribution to the function of a medical review committee includes any statement by any person, regardless of whether it is a direct communication with the medical review committee, that is made within the context of the person's employment or is made to a person with a professional interest in the functions of a medical review committee and is intended to lead to redress of a matter within the scope of a medical review committee's functions.

(g) Notwithstanding this section, §§ 14–410 and 14–412 of this article apply to:

(1) The Board of Physicians; and

(2) Any other entity, to the extent that it is acting in an investigatory capacity for the Board of Physicians.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 273 – Chair, Health and Government Operations Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Assistive Technology Guaranteed Loan Program and Fund – Changes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 312 – Delegates Morhaim, Oaks, Pendergrass, and Weldon

AN ACT concerning

Procurement – Security Requirements – Repeal Sunset Provision

HB0312/516581/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 312

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal” and substitute “Extension of”; in line 3, strike “repealing” and substitute “altering the format of certain affidavits required to be attached to certain bid security; altering”; in lines 3 and 4, strike “on the implementation of” and substitute “included in”; in line 4, strike “on” and substitute “relating to”; in the same line, strike “repealing” and substitute “altering”; strike in their entirety lines 7 through 11, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Economic Development

Section 5–568 and 5–569

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 13–207 and 17–104

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”;

strike line 14 in its entirety and substitute “Section 13–208 and 13–216”; strike in their entirety lines 17 through 19, inclusive; and in line 22, strike “3 and 4” and substitute “2, 3, and 4”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 25 on page 1 through line 24 on page 3, inclusive, and substitute:

“Article – Economic Development

5–568.

(a) The Authority may guarantee a surety up to the lesser of 90% or \$5,000,000 of its loss under a bid bond, payment bond, or performance bond on a contract financed by the federal government, a state government, a local government, a private entity, or a utility that the Public Service Commission regulates.

(b) The term of a guaranty under this part may not exceed the contract term, including:

- (1) the maintenance or warranty period required by the contract; and
- (2) the period during which the surety may be liable for latent defects.

(c) The Authority may vary the terms and conditions of a guaranty based on:

- (1) the Authority’s history of experience with a surety; and
- (2) any other factor the Authority considers relevant.

5–569.

(a) The Authority may execute and perform a bid bond, performance bond, and payment bond as a surety for the benefit of a principal in connection with a contract financed by the federal government or a state government, a local government, a private entity, or a utility regulated by the Public Service Commission.

(b) (1) This subsection does not apply if the sources of funding for the bonds are grants.

(2) The bonds may not exceed \$5,000,000 each.

(c) Bonds are subject to the approval of the authority based on the bond worthiness of the principal.

AMENDMENT NO. 3

On page 5, in lines 3 and 4, strike “the GSA Standard Form 28, Affidavit of Individual Surety,” and substitute “**AN AFFIDAVIT OF INDIVIDUAL SURETY IN A FORMAT THAT THE BOARD REQUIRES**”.

On page 8, in lines 19 and 20, strike “the GSA Standard Form 28, Affidavit of Individual Surety,” and substitute “**AN AFFIDAVIT OF INDIVIDUAL SURETY IN A FORMAT THAT THE BOARD REQUIRES**”.

AMENDMENT NO. 4

On page 10, in lines 5, 12, 13, 17, 18, and 20, in each instance strike the bracket; strike beginning with “September” in line 5 down through “inclusive,” in line 6 and substitute “September 30, 2009 and every 2 years thereafter”; in line 10, strike “implementation” and substitute “effectiveness”; in lines 10 and 11, strike “Act during the immediately preceding fiscal year,” and substitute “Act.”; in lines 13 and 17, strike “**2.**” and “**3.**”, respectively; in line 18, strike “3” and substitute “8”; and in line 19, strike “September 30, 2009” and substitute “September 30, 2014”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

**Reorganization of State Government – Department of Information
Technology**

HB0362/226280/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 362

(First Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 10, strike “SUBTITLE” and substitute “TITLE”.

AMENDMENT NO. 2

On page 12, in line 18, strike “MARYLAND” and substitute “EMARYLAND”.

AMENDMENT NO. 3

On page 16, in line 14, strike “§ 3A-302(B)(2)” and substitute “§ 3A-301(B)(2)”.

AMENDMENT NO. 4

On page 23, strike in their entirety lines 4 through 10.

On page 24, in line 16, strike “3A-505.” and substitute “3A-504.”; after line 17, insert:

“(1) ESTABLISH AND ADMINISTER A PROGRAM TO PROVIDE COST-EFFICIENT, 24-HOUR, DUAL PARTY RELAY SERVICE TO PROGRAM PARTICIPANTS AT A COMPARABLE LEVEL OF ACCESS AND QUALITY THAT A STANDARD TELECOMMUNICATION SERVICE PROVIDES TO A PERSON WITHOUT A HEARING OR SPEECH DISABILITY;”;

in lines 18 and 22, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively; and in line 27, strike “(A)(2)” and substitute “(A)(3)”.

On page 25, in lines 1 and 4, strike “3A-506.” and “3A-507.”, respectively, and substitute “3A-505.” and “3A-506.”, respectively; and in lines 5, 10, 15, 25, and 29, in each instance, strike “§ 3A-503” and substitute “§ 3A-504(A)”.

On page 26, in line 13, strike “§ 3A-503” and substitute “§ 3A-504(A)”.

On page 28, in line 2, strike “§ 3A-507” and substitute “§ 3A-506”.

AMENDMENT NO. 5

On page 31, in line 31, strike the period and substitute “;AND”.

On page 32, in line 5, strike “§ 3A-302” and substitute “§ 3A-301”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for February 22, 2008.

The motion was adopted.

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

House Bill 395 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance Carriers – Financial Reporting

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 102)

ADJOURNMENT

At 10:39 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, February 21, 2008.

Annapolis, Maryland
Thursday, February 21, 2008

The House met at 10:08 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jon S. Cardin of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 103)

The Journal of February 20, 2008 was read and approved.

EXCUSES:

Del. Heller – medical procedure

Del. Jameson – recovering from surgery

Del. Mathias – funeral

INTRODUCTION OF BILLS

House Bill 1519 – Delegate Bohanan

AN ACT concerning

Creation of a State Debt – St. Mary's County – St. Mary's Agricultural Service Center

FOR the purpose of authorizing the creation of a State Debt in the amount of \$500,000, the proceeds to be used as a grant to the Board of Supervisors of the St. Mary's Soil Conservation District for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1520 – Delegate Bohanan

AN ACT concerning

Creation of a State Debt – St. Mary’s County – Leah’s House

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Trustees of Leah’s House, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1521 – Delegates Murphy, Bohanan, Boteler, Cardin, Frick, Gilchrist, Kullen, Levy, O’Donnell, and Wood

AN ACT concerning

Sales and Use Tax – Exemption – Veterans’ Organizations

FOR the purpose of extending a certain termination provision applicable to a sales and use tax exemption for sales to certain veterans’ organizations; and generally relating to a sales and use tax exemption for certain sales to certain veterans’ organizations.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–204(a)(8)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 217 of the Acts of the General Assembly of 2006
Section 2

BY repealing and reenacting, with amendments,
Chapter 218 of the Acts of the General Assembly of 2006
Section 2

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

House Bill 1522 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Fund – Allocations to and Disbursements from the Medical Assistance Program Account

FOR the purpose of altering the allocation by the Maryland Insurance Commissioner of certain revenue in the Maryland Health Care Provider Rate Stabilization Fund to the Medical Assistance Program Account; providing that certain revenue in the Fund after a certain fiscal year shall accrue to the Medical Assistance Program Account; expanding the health care providers who are eligible to receive certain payments from the Medical Assistance Program Account to include a health care practitioner licensed under the Maryland Dentistry Act; including the Maryland State Dental Association among the groups that determine, in consultation with the Secretary of Health and Mental Hygiene, health care provider rate increases payable from the Fund; defining a certain term; and generally relating to allocations to and disbursements from the Medical Assistance Program Account in the Maryland Health Care Provider Rate Stabilization Fund.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–801 and 19–802
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–803 and 19–807
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1523 – Delegate Proctor

AN ACT concerning

Law Enforcement Officers’ Pension System – Benefit Enhancement

FOR the purpose of increasing the employee contribution rate for certain members of the Law Enforcement Officers’ Pension System; altering the formula used to calculate the normal service retirement allowances of certain members of the Law Enforcement Officers’ Pension System as of a certain date; authorizing certain governmental units that participate in the Law Enforcement Officers’ Pension System to elect to participate in the Alternate Contributory Law

Enforcement Officers' Pension Selection under this Act; providing that the election by a participating governmental unit to participate is irrevocable; providing for a certain purchase of service credit by certain employees of participating governmental units that elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; and generally relating to enhancements and modifications to pension and retirement benefits for members of the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–204, 26–209, and 26–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 26–215 and 26–216 to be under the new part “Part III. Alternate Contributory Law Enforcement Officers' Pension Selection”; and 26–307.2 and 31–2A–06
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1524 – Delegate Proctor

AN ACT concerning

Law Enforcement Officers' Pension System – Benefit Enhancement

FOR the purpose of increasing the employee contribution rate for certain members of the Law Enforcement Officers' Pension System; altering the formula used to calculate the normal service retirement allowances of certain members of the Law Enforcement Officers' Pension System as of a certain date; authorizing certain governmental units that participate in the Law Enforcement Officers' Pension System to elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; providing that the election by a participating governmental unit to participate is irrevocable; providing for a certain purchase of service credit by certain employees of participating governmental units that elect to participate in the Alternate Contributory Law Enforcement Officers' Pension Selection under this Act; and generally relating to enhancements and modifications to pension and retirement benefits for members of the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions

Section 26–204, 26–209, and 26–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Personnel and Pensions
Section 26–215 and 26–216 to be under the new part “Part III. Alternate
Contributory Law Enforcement Officers’ Pension Selection”; and 26–307.2
and 31–2A–06
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1525 – Delegates Hubbard and Levi

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2007 – Prince George’s County
– Reid Community Business Development Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007
to change the location of the Reid Community Business Development Center.

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BD) and ZA02(BT)

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

**House Bill 1526 – Delegates Carr, Bobo, V. Clagett, Hubbard, Hucker, and
Montgomery**

AN ACT concerning

Public Safety – Demolition Work – Safety Provisions and Permitting

FOR the purpose of requiring a contractor to obtain a permit for demolition work in a
certain manner; requiring certain contractors to obtain a demolition permit
from the Department of Labor, Licensing, and Regulation; requiring the
demolition permit applicant to submit a certain application to the Department
and pay a certain fee to the Department; requiring the Department to adopt
certain regulations; establishing a certain presumption; providing for the
application of this Act; defining certain terms; and generally relating to
demolition permits.

BY adding to

Article – Public Safety
Section 12–705
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1527 – Washington County Delegation

AN ACT concerning

Creation of a State Debt – Washington County – Springfield Barn

FOR the purpose of authorizing the creation of a State Debt in the amount of \$250,000, the proceeds to be used as a grant to the Mayor and Town Council of the Town of Williamsport for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1528 – Delegate Lafferty

AN ACT concerning

State Finance and Procurement – Dispute Resolution – Use of Mediation and Arbitration

FOR the purpose of authorizing a procurement officer who receives a protest or a contract claim from a contractor to participate in mediation and, subject to conditions, to agree to arbitration; authorizing a person who reviews a contract claim to refer the matter to mediation and, subject to conditions, to agree to arbitration; authorizing a procurement officer who receives a contract claim from a unit to participate in mediation and, subject to conditions, to agree to arbitration; and generally relating to the use of mediation and arbitration in dispute resolution under the State procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 15–218, 15–219, and 15–219.1

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 4 – Senator Simonaire

AN ACT concerning

Notary Public – Fees

FOR the purpose of increasing the maximum fee that the Secretary of State may establish by regulation for an original notarial act; and generally relating to fees charged by notaries public.

BY repealing and reenacting, with amendments,
Article – State Government
Section 18–112
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 101 – Senator Gladden

AN ACT concerning

**Real Property – Homeowners Associations – Amendment of
Governing Documents**

FOR the purpose of authorizing the governing documents of ~~a~~ certain homeowners ~~association~~ associations to be amended by a certain percentage of votes and at a certain frequency, unless the governing document provides for a lower percentage and a greater frequency; defining a certain term; and generally relating to amendment of the governing documents of a homeowners association.

BY renumbering
Article – Real Property
Section 11B–116

to be Section 11B-117
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 11B-116
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 104)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #4

House Bill 54 – Delegate Guzzone

AN ACT concerning

Property Tax – Credit – Accessibility Features

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

Affirmative – 135 Negative – 0 (See Roll Call No. 105)

The Bill was then sent to the Senate.

House Bill 76 – Delegates Shewell, Ali, Anderson, Aumann, Barnes, Bartlett, Bates, Beidle, Benson, Boteler, Burns, G. Clagett, V. Clagett, DeBoy, Dumais, Eckardt, Elliott, Elmore, Frank, Frush, George, Glenn, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Krebs, Lafferty, McComas, McConkey, McDonough, McIntosh, McKee, Miller, Minnick, Myers, Schuh, Shank, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Valderrama, Waldstreicher, Walkup, and Weldon

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual - Penalty

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

Affirmative – 136 Negative – 0 (See Roll Call No. 106)

The Bill was then sent to the Senate.

House Bill 90 - Chair, Judiciary Committee (By Request - Maryland Judicial Conference)

AN ACT concerning

Child Welfare - Permanency Planning and Interstate Placement of Foster Children

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

Affirmative – 136 Negative – 0 (See Roll Call No. 107)

The Bill was then sent to the Senate.

House Bill 169 - Delegates Jones, Branch, Burns, Dumais, Gaines, Haynes, Hecht, Morhaim, Nathan-Pulliam, and F. Turner

AN ACT concerning

Education - Children in Informal Kinship Care Relationships

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

Affirmative – 136 Negative – 0 (See Roll Call No. 108)

The Bill was then sent to the Senate.

House Bill 282 - Delegates Simmons and Kramer

AN ACT concerning

Criminal Law - Possessing Stolen Property

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

Affirmative – 136 Negative – 0 (See Roll Call No. 109)

The Bill was then sent to the Senate.

House Bill 402 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Transfer Tax – Termination Provision

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

Affirmative – 132 Negative – 5 (See Roll Call No. 110)

The Bill was then sent to the Senate.

House Bill 445 – St. Mary’s County Delegation

AN ACT concerning

Property Tax Credits – St. Mary’s County – Land Preservation Easements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 111)

The Bill was then sent to the Senate.

QUORUM CALL

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

(See Roll Call No. 112)

ADJOURNMENT

At 10:30 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, February 22, 2008.

Annapolis, Maryland
Friday, February 22, 2008

The House met at 11:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Virginia P. Clagett of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 113)

The Journal of February 21, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. McConkey – illness – flu

INTRODUCTION OF BILLS

House Bill 1529 – Delegate Rudolph

AN ACT concerning

**Environment – Sewage Sludge Utilization – Zoning and Land Use
Requirements**

FOR the purpose of prohibiting the Department of the Environment from issuing a sewage sludge utilization permit for a site unless the site meets all county zoning and land use requirements or ordinances; and generally relating to the use of sewage sludge.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–233
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

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

House Bill 1530 – Delegates Stukes, Haynes, and Kirk

AN ACT concerning

Creation of a State Debt – Baltimore City – The Sellers Mansion

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the St. James Development Corporation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1531 – Delegate Conaway

AN ACT concerning

Vehicle Laws – Mandatory Seat Belt Use – Enforcement

FOR the purpose of limiting a police officer to enforcing certain mandatory seat belt laws only as a secondary action when detaining a driver for another suspected violation of the law; and generally relating to the enforcement of mandatory seat belt laws.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.3
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1532 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health – Direct Access of State Agencies to Criminal Background Checks Conducted by Department of Public Safety and Correctional Services

FOR the purpose of authorizing certain State agencies to receive criminal history background check information for prospective employees of certain programs; altering the definition of an “adult dependent care program” as it relates to certain employee background checks; requiring certain employees to submit certain information and fees; requiring the Central Repository to forward certain information to certain employees and departments; requiring that certain information be kept confidential; and generally relating to employee background checks.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–1901 and 19–1902
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1533 – Delegates Nathan–Pulliam, Benson, Burns, Carter, Harrison, Jones, Oaks, Robinson, Stukes, and Tarrant

AN ACT concerning

Task Force to Study Health Disparities Among Minority Children with Learning Disabilities

FOR the purpose of establishing the Task Force to Study Health Disparities Among Minority Children with Learning Disabilities; specifying the membership and the staff of the Task Force; requiring the Task Force to study certain issues; requiring the Task Force to make certain reports; providing for the termination of this Act; and generally relating to the establishment of the Task Force to Study Health Disparities Among Minority Children with Learning Disabilities.

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

House Bill 1534 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

College Savings Plans of Maryland

FOR the purpose of authorizing the College Savings Plans of Maryland Board to establish the Maryland Broker–Dealer College Investment Plan for certain purposes; requiring the Board to oversee the administration of the

Broker-Dealer Plan; providing that neither the faith and credit nor the taxing power of the State is pledged to the payment of debts, contracts, and obligations of the Broker-Dealer Plan; providing for the administration of the Broker-Dealer Plan; requiring the Board to maintain the Broker-Dealer Plan in compliance with certain standards for qualified State tuition programs; requiring the Board to issue certain statements to participants at least annually; providing that the assets and the income of the Broker-Dealer Plan are exempt from State and local taxation; allowing a subtraction modification under the State income tax for certain contributions to an account under the Broker-Dealer Plan, subject to a certain limitation; allowing certain amounts disallowed under the subtraction modification as a result of a certain limitation to be carried over and subtracted for succeeding taxable years; requiring an addition modification for certain distributions made under certain investment accounts; allowing a subtraction modification for certain distributions under certain investment accounts; providing for the construction and application of this Act; clarifying certain distribution requirements and eliminating the reference to refunds under the Maryland College Investment Plan; defining certain terms; and generally relating to the Maryland College Investment Plan and the Maryland Broker-Dealer College Investment Plan.

BY repealing and reenacting, with amendments,

Article – Education

Section 18-1901, 18-1902.1, 18-1904(b), 18-1905, 18-19A-04, and 18-19A-05

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 18-1904(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education

Section 18-19B-01 through 18-19B-08 to be under the new subtitle “Subtitle 19B. Maryland Broker-Dealer College Investment Plan”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10-205(a), 10-207(a), and 10-208(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10-205(h), 10-207(s), and 10-208(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1535 - Delegates Sossi, Smigiel, and Walkup

AN ACT concerning

Creation of a State Debt - Queen Anne's County - Chesterwye Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Directors of the Chesterwye Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1536 - Cecil County Delegation

AN ACT concerning

Cecil County - Alcoholic Beverages - Light Wine License Fees

FOR the purpose of establishing in Cecil County a certain fee for the issuance of new light wine licenses of any class; and generally relating to alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, without amendments,
Article 2B - Alcoholic Beverages
Section 8-208(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B - Alcoholic Beverages
Section 8-208(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1537 - Chair, Ways and Means Committee (By Request - Departmental - Assessments and Taxation)

AN ACT concerning

Real Property Assessments - Assessment Notice - Requirements

FOR the purpose of altering the circumstances under which a failure to send certain assessment notices within a certain time creates a certain irrebuttable presumption under certain circumstances; and generally relating to assessment notices sent by the State Department of Assessments and Taxation.

BY repealing and reenacting, with amendments,

Article - Tax - Property

Section 8-401

Annotated Code of Maryland

(2007 Replacement Volume)

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

House Bill 1538 - Chair, Judiciary Committee (By Request - Departmental - Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure - Sex Offenders - Notification and Registration

FOR the purpose of altering certain requirements relating to the registration of individuals who have committed certain offenses on a certain registry; requiring certain persons to register on a certain registry if they have been convicted of certain crimes in certain countries; providing that certain requirements for a person to register on a certain registry are to be applied retroactively under certain circumstances; providing for the calculation of a certain term of registration; requiring certain persons under a certain age to register on a certain registry under certain circumstances; establishing that certain individuals who are under the protection of certain witness protection programs are exempt from certain registration requirements; altering certain time periods relating to certain registration, notice, and reporting requirements; requiring certain sex offenders to register in person with a certain local law enforcement unit within certain time periods; providing that a certain sex offender may be required to provide certain additional information to a certain local law enforcement unit; establishing that a person is a resident for purposes of a certain offender registry if the person has a home or other place that the person

habitually lives located in the State at the time of a certain event; establishing that a certain registrant shall register with a certain supervising authority within a certain period of time after the registrant begins to habitually live in the State; requiring a certain homeless registrant to register in person with a local law enforcement unit within certain time periods; requiring a certain homeless registrant to register with a local law enforcement unit at certain intervals; requiring a certain homeless registrant to provide certain information each time the registrant registers with a local law enforcement unit; requiring a local law enforcement unit to obtain a digital image, fingerprints, and palm prints of a certain homeless registrant; providing that a certain homeless registrant may be required to provide certain information to a local law enforcement unit; establishing that certain registration requirements for a homeless registrant are in addition to certain other requirements; requiring a registrant who was homeless and obtains a fixed address to register with a local law enforcement unit within a certain time period; requiring a certain homeless registrant who changes the county in which the registrant habitually lives to send a certain notice to a certain State registry within a certain time period; requiring certain notifications by certain registrants to be made by reporting in person; requiring certain registrants to notify a certain local law enforcement unit when the registrant leaves the United States under certain circumstances or temporarily moves; requiring a certain notification to be made in a certain manner; adding to the requirements of a certain registration statement; requiring a certain registrant to provide a digital image instead of a photograph under certain circumstances; requiring a certain registrant to provide a palm print; repealing an exemption from a certain requirement to provide DNA for a certain person convicted of a misdemeanor; altering the terms of registration for certain offenders on a certain registry; authorizing certain terms of registration to be reduced under certain circumstances; requiring a certain notification relating to the registration of a certain offender to be sent to certain school superintendents, schools, school principals, police departments, and certain entities relating to children; requiring local law enforcement units to provide certain notifications to the Department of Public Safety and Correctional Services; expanding certain notification requirements relating to the residence of a certain registrant to include the county where the registrant habitually lives or intends to habitually live; expanding the authority of a local law enforcement unit to notify entities of the location of a certain sex offender to include notifying child care centers issued a certain letter of compliance; providing that the Department is responsible for receiving and distributing certain communications; defining certain terms; altering certain terms; repealing certain terms; and generally relating to sex offender registration.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–701, 11–702.1, 11–704 through 11–710, 11–713, 11–714, 11–717, and 11–718(a)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–702 and 11–703
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY adding to
Article – Criminal Procedure
Section 11–704.1 and 11–704.2
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

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

House Bill 1539 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Department of Public Safety and Correctional Services – Designation of Acting Secretary

FOR the purpose of repealing a provision of law requiring the Secretary of Public Safety and Correctional Services to designate a Deputy Secretary to be the acting Secretary under certain circumstances; requiring the Secretary to designate a member of the Secretary’s executive staff as acting Secretary under certain circumstances; and generally relating to the designation of an acting Secretary in the Department of Public Safety and Correctional Services.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–102 and 2–105
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

House Bill 1540 – Delegates Benson, Hucker, Bobo, Glenn, Heller, Holmes, Ivey, Levi, Love, Manno, Montgomery, Niemann, Ramirez, Taylor, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Health Care Reform Act of 2008

FOR the purpose of establishing the Maryland Health Care Cost and Quality Transparency Commission in the Department of Health and Mental Hygiene; providing for the membership and staff of the Commission; requiring the Commission, on or before a certain date, to adopt a health care cost and quality transparency plan; establishing requirements for the plan; establishing the Health Care Cost and Quality Transparency Fund; establishing the purpose, administration, and sources of funds for the Fund; requiring the Commission to recover a certain cost from certain fees; requiring fees to be deposited in the Fund; requiring the Maryland Children's Health Program to provide certain health care services for certain parents and caretaker relatives; notwithstanding other provisions of law, making certain children eligible for the Maryland Children's Health Program; altering requirements for the family contribution in the Maryland Children's Health Program; requiring certain individuals to obtain health care coverage through the Maryland Cooperative Health Insurance Purchasing Program; requiring the Board of Directors of the Maryland Health Insurance Plan to establish a certain list of health conditions or diagnoses; requiring the Board to develop a certain questionnaire; prohibiting an insurer from denying coverage for an individual, with certain exceptions; establishing the Maryland Cooperative Health Insurance Purchasing Program; establishing the purpose, supervision, and control of the Program; establishing requirements for Program benefit plan designs, premiums, practices, and eligibility; establishing requirements relating to coverage of individuals eligible for the Maryland Medical Assistance Program and the Maryland Children's Health Program; establishing the Health Trust Fund; establishing the purpose, administration, sources of funds for, and expenditures from the Health Trust Fund; altering a certain loss ratio; altering the criteria specified for a small employer for health insurance purposes; providing that a carrier may only deny coverage on the basis of medical underwriting in accordance with certain requirements; requiring the Insurance Commissioner to adopt regulations and make certain approvals of certain classes of individual health benefit plans; requiring carriers in the individual market to guarantee issuance of certain health benefit plans and discontinue offering and selling certain health benefit plans; authorizing individual purchase of certain health benefit plans; requiring certain carriers to use a certain questionnaire; prohibiting a carrier from excluding a potential enrollee from individual coverage on a certain basis, with a certain exception; prohibiting a carrier from using certain information for a certain purpose, with a certain exception; requiring a carrier to direct an individual to the Maryland Health Insurance Plan under certain circumstances; establishing the effective date for a health benefit plan; altering requirements for premium rates in the individual health insurance market; requiring the Commissioner to adopt certain regulations; requiring an employer to make a certain election; providing for the calculation of certain health expenditures; requiring a certain amount to be deposited into the Health Trust Fund; requiring certain employees to enroll in the Maryland Cooperative Health Insurance Purchasing Program; providing for certain exemptions; requiring certain employees to accept certain health expenditures; providing for certain

exemptions; requiring an employer to notify the Department of Labor, Licensing, and Regulation and the employer's employees of a certain election; requiring an employer to adopt and retain a certain cafeteria plan; providing for certain penalties; requiring the Department to make certain deposits; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to health care and health insurance reform.

BY adding to

Article – Health – General

Section 13–2701 through 13–2707 to be under the new subtitle “Subtitle 27. Maryland Health Care Cost and Quality Transparency Commission”; and 15–301.2

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–301 and 15–301.1

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance

Section 14–509; 14–701 through 14–709 to be under the new subtitle “Subtitle 7. Maryland Cooperative Health Insurance Purchasing Program”; and 15–1304 through 15–1306 and 15–1312

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 15–605(c)(1)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–605(c)(2), 15–1203, and 15–1303

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing

Article – Insurance

Section 15–1312

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Labor and Employment

Section 12-101 through 12-109 to be under the new title “Title 12. Employer Health Expenditures”

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1541 – Delegate Glenn

AN ACT concerning

Creation of a State Debt – Baltimore City – Maryland School for the Blind

FOR the purpose of authorizing the creation of a State Debt not to exceed \$800,000, the proceeds to be used as a grant to the Board of Directors of the Maryland School for the Blind, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 44 – Senator Stone

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

FOR the purpose of ~~making it a felony to attend a dogfight or a cockfight under certain circumstances; altering the penalty~~ certain penalties for knowingly attending a deliberately conducted dogfight or a deliberately conducted event that uses a fowl, cock, or other bird to fight another fowl, cock, or other bird; and generally relating to penalties for attendance at a dogfight or a cockfight.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10-605

Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Senate Bill 62 – Harford County Senators

AN ACT concerning

**Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses –
Additional Class B Licenses**

FOR the purpose of repealing in Harford County the Class BDR (deluxe restaurant) beer, wine and liquor license and all of the privileges, location restrictions, requirements, and other provisions associated with the Class BDR license; specifying when an indirect ownership interest is presumed to exist for certain purposes; increasing the maximum number of Class B licenses that may be issued to an individual for the use of certain persons; and generally relating to alcoholic beverages licenses in Harford County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 6–201(n)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–101(k)(7)(ii) and 9–213(e) and (j)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

**Senate Bill 111 – Senators Mooney, Haines, Jacobs, Kittleman, McFadden,
Munson, Simonaire, and Stone**

AN ACT concerning

**Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and
Groups**

FOR the purpose of including homeless persons within the scope of certain prohibitions against committing certain crimes against certain persons, damaging certain property of certain persons, burning certain objects, and damaging certain buildings with which certain persons or groups have contacts or associations or under circumstances exhibiting animosity against a certain person or group; defining a certain term; and generally relating to hate crimes against homeless persons.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–301, 10–304, and 10–305
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

Senate Bill 132 – Senators Simonaire, Haines, Jacobs, Mooney, Raskin, and Stone

AN ACT concerning

Real Estate Salespersons – Qualifications for Licensure – Education Requirements

FOR the purpose of including certain types of instruction as satisfying certain education requirements for licensure as a real estate salesperson; and generally relating to the education requirements for licensure as a real estate salesperson.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–303(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–303(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 144 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Cosmetologists – Makeup Artist Services

FOR the purpose of repealing provisions relating to the licensure and regulation of makeup artist services by the State Board of Cosmetologists; and generally relating to the State Board of Cosmetologists.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 5–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 5–101(g), (j), (k)(1)(iv), (v), and (vi), (m), and (n), 5–205(b)(4), 5–301(b),
5–305, 5–306, 5–310, 5–313, and 5–501
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 154 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2008

FOR the purpose of repealing the off–sale privilege of a Class B beer and light wine license in Dorchester County on and after a certain date; authorizing a holder of a Class B (on–sale and off–sale) beer and light wine license in Dorchester County that is issued on or before a certain date to continue to exercise the privileges of the license and to renew the license; prohibiting the Board of License Commissioners from approving the transfer of a certain license on or before a certain date; repealing a requirement that a holder of a certain license must purchase wine from the Dorchester County Liquor Control Board Dispensaries; clarifying that certain restaurants may obtain a certain license from the Board of License Commissioners; clarifying that a certain license provides for the consumption of beer, wine, and liquor; providing certain penalties for the violation of certain requirements regarding catering events; authorizing the Board of License Commissioners to grant a special license entitling the holder to exercise certain privileges at an event conducted by a not for profit club, society, association, or organization; requiring an applicant for a special license to submit to the Board of License Commissioners a certain application on a certain form; authorizing the issuance of Class A beer and wine licenses for certain premises under certain circumstances; clarifying and

altering the hours of sale for certain licenses; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–201(k), 6–201(k), 7–101(b)(6) ~~and~~, (d)(7), and (n)(2) and (3),
9–102(b–6), and 11–510(b)(10), (11), (12), and (13)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 7–101(n)(1) and 11–510(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 11–510(b)(14)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

**Senate Bill 181 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

EMERGENCY BILL

AN ACT concerning

State Real Estate Commission – Summary Suspension of License – Grounds

FOR the purpose of authorizing the State Real Estate Commission to suspend summarily a license if the licensee has been convicted of certain crimes or fails to disclose that the licensee has been convicted of certain crimes; making this Act an emergency measure; and generally relating to the grounds for which the State Real Estate Commission may suspend summarily a license.

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 17–322(b)(24)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions
Section 17–328
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

**Senate Bill 186 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – General Services)**

AN ACT concerning

Department of General Services – Small Procurement Process

FOR the purpose of altering the maximum amount of a procurement contract that may be eligible for the small procurement process for certain construction contracts sought to be awarded by the Department of General Services; and generally relating to the small procurement process.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–109(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 221 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer and Light Wine License

FOR the purpose of establishing a Class B beer and light wine license in Garrett County; authorizing the Board of License Commissioners to issue the license for use in certain bona fide hotels, motels, inns, or restaurants; authorizing the Board to issue a license without or with a catering option; specifying the privileges of licenses without and licenses with a catering option; providing for certain issuing and annual fees; authorizing the Board to adopt certain regulations; defining a certain term; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(m)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 292 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts

FOR the purpose of authorizing Sunday sales of certain alcoholic beverages in those election districts of Garrett County in which voters approve a local referendum in favor of Sunday sales under certain circumstances; providing for the referendum and an effective date; requiring the Board of Supervisors of Elections of Garrett County to carry out certain duties; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 11–512(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–512(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 301 – Senators Conway ~~and Gladden~~, Gladden, Lenett, Harrington, Rosapepe, Dyson, and Pinsky

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

FOR the purpose of adding the Maryland Transportation Authority and the Department of Information Technology as a designated procurement ~~unit~~ units under the Small Business Reserve Program; altering the definition of small business by increasing certain maximum average gross sales requirements and adding a category of services; requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; making certain provisions of this Act contingent on the taking effect of another Act; and generally relating to the Small Business Reserve Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–501(b)(22) and (23)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 14–501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)

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

SPECIAL ORDERS

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

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

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

Delegate Conway moved to make the Bill a Special Order for February 29, 2008.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 114)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #5

House Bill 115 - Delegates Tarrant, Barve, Braveboy, Cane, Conaway, Glenn, Hammen, Harrison, Ivey, Kipke, Kullen, Montgomery, Oaks, Pendergrass, Reznik, Riley, Robinson, Stukes, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

**Medical Assistance Programs and Maryland Children's Health Program -
Statements on State-Issued ~~Checks~~ Check Stubs**

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

Affirmative - 136 Negative - 0 (See Roll Call No. 115)

The Bill was then sent to the Senate.

House Bill 142 - Delegate Morhaim

AN ACT concerning

**Department of Health and Mental Hygiene - ~~Renaming and~~ Review of
Reports and Commissions**

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

Affirmative - 137 Negative - 0 (See Roll Call No. 116)

The Bill was then sent to the Senate.

**House Bill 213 - Chair, Health and Government Operations Committee (By
Request - Departmental - Budget and Management)**

AN ACT concerning

Personal Records - Collection of Personal Information

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

Affirmative – 138 Negative – 0 (See Roll Call No. 117)

The Bill was then sent to the Senate.

House Bill 217 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Vital Records – Copies to County Registrars of Vital Records

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

Affirmative – 137 Negative – 0 (See Roll Call No. 118)

The Bill was then sent to the Senate.

House Bill 235 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Medical Assistance Program – Emergency Service Transporters – Payments

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

Affirmative – 138 Negative – 0 (See Roll Call No. 119)

The Bill was then sent to the Senate.

House Bill 238 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Health Insurance Plan – Status, Operation, and Regulation

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

Affirmative – 137 Negative – 0 (See Roll Call No. 120)

The Bill was then sent to the Senate.

House Bill 271 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medical Review Committees

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

Affirmative – 138 Negative – 0 (See Roll Call No. 121)

The Bill was then sent to the Senate.

House Bill 273 – Chair, Health and Government Operations Committee (By Request – Departmental – Disabilities)

AN ACT concerning

Assistive Technology Guaranteed Loan Program and Fund – Changes

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

Affirmative – 138 Negative – 0 (See Roll Call No. 122)

The Bill was then sent to the Senate.

House Bill 312 – Delegates Morhaim, Oaks, Pendergrass, and Weldon

AN ACT concerning

Procurement – Security Requirements – ~~Repeal~~ Extension of Sunset Provision

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

Affirmative – 138 Negative – 0 (See Roll Call No. 123)

The Bill was then sent to the Senate.

House Bill 395 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance Carriers – Financial Reporting

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

Affirmative – 135 Negative – 0 (See Roll Call No. 124)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #6

House Bill 64 – Delegate Kipke

AN ACT concerning

Fallen Soldier Privacy Act of 2008

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

Affirmative – 136 Negative – 0 (See Roll Call No. 125)

The Bill was then sent to the Senate.

House Bill 208 – Delegates Riley, Beitzel, Norman, James, Jennings, McComas, Smigiel, and Sossi

AN ACT concerning

Agriculture – ~~Seed and Nursery Stock for Native Plants – Funding Wild~~ Pollinators Program

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

Affirmative – 136 Negative – 0 (See Roll Call No. 126)

The Bill was then sent to the Senate.

House Bill 227 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agriculture – Animal Health – Administrative Penalties

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

Affirmative – 137 Negative – 0 (See Roll Call No. 127)

The Bill was then sent to the Senate.

**House Bill 228 – Chair, Environmental Matters Committee (By Request –
Departmental – Agriculture)**

AN ACT concerning

State Board of Veterinary Medical Examiners – Hospital Inspections

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

Affirmative – 138 Negative – 0 (See Roll Call No. 128)

The Bill was then sent to the Senate.

**House Bill 404 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)**

AN ACT concerning

Insurance Fraud – Required Disclosure Statements

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

Affirmative – 138 Negative – 0 (See Roll Call No. 129)

The Bill was then sent to the Senate.

**House Bill 405 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)**

AN ACT concerning

**Homeowner’s Insurance – Loss from Water and Sewer Backup – Offer of
Coverage**

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

Affirmative – 135 Negative – 1 (See Roll Call No. 130)

The Bill was then sent to the Senate.

**House Bill 407 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Commissioner of Labor and Industry – Boiler and Pressure Vessel Safety –
Authorized Inspection Agencies**

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

Affirmative – 138 Negative – 0 (See Roll Call No. 131)

The Bill was then sent to the Senate.

**House Bill 415 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Department of Labor, Licensing, and Regulation – Occupational and
Professional Licensing Design Boards – Fee-Setting Authority**

Delegate O'Donnell moved to make the Bill a Special Order for February 26, 2008.

The motion was adopted.

**House Bill 750 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)**

AN ACT concerning

Insurance – Notice of Cancellation of Binders or Policies – Certificate of Mail

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

Affirmative – 138 Negative – 0 (See Roll Call No. 132)

The Bill was then sent to the Senate.

APPOINTMENTS

February 22, 2008

RESOLVED THAT THE SPEAKER MAKES THE FOLLOWING JOINT
COMMITTEE APPOINTMENTS:

Joint Committee on Protocol:

Hon. Joanne C. Benson (House Chairman)

Hon. Sally Y. Jameson

Hon. A. Wade Kach

Hon. Ruth M. Kirk

Hon. Richard A. Sossi

By Order,
Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 133)

ADJOURNMENT

At 11:34 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, February 25, 2008.

**Annapolis, Maryland
Monday, February 25, 2008**

The House met at 8:08 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Keith E. Haynes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 134)

The Journal of February 22, 2008 was read and approved.

EXCUSES:

Del. Bohanan – personal

Del. Jameson – recovering from surgery

Del. Love – business – meeting

Del. Ross – illness

INTRODUCTION OF BILLS

House Bill 1542 – Frederick County Delegation

EMERGENCY BILL

AN ACT concerning

Frederick County – Land Use or Zoning Ordinances – Amendments

FOR the purpose of authorizing an individual Commissioner, on the Commissioner's own behalf or on behalf of any other individual, group, or organization, to initiate an application for an amendment to a county land use or zoning ordinance in Frederick County under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to amendments to land use or zoning ordinances in Frederick County.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.06

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1543 – Delegate Conaway

AN ACT concerning

Motor Vehicles – Mandatory Seat Belt Use – Warning for Improper Use

FOR the purpose of providing that a person who attempts to use a seat belt as required by certain provisions of law but who fails to use the seat belt in accordance with certain design specifications is not in violation of certain mandatory seat belt laws; prohibiting the issuance of a citation and requiring the issuance of a certain warning under certain circumstances to a person for the failure to use a seat belt properly; and generally relating to mandatory seat belt use.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–412.3
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1544 – Delegate Morhaim

AN ACT concerning

Procurement – Exemptions

FOR the purpose of exempting the renovation of historic properties by the Department of General Services from certain provisions of the State procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1545 – Chair, Economic Matters Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Electric Universal Service Program – Administration

FOR the purpose of transferring responsibility for the electric universal service program from the Public Service Commission to the Department of Human Resources; removing from the Commission oversight responsibility for certain components of the electric universal service program; requiring the Office of Home Energy Programs in the Department to report on the electric universal service program to the General Assembly by a certain date; removing from the Commission responsibility for making certain determinations and recommendations; requiring the Commission to assist the Office of Home Energy Programs to complete a certain report by providing the Office with certain information; requiring the Commission to provide support in a certain manner to the Department and the Office of Home Energy Programs for the administration of the electric universal service program; and generally relating to the administration of the electric universal service program.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–512.1
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1546 – Chair, Economic Matters Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Public Service Commission – Electricity Supply – Distribution of Costs

FOR the purpose of authorizing the Public Service Commission to allocate certain costs relating to procurement, construction, acquisition, or leasing and operation that relate to electricity supply to certain electric companies, electric cooperatives, and municipal electric utilities under certain circumstances and in

a certain amount; requiring the Commission to hold a hearing on a certain allocation; and generally relating to allocation of certain costs related to electricity supply.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–510(c)(1), (4)(i) and (ii)1., and (6)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 7–510(c)(10)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1547 – Chair, Economic Matters Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Public Service Commission – Investigatory Expenses

FOR the purpose of authorizing the Public Service Commission to retain certain experts for an investigation at the expense of a certain person under certain circumstances; and generally relating to the authority of the Commission to retain certain experts in the course of an investigation.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 2–115
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1548 – Chair, Economic Matters Committee (By Request – Departmental – Public Service Commission)

AN ACT concerning

Public Service Commission – Standard Offer Service Auctions – Disclosure of Bid Information

FOR the purpose of authorizing the Public Service Commission to disclose certain information relating to bids made in certain auctions for standard offer service after a certain period of time; and generally relating to the disclosure of certain bid information by the Public Service Commission.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–510(c)(4)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

House Bill 1549 – Chair, Health and Government Operations Committee (By Request – Departmental – General Services)

AN ACT concerning

General Services – Procurement – Exemptions

FOR the purpose of exempting the renovation of historic properties by the Department of General Services from certain provisions of the State procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1550 – Delegates Busch, V. Clagett, and George

AN ACT concerning

Department of General Services Police – Jurisdiction, Authority, and Responsibility

FOR the purpose of providing that the Department of General Services has full police jurisdiction and authority for the enforcement of certain laws as they relate to certain properties, including the surrounding areas of certain properties in Annapolis; expanding the authority of the Secretary of General Services with regard to the Department's police and security force and with regard to its responsibility for law enforcement for certain properties, including the surrounding areas of certain properties in Annapolis; repealing a provision relating to the concurrent authority of the Secretary of General Services and certain chiefs of police; and generally relating to the jurisdiction, authority, and responsibility of the Department of General Services Police.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 4–601, 4–605, and 4–606
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 4–602, 4–603, and 4–604
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1551 – Delegates Busch, Beidle, V. Clagett, Love, and Sophocleus

AN ACT concerning

Anne Arundel County – Severn Danza Recreational Complex Loan of 2001

FOR the purpose of amending the Anne Arundel County – Severn Danza Recreational Complex Loan of 2001 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by June 1, 2010.

BY repealing and reenacting, with amendments,
Chapter 268 of the Acts of the General Assembly of 2001, as amended by
Chapter 432 of the Acts of the General Assembly of 2004
Section 1

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

House Bill 1552 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Sustainable Forestry Act of 2008

FOR the purpose of declaring certain findings and policy statements relating to forests; altering the permissible uses of the Forest or Park Reserve Fund; declaring a certain intent of the General Assembly; revising provisions of the law relating to the protection of certain forestry practices from certain private actions under certain circumstances; exempting certain forestry practices from nuisance lawsuits; authorizing the inclusion of certain information in certain local plans; setting forth legislative intent; requesting the Governor to encourage the Department of Natural Resources to develop a Forest Stewardship Plan and share the plan with other State units and local governments for certain purposes; requiring the Department to report and monitor certain forest retention and restoration by undertaking certain actions; establishing a certain task force; requiring the task force to develop a certain plan and policy; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the conservation of forested lands in the State.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–101, 5–102, 5–102.1, and 5–212
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–403(a), (b)(1), (c), and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 3.05(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7A–01
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1553 – Delegates Ramirez, Anderson, Barnes, Bobo, Cane, Glenn, Guzzone, Oaks, and Stukes

AN ACT concerning

Maryland Youth Entrepreneur Connection Program

FOR the purpose of establishing the Maryland Youth Entrepreneur Connection Program in the Division of Workforce Development of the Department of Labor, Licensing, and Regulation; requiring the Program to offer certain employment and training opportunities to certain disadvantaged youth; requiring funds for the Program to be used for certain services; requiring the Director of Workforce Development in the Department to adopt regulations to implement the Program; authorizing the Director to make grants to local workforce investment areas; establishing certain services to be provided by the Program; establishing certain eligibility requirements for participation; requiring the Governor to include in the annual budget bill for certain fiscal years a certain amount for the Program; defining certain terms; and generally relating to establishing the Maryland Youth Entrepreneur Connection Program.

BY adding to

Article – Labor and Employment

Section 11–603

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1554 – Delegates Vaughn, Benson, and Howard

AN ACT concerning

Creation of a State Debt – Prince George’s County – Palmer Park Boys and Girls Club

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1555 – Delegates Anderson, Branch, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Land Bank Authorities – Establishment by Counties

FOR the purpose of authorizing a county to establish a land bank authority by ordinance; requiring an ordinance establishing an authority to include certain articles of incorporation; requiring certain articles of incorporation to be filed, accepted, and amended in a certain manner; authorizing a county creating an authority to take certain actions by ordinance; providing for the disposition of property and obligations of an authority on termination; requiring an ordinance creating an authority to establish and provide for a board of directors; providing that the procedures of a county incorporating an authority control in certain circumstances; establishing the powers of an authority; authorizing an authority to delegate certain powers; authorizing an authority to purchase, own, or sell property located outside of a certain county; authorizing an authority to employ certain staff and retain certain consultants; authorizing a court to appoint an authority to serve as a certain receiver; requiring an authority to adopt a certain code of ethics; establishing certain policies and procedures, and complying with certain provisions of law; authorizing an authority to exercise certain powers of a county; providing an authority with certain immunities; authorizing an authority to take certain actions relating to property held or owned by an authority; requiring property held by an authority to be inventoried and classified in a certain manner; prohibiting a certain register of deeds from charging a certain fee; providing certain tax exemptions for certain properties, activities, and principal, interest, and income from bonds; authorizing an authority to bring a certain civil action; requiring an authority to be made a party to certain actions; prohibiting a certain proceeding from being held until certain service of process is made; establishing that property and income of an authority is for a certain purpose; requiring an authority to make a certain report in a certain time period; authorizing an authority to issue certain bonds for certain purposes under certain circumstances; authorizing an authority to issue certain bond anticipation notes; authorizing an authority to take certain actions in connection with bonds issued by an authority; requiring an authority to pass a certain resolution in connection with each issue of its bonds; authorizing an authority to enter into certain trust agreements in connection with bonds issued by an authority; requiring an authority to convey title and release certain collateral under certain circumstances; authorizing certain persons to bring certain actions; defining certain terms; providing for the construction of this Act; establishing that the powers granted in this Act are supplemental to certain other powers; establishing that this Act does not authorize an authority to exercise certain powers or levy certain taxes or assessments; and generally relating to land bank authorities.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 through 22–212 to be under the new title “Title 22. Land Bank
Authorities”
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

**House Bill 1556 – Delegates Ramirez, Anderson, Conaway, Kramer,
Rosenberg, and Vallario**

AN ACT concerning

**Administrative Office of the Courts – Automated External Defibrillator
Program – Courthouses**

FOR the purpose of requiring the Administrative Office of the Courts to develop and implement a certain automated external defibrillator program for each courthouse in the State; requiring the program to include certain provisions; requiring the Administrative Office of the Courts, in consultation with the Maryland Institute for Emergency Medical Services Systems, to establish certain inspection and maintenance guidelines and assist certain courthouses in carrying out certain requirements; and generally relating to automated external defibrillators in courthouses in the State.

BY adding to

Article – Courts and Judicial Proceedings
Section 1–205
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

**House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and
Taylor**

AN ACT concerning

**Home Builders – Sales Representative Registration and Home Builder
Guaranty Fund**

FOR the purpose of repealing a requirement that an individual who sells any real estate as a sales agent for a home builder be licensed by the State Real Estate Commission; renaming the Home Builder Registration Unit in the Consumer

Protection Division of the Office of the Attorney General to be the Home Builder and Home Builder Sales Representative Registration Unit; requiring the Unit to maintain a list of certain registered sales representatives; requiring the Unit to make certain information regarding certain laws and regulations available to certain registered sales representatives within a certain time period; requiring the Unit to collect and maintain certain information regarding consumer complaints involving registered sales representatives; prohibiting certain persons from acting as home builder sales representatives unless the person is a registered sales representative; providing for certain application, issuance, and renewal procedures for registration certificates for registered sales representatives; requiring certain registered sales representatives to display a certain registration certificate in a certain manner; authorizing the Unit to deny, reprimand, suspend, or revoke a certain registration certificate or impose certain penalties on certain registered sales representatives under certain circumstances; prohibiting certain acts and providing for certain penalties; requiring certain persons to pay a certain fee before being issued certain permits for home building in certain counties; increasing certain home builder registration and renewal fees; requiring the Division to establish the Home Builder Guaranty Fund; requiring the Division to maintain the Guaranty Fund at a certain monetary level, deposit certain money into the Guaranty Fund, and administer the Guaranty Fund; requiring the Office of Legislative Audits to audit the Guaranty Fund; establishing a custodian of the Guaranty Fund; requiring that certain administrative costs of the Guaranty Fund be paid from a certain fund; requiring certain home builders to pay a certain Guaranty Fund fee with each application for a permit for the construction of a new home; authorizing a home builder to collect money for the Guaranty Fund fee from a certain person; requiring certain county departments to remit Guaranty Fund fees to the Division at a certain time; authorizing the Division to set a certain fee; providing for the suspension of a home builder's registration under certain circumstances; authorizing a consumer to recover compensation from the Guaranty Fund under certain circumstances; requiring certain consumers to provide a certain notice to a registrant under certain circumstances; requiring a complainant with a certain new home warranty security plan to file a certain claim with the plan and exhaust the plan's claims process before seeking recovery from the Guaranty Fund; establishing certain limits on the recovery of a claimant; authorizing the Division to deny a claim under certain circumstances; limiting the amounts of money and purposes for which the Division may make awards from the Guaranty Fund; prohibiting certain persons from making claims against the Guaranty Fund; authorizing a claimant to bring a claim against the Guaranty Fund within a certain time period; specifying procedures for recovering money from the Guaranty Fund; requiring the Division's mediation unit to perform certain duties; requiring the Division to process certain claims made against the Guaranty Fund; authorizing a claimant to make certain appeals; providing that the Division has a right to reimbursement from a certain registrant for money paid from the Guaranty Fund; establishing certain penalties; requiring the Consumer Protection Division of the Office of the Attorney General to submit a certain report on the

activities regarding the Home Builder Registration Fund and the Home Builder Guaranty Fund to the General Assembly on or before a certain date each year; defining certain terms; providing for the application of this Act; and generally relating to the Home Builder Guaranty Fund and the registration of home builder sales representatives.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 17–101(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 17–101(l)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4.5–101, 4.5–201, 4.5–202, 4.5–301, 4.5–303 through 4.5–308, 4.5–501,
and 4.5–601; and 4.5–701 to be under the amended subtitle “Subtitle 8.
Short Title”
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 4.5–203 and 4.5–302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Regulation
Section 4.5–304.1; and 4.5–701 through 4.5–712 to be under the new subtitle
“Subtitle 7. Home Builder Guaranty Fund”
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Chapter 522 of the Acts of the General Assembly of 2000
Section 4

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

House Bill 1558 – Delegates Cardin, Burns, Harrison, Hubbard, Ivey, Krysiak, Rosenberg, Taylor, and Waldstreicher

AN ACT concerning

Criminal Law – Flavored Cigars and Cigarettes – Prohibition on Sale

FOR the purpose of prohibiting a person from selling or distributing or offering to sell or distribute a cigarette or cigar or component part of a cigarette or cigar that contains a certain constituent; establishing penalties for a violation of this Act; authorizing the Comptroller to deny a license to a certain applicant, reprimand a certain licensee, or suspend or revoke a certain license if the applicant or licensee sells or distributes cigarettes or cigars in violation of a certain provision of this Act; providing that certain cigarettes or cigars may continue to be sold until a certain date, notwithstanding the provisions of this Act; and generally relating to the sale and distribution of tobacco products.

BY adding to

Article – Criminal Law
Section 10–106.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation
Section 16–210(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1559 – Delegate Shank

AN ACT concerning

Courts – Death Penalty Cases – Former Judges

FOR the purpose of prohibiting the Chief Judge of the Court of Appeals from assigning a former judge to sit temporarily in a court in a case in which a sentence of death is sought; and generally relating to the assignment of former judges.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings
Section 1–302(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–302(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 118 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer

FOR the purpose of requiring a successor beer manufacturer who ~~violates~~ terminates a certain agreement with a beer distributor to remunerate the beer distributor a sum equal to the fair market value calculated from the date of the ~~violation~~ termination for the sale of the beer; ~~specifying that a beer distributor or franchisee may bring a certain action against a successor beer manufacturer under certain circumstances to obtain certain remedies;~~ requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain circumstances; repealing a defined term; defining a certain term; and generally relating to beer manufacturer and distributor agreements.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 21–103
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 133 – Senator Edwards

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Allegany County and Garrett County – Coal Rights

FOR the purpose of prohibiting regulations and procedures adopted by the Maryland Agricultural Land Preservation Foundation for the establishment and monitoring of agricultural districts from requiring, in Allegany County and Garrett County, a coal rights owner or lessee to subordinate its interest to the Foundation's interest under certain circumstances; requiring that a certain report be submitted by a certain date; and generally relating to the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–509(c)
Annotated Code of Maryland
(2007 Replacement Volume)

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

Senate Bill 174 – Senators Astle and Pipkin

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

FOR the purpose of altering the requirements for the procedures that must be followed and the equipment that must be used when one vehicle tows another vehicle in certain circumstances; clarifying certain requirements; providing certain exceptions; authorizing the Motor Vehicle Administration to adopt certain regulations; defining certain terms; providing a certain penalty; making a stylistic change; and generally relating to procedures and equipment for towing and towed vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–107
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 27–101(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

Senate Bill 243 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Gladden, Jacobs, Jones, Lenett, Middleton, and Stone

AN ACT concerning

Child Abuse and Neglect – Additional Professions and Failure to Report – Penalty

FOR the purpose of expanding the list of individuals who are specifically required to notify the appropriate authorities and make a certain report in a certain manner if the individual, acting in a professional capacity in this State, has reason to believe a child has been subjected to abuse or neglect; making it a misdemeanor, subject to a certain penalty, for certain health practitioners, police officers, educators, coroners, medical examiners, parole and probation agents, ~~computer technicians~~, and human service workers to knowingly fail to provide a certain notice or make a certain report of suspected child abuse or neglect under certain circumstances; and generally relating to reporting child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–704
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #2

CONSENT CALENDAR #2

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

House Bill 1428 – Delegates Griffith, Barkley, Bohanan, Braveboy, Bronrott, Dumais, Feldman, Frick, Gaines, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, Lee, Levi, Montgomery, Pena-Melnyk, Proctor, Ramirez, V. Turner, Valderrama, Vaughn, and Walker

AN ACT concerning

Creation of a State Debt – Capital Area Food Bank

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1429 - Delegate James

AN ACT concerning

Maryland Medical Assistance Program - Pharmacy Dispensing Fees

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1430 - Delegates Manno, Feldman, and Morhaim

AN ACT concerning

Higher Education - Maryland Biotechnology Scholarship Program

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1431 - Chair, Health and Government Operations Committee (By Request - Departmental - Veterans Affairs)

AN ACT concerning

Procurement - Small Business Preference Program - Veteran-Owned and Disabled Veteran-Owned Small Businesses

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1433 - Chair, Appropriations Committee (By Request - Departmental - Stadium Authority)

AN ACT concerning

Maryland Stadium Authority – Baltimore Convention Center

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Employees – Veterans Seniority Points

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1436 – Delegates Weir, Boteler, Holmes, Impallaria, and Minnick

AN ACT concerning

Natural Resources – Fishing Restrictions – Net Setting

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

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

House Bill 1437 – Delegate G. Clagett

AN ACT concerning

Creation of a State Debt – Frederick County – Weinberg Center for the Arts

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1438 – Delegate Holmes

AN ACT concerning

Income Tax - Credit for Long-Term Care Premium

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1439 - Delegates Bromwell and Olszewski

AN ACT concerning

Registered Sex Offenders - Residence Adjacent to Locations Where Children Congregate - Prohibition

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1440 - Delegates Bromwell and Olszewski

AN ACT concerning

Baltimore County - Registered Sex Offenders - Residence Adjacent to Locations Where Children Congregate - Prohibition

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1441 - Delegate Anderson (By Request - Baltimore City Administration)

AN ACT concerning

Baltimore City - Tax Increment Financing and Special Tax Districts - MEDCO

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1442 - Delegate Donoghue

AN ACT concerning

Correctional Officers' Retirement System – Membership – Correctional Case Managers

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1443 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

EMERGENCY BILL

AN ACT concerning

Department of Human Resources – Reorganization

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1444 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1445 – Delegates Hammen, Krysiak, and McHale

AN ACT concerning

Creation of a State Debt – Baltimore City – Helping Up Mission

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1446 – Delegates Haynes, Kirk, and Stukes

AN ACT concerning

Creation of a State Debt - Baltimore City - Everyman Theatre

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1447 - Delegates Krysiak, Ali, Barve, Bobo, Burns, Dumais, Elmore, Feldman, Gutierrez, Harrison, Hecht, Hucker, Kirk, Krebs, Lee, Love, Manno, McComas, McHale, McIntosh, Minnick, Shewell, Taylor, and Vaughn

AN ACT concerning

Maryland Individual Tax Preparers Act

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

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

House Bill 1448 - Chair, Judiciary Committee (By Request - Departmental - State Police)

AN ACT concerning

Family Law - Final Protective Orders - Surrender of Firearms

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1449 - Chair, Judiciary Committee (By Request - Departmental - Public Safety and Correctional Services)

AN ACT concerning

Juvenile Causes - Confidentiality of Records - Access by Division of Parole and Probation and Parole Commission

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1450 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants, Supervision, and Penalties

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1451 – Delegate Heller

AN ACT concerning

Task Force to Study Standardizing Introductory Courses in Higher Education in Maryland

The Bill was re-referred to the Committee on Appropriations and the Committee on Ways and Means.

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

House Bill 1452 – Delegate Weldon

AN ACT concerning

Medical Assistance Program – Long-Term Care Eligibility – Consolidation Plan

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1453 – Chair, Judiciary Committee and Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Bail Bonds – Bail and Bail Bondsmen – Licensure and Regulation

The Bill was re-referred to the Committee on Judiciary and the Committee on Economic Matters.

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

House Bill 1454 – Delegates Nathan-Pulliam, Benson, Braveboy, Burns, Costa, Jones, Mizeur, Oaks, Pena-Melnyk, Stukes, Tarrant, and V. Turner

AN ACT concerning

Maryland Medical Assistance Program – Hospitals – Managed Care Organizations – Access and Health Care Disparities Elimination

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1455 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – School Buses – Length of Operation

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1456 – Delegates Morhaim, Cardin, and Stein

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Baltimore County – United Cerebral Palsy Facility

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1457 – Delegates Howard, Benson, Griffith, and Vaughn

AN ACT concerning

**Creation of a State Debt – Prince George’s County – United Communities
Against Poverty Facility**

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1458 – Allegany County Delegation

AN ACT concerning

Creation of a State Debt – Allegany County – Allegany County Museum

The Bill was re-referred to the Committee on Appropriations.

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

**House Bill 1459 – Delegates Krysiak, Barve, Donoghue, Guzzone, Harrison,
Kirk, Love, McHale, Pendergrass, and Stukes**

AN ACT concerning

Motor Vehicle Insurance – Use of Credit History in Rating Policies

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

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

House Bill 1460 – Delegate Simmons

AN ACT concerning

Election Law – Loans to Candidates

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1461 - Delegate Beitzel

AN ACT concerning

Creation of a State Debt - Garrett County - Adventure Sports Center International

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1462 - Delegates Ali and Niemann

AN ACT concerning

Credit Regulation - Credit Agreements - Actions to Enforce or Seek Damages for Breach

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

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

House Bill 1463 - Delegates Conway, Elmore, and Mathias

AN ACT concerning

Natural Resources - Somers Cove Marina Commission

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

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

House Bill 1464 - Chair, Appropriations Committee (By Request - Departmental - Human Resources)

AN ACT concerning

State Personnel - Baltimore City Department of Social Services Legal Services Division - Transfer of Personnel

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1465 - Delegates Davis, Braveboy, Griffith, Ivey, Oaks, Pena-Melnyk, and Vaughn

AN ACT concerning

Creation of a State Debt - Prince George's County - Deamonte Driver Mobile Dental Unit

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1466 - Chair, Economic Matters Committee (By Request - Departmental - Environment)

AN ACT concerning

Environment - Coal Combustion By-Products - Fees

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

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

House Bill 1468 - Delegate Morhaim

AN ACT concerning

Health Insurance - Outpatient Mental Health Treatment - Elimination of Tiered Copayments

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1469 - Delegate Bromwell

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1470 – Delegates Frush, Barnes, and Pena-Melnyk

AN ACT concerning

Special Taxing Districts – Residential Property – Prohibition – Property Tax Credit

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1471 – Delegates Frush, Barnes, Beidle, Bobo, Bromwell, Cardin, Carr, Carter, V. Clagett, Conaway, Dwyer, Gutierrez, Healey, Heller, Holmes, Hubbard, Hucker, Impallaria, Ivey, Kaiser, Kipke, Lafferty, Montgomery, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Ramirez, Robinson, Ross, Schuh, Schuler, Stein, Stukes, Tarrant, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Transportation – Intercounty Connector – Elimination of Funding

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1472 – Delegates Malone and DeBoy

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1473 - Delegate Malone

AN ACT concerning

Forest and Park Wardens - Responsibilities

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

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

House Bill 1474 - Delegates Sophocleus, Beidle, Benson, Branch, V. Clagett, Costa, Dumais, Dwyer, Gaines, George, Holmes, Mathias, McConkey, and Wood

AN ACT concerning

Criminal Law - Use of Firearm in the Commission of a Crime of Violence or a Felony

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1475 - Delegate Sophocleus

AN ACT concerning

Drunk and Drugged Driving - Refusal to Take a Blood or Breath Test - Prohibition

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1478 - Prince George's County Delegation**EMERGENCY BILL**

AN ACT concerning

Prince George's County - Alcoholic Beverages - Waterfront Entertainment Retail Complex and Wine Festival

PG 332-08

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

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

House Bill 1479 - Prince George's County Delegation**EMERGENCY BILL**

AN ACT concerning

Prince George's County - Alcoholic Beverages - Convention Center License**PG 331-08**

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

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

House Bill 1483 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Maryland State Boychoir Facility

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1484 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Mount Pleasant Family Life Center

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1485 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Youth Sports Program Facility

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1492 - The Speaker (By Request - Administration) and Delegates Hammen, Beitzel, Benson, Bromwell, Busch, Costa, Donoghue, Eckardt, Elliott, Hubbard, Kach, Kaiser, Kipke, Kullen, Manno, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Rudolph, Tarrant, V. Turner, and Weldon

AN ACT concerning

Senior Prescription Drug Assistance Program - Subsidy for Medicare Part D Coverage Gap

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1497 - Delegates Carr, Gutierrez, and Waldstreicher

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 - Montgomery County - Circle Manor

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1508 - Delegates Carter, Oaks, and Rosenberg

AN ACT concerning

Creation of a State Debt - Baltimore City - Wayland Senior Village

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1509 - Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request - Departmental - Environmental Service, Maryland)

AN ACT concerning

Maryland Environmental Service - Energy Generation Projects

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

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

House Bill 1510 - Chair, Economic Matters Committee (By Request - Departmental - Insurance Administration, Maryland)

AN ACT concerning

Premium Finance Companies - Calculation of Finance Charge

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

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations and the Committee on Ways and Means:

House Bill 1511 - Chair, Health and Government Operations Committee and Chair, Ways and Means Committee (By Request - Departmental - Veterans Affairs)

AN ACT concerning

Maryland Veterans Trust Fund

The Bill was re-referred to the Committee on Health and Government Operations and the Committee on Ways and Means.

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

House Bill 1519 - Delegate Bohanan

AN ACT concerning

Creation of a State Debt - St. Mary's County - St. Mary's Agricultural Service Center

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1520 - Delegate Bohanan

AN ACT concerning

Creation of a State Debt - St. Mary's County - Leah's House

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1522 - Chair, Health and Government Operations Committee (By Request - Departmental - Health and Mental Hygiene)

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Fund - Allocations to and Disbursements from the Medical Assistance Program Account

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1525 - Delegates Hubbard and Levi

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 - Prince George's County - Reid Community Business Development Center

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1527 – Washington County Delegation

AN ACT concerning

Creation of a State Debt – Washington County – Springfield Barn

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1530 – Delegates Stukes, Haynes, and Kirk

AN ACT concerning

Creation of a State Debt – Baltimore City – The Sellers Mansion

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1532 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Health – Direct Access of State Agencies to Criminal Background Checks Conducted by Department of Public Safety and Correctional Services

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1534 – Chair, Appropriations Committee (By Request – Departmental – College Savings Plans of Maryland)

AN ACT concerning

College Savings Plans of Maryland

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1535 – Delegates Sossi, Smigiel, and Walkup

AN ACT concerning

Creation of a State Debt – Queen Anne’s County – Chesterwye Center

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1537 – Chair, Ways and Means Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property Assessments – Assessment Notice – Requirements

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1538 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sex Offenders – Notification and Registration

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1539 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Department of Public Safety and Correctional Services – Designation of Acting Secretary

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1541 - Delegate Glenn

AN ACT concerning

Creation of a State Debt - Baltimore City - Maryland School for the Blind

The Bill was re-referred to the Committee on Appropriations.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 135)

ADJOURNMENT

At 8:28 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, February 26, 2008.

Annapolis, Maryland
Tuesday, February 26, 2008

The House met at 10:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Craig L. Rice of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 136)

The Journal of February 25, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. Hubbard – late – personal

Del. Manno – personal

Del. Walkup – late – personal

INTRODUCTION OF BILLS

House Bill 1560 – Caroline County Delegation

AN ACT concerning

Caroline County – Board of Education – Selection of Members – Straw Ballot

FOR the purpose of requiring that a question be placed on the ballot in Caroline County at the November general election of 2008 to determine the sense of the voters of the county on the issue of changing the method of selecting members of the Caroline County Board of Education; providing for carrying out of the straw ballot; and generally relating to the holding of a straw ballot in Caroline County.

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

House Bill 1561 – Delegate Krysiak

AN ACT concerning

State Board of Stationary Engineers - Licensing Exemption - Resource Recovery Facility Operators

FOR the purpose of exempting from the requirement to be licensed by the State Board of Stationary Engineers certain resource recovery facility operators who provide stationary engineer services under certain circumstances; defining a certain term; and generally relating to licensing of stationary engineers.

BY repealing and reenacting, with amendments,
Article - Business Occupations and Professions
Section 6.5-301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1562 - Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County - Special Taxing Districts - Creation

FOR the purpose of authorizing Cecil County to exercise certain powers concerning the creation of special taxing districts, the levying of certain taxes, and the issuing of certain bonds for developing and financing certain infrastructure improvements under certain circumstances; authorizing Cecil County to create a special taxing district only in certain areas; authorizing the governing body of Cecil County to consider certain aspects of a development that would benefit from the creation of a special taxing district at a certain public hearing; requiring certain disclosure to buyers of real property within a special taxing district of certain charges for which the buyer would be liable; providing that failure to provide certain disclosure makes a contract for the purchase of real property within a special taxing district voidable under certain circumstances; requiring that adequate debt service reserve funds be maintained by Cecil County; providing that Cecil County may establish a special taxing district only if all the owners of the real property located within the proposed special taxing district petition the county for the creation of the special taxing district; and generally relating to the authority of Cecil County to create special taxing districts for developing and financing infrastructure improvements.

BY repealing and reenacting, without amendments,
Article 24 - Political Subdivisions - Miscellaneous Provisions
Section 9-1301(a)
Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1563 – Delegate Hubbard

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Licensure of Massage Therapists

FOR the purpose of renaming the State Board of Chiropractic Examiners to be the State Board of Chiropractic and Massage Therapy Examiners; providing for the licensure of massage therapists by the Board; increasing the number of the members of the Board; adding a certain number of licensed chiropractor members and licensed massage therapist members to the Board; requiring the Governor to appoint certain massage therapist members with the advice and consent of the Senate from a certain list submitted by a certain association; providing for the qualifications of the massage therapist Board members; amending qualifications for certain consumer members of the Board; requiring the terms of Board members to be staggered; renaming the State Board of Chiropractic Examiners Fund to be the State Board of Chiropractic and Massage Therapy Examiners Fund; establishing certain violations and penalties; substituting licensure for certification as the professional credential for massage therapists; requiring the Board to adopt certain regulations regarding the licensure of massage therapists; repealing certain provisions regarding the Massage Therapy Advisory Committee; repealing certain provisions authorizing certain individuals to practice massage therapy without a license or without meeting certain qualifications for a license; authorizing the Board to waive certain qualifications for licensure as a massage therapist under certain circumstances; requiring the Board to adopt certain rules and regulations to establish certain standards for advertising or soliciting by licensed massage therapists or registered massage practitioners; providing that certain mailed notices are not advertisements or solicitations; authorizing licensed massage therapists and registered massage practitioners to use a certain trade name under certain circumstances; requiring the Board to issue licenses to certified massage therapists at the time the certificate holder's certificate expires in accordance with certain renewal requirements; authorizing certain certified massage therapists to continue to practice massage therapy until a certificate holder's license is issued; making certain technical changes;

and generally relating to the State Board of Chiropractic and Massage Therapy Examiners and the licensure of massage therapists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 3–201, 3–202, 3–206(a), 3–315, 3–316, 3–316.1, 3–501 through 3–503, 3–506, 3–5A–01 through 3–5A–03, 3–5A–05 through 3–5A–10, and 3–5A–12 through 3–5A–14

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing

Article – Health Occupations

Section 3–5A–04 and 3–5A–11

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Health Occupations

Section 3–5A–13

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #2

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

House Bill 350 – Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

State Employees' Health Insurance Advisory Council – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 705 – Chair, Appropriations Committee (By Request – Departmental – State Police)

AN ACT concerning

**Department of State Police – School Bus Safety Enforcement Fund – Transfer
to Governor’s Office of Crime Control and Prevention**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 707 – Chair, Appropriations Committee (By Request –
Departmental – State Police)**

AN ACT concerning

**Department of State Police – State Aid for Police Protection Fund – Transfer
to Governor’s Office of Crime Control and Prevention**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 986 – Delegates Gaines, Healey, and Ross

AN ACT concerning

**Town of Berwyn Heights Employees – Participation in the Employees’
Pension System**

HB0986/384862/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 986

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “date;” insert “providing that membership in the Employees’ Pension System is optional for certain employees of the Town of Berwyn Heights; requiring certain employees of the Town of Berwyn Heights to make certain”

elections by a certain date; requiring certain employees of the Town of Berwyn Heights to complete and file certain documents with the Board of Trustees of the State Retirement and Pension System by a certain date;"; and in line 19, after "Section" insert "23-204(e) and".

AMENDMENT NO. 2

On page 3, in line 27, after "(1)" insert "**THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS.**

(2);

and in the same line, strike "(2)" and substitute "**(3)**".

On page 4, in lines 1 and 5, in each instance, strike "(2)" and substitute "**(3)**"; in line 9, strike the brackets; strike beginning with the semicolon in line 10 down through "**HEIGHTS**" in line 11; after line 11, insert:

(E) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE TOWN OF BERWYN HEIGHTS ON JUNE 30, 2008.

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM IS OPTIONAL FOR AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO ELECTS MEMBERSHIP ON JULY 1, 2008.

(3) TO ELECT TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM, AN INDIVIDUAL SHALL FILE A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES.

(4) IF AN INDIVIDUAL DOES NOT ELECT MEMBERSHIP AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE INDIVIDUAL MAY NOT BECOME A MEMBER OF THE EMPLOYEES' PENSION SYSTEM.";

and in line 24, after "WHO" insert "**ELECTS MEMBERSHIP IN THE EMPLOYEES' PENSION SYSTEM UNDER § 23-204(E) OF THIS ARTICLE AND**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #4

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

House Bill 114 – Delegates Kullen, Levy, Proctor, Stull, and Weldon

AN ACT concerning

All-Terrain Vehicles – Protective Headgear

HB0114/520517/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 114

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Vehicles – Protective Headgear” and substitute “Vehicle Safety Task Force”; strike beginning with “prohibiting” in line 3 down through “vehicles” in line 7 and substitute “establishing an All-Terrain Vehicle Safety Task Force; providing for the membership and duties of the Task Force; requiring the Task Force to select a chair from among its members; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; requiring the Task Force to report to the Governor and the General Assembly by certain dates; providing for the termination of this Act; and generally relating to the establishment of an All-Terrain Vehicle Safety Task Force”; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 1, in line 14, strike “the Laws of Maryland read as follows”. On pages 1 and 2, strike in their entirety the lines beginning with line 15 on page 1 through line 10 on page 2, inclusive, and substitute:

“(a) There is an All-Terrain Vehicle (ATV) Safety Task Force.”

- (b) The Task Force shall consist of the following members:
- (1) the Secretary of Natural Resources, or the Secretary's designee;
 - (2) the Secretary of Transportation, or the Secretary's designee;
 - (3) the Executive Director of ABATE of Maryland, Inc., or the Executive Director's designee;
 - (4) one representative of the Office of Injury Prevention of the Department of Health and Mental Hygiene, appointed by the Secretary of Health and Mental Hygiene;
 - (5) one representative of the Maryland Legislative Sportsmen's Foundation, appointed by the Board of Directors of the Foundation; and
 - (6) the following members, appointed by the Governor:
 - (i) one representative of TraumaNet;
 - (ii) one representative of the Maryland Chapter of the American College of Emergency Physicians;
 - (iii) one representative of the Maryland Chapter of the American Academy of Pediatrics;
 - (iv) one representative of the Maryland Chapter of the American Trauma Society;
 - (v) one representative of the Maryland Emergency Nurses Association;
 - (vi) one representative of Johns Hopkins School of Public Health;
 - (vii) one representative of Children's National Medical Center;
 - (viii) one member representing the interests of ATV dealers;

(ix) one member representing the interests of private ATV recreational parks;

(x) one member representing the interests of providers of property, casualty, and health insurance in the State;

(xi) one representative of the ATV Safety Institute;

(xii) one representative of the Specialty Vehicle Institute of America;

(xiii) one representative of the Maryland Institute for Emergency Medical Services Systems;

(xiv) one representative of the Maryland State Firemen's Association; and

(xv) one representative of a Maryland ATV club from each of the following regions:

1. western Maryland;

2. southern Maryland;

3. the eastern shore of Maryland; and

4. central Maryland.

(c) From among its members, the Task Force shall select a chair of the Task Force.

(d) The Maryland Institute for Emergency Medical Services Systems shall provide staff for the Task Force.

(e) A member of the Task Force may not receive compensation as a member of the Task Force.

(f) The Task Force shall identify and study major issues related to ATV safety and shall make findings and recommendations regarding:

- (1) accurate methods of tracking ATV ownership in the State;
- (2) appropriate safety equipment;
- (3) effective methods of educating consumers;
- (4) appropriate locations for ATV use;
- (5) training for ATV owners;
- (6) public awareness of ATV safety-related topics; and
- (7) any other topic related to ATV safety deemed appropriate by the

Task Force.

(g) The Task Force shall report its findings and recommendations to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, in an interim report, on or before December 15, 2008, and in a final report, on or before May 31, 2009.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2008. It shall remain effective for a period of 1 year and, at the end of May 31, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 224 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Electronic Titling and Registration – Temporary Registration

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 225 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Motor Vehicles – Salvage Vehicle Inspection Fee – Collection and Payment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 230 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – School Crossing Guards – Authority to Direct Traffic

HB0230/980715/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 230

(First Reading File Bill)

On page 2, in line 13, after “AGENCY” insert “OR A COUNTY SCHOOL BOARD”; and in lines 16 and 19, in each instance, after “AGENCY” insert “OR COUNTY SCHOOL BOARD”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 231 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Community Development Administration – Rental Assistance Programs

HB0231/410619/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 231

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “establishing” insert “a certain Rental Allowance Program and”; in line 5, after “programs” insert “in the Department of Housing and Community Development”; in the same line, before “authorizing” insert “requiring the Department to administer the Rental Allowance Program to assist certain households under certain circumstances; requiring the Secretary of Housing and Community Development to establish certain eligibility requirements, certain standards for eligible dwelling units, and certain payment amounts under the Rental Allowance Program; prohibiting certain funds appropriated through the Rental Allowance Program from being used for certain other programs; authorizing the Secretary to adopt regulations to carry out the Rental Allowance Program;”; strike beginning with “of” in line 5 down through “Development” in line 6; in line 6, strike “provide financial assistance to” and substitute “establish and administer certain rental assistance programs for”; in line 7, strike “of Housing and Community Development”; in line 8, strike “regulations and guidelines; authorizing the administration of this Act” and substitute “criteria for certain rental assistance programs”; in lines 9 and 10, strike “in establishing rental housing programs” and substitute “under certain circumstances”;

in line 10, after "Assembly;" insert "defining a certain term;"; in line 11, strike "within" and substitute "in"; and in line 26, strike "4-1405" and substitute "4-1406".

AMENDMENT NO. 2

On page 3, in line 7, strike the brackets; in the same line, before "RENTAL" insert "AND OTHER"; in line 13, strike "THE"; in line 14, after "PROGRAMS" insert "OTHER THAN THE RENTAL ALLOWANCE PROGRAM ESTABLISHED UNDER § 4-1403 OF THIS SUBTITLE"; in line 16, after "ARE" insert "THE RENTAL ALLOWANCE PROGRAM AND OTHER"; in lines 16 and 19, in each instance, strike "RENTAL ASSISTANCE"; after line 16, insert:

"4-1403.

(A) THE DEPARTMENT SHALL ADMINISTER THE RENTAL ALLOWANCE PROGRAM TO ASSIST LOW-INCOME HOUSEHOLDS THAT ARE HOMELESS OR AT RISK OF BEING HOMELESS BY PROVIDING HOUSING ASSISTANCE PAYMENTS TO OR ON BEHALF OF ELIGIBLE HOUSEHOLDS.

(B) THE SECRETARY SHALL ESTABLISH:

(1) INCOME LIMITS FOR ELIGIBILITY OF LOW-INCOME HOUSEHOLDS NOT EXCEEDING 30% OF THE STATE OR AREA MEDIAN INCOME, WHICHEVER IS HIGHER; AND

(2) MINIMUM STANDARDS FOR ELIGIBLE DWELLING UNITS.

(C) THE SECRETARY SHALL ESTABLISH THE AMOUNT OF PAYMENTS MADE THROUGH THE RENTAL ALLOWANCE PROGRAM, TAKING INTO ACCOUNT FACTORS IDENTIFIED IN § 4-1405(D) OF THIS SUBTITLE.

(D) ELIGIBLE USES OF PAYMENTS MAY INCLUDE RENT, SECURITY DEPOSITS, UTILITIES, AND OTHER HOUSING-RELATED EXPENSES.

(E) THE DEPARTMENT MAY ADMINISTER THE RENTAL ALLOWANCE PROGRAM BY PROVIDING MONTHLY HOUSING ASSISTANCE PAYMENTS TO OR ON BEHALF OF ELIGIBLE HOUSEHOLDS DIRECTLY OR THROUGH POLITICAL

SUBDIVISIONS, THEIR LOCAL HOUSING AGENCIES OR DEPARTMENTS, OR NONPROFIT ORGANIZATIONS.

(F) FUNDS APPROPRIATED TO SERVE LOW-INCOME HOUSEHOLDS THROUGH THE RENTAL ALLOWANCE PROGRAM MAY NOT BE USED FOR OTHER PROGRAMS AUTHORIZED UNDER THIS SUBTITLE.

(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THE RENTAL ALLOWANCE PROGRAM, INCLUDING TIME FRAMES FOR ASSISTANCE AND OTHER CRITERIA THE SECRETARY CONSIDERS APPROPRIATE.;

in line 17, strike “4-1403.” and substitute “4-1404.”; and in line 18, strike “IS AUTHORIZED TO” and substitute “MAY”.

On page 4, in line 2, strike “4-1404.” and substitute “4-1405.”; and in line 23, strike “DEEMS” and substitute “CONSIDERS”.

On page 5, in line 9, strike “4-1405.” and substitute “4-1406.”.

AMENDMENT NO. 3

On page 5, in line 13, after “that” insert “:

(1);

in line 14, after “Department” insert “of Housing and Community Development”; in the same line, strike “by” and substitute “under Section 1 of”; strike beginning with “and” in line 14 down through “homelessness” in line 15 and substitute “as the Rental Allowance Program”; in line 17, strike “by” and substitute “under Section 2 of”; in the same line, after “Act” insert a semicolon; in the same line, strike “that” and substitute:

(2);

and strike beginning with “providers” in line 18 down through “program” in line 19 and substitute “administrators”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 309 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

**Department of Housing and Community Development – Disaster Relief
Housing Program**

HB0309/200919/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 24, strike “4-1904” and substitute “4-1905”.

AMENDMENT NO. 2

On page 4, after line 13, insert:

“4-1905.

(A) THE DEPARTMENT SHALL ISSUE TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE:

(1) A PRELIMINARY REPORT 6 MONTHS AFTER THE PROGRAM IS INITIALLY ACTIVATED FOR EACH DISASTER; AND

(2) A FINAL REPORT ON OR BEFORE 18 MONTHS AFTER THE PROGRAM IS INITIALLY ACTIVATED FOR EACH DISASTER.

(B) THE REPORTS SHALL INCLUDE:

(1) THE AMOUNT AND TYPE OF ASSISTANCE PROVIDED;

(2) THE COUNTIES IN WHICH THE ASSISTANCE WAS PROVIDED;

AND

(3) THE NAMES OF ANY FINANCIAL INSTITUTIONS THAT PROVIDED ASSISTANCE UNDER THE PROGRAM.”;

and strike beginning with “AND” in line 14 down through “3.” in line 23.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #3

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

House Bill 18 – Delegate Smigiel

AN ACT concerning

Sex Offender Registry – Former Names, Nicknames, and Electronic Communication Identifiers

HB0018/952719/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 18

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Smigiel” and substitute “Delegates Smigiel, Kach, Bromwell, Impallaria, and Olszewski”; strike beginning with “Former” in line 2 down through “Identifiers” in line 3 and substitute “Additional”

Information"; strike beginning with "that" in line 4 down through "used" in line 8 and substitute "the inclusion of certain additional information in a registration statement for the sex offender registry"; and in line 8, strike "sex" and substitute "certain".

AMENDMENT NO. 2

On page 2, in line 18, strike "and"; after line 18, insert:

"(10) A COPY OF THE REGISTRANT'S VALID DRIVER'S LICENSE OR IDENTIFICATION CARD;

(11) THE LICENSE PLATE NUMBER AND DESCRIPTION OF ANY VEHICLE OWNED OR REGULARLY OPERATED BY THE REGISTRANT; AND";

and in line 19, strike "(10)" and substitute "**(12)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

HB0264/472118/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 264
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “disclosure” in line 4 down through “the” in line 5; and in line 5, after “Board” insert “from allowing the inspection, use, or disclosure of a victim’s or claimant’s Social Security number provided to the Board”.

AMENDMENT NO. 2

On page 2, strike beginning with “NAME,” in line 2 down through “OR” in line 3.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 353 – Delegates Rosenberg, Branch, Glenn, Harrison, and Oaks

AN ACT concerning

Criminal Law – Restitution – Destruction of Funerary Objects and Limit on Judgment for Acts of Child

HB0353/202118/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 353

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Restitution – ”; strike beginning with “and” in line 2 down through “Child” in line 3 and substitute “– Restitution”; in line 5, strike “restore or pay the full value” and substitute “pay for the restoration”; strike beginning with “increasing” in line 6 down through “incident;” in line 7; in line 7, strike “restitution” and substitute “destruction of funerary objects”; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in line 25, strike “RESTORE OR”; and in line 26, strike “THE FULL VALUE” and substitute “FOR THE RESTORATION”.

On page 3, strike in their entirety lines 1 through 12, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 381 – Delegates Stifler, Conaway, DeBoy, Elliott, Howard, Impallaria, James, Jennings, Kelly, King, Krebs, McComas, Myers, Norman, Robinson, Shewell, Stull, and Tarrant

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

HB0381/562819/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 381

(First Reading File Bill)

On page 2 in line 9, and on page 3 in line 20, in each instance, strike “3 MONTHS” and substitute “6 MONTHS”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 436 – Delegates McComas and Waldstreicher

AN ACT concerning

Criminal Law - Possession of Child Pornography - Penalties

HB0436/662217/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 436

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “McComas and Waldstreicher” and substitute “McComas, Waldstreicher, DeBoy, Eckardt, Elliott, Frank, George, Haddaway, James, Kipke, Krebs, Levy, McConkey, Miller, Myers, Norman, O’Donnell, Schuh, Shank, Shewell, Sophocleus, Stocksdales, and Wood”; strike beginning with “changing” in line 3 down through “felony” in line 4 and substitute “altering the definition of “sexual conduct” for purposes of certain child pornography provisions to include displaying the genitals of an individual for purposes of sexual arousal or gratification; increasing the penalties for possessing a film, videotape, photograph, or other visual representation depicting a minor engaged in certain activity or in a certain state; making the possession of child pornography a felony under certain circumstances”; and in line 7, after “Section” insert “11-201(f) and”.

AMENDMENT NO. 2

On page 1, after line 12, insert:

“11-201.

(f) (1) “Sexual conduct” has the meaning stated in § 11-101 of this title.

(2) “SEXUAL CONDUCT” INCLUDES THE DISPLAY OF THE GENITALS OF AN INDIVIDUAL FOR PURPOSES OF SEXUAL AROUSAL OR GRATIFICATION.”.

AMENDMENT NO. 3

On page 1, in line 20, strike "A" and substitute "(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A"; in the same line, strike the brackets; in the same line, strike "FELONY".

On pages 1 and 2, strike beginning with the colon in line 21 on page 1 down through "violation," in line 1 on page 2.

On page 2, in line 1, strike "2" and substitute "5"; in line 2, strike "; and" and substitute a period; and strike line 3 in its entirety and substitute:

"(2) A PERSON WHO VIOLATES THIS SECTION, HAVING PREVIOUSLY BEEN CONVICTED UNDER THIS SECTION ONE OR MORE TIMES, IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 719 – Delegates Malone, Ali, Barkley, Barve, Bobo, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Hucker, King, Kipke, Manno, McComas, and Riley

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

HB0719/492112/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 719

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Riley” and substitute “Riley, V. Clagett, Holmes, and Hubbard”; strike beginning with “making” in line 3 down through “circumstances;” in line 4; and in line 4, strike “the penalty” and substitute “certain penalties”.

AMENDMENT NO. 2

On page 2, in line 1, strike the brackets; in line 2, strike “FELONY”; strike beginning with “3” in line 2 down through “YEARS” in line 3 and substitute “1 YEAR”; and in line 3, strike “\$5,000” and substitute “\$2,500”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 736 – Delegates Anderson, Conaway, Glenn, and Stein

AN ACT concerning

**Courts – Service of Process – Motor Vehicle Administration as Agent for
Nonresident Driver**

HB0736/822319/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 736

(First Reading File Bill)

On page 3, in line 12, strike “AUTOMOBILE” and substitute “MOTOR VEHICLE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 761 – Delegates Shank, Kelly, Kramer, McComas, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #2

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

House Bill 138 – Delegates Kaiser, Ali, Barkley, Bobo, Feldman, Frush, Gutierrez, Hecht, Howard, Hubbard, Hucker, Ivey, Jennings, Jones, Kach, Lafferty, Lee, Manno, Montgomery, Morhaim, Olszewski, Rice, Ross, Stukes, and Weldon

AN ACT concerning

**Election Law – Ballot Issue Committee – Additional Campaign Finance
Report of Contributions Required**

HB0138/685069/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 138

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Additional” in line 2 down through “Required” in line 3 and substitute “Campaign Finance Reporting Requirements”; in line 4, after “of” insert “exempting a ballot issue committee from certain requirements to file a campaign finance report if the responsible officers of the ballot issue committee file a certain affidavit stating that the ballot issue committee will not or has not raised contributions or made expenditures of more than a certain amount;”; strike beginning with “the” in line 6 down through “committee” in line 7 and substitute “campaign”

finance reporting requirements for a ballot issue committee"; and in line 10, after "Section" insert "13-305 and".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"13-305.

(a) Subject to subsection (b) of this section, a candidate's authorized political committee OR A BALLOT ISSUE COMMITTEE is not required to file the campaign finance reports required under § 13-304 of this subtitle if the responsible officers file an affidavit:

(1) on or before the day when the first campaign finance report is due;
and

(2) stating that the campaign finance entity does not intend either to raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the filing fee, make expenditures in the cumulative amount of \$1,000 or more.

(b) If the campaign finance entity receives cumulative contributions of \$1,000 or more or makes cumulative expenditures of \$1,000 or more, the campaign finance entity shall file all subsequent campaign finance reports required under this subtitle.

(c) (1) Notwithstanding subsection (a) of this section, and subject to subsection (d) of this section, the responsible officers of a candidate's authorized political committee OR A BALLOT ISSUE COMMITTEE may file an affidavit, instead of the campaign finance reports for the period required under § 13-309(a) of this subtitle for an election in which the political committee designates it will participate, if the affidavit:

(i) is filed on or before the day when the campaign finance report is due; and

(ii) states that the campaign finance entity did not raise contributions in the cumulative amount of \$1,000 or more or, exclusive of the filing fee, make expenditures in the cumulative amount of \$1,000 or more for the period.

(2) (i) So long as the campaign finance entity does not receive cumulative contributions of \$1,000 or more or make cumulative expenditures of \$1,000 or more during any reporting period:

1. the affidavit filed under paragraph (1) of this subsection remains in effect; and

2. the campaign finance entity is not required to file a campaign finance report required under § 13-309(a) of this subtitle.

(ii) A campaign finance entity subject to this paragraph shall file the annual campaign finance report required under § 13-309(b) of this subtitle.

(d) After filing an affidavit under subsection (c)(1) of this section, if the campaign finance entity receives cumulative contributions of \$1,000 or more or makes cumulative expenditures of \$1,000 or more in a period, the campaign finance entity shall file a campaign finance report for that period as required under § 13-309 of this subtitle on or before the day that the campaign finance report is due.

(e) A violation of subsections (b) or (d) of this section constitutes a failure to file by the campaign finance entity, and the responsible officers are guilty of a misdemeanor and on conviction are subject to the penalties prescribed under Part VII of this title.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 429 – Harford County Delegation

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

HB0429/455762/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 429

(First Reading File Bill)

On page 1, in line 16, before “Notwithstanding” insert “(A)”; in the same line, strike “A COUNTY OR”; and after line 19, insert:

“(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A COUNTY MAY PAY A CLAIM FOR A REFUND OF PERSONAL PROPERTY TAX WITHOUT INTEREST WITHIN 180 DAYS AFTER THE REFUND CLAIM IS APPROVED IF THE DEPARTMENT DETERMINES THAT THE REFUND IS A RESULT OF A FAILURE TO FILE A REPORT WHEN DUE OR OTHER TAXPAYER ERROR.”.

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 AND EXECUTIVE NOMINATIONS REPORT #1

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Bill 601 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations reported favorably:

Senate Bill 620 – The President (By Request – Department of Legislative Services)

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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 415 - Chair, Economic Matters Committee (By Request -
Departmental - Labor, Licensing and Regulation)**

AN ACT concerning

**Department of Labor, Licensing, and Regulation - Occupational and
Professional Licensing Design Boards - Fee-Setting Authority**

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative - 138 Negative - 0 (See Roll Call No. 137)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 138)

ADJOURNMENT

At 10:31 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, February 27, 2008.

Annapolis, Maryland
Wednesday, February 27, 2008

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Proctor of Prince George's and Calvert counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 139)

The Journal of February 26, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

INTRODUCTION OF BILLS

House Bill 1564 – Delegates Haddaway and Eckardt

AN ACT concerning

Real Property – Talbot County – Recordation of County Right-of-Way Plats

FOR the purpose of including Talbot County in the provisions of law in which the clerks of the circuit courts for certain counties are required to receive, index, and file county right-of-way plats; and generally relating to the recordation of county right-of-way plats in Talbot County.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3-109.1
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1565 – Delegate Rosenberg

AN ACT concerning

Handgun Roster Board – Membership

FOR the purpose of clarifying the appointed membership of the Handgun Roster Board with respect to the representation of a certain organization; and generally relating to the membership of the Handgun Roster Board.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–404
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1566 – Delegate Beitzel

AN ACT concerning

Garrett County – Local Tax – Date of Payment

FOR the purpose of altering the date the County Commissioners of Garrett County are required to make certain payments of the revenue from certain local taxes to certain volunteer fire departments; and generally relating to the payment of certain local tax revenues to volunteer fire departments in Garrett County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 41–2
Article 12 – Public Local Laws of Maryland
(1985 Edition and October 2001 Supplement, as amended)
(As enacted by Chapter 41 of the Acts of the General Assembly of 1929)

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

House Bill 1567 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

FOR the purpose of altering a certain requirement to be met by a distributor licensed in Frederick County from whom certain persons may purchase a tip jar or

punchboard for gaming purposes; and generally relating to tip jar and punchboard gaming in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1302 and 13–1305(a)(1)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1305(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1568 – Delegates Haddaway, Aumann, Bates, Beidle, Benson, Braveboy, Carter, V. Clagett, Doory, Dumais, Eckardt, Frush, Gaines, Glenn, Griffith, Gutierrez, Harrison, Healey, Hecht, Hixson, Howard, Ivey, James, Jones, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Levi, Love, McComas, McIntosh, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Robinson, Shewell, Stifler, Stocksdale, V. Turner, Valderrama, and Walkup

AN ACT concerning

International Marriage Brokers – Regulation

FOR the purpose of requiring an international marriage broker to provide certain notice to its recruits and to provide certain information to a recruit on request; requiring a client of an international marriage broker to obtain and provide certain information to the international marriage broker and to affirm that certain information is accurate and complete; requiring the Central Repository to process certain State and national criminal history records checks on submission of certain information and fees; prohibiting an international marriage broker from providing further services to a certain client or recruit until certain information is received and provided to a recruit; prohibiting an international marriage broker from further dissemination of certain information; establishing penalties for violating this Act; requiring the court to consider certain factors in determining a certain penalty; defining certain terms; and generally relating to international marriage brokers.

BY adding to
Article – Business Regulation

Section 19-401 through 19-407 to be under the new subtitle "Subtitle 4. International Marriage Brokers"
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1569 - Delegates Taylor, Ali, Barkley, Carr, Feldman, Gilchrist, Gutierrez, Hixson, Hucker, Kaiser, Lee, Manno, Montgomery, Reznik, Rice, Simmons, and Waldstreicher

AN ACT concerning

Creation of a State Debt - Montgomery County - The Arc of Montgomery County Group Homes

FOR the purpose of authorizing the creation of a State Debt in the amount of \$275,000, the proceeds to be used as a grant to the Board of Directors of The Arc of Montgomery County, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1570 - Delegates Frick and Barve

AN ACT concerning

Motor Vehicle Excise Tax - Leased Vehicles - Residual Value

FOR the purpose of prohibiting a lessor from passing on to the lessee the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; providing that a lessor is entitled to a refund of the portion of the motor vehicle excise tax paid by the lessor on the residual value of a leased vehicle; requiring a lessor to apply to the Motor Vehicle Administration on a certain form in order to obtain a refund; defining certain terms; and generally relating to the motor vehicle excise tax and the residual value of leased vehicles.

BY adding to

Article - Transportation
Section 13-809.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1571 - Delegate Olszewski

AN ACT concerning

Public Schools - Graduation Rate Formula

FOR the purpose of altering certain dates by which county boards of education are required to collect, maintain, and analyze certain graduation rates using a certain formula; altering a certain formula; altering certain dates by which the State Department of Education is required to compile and post on its website certain information; requiring the State Board of Education to use certain graduation rates when determining Adequate Yearly Progress under federal law; and generally relating to graduation rate data.

BY repealing and reenacting, with amendments,
Chapter 229 of the Acts of the General Assembly of 2006
Section 2, 3, and 4

BY repealing and reenacting, with amendments,
Chapter 558 of the Acts of the General Assembly of 2006
Section 2, 3, and 4

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 145 - Chair, Judicial Proceedings Committee (By Request - Departmental - Public Safety and Correctional Services)

AN ACT concerning

Correctional Services - Maryland Correctional Enterprises - Goods and Services

FOR the purpose of removing the prohibition against the sale of services by Maryland Correctional Enterprises; authorizing sales of goods of Maryland Correctional Enterprises to certain individuals under certain circumstances; prohibiting the sale of goods of Maryland Correctional Enterprises for use in any political

campaign activity; and generally relating to Maryland Correctional Enterprises and goods and services.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–516(a) and (b)
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #4

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

House Bill 63 – Delegate Branch

AN ACT concerning

Elevator Safety Review Board Fund

HB0063/113690/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 63 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “Fund;” insert “providing that certain balances in the Fund at the end of each fiscal year revert to the General Fund; providing for an audit of the Fund; requiring the Elevator Safety Review Board to report to certain committees of the General Assembly on or before a certain date each year;”.

AMENDMENT NO. 2

On page 4, after line 13, insert:

“(J) ANY BALANCE IN THE FUND AT THE END OF JUNE 30 OF EACH FISCAL YEAR IN EXCESS OF 10% OF THE ACTUAL EXPENSES OF OPERATING THE ELEVATOR SAFETY REVIEW BOARD SHALL REVERT TO THE GENERAL FUND OF THE STATE.

(K) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

(L) ON OR BEFORE OCTOBER 1, 2009, AND EACH YEAR THEREAFTER, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE BOARD SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ECONOMIC MATTERS COMMITTEE ON THE IMPLEMENTATION OF THE FUND.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 406 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

HB0406/903591/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 406
(First Reading File Bill)

On page 1, in line 8, after “requirements;” insert “providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and after line 20 insert:

“BY adding to

Article – Economic Development

Section 5-107

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008)”.

BY repealing and reenacting, with amendments,

Article – Economic DevelopmentSection 5-319(c)Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 1050) of the Acts of the General Assembly of 2008)”.

On page 7, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Economic Development5-107.

THE DEPARTMENT MAY TAKE ALL REASONABLE ACTIONS TO PROTECT THE INTERESTS OF THE DEPARTMENT IN ITS INVESTMENTS, COLLATERAL, LOANS, GRANTS, AND OTHER PROPERTY OR INTERESTS RELATING TO FINANCING TRANSACTIONS, INCLUDING EXPENDING FUNDS FROM ITS GENERAL AND SPECIAL FUNDS TO ACQUIRE, DISPOSE OF, OPERATE, PROTECT, ENHANCE, OR MAINTAIN COLLATERAL OR LIENS.

5-319.

(c) (1) Except as provided in paragraph (2) of this subsection, financial assistance provided to a local government or the Corporation for a project shall be approved by a formal resolution of:

(i) the governing body of the jurisdiction in which the project is located; or

(ii) if the recipient of the financial assistance is the Corporation, its board of directors.

(2) If the recipient of the financial assistance is the Corporation for a qualified distressed county project, the financial assistance shall be approved by formal resolutions of both the board of directors of the Corporation and the governing body of the jurisdiction in which the project is located.

(3) A project that is funded by a grant from the Fund to a local government or the Corporation, and carried out by the local government or the Corporation, shall be consistent with the strategy or plan for economic development of the county or municipal corporation in which the project is located.

(4) IF THE DEPARTMENT PROVIDES FINANCIAL ASSISTANCE TO A LOCAL GOVERNMENT FOR A PROJECT, AN INTEREST IN THAT PROJECT IS LATER

TRANSFERRED TO A THIRD PARTY, AND THE TRANSFER OF THE INTEREST IS FINANCED BY THE LOCAL GOVERNMENT:

(I) THE LOCAL GOVERNMENT MAY ASSIGN THE FINANCING DOCUMENTS TO THE DEPARTMENT AS A REPAYMENT OF OR RETURN ON THE DEPARTMENT'S FINANCIAL ASSISTANCE TO THE LOCAL GOVERNMENT; AND

(II) THE ASSIGNMENT MAY NOT BE CONSIDERED A NEW FINANCING UNDER THIS SUBTITLE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter ____ (H.B. 1050) of the Acts of the General Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.”;

in line 3, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, subject to the provisions of Section 3 of this Act.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 408 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Qualified Distressed Counties

HB0408/383895/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 408
(First Reading File Bill)

On page 1, in lines 3 and 4, strike “purposes of” and substitute “certain purposes, including”; in line 5, after “Credit,” insert “providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and after line 13, insert:

“BY repealing and reenacting, with amendments,
Article – Economic Development
Section 1–101(e)
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. 1050) of the Acts of the General Assembly of
2008)”.

On page 2, after line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
read as follows:

Article – Economic Development

1–101.

(e) (1) “Qualified distressed county” means a county with:

[(1)] (I) an average rate of unemployment for the most recent
[18–month] 24–MONTH period for which data are available that exceeds 150% of the
average rate of unemployment for the State during that period; or

[(2)] (II) an average per capita personal income for the most recent
24–month period for which data are available that is equal to or less than 67% of the
average per capita personal income for the State during that period.

(2) “QUALIFIED DISTRESSED COUNTY” INCLUDES A COUNTY
THAT:

(I) NO LONGER MEETS EITHER CRITERION STATED IN
PARAGRAPH (1) OF THIS SUBSECTION; BUT

(II) HAS MET AT LEAST ONE OF THE CRITERIA AT SOME
TIME DURING THE PRECEDING 12–MONTH PERIOD.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
take effect on the taking effect of Chapter ____ (H.B. 1050) of the Acts of the General
Assembly of 2008. If Section 2 of this Act takes effect, Section 1 of this Act shall be
abrogated and of no further force and effect.”;

in line 21, strike “2.” and substitute “4.”; and in the same line, after “That” insert “,
subject to the provisions of Section 3 of this Act.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 751 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Regulatory Reforms

HB0751/513991/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 751
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike “increasing the amount of” and substitute “altering”.

AMENDMENT NO. 2

On page 4, strike beginning with “AND” in line 2 down through “REQUESTS” in line 3.

On page 6, in line 15, strike the second “of” and substitute “NOT EXCEEDING”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 933 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers’ Compensation – Lyme Disease Presumption

PG/MC 101-08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1156 - Delegates Kaiser and Dumais

AN ACT concerning

Labor and Employment - Pay Disparity Data - Reporting

HB1156/153096/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1156
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "issues;" insert "requiring the Commissioner to provide a certain report to the General Assembly; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, after line 7, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Commissioner of Labor and Industry shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, regarding the analysis of data collected under this Act.";

in line 8, strike "2." and substitute "3."; and in line 9, after "2008." insert "It shall remain effective for a period of 5 years and 3 months and, at the end of December 31, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #3**

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

House Bill 62 - Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

Lead-Containing Products - Prohibition

HB0062/916286/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 62
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in the sponsor line, strike "Delegate Hubbard" and substitute "Delegates Hubbard, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon"; in line 2, after "Lead-Containing" insert "Children's"; strike beginning with "or" in line 4 down through "products" in line 5 and substitute "in a certain manner"; in line 6, after "devices" insert ", certain distribution operations or activities, or certain vehicles, products, parts, or equipment"; strike beginning with "authorizing" in line 6 down through "product;" in line 16; in line 16, after "Department" insert "of the Environment"; in the same line, strike "issue and"; in line 17, after "circumstances;" insert "requiring a manufacturer of a children's product to conduct a certain testing of the product and issue a certain certificate under certain circumstances; requiring a person to ensure that the certificate is transmitted to certain distributors and retailers in a certain manner; requiring certain manufacturers and retailers to maintain certain documents and to provide certain documents to the Department or any person on request; prohibiting a person from selling or offering for sale a children's product that is not accompanied by a certain certificate;"; in line 21, after "penalties;" insert "authorizing the Comptroller to assess a certain fine against a certain person; requiring the Comptroller to distribute certain fines to a certain fund; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;"; in line 22, strike "Health and Mental Hygiene" and substitute "the

Environment"; in line 23, strike "making this Act an emergency measure;"; in line 24, after "lead-containing" insert "children's"; after line 24, insert:

"BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13-301(14)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)";

in line 26, strike "Health – General" and substitute "Environment"; in line 27, strike "22-601" and substitute "6-1301"; in the same line, strike "22-609" and substitute "6-1311"; in the same line, strike "6." and substitute "13."; and in line 28, after "Lead-Containing" insert "Children's".

On page 2, in line 1, strike "2005" and substitute "2007".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"Article – Commercial Law

13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(i) This title;

(ii) An order of the Attorney General or agreement of a party relating to unit pricing under Title 14, Subtitle 1 of this article;

(iii) Title 14, Subtitle 2 of this article, the Maryland Consumer Debt Collection Act;

(iv) Title 14, Subtitle 3 of this article, the Maryland Door-to-Door Sales Act;

(v) Title 14, Subtitle 9 of this article, Kosher Products;

(vi) Title 14, Subtitle 10 of this article, Automotive Repair Facilities;

(vii) Section 14-1302 of this article;

(viii) Title 14, Subtitle 11 of this article, Maryland Layaway Sales Act;

- (ix) Section 22–415 of the Transportation Article;
- (x) Title 14, Subtitle 20 of this article;
- (xi) Title 14, Subtitle 15 of this article, the Automotive Warranty Enforcement Act;
- (xii) Title 14, Subtitle 21 of this article;
- (xiii) Section 18–107 of the Transportation Article;
- (xiv) Title 14, Subtitle 22 of this article, the Maryland Telephone Solicitations Act;
- (xv) Title 14, Subtitle 23 of this article, the Automotive Crash Parts Act;
- (xvi) Title 10, Subtitle 6 of the Real Property Article;
- (xvii) Title 14, Subtitle 25 of this article, the Hearing Aid Sales Act;
- (xviii) Title 14, Subtitle 26 of this article, the Maryland Door-to-Door Solicitations Act;
- (xix) Title 14, Subtitle 31 of this article, the Maryland Household Goods Movers Act;
- (xx) Title 14, Subtitle 32 of this article, the Maryland Telephone Consumer Protection Act;
- (xxi) Title 14, Subtitle 33 of this article, the Social Security Number Privacy Act;
- (xxii) Section 14–1319 or § 14–1320 of this article; [or]
- (xxiii) Section 7–304 of the Criminal Law Article; or
- (XXIV) TITLE 6, SUBTITLE 13 OF THE ENVIRONMENT ARTICLE; OR**.

AMENDMENT NO. 3

On page 2, in line 4, strike “Health – General” and substitute “Environment”; in line 5, strike “**6.**” and substitute “**13.**”; in the same line, after “**LEAD-CONTAINING**” insert “**CHILDREN’S**”; in line 6, strike “**22–601.**” and substitute “**6–1301.**”; in line 9,

after “(B)” insert “**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**”; in the same line, strike “CHILD” and substitute “CHILD”; in the same line, strike “7” and substitute “6”; after line 10, insert:

“(2) IF A FEDERAL LAW ESTABLISHING THE PERMISSIBLE LEVEL OF LEAD IN CHILDREN’S PRODUCTS IS ENACTED, “CHILD” SHALL MEAN AN INDIVIDUAL WHO IS THE AGE SPECIFIED IN THE FEDERAL LAW.”;

in line 11, after “(C)” insert “**(1)**”; in line 12, strike “(1)” and substitute “**(I)**”; in line 13, strike “(2)” and substitute “**(II)**”; after line 13, insert:

“(2) “CHILDREN’S PRODUCT” DOES NOT INCLUDE FOOD AS DEFINED IN § 21-101 OF THE HEALTH – GENERAL ARTICLE.”;

strike in their entirety lines 14 through 24, inclusive; and in line 25, strike “(G)” and substitute “**(D)**”.

AMENDMENT NO. 4

On page 2, in line 27, strike the colon.

On page 3, in line 1, strike “(1) GREATER” and substitute “GREATER”; in the same line, strike “0.02%” and substitute “THE LESSER OF:

(1) 0.06%;

strike line 3 in its entirety and substitute:

“(2) THE STANDARD ESTABLISHED UNDER FEDERAL LAW REGARDING THE PERMISSIBLE LEVEL OF LEAD IN CHILDREN’S PRODUCTS.”;

after line 3, insert:

“(E) “MANUFACTURER” MEANS A PERSON THAT IS THE BRAND OWNER OF A PRODUCT.”;

in line 4, strike “(H)” and substitute “**(F)**”; in line 9, strike “HOMEOPATHIC REMEDIES” and substitute “LUNCH BOXES AND EATING UTENSILS”; in line 11, strike “WRAPPERS” and substitute “ANY OTHER ITEM SPECIFIED BY THE DEPARTMENT IN REGULATION”; strike in their entirety lines 12 through 21, inclusive; and in line 22, strike “22-602.” and substitute “6-1302.”.

AMENDMENT NO. 5

On page 4, in line 5, strike “AND”; strike beginning with “FACTORY” in line 6 down through “TERMINAL” in line 7 and substitute “DISTRIBUTION OPERATION OR

ACTIVITY PERFORMED IN A FACTORY, WAREHOUSE, OR ESTABLISHMENT, OR, IN THE COURSE OF SURFACE TRANSPORTATION, AT A PORT FACILITY AS DEFINED IN § 6-101 OF THE TRANSPORTATION ARTICLE; AND

(3) A VEHICLE AS DEFINED IN § 11-176 OF THE TRANSPORTATION ARTICLE, A PRODUCT OR PART FOR USE IN A VEHICLE, OR TRANSPORTATION EQUIPMENT”;

in line 8, strike “**22-603.**” and substitute “6-1303.”; in line 9, strike “MANUFACTURE,” and substitute “:

(1) MANUFACTURE A CHILDREN’S PRODUCT THAT IS A LEAD-CONTAINING PRODUCT; OR”;

in the same line, strike “SELL,” and substitute:

“(2) SELL,”;

strike beginning with the colon in line 10 down through “A” in line 11 and substitute “, BY ANY MEANS, INCLUDING THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A”; and strike beginning with the semicolon in line 12 down through “PRODUCT” in line 13.

AMENDMENT NO. 6

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 11 on page 5, inclusive, and substitute:

“6-1304.

(A) A MANUFACTURER OF A CHILDREN’S PRODUCT SHALL:

(1) TEST WHETHER THE CHILDREN’S PRODUCT IS A LEAD-CONTAINING PRODUCT BY USING AN INDEPENDENT THIRD PARTY QUALIFIED TESTING ENTITY THAT:

(i) IS NOT OWNED, MANAGED, CONTROLLED, OR DIRECTED BY THE MANUFACTURER; AND

(ii) IS ACCREDITED IN ACCORDANCE WITH AN ACCREDITATION PROCESS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; AND

(2) IF THE CHILDREN’S PRODUCT TESTED UNDER ITEM (1) OF THIS SUBSECTION IS NOT A LEAD-CONTAINING PRODUCT, ISSUE A CERTIFICATE

THAT CERTIFIES THAT THE CHILDREN'S PRODUCT IS NOT A LEAD-CONTAINING PRODUCT.

(B) A PERSON SHALL ENSURE THAT THE CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IS TRANSMITTED WITH THE CHILDREN'S PRODUCT TO ANY DISTRIBUTOR OR RETAILER WHO RECEIVES THE CHILDREN'S PRODUCT.

(C) A MANUFACTURER SHALL:

(1) MAINTAIN A COPY OF ANY DOCUMENTS RELATED TO LEAD TESTING AND ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(D) A RETAILER SHALL:

(1) MAINTAIN A COPY OF ANY CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION; AND

(2) PROVIDE A COPY TO THE DEPARTMENT OR ANY PERSON ON REQUEST.

(E) A PERSON MAY NOT SELL OR OFFER FOR SALE IN THE STATE, BY ANY MEANS, INCLUDING TRANSACTIONS CONDUCTED THROUGH A SALES OUTLET, A CATALOG, OR THE INTERNET, A CHILDREN'S PRODUCT FOR WHICH THERE IS NO CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(F) A CERTIFICATE ISSUED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) BASED ON A TEST OF EACH CHILDREN'S PRODUCT OR ON A TESTING PROTOCOL THAT IS ESTABLISHED OR RECOGNIZED BY THE DEPARTMENT; AND

(2) ON A FORM CREATED OR APPROVED BY THE DEPARTMENT."

AMENDMENT NO. 7

On page 5, in line 12, strike "~~22-605.~~" and substitute "6-1305."; in line 14, strike "~~22-603~~" and substitute "6-1303"; strike beginning with the colon in line 14

down through “GIVE” in line 17 and substitute “GIVE”; in line 18, strike “22-603” and substitute “6-1303”; strike beginning with “OR” in line 19 down through “HAZARD” in line 20; in line 22, strike “(A)(2)” and substitute “(A)”; in line 24, after “ALL” insert “CHILDREN’S”; strike beginning with “AS” in line 25 down through “SUBTITLE” in line 26; strike beginning with “OR” in line 29 down through “PRODUCT” in line 30; and in line 31, strike “PERSON” and substitute “DISTRIBUTOR OR RETAILER”.

AMENDMENT NO. 8

On page 6, in line 1, strike “OR THE LEAD-ADULTERATED CONSUMABLE PRODUCT”; in line 3, strike “22-606.” and substitute “6-1306.”; in line 5, after “A” insert “CHILDREN’S”; in line 6, strike “22-603” and substitute “6-1303”; in line 9, strike “22-607.” and substitute “6-1307.”; and in line 17, strike “\$1,000” and substitute “\$10,000”.

AMENDMENT NO. 9

On page 6, after line 18, insert:

6-1308.

(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COMPTROLLER MAY ASSESS AGAINST A PERSON WHO VIOLATES § 6-1304(E) OF THIS SUBTITLE A FINE NOT EXCEEDING \$1,000 FOR EACH VIOLATION, UP TO A MAXIMUM OF \$50,000.

(B) A FINE ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT BE ASSESSED UNTIL THE PERSON WHO COMMITTED THE VIOLATION HAS BEEN ISSUED THREE WARNINGS REGARDING THE VIOLATION.

(C) EACH DAY ON WHICH A VIOLATION OCCURS OR CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(D) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL DISTRIBUTE ALL FINES ASSESSED UNDER THIS SECTION TO THE LEAD POISONING PREVENTION FUND IN A MANNER DETERMINED BY THE DEPARTMENT AND THE COMPTROLLER.

6-1309.

IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A VIOLATION OF THIS SUBTITLE IS:

(1) AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

AMENDMENT NO. 10

On page 6, in line 19, strike "**22-608.**" and substitute "**6-1310.**"; in line 20, strike "(A)"; strike beginning with "THAT" in line 20 down through "ADMINISTRATION" in line 25 and substitute "**TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE**"; and in line 26, strike "**22-609.**" and substitute "**6-1311.**".

AMENDMENT NO. 11

On pages 6 and 7, strike beginning with "is" in line 31 on page 6 down through "enacted" in line 3 on page 7 and substitute "**shall take effect July 1, 2008**".

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Hereditary and Congenital Disorders – Newborn Screening

HB0216/766681/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 216
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 25, strike "NEW BORN" and substitute "**NEWBORN**".

AMENDMENT NO. 2

On page 3, in line 23, strike "COMPLEMENTARY" and substitute "**CONFIRMATORY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Shank moved to make the Bill a Special Order for February 28, 2008.

The motion was adopted.

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

House Bill 218 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Living at Home Waiver Program

HB0218/356281/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 218
(First Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 3, strike “60” and substitute “65”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 269 – Delegate Nathan-Pulliam

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Powers and Duties – Licensing, Certification, and Regulation

HB0269/506883/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 269
(First Reading File Bill)

On page 10, in line 31, strike “**60**” and substitute “**90**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 272 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Medical Stop–Loss Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 278 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

HB0278/756880/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 278
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “areas” and substitute “area”; in the same line, strike “have” and substitute “has”; in line 5, strike “specific” and substitute “certain”; in the

same line, strike the second “or” and substitute a comma; in the same line, after “staff” insert “, or services; clarifying that the Secretary may provide counsel and other help to establish medical or health care services in a certain underserved area”; strike beginning with “clarifying” in line 5 down through the second “the” in line 8 and substitute “authorizing the Secretary to provide”; in line 8, after “facilities” insert “, staff.”; in line 9, strike “entering into”; in the same line, strike “approving” and substitute “, to facilitate the provision of State health care services to the underserved area, approve”; strike beginning with “that” in line 10 down through “area” in line 11; and in line 16, after the second comma, insert “or”.

AMENDMENT NO. 2

On page 2, in line 20, after “facilities” insert “OR SERVICES”; in line 21, strike the first “THE” and substitute “AN”; in line 23, strike “PROPOSALS CONSIDERED OR ADOPTED” and substitute “THE COUNSEL AND OTHER HELP PROVIDED”; strike beginning with “are” in line 24 down through “SUCCESSFUL” in line 25 and substitute “DO NOT RESULT IN FEASIBLE OR SUCCESSFUL PROPOSALS”; in line 30, strike “APPROVE” and substitute “TO FACILITATE THE PROVISION OF STATE HEALTH CARE SERVICES TO THE UNDERSERVED AREA, APPROVE”; and strike beginning with “THAT” in line 31 down through “AREA” in line 32.

On page 3, in line 3, strike “CARE PLAN OR INSURANCE PROVIDER” and substitute “BENEFIT PLAN OR INSURANCE CARRIER”; in line 20, strike “2-108(3)” and substitute “2-108(c)”; in line 22, strike “Maryland” and substitute “State”; and in the same line, strike “and”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 394 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

State Postmortem Examiners Commission – Office of the Chief Medical Examiner – Postmortem Examiners Law

HB0394/316284/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 394
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “investigators;” insert “requiring the Office of the Chief Medical Examiner to orally report certain findings and deliver a copy of a certain autopsy report to certain agencies if a case involves the death of a child in certain circumstances;”; in line 22, after “5-306(b)(1),” insert “5-309(f).”

On page 2, in line 27, after “(VIII)” insert “1”.

AMENDMENT NO. 2

On page 4, after line 3, insert:

“5-309.

(f) (1) If the case involves the unexpected death of a child, the medical examiner shall notify the chairperson of the local child fatality review team for the county in which the child resided.

(2) IF THE CASE INVOLVES THE DEATH OF A CHILD AND THE DEATH IS BELIEVED TO BE CAUSED BY ABUSE OR NEGLECT, OR THERE IS EVIDENCE SUGGESTING THAT THE CHILD WAS A VICTIM OF ABUSE OR NEGLECT, THE OFFICE OF THE CHIEF MEDICAL EXAMINER SHALL ORALLY REPORT THE FINDINGS AND DELIVER A COPY OF THE CHILD’S FINAL AUTOPSY REPORT TO THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE LOCAL LAW ENFORCEMENT AGENCY OF THE COUNTY IN WHICH THE CHILD LAST RESIDED IN ACCORDANCE WITH § 5-704 OF THE FAMILY 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.

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

House Bill 462 – Delegate Pendergrass

AN ACT concerning

**Health Insurance – Small Group Market – Self-Employed Individuals –
Sunset Extension**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 484 – Delegates Morhaim and Wood

AN ACT concerning

Procurement – Unsolicited Proposals – Repeal of Termination Date

HB0484/946889/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 484
(First Reading File Bill)

AMENDMENT NO. 1

In line 4, after “procurement;” insert “adding lottery services to the services that may be procured using certain unsolicited proposals; repealing a certain interagency panel; repealing a requirement that certain procurement officers forward certain unsolicited proposals to a certain interagency panel for a certain determination; requiring certain procurement officers to get the approval of the Department of Budget and Management before awarding certain contracts; altering the maximum term of certain contracts based on unsolicited proposals; altering the maximum annual and total State expenditures under certain contracts based on unsolicited proposals; requiring certain agencies to report to the Board of Public Works on the status of certain educational outreach activities; authorizing the Board to adopt certain regulations; repealing a certain reporting requirement; repealing certain obsolete provisions; defining a certain term;”; and after line 5, insert:

“BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 13-107.1

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing

Chapter 482 of the Acts of the General Assembly of 2002

Section 2”.

AMENDMENT NO. 2

After line 10, insert:

“Article – State Finance and Procurement13-107.1.

(a) (1) In this section the following words have the meanings indicated.

(2) “Business and economic development services” means services procured by the Department of Business and Economic Development.

(3) “Educational services” means services procured to provide or assist in providing training to third-party clients under a contract.

(4) “Health or social services” means services procured to provide or assist in providing support, care, or shelter to third-party clients under a contract.

(5) **“LOTTERY SERVICES” MEANS SERVICES PROCURED BY THE MARYLAND STATE LOTTERY AGENCY.**

(b) A procurement officer may enter into a contract based on an unsolicited proposal if the unsolicited proposal:

(1) is in writing;

(2) (i) contains a novel or innovative concept, application, approach, or method which, to the knowledge of the procurement officer, is not used by or available to another unit; or

(ii) demonstrates a novel capability of the offeror of the proposal;

(3) has not been previously submitted to the unit by another person;

(4) is for the delivery of:

(i) educational services;

(ii) health or social services; [or]

(iii) business and economic development services; [and] OR

(IV) LOTTERY SERVICES; AND

(5) meets a need of or is otherwise advantageous to the unit.

[(c) (1) There is an interagency panel consisting of representatives appointed by the Governor from the following:

- (i) the Department of Health and Mental Hygiene;
 - (ii) the Department of Human Resources;
 - (iii) the Department of Labor, Licensing, and Regulation;
 - (iv) the Department of Juvenile Services;
 - (v) the Department of Disabilities;
 - (vi) the Department of Aging;
 - (vii) the Department of Business and Economic Development;
- and
- (viii) the Council on Management and Productivity.

(2) (i) A procurement officer shall forward an unsolicited proposal submitted under this section to the interagency panel described under paragraph (1) of this subsection for review and a determination as to whether the unsolicited proposal meets the requirements of subsection (a) of this section.

[(ii)] (C) (1) The [interagency panel] PROCUREMENT OFFICER shall make a determination as to whether the unsolicited proposal meets the requirements of subsection [(a)] (B) of this section [by a majority vote of the panel:

1. at a meeting of panel members or their designees;
2. by a telephone poll of panel members; or
3. in writing].

[(iii)] (2) If the [interagency panel] PROCUREMENT OFFICER determines that the unsolicited proposal does not meet the requirements of subsection [(a)] (B) of this section, the procurement officer may not award a procurement contract based on the unsolicited proposal.

[(iv) 1.] (3) (I) The [interagency panel] PROCUREMENT OFFICER shall make a determination under [subparagraph (i) of this paragraph] PARAGRAPH (1) OF THIS SUBSECTION within 30 days after receiving the unsolicited proposal for review.

[2.] (II) If the [interagency panel] PROCUREMENT OFFICER fails to make a determination under [subparagraph (i) of this paragraph] PARAGRAPH (1) OF THIS SUBSECTION within the 30-day period established under

this subparagraph, the unsolicited proposal shall be deemed to have been disapproved [by the interagency panel].

(d) If an unsolicited proposal meets the requirements of subsection (b) of this section, the offeror of the proposal is not required to be the only available source for the contract awarded under this section.

(e) Before awarding a procurement contract under this section, a procurement officer shall obtain:

(1) the approval of the head of the unit; [and]

(2) THE APPROVAL OF THE DEPARTMENT OF BUDGET AND MANAGEMENT; AND

[(2)] (3) any other approval required by law.

(f) The term, including extensions, of a contract awarded under this section may not exceed [2] 3 years.

(g) State expenditures under a contract awarded under this section may not exceed [\$1,000,000] \$2,000,000 annually, AND MAY NOT EXCEED \$4,000,000 FOR THE TOTAL CONTRACT.

(h) (1) Except as provided under paragraph (2) of this subsection, a procurement officer shall treat the information contained in an unsolicited proposal as confidential information that is not subject to disclosure under any other State or local law.

(2) If a contract is awarded under this section, disclosure of the unsolicited proposal is governed by Title 10, Subtitle 6, Part III of the State Government Article.

(i) (1) Not less than 30 days before the execution and award of a contract based on an unsolicited proposal under this section, the contracting unit shall publish a general notice of the intent to award the contract as follows:

(i) [until July 1, 2006, in the Contract Weekly and in eMaryland Marketplace;

(ii) on and after July 1, 2006,] in eMaryland Marketplace; and

[(iii)] (II) in at least one newspaper of general circulation in:

1. the county of the agency to be served under the contract; and

2. if applicable, the county of the client population to be served by the agency under the contract.

(2) For purposes of this subsection:

(i) the Baltimore Sun and the Washington Post shall be considered newspapers of general circulation in the counties of the State; and

(ii) in Baltimore City, Baltimore County, and Anne Arundel County, the Baltimore Afro-American shall be considered a newspaper of general circulation.

(3) If, during the 30-day period established under paragraph (1) of this subsection, a person petitions the [interagency panel] UNIT OF STATE GOVERNMENT CONDUCTING THE PROCUREMENT for reconsideration of a determination of approval under subsection (b) of this section, the [interagency panel] PROCUREMENT OFFICER shall reconsider the determination of approval and make written findings affirming or reversing the determination of approval.

(j) In addition to publishing notice of the intent to award a contract based on an unsolicited proposal under subsection (i) of this section, not more than 30 days after the execution and approval of a procurement contract awarded under this section, a unit shall publish notice of the award [as follows:

(1) until July 1, 2006, in the Contract Weekly and in eMaryland Marketplace; and

(2) on and after July 1, 2006,] in eMaryland Marketplace.

(k) Repealed.

(l) The following agencies shall implement an educational outreach campaign on the availability of the unsolicited proposal method of procurement:

(1) the Department of Health and Mental Hygiene;

(2) the Department of Human Resources;

(3) the Department of Labor, Licensing, and Regulation;

(4) the Department of Juvenile Services;

(5) the Department of Disabilities;

(6) the Department of Aging; [and]

(7) the Department of Business and Economic Development; AND

(8) THE MARYLAND STATE LOTTERY AGENCY.

(M) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, THE AGENCIES DESIGNATED IN SUBSECTION (L) OF THIS SECTION SHALL REPORT TO THE BOARD OF PUBLIC WORKS ON THE STATUS OF THE EDUCATIONAL OUTREACH CAMPAIGN, INCLUDING ACTIVITIES CONDUCTED IN THE PREVIOUS FISCAL YEAR AND PLANS FOR FUTURE EDUCATIONAL OUTREACH ACTIVITIES.

(N) THE BOARD OF PUBLIC WORKS MAY ADOPT REGULATIONS TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.”.

AMENDMENT NO. 3

After line 11, insert:

“[SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 30 of each year the Department of Budget and Management shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Commerce and Government Matters Committee, on the impact of this Act, including for the previous year:

(1) the number of unsolicited proposals awarded by each contracting unit;

(2) the monetary amounts of the contracts awarded under this Act;

(3) the goods or services for which contracts were awarded under this Act; and

(4) the number of contract awardees under this Act who were certified minority business enterprises.]”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 494 – Delegate Hubbard

AN ACT concerning

Licensed Counselors and Therapists – Appraisal Activities – Training Requirements

HB0494/876987/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hubbard” and substitute “Delegates Hubbard, V. Turner, Donoghue, Montgomery, and Pena–Melnik”; strike beginning with “altering” in line 4 down through “therapists” in line 5 and substitute “repealing a certain requirement that the Board of Examiners of Psychologists and the State Board of Professional Counselors and Therapists jointly approve certain training for licensed counselors and therapists”.

AMENDMENT NO. 2

On page 2, in line 24, after “**DOCTORAL**” insert “OR MASTER’S”; in lines 24 and 25, strike “**AN AREA OF MENTAL HEALTH**” and substitute “COUNSELING OR A RELATED FIELD”; and in line 25, after “**INCLUDES**” insert “A MINIMUM OF 9 GRADUATE COURSES OF AT LEAST 3 SEMESTER HOURS IN EACH OF”.

AMENDMENT NO. 3

On page 3, in lines 2 and 3, strike “**(IX)**” and “**(X)**”, respectively, and substitute “**(VIII)**” and “**(IX)**”, respectively; in line 3, strike “**OR**”; strike in their entirety lines 4 through 9, inclusive; in line 10, strike “**(III)**” and substitute “**(2)**”; in line 10, strike “**FACE-TO-FACE**” and substitute “SUPERVISED, DIRECT”; in line 11, strike “**CONTACT**”; in line 14, strike “**OF ADVANCED ASSESSMENT RELATED ACTIVITIES**”; in line 15, after “**BY**” insert “A SUPERVISOR WHO IS”; strike in its entirety line 16; in lines 17 and 18, strike “**2.**” and “**3.**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 17, strike “**OR**”; in line 18, strike “**AN INDIVIDUAL PROFICIENT**” and substitute “PROFICIENT”; in line 19, strike “, **APPROVED**” and substitute “; AND

(III) APPROVED”;

and in line 20, strike “**(IV)**” and substitute “**(3)**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 510 – Delegates Pendergrass, DeBoy, Hammen, Love, and Morhaim

AN ACT concerning

**Health Care Decisions Act – Advance Directives – Electronic Documents
and Electronic Signatures**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**House Bill 535 – Delegates Hubbard, Kullen, Montgomery, Nathan–Pulliam,
Pena–Melnyk, and V. Turner**

AN ACT concerning

**Morbidity, Mortality, and Quality Review Committee – Pregnancy and
Childhood**

Favorable report adopted.

Delegate O'Donnell moved to make the Bill a Special Order for February 28, 2008.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 140)

ADJOURNMENT

At 11:04 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, February 28, 2008.

Annapolis, Maryland
Thursday, February 28, 2008

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Tanya Thornton Shewell of Carroll County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 141)

The Journal of February 27, 2008 was read and approved.

EXCUSES:

Del. Dumais – late – personal

Del. Hucker – late – traffic

Del. Jameson – recovering from surgery

Del. Proctor – legislative business

Del. Stull – personal

INTRODUCTION OF BILLS

House Bill 1572 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

FOR the purpose of authorizing the governing body of a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property known as the Ocean City Amusement Park and Fishing Pier; authorizing the governing body of Worcester County or a municipal corporation in Worcester County to grant, by law, a property tax credit for certain real property used for the operation of an amusement park; authorizing the governing body of Worcester County or a municipal corporation in Worcester County to provide, by law, for certain provisions relating to certain property tax credits; providing for the application of this Act; and generally relating to authorization for certain local property tax credits in Worcester County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–325
Annotated Code of Maryland
(2007 Replacement Volume)

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

House Bill 1573 – Delegates Ivey, Niemann, and Ramirez

AN ACT concerning

Creation of a State Debt – Prince George’s County – Bladensburg Market Square

FOR the purpose of authorizing the creation of a State Debt not to exceed \$60,000, the proceeds to be used as a grant to the Board of Trustees of the Aman Memorial Trust, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

House Bill 1574 – Delegate O’Donnell

AN ACT concerning

Motor Vehicles – Registration for Individuals with Disabilities

FOR the purpose of creating an exception to a provision of law limiting the acceptance of applications for special disability vehicle registrations to authorize the Motor Vehicle Administration to accept an application for an additional special disability registration from an applicant who possesses a valid special disability registration and possessed two valid special registrations before a certain date; prohibiting the Administration from issuing a special disability parking placard to a person who requests a certain number of special disability registrations; and generally relating to special disability registrations.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–616(b)(1) and (4)
Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–616(c) and 13–616.1(c)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1575 – Delegate Guzzone

AN ACT concerning

Elections – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

FOR the purpose of altering the maximum age at which a minor may accompany a voter in the voting room and voting booth at a polling place under certain circumstances; and generally relating to access to the voting room and voting booth by minors at the polling place.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 10–308 and 10–310(c)

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

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

House Bill 1576 – Delegates F. Turner, Doory, Gilchrist, Rice, Stukes, and Walker

EMERGENCY BILL

AN ACT concerning

Statewide Phase-Out of Electronic Gaming Devices

FOR the purpose of prohibiting, on or after a certain date, the purchase, lease, sale, transfer, replacement, licensure, or operation of an electronic gaming device in the State; providing certain exceptions to the prohibition; defining a certain term; providing certain penalties; altering certain definitions; making this Act an emergency measure; and generally relating to electronic gaming devices.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–101(a), 12–102, 12–104, 12–111, 12–302, and 13–203
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–101(d), 12–301, 12–304(c), and 13–101
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 12–108.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

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

House Bill 1577 – Charles County Delegation

AN ACT concerning

Creation of a State Debt – Charles County – Indian Head Center for the Arts

FOR the purpose of authorizing the creation of a State Debt not to exceed \$50,000, the proceeds to be used as a grant to the Board of Directors of Chesapeake Bay Floating Theatre, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 31 – Senator Rosapepe

AN ACT concerning

Public Utility Companies - Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park - Exemption from Motor Carrier Permit Requirement

FOR the purpose of providing that a motor carrier permit is not required for a shuttle bus service operated by ~~an institution of higher education~~ the University of Maryland, College Park for its students that also is used to provide, in exchange for payment by the municipal corporation in which the ~~institution~~ University of Maryland, College Park is located, transportation service to the residents of the municipal corporation; requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act; and generally relating to bus service provided by ~~an institution of higher education~~ the University of Maryland, College Park to its students and to the residents of a certain municipal corporation.

BY repealing and reenacting, with amendments,
Article - Public Utility Companies
Section 9-201
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

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

Senate Bill 196 - Chair, Finance Committee (By Request - Departmental - Labor, Licensing and Regulation)

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors - Home Inspectors - Licensing, Disclosure, and Insurance Requirements

FOR the purpose of altering the minimum number of hours and certain approval requirements of a certain training course that must be completed by certain applicants for a home inspector license; requiring a certain training course to include successful completion of a certain examination; altering the insurance requirements for certain applicants for a home inspector license; requiring proof of compliance with certain insurance requirements for the renewal of certain home inspector licenses; ~~requiring certain home inspectors to provide certain persons certain credentials and a certain disclosure~~ altering a certain disclosure requirement; requiring certain home inspectors to maintain a certain amount of general liability insurance; requiring certain applicants for a home inspector license to submit certain proof to the State Commission of Real Estate Appraisers and Home Inspectors with certain applications; prohibiting the Commission from issuing and renewing certain licenses under certain circumstances; requiring certain licensees to give the Commission certain notice within a certain time period; authorizing the Commission to impose certain

sanctions on certain applicants and licensees for failure to maintain certain insurance; and generally relating to the licensing, disclosure, and insurance requirements for home inspectors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–3A–03, 16–3A–05, 16–3A–07, 16–4A–01, and 16–701.1
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 16–4A–04
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 412 – Senators Forehand and Miller

AN ACT concerning

Task Force to Study Changes to the Automotive Warranty Enforcement Act

FOR the purpose of establishing the Task Force to Study Changes to the Automotive Warranty Enforcement Act; providing for the membership of the Task Force; providing for the appointment of the chair of the Task Force; providing for the staffing of the Task Force; providing that a member of the Task Force may not receive compensation but is entitled to a certain reimbursement; requiring the Task Force to study and make recommendations regarding certain topics; requiring the Task Force to make a certain report to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to motor vehicles and motor vehicle warranty enforcement.

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

Senate Bill 650 – Senator DeGrange

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

FOR the purpose of authorizing the Commissioner of Labor and Industry to initiate certain investigations and investigate certain complaints relating to alleged violations of certain bonding requirements by certain employment agencies; requiring the Commissioner to provide a certain notice; authorizing the

Commissioner to impose certain penalties under certain circumstances; and generally relating to bonding requirements for employment agencies.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 9–101, 9–102, 9–201, and 9–401
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9–301
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 701 – Senators Jones, Astle, and McFadden

AN ACT concerning

Insurance Producers – Life and Health Insurance Examinations – Annual Reports

FOR the purpose of requiring the Maryland Insurance Commissioner or a designee of the Commissioner on or before a certain date each year to prepare and publish a certain report that relates to life and health insurance producer examinations administered during a certain period of time; requiring the report to include certain information about certain examinees in a certain manner; requiring the Commissioner or a designee of the Commissioner on or before a certain date each year to prepare and make available on request a certain report that relates to a certain test form used for certain examinations administered during a certain period of time; requiring the report to show certain information about certain test forms for certain examinees in a certain manner; providing for the termination of this Act; and generally relating to examinations for insurance producers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–109
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

SPECIAL ORDERS

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

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Hereditary and Congenital Disorders – Newborn Screening

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

FLOOR AMENDMENT

HB0216/553325/1

BY: Delegate Haddaway

AMENDMENTS TO HOUSE BILL 216
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “circumstances;” insert “providing for the applicability of certain requirements established under this Act;”.

AMENDMENT NO. 2

On page 3, after line 15, insert:

“(E) THE NEWBORN SCREENING REQUIREMENTS ESTABLISHED UNDER THIS SECTION DO NOT APPLY TO THE PENINSULA REGIONAL MEDICAL CENTER.”

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 32 Negative – 103 (See Roll Call No. 142)

FLOOR AMENDMENT

HB0216/283626/1

BY: Delegate Shank

AMENDMENTS TO HOUSE BILL 216
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “circumstances;” insert “authorizing certain entities to perform certain screening tests under certain circumstances; requiring a certain entity to report the result of a certain screening test to the Department within a certain period of time; establishing certain violations and penalties;”.

AMENDMENT NO. 2

On page 3, after line 20, insert:

“(B) (1) AN ENTITY OTHER THAN THE DEPARTMENT’S PUBLIC HEALTH LABORATORY MAY PERFORM THE HEREDITARY AND CONGENITAL DISORDER SCREENING TESTS REQUIRED UNDER § 13-111 OF THIS SUBTITLE IF THE ENTITY WAS ENGAGED IN PERFORMING THE SCREENING TESTS BEFORE OCTOBER 1, 2008.

(2) AN ENTITY THAT PERFORMS A SCREENING TEST UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REPORT THE RESULTS OF THE SCREENING TEST TO THE DEPARTMENT WITHIN 24 HOURS OF OBTAINING THE RESULT.

(3) (I) AN ENTITY THAT VIOLATES THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION IS SUBJECT TO A CIVIL PENALTY OF \$5,000.

(II) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION.”;

in lines 21 and 25, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; and in line 21, strike “(C)” and substitute “(D)”.

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

Affirmative – 34 Negative – 101 (See Roll Call No. 143)

Read the second time and ordered prepared for Third Reading.

House Bill 535 - Delegates Hubbard, Kullen, Montgomery, Nathan-Pulliam, Pena-Melnyk, and V. Turner

AN ACT concerning

**Morbidity, Mortality, and Quality Review Committee – Pregnancy and
Childhood**

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

Delegate O'Donnell moved to make the Bill a Special Order for February 29, 2008.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 144)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #7

House Bill 114 – Delegates Kullen, Levy, Proctor, Stull, and Weldon

AN ACT concerning

All-Terrain Vehicles – Protective Headgear Vehicle Safety Task Force

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

Affirmative – 133 Negative – 1 (See Roll Call No. 145)

The Bill was then sent to the Senate.

**House Bill 224 – Chair, Environmental Matters Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

Vehicle Laws – Electronic Titling and Registration – Temporary Registration

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

Affirmative – 135 Negative – 0 (See Roll Call No. 146)

The Bill was then sent to the Senate.

House Bill 225 – Chair, Environmental Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Motor Vehicles – Salvage Vehicle Inspection Fee – Collection and Payment

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

Affirmative – 132 Negative – 3 (See Roll Call No. 147)

The Bill was then sent to the Senate.

House Bill 230 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – School Crossing Guards – Authority to Direct Traffic

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

Affirmative – 134 Negative – 0 (See Roll Call No. 148)

The Bill was then sent to the Senate.

House Bill 231 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Community Development Administration – Rental Assistance Programs

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

Affirmative – 136 Negative – 0 (See Roll Call No. 149)

The Bill was then sent to the Senate.

House Bill 309 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

**Department of Housing and Community Development - Disaster Relief
Housing Program**

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

Affirmative - 135 Negative - 0 (See Roll Call No. 150)

The Bill was then sent to the Senate.

**House Bill 350 - Chair, Appropriations Committee (By Request -
Departmental - Budget and Management)**

AN ACT concerning

State Employees' Health Insurance Advisory Council - Repeal

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

Affirmative - 135 Negative - 0 (See Roll Call No. 151)

The Bill was then sent to the Senate.

**House Bill 705 - Chair, Appropriations Committee (By Request -
Departmental - State Police)**

AN ACT concerning

**Department of State Police - School Bus Safety Enforcement Fund - Transfer
to Governor's Office of Crime Control and Prevention**

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

Affirmative - 136 Negative - 0 (See Roll Call No. 152)

The Bill was then sent to the Senate.

**House Bill 707 - Chair, Appropriations Committee (By Request -
Departmental - State Police)**

AN ACT concerning

**Department of State Police - State Aid for Police Protection Fund - Transfer
to Governor's Office of Crime Control and Prevention**

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 103 Negative – 33 (See Roll Call No. 153)

The Bill was then sent to the Senate.

House Bill 986 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of Berwyn Heights Employees – Participation in the Employees’ Pension System

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

Affirmative – 136 Negative – 0 (See Roll Call No. 154)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #8

House Bill 18 – ~~Delegate Smigiel~~ Delegates Smigiel, Kach, Bromwell, Impallaria, and Olszewski

AN ACT concerning

Sex Offender Registry – ~~Former Names, Nicknames, and Electronic Communication Identifiers~~ Additional Information

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

Affirmative – 136 Negative – 0 (See Roll Call No. 155)

The Bill was then sent to the Senate.

House Bill 138 – Delegates Kaiser, Ali, Barkley, Bobo, Feldman, Frush, Gutierrez, Hecht, Howard, Hubbard, Hucker, Ivey, Jennings, Jones, Kach, Lafferty, Lee, Manno, Montgomery, Morhaim, Olszewski, Rice, Ross, Stukes, and Weldon

AN ACT concerning

Election Law – Ballot Issue Committee – ~~Additional Campaign Finance Report of Contributions Required~~ Campaign Finance Reporting Requirements

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

Affirmative – 136 Negative – 0 (See Roll Call No. 156)

The Bill was then sent to the Senate.

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claimant Confidentiality

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

Affirmative – 136 Negative – 0 (See Roll Call No. 157)

The Bill was then sent to the Senate.

House Bill 353 – Delegates Rosenberg, Branch, Glenn, Harrison, and Oaks

AN ACT concerning

Criminal Law – ~~Restitution – Destruction of Funerary Objects and Limit on Judgment for Acts of Child~~ – Restitution

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

Affirmative – 137 Negative – 0 (See Roll Call No. 158)

The Bill was then sent to the Senate.

House Bill 381 – Delegates Stifler, Conaway, DeBoy, Elliott, Howard, Impallaria, James, Jennings, Kelly, King, Krebs, McComas, Myers, Norman, Robinson, Shewell, Stull, and Tarrant

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

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

Affirmative – 135 Negative – 0 (See Roll Call No. 159)

The Bill was then sent to the Senate.

House Bill 429 – Harford County Delegation

AN ACT concerning

Personal Property Tax – Refunds and Reports – Interest

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

Affirmative – 135 Negative – 0 (See Roll Call No. 160)

The Bill was then sent to the Senate.

House Bill 436 – Delegates ~~McComas and Waldstreicher~~ McComas, Waldstreicher, DeBoy, Eckardt, Elliott, Frank, George, Haddaway, James, Kipke, Krebs, Levy, McConkey, Miller, Myers, Norman, O'Donnell, Schuh, Shank, Shewell, Sophocleus, Stocksdales, and Wood

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

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

Affirmative – 136 Negative – 0 (See Roll Call No. 161)

The Bill was then sent to the Senate.

House Bill 719 – Delegates Malone, Ali, Barkley, Barve, Bobo, Frush, Gaines, George, Gilchrist, Glenn, Gutierrez, Hucker, King, Kipke, Manno, McComas, and Riley ~~Riley~~, V. Clagett, Holmes, and Hubbard

AN ACT concerning

Criminal Law – Dogfight and Cockfight Attendance – Penalties

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

Affirmative – 135 Negative – 0 (See Roll Call No. 162)

The Bill was then sent to the Senate.

House Bill 736 – Delegates Anderson, Conaway, Glenn, and Stein

AN ACT concerning

**Courts - Service of Process - Motor Vehicle Administration as Agent for
Nonresident Driver**

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

Affirmative - 137 Negative - 0 (See Roll Call No. 163)

The Bill was then sent to the Senate.

House Bill 761 - Delegates Shank, Kelly, Kramer, McComas, and Valderrama

AN ACT concerning

Criminal Procedure - Offender Registry - Retroactivity

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

Affirmative - 137 Negative - 0 (See Roll Call No. 164)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #1

**Senate Bill 601 - The President (By Request - Department of Legislative
Services)**

EMERGENCY BILL

AN ACT concerning

Annual Corrective Bill

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

Affirmative - 136 Negative - 0 (See Roll Call No. 165)

The Bill was then returned to the Senate.

**Senate Bill 620 - The President (By Request - Department of Legislative
Services)**

EMERGENCY BILL

AN ACT concerning

Annual Curative Bill

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

Affirmative – 136 Negative – 0 (See Roll Call No. 166)

The Bill was then returned to the Senate.

QUORUM CALL

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

(See Roll Call No. 167)

ADJOURNMENT

At 11:16 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, February 29, 2008.

Annapolis, Maryland
Friday, February 29, 2008

The House met at 11:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melvin L. Stukes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 168)

The Journal of February 28, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. Mathias – business

Speaker Busch – left early – business meeting

INTRODUCTION OF BILLS

House Bill 1578 – Delegates Levy, Bohanan, Frush, Kullen, Murphy, and Wood

AN ACT concerning

Electricity Generation – Long-Term Contracts and Study on Consortium of Electric Companies to Build New Facilities

FOR the purpose of prohibiting the Public Service Commission from requiring certain electric companies to enter into certain long-term contracts until the Commission reports the results of a certain study and evaluation; requiring the Commission to study and evaluate certain advantages and costs associated with the creation or authorization of a certain private consortium of electric companies to build new electricity generating facilities and associated transmission lines as an alternative to certain long-term contracts; requiring the Commission to report the results of a certain study and evaluations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to long-term electricity

generation contracts and a study on a consortium of electric companies to build new electricity generating facilities.

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

House Bill 1579 – Delegate Weldon

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2007 – Frederick County –
Chesapeake and Ohio Canal National Historic Catoctin Aqueduct**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2007 to authorize certain matching funds required to be provided by the Board of Directors of the Catoctin Aqueduct Restoration Fund, Inc. to include funds expended prior to a certain date.

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA02 (AP-1)

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

**House Bill 1580 – Delegates Harrison, Carter, Glenn, Hammen, Haynes, Kirk,
McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, Tarrant, Taylor,
and F. Turner**

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

FOR the purpose of increasing the maximum weekly unemployment insurance benefit amount by a specified amount over a certain period of time; providing for the application of this Act; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8-803
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

House Bill 1581 – Delegates Harrison, Carter, Oaks, Robinson, Stukes, and Taylor

AN ACT concerning

Private Passenger Motor Vehicle Insurance, Homeowner's Insurance, and Personal Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

FOR the purpose of providing that, with respect to private passenger motor vehicle insurance policies and homeowner's insurance policies, the transfer of a policyholder between certain insurers within a certain insurance holding company system is a renewal under certain circumstances; providing that, with respect to certain policies of personal insurance and private passenger motor vehicle liability insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by that insurer is a renewal; providing that, with respect to certain policies of personal insurance and private passenger motor vehicle liability insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by another admitted insurer within a certain insurance holding company system is a renewal under certain circumstances; requiring, for certain policies of personal insurance and private passenger motor vehicle liability insurance, that certain notice of the transfer of a policyholder between certain admitted insurers be provided under certain circumstances; providing for the application of this Act; and generally relating to transfers of policyholders between insurers and renewals of policies of private passenger motor vehicle insurance, homeowner's insurance, and personal insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Insurance
Section 27–501(q) and 27–601.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–610
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

House Bill 1582 – Delegate Ross

AN ACT concerning

Income Tax Credit – Maryland Defense Force – Travel, Training, and Uniform Expenses

FOR the purpose of allowing members of the Maryland Defense Force a credit against the State income tax for certain expenses required for membership in the Maryland Defense Force; limiting the amount of the credit; providing for the application of this Act; and generally relating to a credit against the State income tax for expenses related to membership in the Maryland Defense Force.

BY adding to

Article – Tax – General

Section 10–726

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

House Bill 1583 – Delegate Ross

AN ACT concerning

Maryland Substance Abuse Fund – Oxford House World Services

FOR the purpose of requiring the Governor, beginning in a certain fiscal year, to appropriate a certain amount of money to the Maryland Substance Abuse Fund; requiring the Maryland Substance Abuse Fund to provide a certain annual grant to the Board of Directors of Oxford House, Inc., for alcohol and drug addiction services; and generally relating to the Maryland Substance Abuse Fund.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 8–6A–01

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

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

House Bill 1584 – Delegate Feldman

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definition and Scope of License

FOR the purpose of altering the definition of manufacturer in connection with the licensing of cigarette businesses and certain cigarette safety standards to include certain persons who operate cigarette manufacturing plants outside the United States and certain participating manufacturers; providing that a cigarette manufacturer license authorizes the licensee to sell certain unstamped cigarettes to certain cigarette wholesalers located outside of Maryland under certain circumstances; clarifying that applicants for cigarette business licenses and licensees must buy cigarettes for resale from a licensed cigarette manufacturer in order to be in compliance with certain provisions of law and not be subject to certain disciplinary action by the Comptroller; providing for the effective date of certain provisions of this Act; defining a certain term; and generally relating to cigarette manufacturers and the licensing of cigarette business.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–201, 16–206(a), and 16–210(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–601(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 497 of the Acts of the General Assembly of 2007)

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

House Bill 1585 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, G. Clagett, Eckardt, Guzzone, Haynes, James, Jones, Levy, Robinson, and Schuh

AN ACT concerning

Local Governments – Postemployment Benefits – Investment of Funds

FOR the purpose of authorizing a political subdivision of the State or a unit of a political subdivision of the State to enter into certain agreements with third party contractors or vendors for the management or investment of certain money intended for certain postemployment benefits; providing that an agreement entered into under this Act includes the authority to create certain investments and accounts; and generally relating to the investment of funds by local governments.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

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

House Bill 1586 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Employees – Authority of the Adjutant General

FOR the purpose of requiring the Adjutant General to determine the qualifications, appointment, removal, and compensation of the employees of the Military Department; providing that compensation for the employees of the Military Department shall be in accordance with the standard State pay plan; authorizing the Adjutant General to independently set classification levels for certain employees of the Military Department; and generally relating to the employees of the Military Department.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 13–302
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

House Bill 1587 – Delegate Hammen

AN ACT concerning

Health Services Cost Review Commission – Averted Uncompensated Care – Assessment

FOR the purpose of authorizing the Health Services Cost Review Commission to assess a certain amount in hospital rates to reflect a certain reduction in hospital uncompensated care and to operate and administer the Maryland Health Insurance Plan; for the portion of the assessment related to a certain expansion of health care coverage, requiring the Commission to ensure that the assessment amount not exceed certain savings and requiring each hospital to remit its assessment amount to the Health Care Coverage Fund; requiring any savings not subject to the assessment to be shared among certain purchasers; for the portion of the assessment related to the Maryland Health Insurance Plan, requiring the Commission to ensure the assessment is revenue neutral to each hospital and not considered in making certain determinations; requiring each hospital to remit certain amounts to the Maryland Health Insurance Plan Fund at certain intervals; prohibiting a certain assessment from exceeding a certain percentage of certain hospital revenue; repealing requirements for the Commission to determine certain savings and assess a certain amount in hospital rates; repealing certain requirements related to an assessment on hospitals for the operation and administration of the Maryland Health Insurance Plan; establishing the intent of the General Assembly with regard to Medicaid day limits on hospital services; requiring that funds generated from the assessment under this Act be used only for certain purposes; requiring this Act to be abrogated under certain circumstances; altering a certain statutory reference; and generally relating to a Health Services Cost Review Commission assessment on hospitals.

BY repealing

Article – Health – General

Section 19–214(d)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to

Article – Health – General

Section 19–214(d)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

(As enacted by Chapter 7 of the Acts of the General Assembly of the 2007 Special Session)

BY repealing

Article – Health – General

Section 19–219(d) and (e)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 14–504(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–504(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

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

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 18 – Senator Conway

AN ACT concerning

Baltimore City – 43rd Legislative District – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

FOR the purpose of establishing a Class BWLT beer, wine, and liquor tasting license in a certain part of the 43rd Legislative District of Baltimore City; establishing fees for Class BWLT licenses; authorizing a Class BWLT license holder to allow the consumption of certain alcoholic beverages for tasting or sampling; requiring a Class A license holder to apply for a Class BWLT license in a certain manner; requiring a Class BWLT license holder to dispose of any unconsumed alcoholic beverages remaining in a container that was opened for tasting or sampling; and generally relating to alcoholic beverages licenses in Baltimore City.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–403.2
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Senate Bill 87 – Senators Kelley, Colburn, Conway, Currie, Della, Forehand, Jacobs, Lenett, Muse, Raskin, ~~and Stone~~ Stone, and Simonaire

AN ACT concerning

Maryland Uniform Power of Attorney Act – Loretta's Law

FOR the purpose of repealing certain provisions of law relating to durable powers of attorney; establishing the Maryland Uniform Power of Attorney Act; establishing certain exceptions to the application of this Act; establishing that a power of attorney created under this Act is durable unless the power of attorney contains a certain provision; requiring a power of attorney to be signed by the principal or a certain other individual; providing that the signature on a power of attorney is presumed genuine under certain circumstances; providing for the validity of certain powers of attorney under certain circumstances; providing that a certain photocopy or electronically transmitted copy of an original power of attorney has a certain effect; providing for the meaning and effect of a certain power of attorney in certain circumstances; authorizing a principal, in a power of attorney, to make a certain nomination; requiring a court to make a certain appointment; establishing the accountability of a certain agent under certain circumstances; establishing that, with certain exceptions, a certain court appointment does not terminate a power of attorney; establishing that a power of attorney is effective under certain circumstances; authorizing a principal in a power of attorney to authorize certain persons to make a certain determination; establishing that a certain power of attorney may become effective on a certain determination by a certain individual; establishing certain circumstances under which a certain person may act as the principal's personal representative for certain purposes; establishing certain circumstances under which a power of attorney terminates; providing that a certain agent's authority remains exercisable, notwithstanding certain circumstances; establishing that the termination of an agent's authority or a power of attorney is not effective as to certain persons under certain circumstances; establishing that certain persons are bound by certain acts; establishing that the incapacity of a certain principal in a power of attorney does not have a certain effect; establishing that the execution of a power of attorney does not revoke a previously executed power of attorney, with certain exceptions; authorizing a principal in a power of attorney to designate a certain number of coagents for certain purposes; authorizing a principal in a power of attorney to make certain designations and grant a certain authority; establishing the authority of a certain successor agent in certain circumstances; limiting the liability of a certain agent for the actions of another agent in certain circumstances; requiring a certain agent with certain knowledge to take certain actions; establishing liability of a certain agent for failure to take certain actions in certain circumstances; establishing the entitlement of a certain agent to a certain reimbursement in certain circumstances; providing for the acceptance of a certain appointment by an agent under certain circumstances; requiring a certain agent that has accepted a certain appointment to act in a certain manner; providing for the liability of a certain agent under certain circumstances; establishing that a certain agent is not required to disclose certain information, with certain exceptions; requiring a

certain agent to comply with a certain request within a certain time period, under certain circumstances; establishing that a certain provision in a power of attorney is binding on certain persons; authorizing certain persons to petition a court for certain purposes; requiring a court to dismiss a certain petition; providing for the liability of a certain agent for a certain amount; authorizing a certain agent to resign by giving a certain notice; authorizing a certain person to rely on a certain presumption concerning a certain signature; authorizing a certain person to rely on a certain power of attorney; authorizing a certain person to request and rely on a certain certification, translation, or opinion, without further investigation; establishing that a certain person is without actual knowledge of a certain fact under certain circumstances; requiring a person to either accept a certain power of attorney or request a certain certification, translation, or opinion of counsel within a certain period after presentation of the power of attorney, except under certain circumstances; requiring a person to accept a certain power of attorney within a certain period after receiving the certification, translation, or opinion of counsel, except under certain circumstances; prohibiting a person from requiring a certain additional or different power of attorney under certain circumstances; providing that a person that refuses to accept a certain power of attorney in violation of this Act is subject to a certain court order and liability for certain fees and costs incurred in a certain action; establishing that this Act does not supersede and is controlled by certain other laws; authorizing a certain agent to do certain acts only under certain circumstances; prohibiting an agent that is not an ancestor, spouse, or descendent of the principal from exercising a certain authority; providing that a certain power of attorney provides a certain agent with certain authority; subjecting a certain grant of authority to certain limitations of this Act; providing for a certain controlling authority under certain circumstances; establishing certain circumstances under which a certain authority is exercisable with respect to certain property; establishing that a certain act performed by a certain agent has a certain effect and inures to the benefit of and binds certain persons; establishing that a certain agent has authority described in this Act under certain circumstances; providing that a certain reference in a power of attorney incorporates a certain provision of this Act as if set out in full; authorizing a certain principal to modify a certain authority; providing that a principal, by executing a certain power of attorney, authorizes an agent to do certain acts; establishing that certain language authorizes a certain agent to do certain acts; establishing that certain language in a power of attorney, subject to the terms of a certain document or agreement, authorizes the agent to do certain acts; establishing that certain language in a power of attorney authorizes the agent to do only certain acts; establishing that a document substantially in a certain form may be used to create a certain statutory form power of attorney; establishing that a certain optional form may be used by an agent to certify certain facts concerning a power of attorney; authorizing the use of the title of this Act in certain circumstances; requiring that, in applying and construing this Act, a certain consideration be given; establishing that this Act modifies, limits, and supersedes a provision of a certain federal law, but not certain other provisions; providing for the

application of this Act; defining certain terms; and generally relating to powers of attorney.

BY repealing

Article – Estates and Trusts

Section 13–601 through 13–603 and the subtitle “Subtitle 6. Powers of Attorney”

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

BY adding to

Article – Estates and Trusts

Section 17–101 through 17–404 to be under the new title “Title 17. Maryland Uniform Power of Attorney Act”

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

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

Senate Bill 158 – Senators Raskin, Madaleno, Colburn, Forehand, Frosh, Garagiola, Harris, Jones, King, Lenett, Peters, Pinsky, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Farm-to-School Program – Activities and Promotional Events

FOR the purpose of establishing the Jane Lawton Farm-to-School Program in the Department of Agriculture; establishing the purposes of the Program; requiring the Program to establish certain promotional events for certain purposes; defining certain terms; and generally relating to the establishment of the Jane Lawton Farm-to-School Program in the Department of Agriculture.

BY adding to

Article – Agriculture

Section 10–1601 to be under the new subtitle “Subtitle 16. Jane Lawton Farm-to-School Program”

Annotated Code of Maryland

(2007 Replacement Volume)

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

Senate Bill 198 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Collection Fee – Repeal of Sunset

FOR the purpose of ~~repealing~~ altering the termination date of a provision that authorizes the Child Support Enforcement Administration to deduct an annual collection fee from child support payments in certain cases; requiring the Secretary of Human Resources to notify the Department of Legislative Services if a certain federal requirement is repealed; and generally relating to child support enforcement.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2007
Section 2

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

Senate Bill 201 - ~~Senator Dyson~~ Senators Dyson, Conway, Colburn, Harrington, Lenett, Pinsky, Raskin, and Rosapepe

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Elective Franchise - Voting by 17-Year-Old Citizens

FOR the purpose of authorizing certain citizens who are less than 18 years old to vote in certain elections under certain circumstances; making stylistic changes; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Article I - Elective Franchise
Section 1

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

Senate Bill 225 - Senator Middleton

AN ACT concerning

Local Correctional Facilities - Inmate Health Care Expenses - Payment Rates to Health Care Providers

FOR the purpose of providing that ~~a local correctional facility that is responsible for payment for~~ liability for payment to a health care provider for certain health care expenses of certain inmates is only responsible for payment at may not exceed the lower of certain rates; providing that a county may ~~enter into an agreement with a health care provider for the provision of health care services at amounts that are higher or lower than a certain rate~~ elect to declare certain

provisions of this Act inapplicable to the county by filing a certain declaration with the county health officer; providing that a certain election may be withdrawn in a certain manner at any time; defining certain terms; and generally relating to payment rates for health care services provided to inmates confined in committed to local correctional facilities.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–203
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY adding to
Article – Correctional Services
Section 11–205
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

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

Senate Bill 348 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

FOR the purpose of expanding the definition of a Tier 1 renewable source to include poultry litter-to-energy; altering the definition of a Tier 2 renewable source to exclude the incineration of poultry litter; providing that poultry litter-to-energy is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland; repealing a certain limitation on the eligibility of energy produced from certain sources for inclusion in meeting the renewable energy portfolio standard; and generally relating to poultry litter and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–701(g)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–701(l) and (m) and ~~7–704(a)(4)~~ 7–704(a)(2)(i)1. and (4)
Annotated Code of Maryland

(1998 Volume and 2007 Supplement)

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

Senate Bill 349 – Senator Middleton

AN ACT concerning

State Personnel – Executive Pay Plan – Reporting Requirements – ~~Repeal~~

FOR the purpose of ~~repealing~~ altering a certain requirements requirement that the Secretary of Budget and Management provide ~~certain reports~~ a report to the Department of Legislative Services on Executive Pay Plan employees under certain circumstances; repealing a certain reporting requirement; and generally relating to reports by the Secretary of Budget and Management on the Executive Pay Plan.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 8–103

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing

Article – State Personnel and Pensions

Section 8–108(c)(3)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

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

Senate Bill 476 – Senator Madaleno

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

FOR the purpose of requiring certain health insurance carriers to provide certain information in a certain manner to the Department of Budget and Management, at the request of the Department, about individuals who are eligible for benefits under the State Employee and Retiree Health and Welfare Benefits Program or are Program recipients; requiring certain health insurance carriers to accept the Program's right of recovery and the assignment to the Program of certain rights under certain circumstances; prohibiting certain health insurance carriers from denying or otherwise affecting a health insurance policy or contract due to the eligibility of an individual for Program benefits or receipt by an individual of

benefits under the Program; defining a certain term; and generally relating to health insurance carriers and the State Employee and Retiree Health and Welfare Benefits Program.

BY adding to

Article – Health – General
Section 19–706(ppp)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Personnel and Pensions
Section 2–517
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #3

CONSENT CALENDAR #3

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

House Bill 1432 – Delegates Ivey and Vallario

AN ACT concerning

Election Law – Campaign Finance – Affidavit and Signature

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1467 – Delegates Carter, Vallario, Anderson, and Conaway

AN ACT concerning

Uniform Prudent Management of Institutional Funds Act

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1476 - Delegates Holmes, Beidle, Cane, Frush, Hucker, Niemann, Ross, Shewell, and Sossi

AN ACT concerning

Public Safety - Industrialized Building - Definition

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

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

House Bill 1477 - Delegates Ramirez, Barnes, Braveboy, Frush, Healey, Ivey, Pena-Melnyk, V. Turner, Valderrama, Vaughn, and Walker

AN ACT concerning

Prince George's County - Defenses to Wrongful Foreclosures Act

PG 427-08

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

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

House Bill 1480 - Delegates Boteler, Bromwell, Frank, Impallaria, Jennings, Kach, McDonough, Minnick, Olszewski, Schuler, Shewell, Sossi, and Weir

AN ACT concerning

State Highway Administration - Snow Removal - Use of Farm Trucks

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

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

House Bill 1481 – Delegates Cardin, V. Clagett, Beidle, Bromwell, Love, and Morhaim

AN ACT concerning

State Board of Veterinary Medical Examiners – Animal Control Facilities – License to Administer Scheduled Drugs to Animals

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

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

House Bill 1482 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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

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

House Bill 1486 – Delegates Tarrant, Braveboy, Glenn, Oaks, Rice, and Walker

AN ACT concerning

Education – Maryland School-Based Wellness Program

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1487 – Delegate Rosenberg

AN ACT concerning

Public Safety – Emergency Management – Essential Goods and Services

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

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

House Bill 1488 - Delegate Rosenberg

AN ACT concerning

State Lottery Agency - Performance Incentive Program for Employees

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1489 - Delegate Rosenberg

AN ACT concerning

Transportation - Crimes Against Public Transit Employees - Penalties

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1490 - Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel

AN ACT concerning

State Government - Maryland Tort Claims Act - Broadcasting of AMBER Alert

The Bill was re-referred to the Committee on Judiciary.

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

House Bill 1491 - Delegate Beitzel

AN ACT concerning

Garrett County - Outdoor Advertising Signs Adjacent to Highways

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

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

House Bill 1493 - Delegate Kullen

AN ACT concerning

Calvert County - Authorization to Harvest Seafood and Engage in the Seafood Industry

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

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

House Bill 1494 - Delegate Feldman

AN ACT concerning

Motor Vehicle Insurance - Uninsured Motorist Insurers - Waiver of Defenses

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

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

House Bill 1495 - Cecil County Delegation

AN ACT concerning

Cecil County - Volunteer Length of Service Award Program - Age of Eligibility

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

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

House Bill 1496 - Delegate Bohanan

AN ACT concerning

Condominiums - Property Insurance Coverage and Repair of Units

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

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

House Bill 1498 - Delegate Kullen

AN ACT concerning

Calvert County - Soft-Shell Clam Harvesting

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

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

House Bill 1499 - Delegates Boteler, Aumann, Frank, Impallaria, Kach, Niemann, Shewell, Stein, and Weir

AN ACT concerning

Public Health - Food Containing a Product of Cloned Animals - Labeling

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1500 - Delegates Boteler, Aumann, Bromwell, Frank, Impallaria, and Kach

AN ACT concerning

Health Occupations Boards - Investigators - Confidentiality of Medical Information and Records

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1502 - Delegate Hixson

AN ACT concerning

Elections – Instant Runoff Method of Voting

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1503 – Kent County Delegation

AN ACT concerning

Certificate of Need – Hospital Closure

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1505 – Delegates Oaks, Costa, Donoghue, Elliott, Hubbard, Morhaim, Pena-Melnyk, Riley, Tarrant, and Weldon

AN ACT concerning

Health Insurance – Reimbursement for Preauthorized or Approved Health Care Services

The Bill was re-referred to the Committee on Health and Government Operations.

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

House Bill 1506 – Delegates Walker, Benson, Braveboy, Davis, Frush, Griffith, Healey, Holmes, Hubbard, Ivey, Jennings, Levi, Niemann, Oaks, Proctor, Rice, Ross, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Task Force to Study Thoroughbred Racing at Rosecroft Raceway

The Bill was re-referred to the Committee on Ways and Means.

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

House Bill 1507 - Delegates Oaks, Carter, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, McIntosh, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City - Binding Arbitration - Police Officers

The Bill was re-referred to the Committee on Appropriations.

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

House Bill 1512 - Delegate V. Clagett

AN ACT concerning

Procurement - Chesapeake Bay Trust - State Contracts and Grants

The Bill was re-referred to the Committee on Health and Government Operations and the Committee on Environmental Matters.

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

House Bill 1515 - Delegates McComas and McConkey

AN ACT concerning

Condominiums - Ownership Classes - Vote Percentage

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1516 - Delegates Busch, V. Clagett, and George

AN ACT concerning

State Government - Commemorative Days - Annapolis Charter Day

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1517 - Delegate Donoghue

AN ACT concerning

Respiratory Care Practitioners, Radiation Therapists, Radiographers, and Nuclear Medicine Technologists - Various Changes

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1518 - Delegates Howard, Ali, Barkley, Barnes, Benson, Braveboy, Cane, G. Clagett, Costa, DeBoy, Dumais, Feldman, Frush, Gaines, Glenn, Griffith, Gutierrez, Guzzone, Healey, Heller, Holmes, Hubbard, Huckler, Ivey, Kaiser, Kirk, Lafferty, Levi, Malone, McHale, Murphy, Nathan-Pulliam, Olszewski, Pena-Melnyk, Proctor, Riley, Ross, Schuler, Stein, Stukes, F. Turner, V. Turner, Valderrama, Walker, and Weldon

AN ACT concerning

Education - Collective Bargaining - Public School Labor Relations Board

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1521 - Delegates Murphy, Bohanan, Boteler, Cardin, Frick, Gilchrist, Kullen, Levy, O'Donnell, and Wood

AN ACT concerning

Sales and Use Tax - Exemption - Veterans' Organizations

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1523 - Delegate Proctor

AN ACT concerning

Law Enforcement Officers' Pension System – Benefit Enhancement

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1524 – Delegate Proctor

AN ACT concerning

Law Enforcement Officers' Pension System – Benefit Enhancement

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1528 – Delegate Lafferty

AN ACT concerning

State Finance and Procurement – Dispute Resolution – Use of Mediation and Arbitration

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1529 – Delegate Rudolph

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1531 - Delegate Conaway

AN ACT concerning

Vehicle Laws - Mandatory Seat Belt Use - Enforcement

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1533 - Delegates Nathan-Pulliam, Benson, Burns, Carter, Harrison, Jones, Oaks, Robinson, Stukes, and Tarrant

AN ACT concerning

Task Force to Study Health Disparities Among Minority Children with Learning Disabilities

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1536 - Cecil County Delegation

AN ACT concerning

Cecil County - Alcoholic Beverages - Light Wine License Fees

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1542 - Frederick County Delegation**EMERGENCY BILL**

AN ACT concerning

Frederick County - Land Use or Zoning Ordinances - Amendments

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1543 - Delegate Conaway

AN ACT concerning

Motor Vehicles - Mandatory Seat Belt Use - Warning for Improper Use

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1544 - Delegate Morhaim

AN ACT concerning

Procurement - Exemptions

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1545 - Chair, Economic Matters Committee (By Request - Departmental - Public Service Commission)

AN ACT concerning

Electric Universal Service Program - Administration

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1546 - Chair, Economic Matters Committee (By Request - Departmental - Public Service Commission)

AN ACT concerning

Public Service Commission - Electricity Supply - Distribution of Costs

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1547 - Chair, Economic Matters Committee (By Request - Departmental - Public Service Commission)

AN ACT concerning

Public Service Commission - Investigatory Expenses

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1548 - Chair, Economic Matters Committee (By Request - Departmental - Public Service Commission)

AN ACT concerning

Public Service Commission - Standard Offer Service Auctions - Disclosure of Bid Information

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1549 - Chair, Health and Government Operations Committee (By Request - Departmental - General Services)

AN ACT concerning

General Services - Procurement - Exemptions

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1550 - Delegates Busch, V. Clagett, and George

AN ACT concerning

**Department of General Services Police – Jurisdiction, Authority, and
Responsibility**

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1551 – Delegates Busch, Beidle, V. Clagett, Love, and Sophocleus

AN ACT concerning

Anne Arundel County – Severn Danza Recreational Complex Loan of 2001

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

**House Bill 1552 – Chair, Environmental Matters Committee (By Request –
Departmental – Natural Resources)**

AN ACT concerning

Sustainable Forestry Act of 2008

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

**House Bill 1553 – Delegates Ramirez, Anderson, Barnes, Bobo, Cane, Glenn,
Guzzone, Oaks, and Stukes**

AN ACT concerning

Maryland Youth Entrepreneur Connection Program

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1554 – Delegates Vaughn, Benson, and Howard

AN ACT concerning

Creation of a State Debt – Prince George’s County – Palmer Park Boys and Girls Club

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1556 – Delegates Ramirez, Anderson, Conaway, Kramer, Rosenberg, and Vallario

AN ACT concerning

Administrative Office of the Courts – Automated External Defibrillator Program – Courthouses

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1557 – Delegates Vaughn, Feldman, Holmes, Kach, Krysiak, and Taylor

AN ACT concerning

Home Builders – Sales Representative Registration and Home Builder Guaranty Fund

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1558 – Delegates Cardin, Burns, Harrison, Hubbard, Ivey, Krysiak, Rosenberg, Taylor, and Waldstreicher

AN ACT concerning

Criminal Law – Flavored Cigars and Cigarettes – Prohibition on Sale

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1559 – Delegate Shank

AN ACT concerning

Courts – Death Penalty Cases – Former Judges

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1561 – Delegate Krysiak

AN ACT concerning

State Board of Stationary Engineers – Licensing Exemption – Resource Recovery Facility Operators

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1565 – Delegate Rosenberg

AN ACT concerning

Handgun Roster Board – Membership

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1569 – Delegates Taylor, Ali, Barkley, Carr, Feldman, Gilchrist, Gutierrez, Hixson, Hucker, Kaiser, Lee, Manno, Montgomery, Reznik, Rice, Simmons, and Waldstreicher

AN ACT concerning

Creation of a State Debt – Montgomery County – The Arc of Montgomery County Group Homes

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1573 – Delegates Ivey, Niemann, and Ramirez

AN ACT concerning

Creation of a State Debt – Prince George’s County – Bladensburg Market Square

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1574 – Delegate O’Donnell

AN ACT concerning

Motor Vehicles – Registration for Individuals with Disabilities

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1577 – Charles County Delegation

AN ACT concerning

Creation of a State Debt – Charles County – Indian Head Center for the Arts

The Bill was re-referred to the Committee on Appropriations.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

House Bill 535 – Delegates Hubbard, Kullen, Montgomery, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

FLOOR AMENDMENT

HB0535/133827/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 535
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “reviews” insert “, collect certain statistical information about certain abortions from certain health care facilities.”.

AMENDMENT NO. 2

On page 4, in line 19, strike the second “AND”; after line 19, insert:

“(II) COLLECT STATISTICAL INFORMATION ABOUT ABORTIONS PERFORMED BY LICENSED PHYSICIANS IN THE STATE FROM LICENSED HEALTH CARE FACILITIES WHERE ABORTION PROCEDURES ARE PERFORMED, INCLUDING FAMILY PLANNING CLINICS AND ABORTION CLINICS; AND”;

and in line 20, strike “(II)” and substitute “**(III)**”.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 35 Negative – 96 (See Roll Call No. 169)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 170)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #9

House Bill 62 - ~~Delegate Hubbard~~ Delegates Hubbard, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

~~EMERGENCY BILL~~

AN ACT concerning

Lead-Containing Children's Products - Prohibition

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 4 (See Roll Call No. 171)

The Bill was then sent to the Senate.

House Bill 218 - Chair, Health and Government Operations Committee (By Request - Departmental - Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene - Living at Home Waiver Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 172)

The Bill was then sent to the Senate.

House Bill 269 – Delegate Nathan-Pulliam

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Powers and Duties – Licensing, Certification, and Regulation

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 173)

The Bill was then sent to the Senate.

House Bill 272 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Medical Stop-Loss Insurance

Read the third time and passed by yeas and nays as follows:

Affirmative – 121 Negative – 17 (See Roll Call No. 174)

The Bill was then sent to the Senate.

House Bill 278 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Powers of the Secretary

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 175)

The Bill was then sent to the Senate.

House Bill 394 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

State Postmortem Examiners Commission – Office of the Chief Medical Examiner – Postmortem Examiners Law

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 176)

The Bill was then sent to the Senate.

House Bill 462 – Delegate Pendergrass

AN ACT concerning

Health Insurance – Small Group Market – Self-Employed Individuals – Sunset Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 177)

The Bill was then sent to the Senate.

House Bill 484 – Delegates Morhaim and Wood

AN ACT concerning

Procurement – Unsolicited Proposals – Repeal of Termination Date

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 178)

The Bill was then sent to the Senate.

House Bill 494 – ~~Delegate Hubbard~~ Delegates Hubbard, V. Turner, Donoghue, Montgomery, and Pena-Melnyk

AN ACT concerning

Licensed Counselors and Therapists – Appraisal Activities – Training Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 179)

The Bill was then sent to the Senate.

House Bill 510 – Delegates Pendergrass, DeBoy, Hammen, Love, and Morhaim

AN ACT concerning

**Health Care Decisions Act – Advance Directives – Electronic Documents
and Electronic Signatures**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 180)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #10

House Bill 63 – Delegate Branch

AN ACT concerning

Elevator Safety Review Board Fund

Read the third time and passed by yeas and nays as follows:

Affirmative – 116 Negative – 21 (See Roll Call No. 181)

The Bill was then sent to the Senate.

**House Bill 406 – 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 – 138 Negative – 0 (See Roll Call No. 182)

The Bill was then sent to the Senate.

**House Bill 408 – Chair, Economic Matters Committee (By Request –
Departmental – Business and Economic Development)**

AN ACT concerning

Business and Economic Development – Qualified Distressed Counties

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 183)

The Bill was then sent to the Senate.

**House Bill 751 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Financial Institutions – Regulatory Reforms

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 184)

The Bill was then sent to the Senate.

**House Bill 933 – Prince George’s County Delegation and Montgomery County
Delegation**

AN ACT concerning

**Maryland–National Capital Park and Planning Commission Park Police –
Workers’ Compensation – Lyme Disease Presumption**

PG/MC 101-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 121 Negative – 15 (See Roll Call No. 185)

The Bill was then sent to the Senate.

House Bill 1156 – Delegates Kaiser and Dumais

AN ACT concerning

Labor and Employment – Pay Disparity Data – Reporting

Read the third time and passed by yeas and nays as follows:

Affirmative – 114 Negative – 24 (See Roll Call No. 186)

The Bill was then sent to the Senate.

**HONORABLE ADRIENNE A. JONES,
SPEAKER PRO TEM, NOW PRESIDING**

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 187)

ADJOURNMENT

At 12:02 P.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, March 3, 2008.

Annapolis, Maryland
Monday, March 3, 2008

The House met at 8:04 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Norman H. Conway of Wicomico and Worcester counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 188)

The Journal of February 29, 2008 was read and approved.

EXCUSES:

Del. Branch – illness

Del. Jameson – recovering from surgery

INTRODUCTION OF BILLS

House Bill 1588 – Delegate Shewell

AN ACT concerning

Critical Infrastructure Protection Task Force

FOR the purpose of establishing a Critical Infrastructure Protection Task Force; providing for the composition and duties of the Task Force; requiring the Department of Legislative Services and the Department of Economic Development to provide staffing for the Task Force; prohibiting members of the Task Force from receiving compensation, but authorizing certain reimbursement for certain expenses; requiring the Task Force to submit certain reports of its findings and recommendations to the Governor and the General Assembly on or before certain dates; requiring the Task Force to make a certain recommendation to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Critical Infrastructure Protection Task Force.

Read the first time and referred to the Committee on Rules and Executive Nominations.

**House Bill 1589 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)**

AN ACT concerning

Insurance Producers – Licensing Requirements

FOR the purpose of authorizing the Maryland Insurance Commissioner to waive certain requirements for an insurance producer license for applicants who have been conferred certain professional designations; repealing the authority of the Commission to waive a certain examination requirement under certain circumstances; altering the number of hours of continuing education that an insurance producer is required to receive in a renewal period; requiring an insurance producer to receive a certain number of hours of continuing education in ethics for each renewal period; providing certain exemptions from the continuing education requirements; altering the expiration dates of insurance producer licenses; authorizing the Maryland Insurance Administration to issue certain licenses for certain terms to transition the expiration date of certain licenses; providing for the application of certain provisions of this Act; providing for the effective dates of this Act; and generally relating to licensing requirements for insurance producers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–104(h), 10–105(e) and (g), 10–115, and 10–116(a)(2) and (3)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 10–105(a) and 10–116(a)(1)

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

**House Bill 1590 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

Employer Misclassification of Employees as Independent Contractors

FOR the purpose of prohibiting employers from misclassifying employees as independent contractors; requiring the Commissioner of Labor and Industry to

initiate an investigation under certain circumstances to determine whether certain violations occurred; requiring the Commissioner to provide notice of potential violations of this Act to the Workers' Compensation Commission, the Office of Unemployment Insurance, and the Comptroller's Office under certain circumstances; providing for certain penalties and the award of certain damages and wages for certain violations of this Act; requiring the Commissioner to issue a citation under certain circumstances; requiring the Commissioner to grant an employer's request for a hearing to contest a citation; requiring the Commissioner to notify a public body of certain violations; requiring the public body, on notification, to withhold payment to an employer in a certain amount; requiring the Commissioner to file with the Secretary of State, the Department of Budget and Management, and the Department of General Services a list of certain violators of this Act; prohibiting certain employers from entering into a contract with a public body under certain circumstances; prohibiting an employer from discriminating against a person under certain circumstances; prohibiting a person from making certain complaints to the Commissioner; authorizing an individual who has not been properly classified as an employee to bring a civil action for damages against an employer; authorizing an employee organization on behalf of an individual or group of individuals to bring a civil action; requiring that a civil action be filed within a certain time period; requiring a court to award an individual or class of individuals certain costs and relief under certain circumstances; requiring the Commissioner to adopt regulations to carry out certain provisions of this Act; requiring an employer to retain certain records for a certain period of time; requiring cooperation under this Act by certain State agencies; establishing certain civil and administrative penalties under this Act and other laws under the jurisdiction of the Commissioner of Labor and Industry; establishing certain unemployment insurance penalties for employers that misclassify employees in violation of this Act; creating a presumption in favor of covered employment under the State Workers' Compensation Law; prohibiting an employer from misclassifying an employee to avoid proper classification for the payment of premiums under the Workers' Compensation Commission; prohibiting an employer from misclassifying an employee as an independent contractor for purposes of the workers' compensation; prohibiting an employer from understating or concealing payroll for purposes of workers' compensation; authorizing the Workers' Compensation Commission to conduct investigations, to enter businesses, to examine business records, and to issue subpoenas for certain purposes; authorizing the Workers' Compensation Commission to order certain remedies if an employer misclassifies an employee; providing for debarment for certain employers who repeatedly violate the insurance coverage requirements of the Workers' Compensation Commission; making certain provisions of this Act severable; defining certain terms; prohibiting certain persons from conspiring with, aiding and abetting, assisting, advising, or facilitating another person with violating this Act; prohibiting a person from incorporating or assisting in the incorporation of certain entities for the purposes of facilitating or evading detection of a violation of this Act; and generally relating to the employer misclassification of employees as independent contractors.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–101
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–102(a), 3–103, 3–104, 3–216, 3–427, 3–507, 8–201, 8–628, 9–202, and
9–402(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY adding to
Article – Labor and Employment
Section 3–216.1; 3–901 through 3–914 to be under the new subtitle “Subtitle 9.
Misclassification of Employees”; and 8–201.1, 9–402.1, 9–402.2, 9–402.3,
and 9–407.1
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–221(e), 17–222, and 18–108
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – State Finance and Procurement
Section 18–107.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive
Nominations.

House Bill 1591 – Delegate DeBoy

AN ACT concerning

Public Service Companies – Passenger-For-Hire Services

FOR the purpose of prohibiting a person from providing passenger-for-hire services unless the person obtains a certain liability insurance policy that is approved by the Public Service Commission and insures the person against certain liability resulting from an accident in which the limousine or sedan is involved or

deposits a certain bond with the Commission that is approved by the Commission and is made out to the State as obligee for the use and benefit of certain persons and undertakes to indemnify certain persons against certain property damage, personal injury, or death resulting from an accident in which the limousine or sedan is involved; establishing the minimum amount of a certain liability insurance policy or a certain bond under certain circumstances; requiring that certain materials advertising passenger-for-hire services by a certain person licensed by the Commission include a certain permit number; requiring the Motor Vehicle Administration to issue certain special vehicle registration plates for certain limousines and sedans used to provide passenger-for-hire services under a certain permit; prohibiting a person from using a motor vehicle to provide certain passenger-for-hire services under a certain permit unless the motor vehicle is equipped with certain special vehicle registration plates; repealing a provision requiring the Administration to issue certain special limousine vehicle registration plates under certain circumstances; prohibiting an individual from operating a certain limousine or sedan to provide certain passenger-for-hire services unless the individual holds a certain valid for-hire driver's license; prohibiting a person from permitting an individual to operate a certain limousine or sedan to provide certain passenger-for-hire services unless the individual holds a certain valid for-hire driver's license; prohibiting a certain individual from operating a certain limousine or sedan used to provide passenger-for-hire services that is not equipped with certain special vehicle registration plates under certain circumstances; prohibiting a person from permitting a certain individual to operate a certain limousine or sedan used to provide passenger-for-hire services that is not equipped with certain special vehicle registration plates under certain circumstances; providing for certain penalties; defining a certain term; and generally relating to passenger-for-hire services.

BY repealing and reenacting, without amendments,

Article – Public Utility Companies
Section 10-101 and 10-102
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to

Article – Public Utility Companies
Section 10-113 and 10-114
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to

Article – Transportation
Section 13-614, 21-1127, and 21-1128
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–939 and 27–101(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1592 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Sale of Superfluous Property and Disposition of Proceeds

FOR the purpose of altering the process by which the Military Department sells superfluous property; altering the conditions under which certain counties or municipal corporations may exercise a right of first refusal to purchase certain armories; granting to the State a certain right of first refusal to purchase certain armories, subject to certain conditions; authorizing the Department of General Services, with the approval of the Board of Public Works, to sell certain property in a certain manner; establishing the Military Department Supplemental Capital Construction and Maintenance Fund as a special, nonlapsing fund; requiring that the proceeds of certain sales of property be placed in the Fund; providing for the purpose, administration, proceeds, use, and related requirements of the Fund; authorizing expenditures of a certain maximum amount to be authorized by the Adjutant General or a duly appointed designee; requiring proceeds from certain facilities to be reinvested in a certain manner, except as otherwise authorized by the Adjutant General; providing for the termination of this Act; and generally relating to the sale of superfluous property of the Military Department and the use of the proceeds.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 13–217
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 13–217.1
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1593 - Delegate Wood

AN ACT concerning

Low Speed Emergency Medical Services Vehicles - Operation in St. Mary's County

FOR the purpose of allowing the operation of a certain low speed emergency medical services vehicle on certain highways in St. Mary's County designated in a certain manner without the vehicle being registered under the Maryland Vehicle Law; providing that the Maryland Vehicle Law does not preclude the designation of portions of certain highways in St. Mary's County on which a low speed emergency medical services vehicle may travel; defining "low speed emergency medical services vehicle"; altering a certain definition; and generally relating to the operation of low speed emergency medical services vehicles on designated highways in St. Mary's County.

BY renumbering

Article - Transportation
Section 11-130.1
to be Section 11-130.2
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article - Transportation
Section 11-118, 13-402(c), and 25-102(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article - Transportation
Section 11-130.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article - Transportation
Section 13-402(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1594 - Delegate Jones

AN ACT concerning

Maryland Housing Fund - Unallocated Reserves - Transfers

FOR the purpose of requiring the Secretary of Housing and Community Development to transfer certain amounts in the Maryland Housing Fund at the end of any fiscal year to the Homeownership Programs Fund, the Rental Housing Programs Fund, and the Special Loan Programs Fund; and generally relating to the transfer of certain unallocated reserves of the Maryland Housing Fund.

BY adding to

Article - Housing and Community Development
Section 3-203(i)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article - Housing and Community Development
Section 4-502(d), 4-504(e)(1), and 4-505(g)(1)
Annotated Code of Maryland
(2006 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1595 - Delegates Mizeur, Kaiser, Ali, Barnes, Beidle, Bobo, Bromwell, Carr, Carter, V. Clagett, Frush, Gutierrez, Guzzone, Healey, Heller, Hixson, Holmes, Hubbard, Hucker, Ivey, Kullen, Lafferty, Montgomery, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Ramirez, Rice, Ross, Schuh, Schuler, Stein, Stukes, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Intercounty Connector - Public Health Impacts from Air Pollution - Assessment

FOR the purpose of prohibiting the State and the Maryland Transportation Authority from expending certain funds for the Intercounty Connector until a certain assessment by the Maryland Department of Transportation (MDOT) and the Department of the Environment (MDE) is completed; specifying certain parameters for the assessment; requiring the Departments to create certain models and to quantify certain emissions, impacts, and risks related to certain pollutants; requiring MDOT and MDE to assess certain impacts for certain

years, to conduct a certain analysis, to publish the results of the analysis, to hold public hearings and receive public comments on the analysis, and to prepare written responses to certain comments that they receive from the public in response to the analysis; requiring MDOT and MDE to submit certain reports to the Governor and to the General Assembly on or before certain dates; clarifying a certain provision; defining certain terms; and generally relating to an assessment of public health impacts from air pollution and the Intercounty Connector.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–321
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 4–321.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1596 – Delegate Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

FOR the purpose of prohibiting the Board of Public Works from approving certain leases without a certain determination by the Comptroller's General Accounting Office; requiring certain notice to the Legislative Policy Committee prior to approval of certain leases; requiring certain leases to be approved as capital leases; and generally relating to the approval of leases by the Board of Public Works.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 12–204
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1597 – Delegate Schuh

AN ACT concerning

Maryland Tobacco Settlement Securitization Authority Act

FOR the purpose of establishing the Maryland Tobacco Settlement Securitization Authority; providing for the membership of the Board of Directors of the Authority; authorizing the Board to exercise certain powers; requiring the Board to submit a certain report; authorizing the Authority to issue certain bonds; requiring the Authority to pay certain proceeds from certain bonds to the State according to a certain agreement; requiring the proceeds to be deposited in a certain fund; authorizing the State to sell certain rights to certain payments from the tobacco Master Settlement Agreement to the Authority; authorizing certain agreements between the State and the Authority; requiring the Governor to include in the annual budget bill a certain appropriation to the Authority; requiring the Authority to certify to the Secretary of Budget and Management a certain amount needed to pay the debt service on certain bonds; requiring certain obligations to contain a certain statement; defining certain terms; and generally relating to the establishment of the Maryland Tobacco Settlement Securitization Authority.

BY adding to

Article – State Finance and Procurement
Section 7–316
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 7–317 and 7–326
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1598 – Delegates Niemann and Mizeur

AN ACT concerning

**Human Relations – Sexual Orientation and Gender Identity –
Antidiscrimination**

FOR the purpose of prohibiting discrimination based on gender identity with regard to public accommodations, housing, and employment; prohibiting discrimination based on sexual orientation or gender identity with regard to the leasing of property for commercial usage or in the provision of certain services or facilities;

altering a certain exception for employers that relates to standards concerning dress and grooming; making certain remedies and procedures regarding discrimination applicable to discrimination based on sexual orientation and gender identity; requiring certain State personnel actions to be made without regard to gender identity or sexual orientation; defining the term “gender identity”; and generally relating to discrimination based on sexual orientation and gender identity.

BY repealing and reenacting, with amendments,
Article 49B – Human Relations Commission
Section 5(a), (b), and (c), 8(a), 8A, 14, 16, 19(a), 20(t), 21(a), 22(a), 23, and 37(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 15(k) and 20(k-1)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2-302
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1599 – Washington County Delegation

AN ACT concerning

Washington County – Roads and Transportation

FOR the purpose of providing that, under certain circumstances, Washington County may cause a road to be surveyed and a description and plat made of the road and recorded among the land records of the county; requiring that, under certain circumstances, the description of a road be made by reference to the original description when the road was acquired; requiring the description and plat to be prepared under the supervision of and certified by a certain individual; requiring the county and courts to consider the description and plat as official and prima facie correct until the contrary is proven; requiring the County Commissioners of Washington County, if they acquire land under certain circumstances, to require the filing and recordation of plats with the deed or deeds showing the location and area of the land; authorizing the County Commissioners to construct county highways or roads under certain

circumstances; authorizing the County Commissioners to adopt certain regulations; requiring the Division of Public Works to reevaluate and suggest revisions to the regulations under certain circumstances; requiring the County Commissioners to accept into the county road system certain roads under certain circumstances; requiring the County Commissioners to perform certain duties under certain circumstances; altering the conditions under which certain plans and specifications for a county road or bridge must be prepared; requiring bids for certain work to be solicited in accordance with certain provisions of law; authorizing the Director of the Division of Public Works to develop and publish certain standards, policies, details, and specifications; authorizing the Division to assess a certain fee for reproduction costs; requiring a certain manual to include certain information for public works; authorizing the manual to adopt certain standards, policies, or details by reference in a certain manner; requiring notice of the availability of public review and comment to be made in a certain manner; requiring a proposed manual or amendment to the manual to be available for public review and comment for a certain period of time; requiring the Director to present the standards, manual, or revisions to the manual to the County Commissioners for adoption by resolution; authorizing the Director to develop and implement certain interim construction standards, policies, or details until a certain time; authorizing the Director to erect traffic control devices in accordance with certain provisions of law; authorizing certain traffic control devices to be erected on county highways under certain circumstances; authorizing temporary directional signs to be erected in the county right-of-way in accordance with applicable State and local standards; authorizing the County Commissioners to adopt certain regulations governing construction on county property; altering the maximum amount of a certain fine; prohibiting a person from stopping, standing, or parking a vehicle on certain surfaces of Washington County so as to impede the movement of traffic or constitute a threat to public safety; prohibiting a person from parking unregistered motor vehicles and trailers on certain surfaces of the county; prohibiting a person from parking certain vehicles more than a certain weight on a public road within a residential subdivision in the county under certain circumstances; prohibiting a person from creating or placing an obstruction on certain surfaces of the county; prohibiting a person from interfering with certain side ditches or drains; prohibiting certain persons from permitting certain vehicles to obstruct a crossing for a certain period of time; providing for certain criminal penalties; authorizing the Sheriff to impound certain vehicles parked in a certain manner; authorizing the owner of an impounded vehicle to reclaim or secure the release of the vehicle after paying certain fines, costs, and fees; prohibiting a person from leaving personal property on certain property; prohibiting a lessor of real property from allowing the personal property of an evicted tenant to remain on certain property for a certain period of time; authorizing the Division to cause the personal property to be removed under certain circumstances; requiring all expenses incurred in removing the personal property to be charged to the lessor of the real property; providing that certain provisions of law do not replace or reduce certain authority of the County Commissioners; repealing certain provisions of law relating to roads in

Washington County; making certain stylistic changes; clarifying language; making technical corrections; defining certain terms; and generally relating to roads and transportation in Washington County.

BY repealing

The Public Local Laws of Washington County
Section 7-102, 7-103, 7-106, and 7-107 and the subtitle "Subtitle 1. Prohibitions"; 7-201 and 7-203 and the subtitle "Subtitle 2. Powers and Duties of County Commissioners"; and 7-301 and 7-302 and the subtitle "Subtitle 3. Road Engineer"
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY renumbering

The Public Local Laws of Washington County
Section 7-101, 7-104, 7-105, 7-202, 7-204, 7-205, 7-206, 7-207, and 7-208, respectively
to be Section 7-401, 7-404, 7-405, 7-302, 7-303, 7-304, 7-305, 7-306, and 7-307, respectively
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY adding to

The Public Local Laws of Washington County
Section 7-101 to be under the new subtitle "Subtitle 1. Definitions"; 7-201 and 7-202 to be under the new subtitle "Subtitle 2. Roads and Bridges"; 7-301, 7-308, 7-309, and 7-310 to be under the new subtitle "Subtitle 3. Powers and Duties of County Commissioners"; and 7-402 and 7-403 to be under the new subtitle "Subtitle 4. Prohibitions"
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Washington County
Section 7-302, 7-303, 7-304, 7-305, 7-401, 7-404, and 7-405
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)
(As enacted by Section 2 of this Act)

Read the first time and referred to the Committee on Rules and Executive Nominations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 60 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Britt, Colburn, Conway, Currie, Della, Edwards, Exum, Forehand, Garagiola, Glassman, Greenip, Jacobs, Kasemeyer, King, Kramer, Lenett, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pugh, Raskin, Rosapepe, Stone, and Zirkin

AN ACT concerning

Identity Fraud – Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult – Penalties

FOR the purpose of increasing the penalty for a person who commits identity fraud where the benefit, credit, good, service, or other thing of value that is the subject of the offense has a value of \$500 or greater; increasing the penalty for a person who commits identity fraud under circumstances that reasonably indicate that the person's intent was to manufacture, distribute, or dispense another individual's personal identifying information without that individual's consent; providing an enhanced penalty for a person who commits identity fraud while serving as a fiduciary for the victim; providing an enhanced penalty for a person who commits identity fraud in circumstances in which the victim is a vulnerable adult; providing an enhanced penalty for a person convicted of the crime of identity fraud who has been convicted previously of identity fraud; defining certain terms; and generally relating to penalties for identity fraud.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 8–301(b), (c), (d), and (h)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–301(a) and (e)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 220 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Colburn, Dyson, Gladden, Klausmeier, Middleton, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

Identity Fraud – Prohibition of Unauthorized Skimming and Re-Encoding Devices

FOR the purpose of prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value by using a re–encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re–encoder device or a skimming device for certain unauthorized purposes; defining certain terms; and generally relating to the unauthorized use of certain devices.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–301
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

**Senate Bill 250 – Senator Stone (By Request – Committee to Revise Article 27
– Crimes and Punishments)**

AN ACT concerning

**Criminal Law – Forgery of Signature and Counterfeit Documents –
Prohibition**

FOR the purpose of prohibiting a person from writing, signing, or possessing certain counterfeited documents; prohibiting a person from forging, falsifying, or counterfeiting the signature of certain persons; establishing certain penalties; providing that a certain crime is not covered by the 1–year statute of limitations for a misdemeanor; making stylistic changes; and generally relating to prohibitions on forgery of signatures and counterfeit documents.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–605
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY adding to
Article – Criminal Law
Section 8–606.1
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #4

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1580 – Delegates Harrison, Carter, Glenn, Hammen, Haynes, Kirk, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, Tarrant, Taylor, and F. Turner

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1581 – Delegates Harrison, Carter, Oaks, Robinson, Stukes, and Taylor

AN ACT concerning

Private Passenger Motor Vehicle Insurance, Homeowner’s Insurance, and Personal Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

The Bill was re-referred to the Committee on Economic Matters.

INTRODUCTION OF BILLS

House Bill 1600 – Delegate McHale

AN ACT concerning

Public Service Commission – Regulation of Nuclear Decommissioning Funds

FOR the purpose of requiring the Commission to ensure that certain nuclear decommissioning funds are held, administered, and maintained in a certain manner and ensure that certain returns on the funds inure to the benefit of certain electric customers under certain circumstances; requiring the Commission to monitor the financial performance and management of certain funds; prohibiting certain contributions toward the cost of decommissioning certain nuclear power plants from exceeding a certain amount; providing that the cost of decommissioning a nuclear power plant does not include certain dismantling costs or certain costs related to managing and storing spent fuel;

providing for a refund of certain contributions by certain electric customers under certain circumstances; authorizing the Commission to take certain actions or issue certain orders under certain circumstances; requiring a certain person to comply with certain orders under certain circumstances; defining a certain term; providing for the construction of certain provisions of this Act; and generally relating to the authority of the Public Service Commission to regulate and oversee certain nuclear decommissioning funds.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7-501(b)
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

BY adding to
Article – Public Utility Companies
Section 7-518
Annotated Code of Maryland
(1998 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1601 – Delegate Miller

AN ACT concerning

Business Regulation – Motor Fuel – Below Cost Sales

FOR the purpose of repealing certain provisions of law that prohibit a retail service station dealer from selling motor fuel below cost; repealing certain provisions of law that require the Comptroller, on receipt of a certain complaint, to conduct a certain investigation within a certain amount of time; repealing certain penalties; repealing the exemption for motor fuel sold by a retail service station dealer from the provisions of the Sales Below Cost Act; and generally relating to the sale of motor fuel below cost.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10-301 and 10-316
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing
Article – Business Regulation
Section 10-304.1
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 11–402

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1602 – Delegate Malone

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

FOR the purpose of establishing a Commission to Study the Impact of Immigrants in Maryland; providing for the membership and duties of the Commission; requiring that certain members appointed to the Commission reflect certain diversity of this State; providing for the designation of a chair of the Commission; requiring the University of Maryland, College Park to provide staff for the Commission; prohibiting members of the Commission from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Commission to report its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to a Commission to Study the Impact of Immigrants in Maryland.

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1603 – Delegate McComas

AN ACT concerning

Social Services Administration – Children Subject to a Substantial Risk of Child Abuse or Neglect – Identification and Notice

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to allow the disclosure of certain birth records data to the Executive Director of the Social Services Administration in the Department of Human Resources; requiring the Executive Director to provide the Secretary with certain identifying information about certain individuals; requiring the Secretary to provide the Executive Director with certain birth records data; requiring the Executive Director to identify a certain child as subject to a substantial risk of child abuse or neglect if the individual responsible for the child's care meets certain criteria; requiring

the Administration to send a certain notice to a certain local department under certain circumstances; defining a certain term; and generally relating to the Social Services Administration and children subject to a substantial risk of child abuse or neglect.

BY adding to

Article – Health – General
Section 4–222
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law
Section 5–715
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1604 – Delegate Carr

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

FOR the purpose of authorizing a portion of certain funds to be transferred from Program Open Space to the Community Parks and Playgrounds Program; declaring a certain intent of the General Assembly; establishing a Community Parks and Playgrounds Program; authorizing the Program to provide certain grants for certain purposes; providing for the administration of the Program; requiring the Secretary of Natural Resources to adopt regulations to carry out the Program; providing for funding for the Program; requiring the Governor to include certain funds in the annual capital budget in certain years for the Program; defining a certain term; and generally relating to the Community Parks and Playgrounds Program.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 5–903(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 2 of the Acts of the General Assembly of the 2007 Special Session)

BY adding to

Article – Natural Resources

Section 5–9C–01 through 5–9C–04 to be under the new subtitle “Subtitle 9C.
Community Parks and Playgrounds Program”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1605 – Delegates Bates, Beitzel, Carter, Dwyer, Eckardt, McConkey, McDonough, Miller, Myers, Shewell, Sophocleus, and Walkup

AN ACT concerning

Divorce – Mutual Consent Required

FOR the purpose of prohibiting a court from granting a decree of divorce on the grounds of a voluntary separation or a 2–year separation under certain circumstances; and generally relating to divorce.

BY adding to

Article – Family Law

Section 7–103.3

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1606 – Delegates Smigiel and Sossi

AN ACT concerning

Cecil County – Office of Sheriff – Collective Bargaining

FOR the purpose of authorizing certain deputies of the Office of the Sheriff for Cecil County to take part in or refrain from taking part in actions concerning a certain labor organization; authorizing the deputies to engage in certain collective bargaining through a certain labor organization under certain circumstances; requiring the Board of County Commissioners for Cecil County and a certain labor organization to engage in good faith negotiations to reach a certain agreement concerning the deputies; providing for binding arbitration concerning certain labor disagreements; providing for the construction of this Act; and generally relating to authorizing certain deputies of the Office of the Sheriff for Cecil County to engage in collective bargaining through a certain labor organization under certain circumstances.

BY adding to

Article – Courts and Judicial Proceedings
Section 2–309(i)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1607 – Delegate Love

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

FOR the purpose of requiring the Department of Legislative Services to provide staff for the School Board Nominating Commission of Anne Arundel County; repealing the provision that the increase in the salary or compensation of the President and the members of the Anne Arundel County Board of Education does not apply to the incumbent President or the incumbent members of the County Board; and generally relating to the Board of Education and the School Board Nominating Commission of Anne Arundel County.

BY repealing and reenacting, with amendments,

Article – Education
Section 3–110
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing

Chapter 454 of the Acts of the General Assembly of 2007
Section 4

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1608 – Delegate Glenn

AN ACT concerning

Creation of a State Debt – Baltimore City – Archbishop Curley High School Elevator Project

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Archbishop

Curley High School, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1609 – Delegates F. Turner, Guzzone, and Pendergrass

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

FOR the purpose of providing that property tax on exempt manufacturing personal property shall be abated for a taxable year under certain circumstances; providing that for a certain taxable year, property tax on exempt manufacturing personal property shall be abated under certain circumstances; and generally relating to the abatement of property tax on exempt property under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–104
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Rules and Executive Nominations.

House Bill 1610 – Delegate Walkup

AN ACT concerning

Certificate of Need – Hospital Purchase, Merger, or Closure

FOR the purpose of requiring an entity, including the University of Maryland Medical System, to have a certificate of need before the entity purchases, leases, merges with, or closes a hospital in a certain county; and generally relating to certificate of need requirements for the purchase, lease, merger, or closure of certain hospitals.

BY repealing and reenacting, with amendments,
Article – Health – General

Section 19–120(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 189)

ADJOURNMENT

At 8:19 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, March 4, 2008.

**Annapolis, Maryland
Tuesday, March 4, 2008**

The House met at 10:07 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Cheryl D. Glenn of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 190)

The Journal of March 3, 2008 was read and approved.

EXCUSES:

Del. Branch – illness

Del. Jameson – recovering from surgery

Del. King – business

Del. Mathias – late – traffic

Del. Rice – personal

THE COMMITTEE ON APPROPRIATIONS REPORT #3

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

**House Bill 704 – Chair, Appropriations Committee (By Request –
Departmental – Higher Education Commission)**

AN ACT concerning

**Higher Education Investment Fund – Expenditures – Base Realignment and
Closure Process**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

**House Bill 1045 – Delegates Gaines, Aumann, Barkley, Bronrott, DeBoy,
Haynes, Healey, Jones, and F. Turner**

AN ACT concerning

**Department of Budget and Management – Health and Welfare Benefits
Program – Information from and Liability of Health Insurance Carriers**

HB1045/914264/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1045

(First Reading File Bill)

On page 2, in line 19, after “DEPARTMENT” insert “, IN ACCORDANCE WITH THE STANDARD DATA ELEMENTS FOR STANDARD TRANSACTIONS REQUIRED UNDER 42 U.S.C. § 1320D-4 AS ADOPTED BY THE SECRETARY OF HEALTH AND HUMAN SERVICES”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

**House Bill 1048 – Chair, Appropriations Committee (By Request –
Departmental – Public Safety and Correctional Services)**

AN ACT concerning

Correctional Services – Maryland Correctional Enterprises – Revolving Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1338 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Facilities Bonds

HB1338/584767/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1338

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “\$10,000,000” and substitute “\$21,000,000”; and in line 14, after “bonds;” insert “authorizing the County to enter into certain agreements; providing a certain exemption from taxation for certain bonds;”.

AMENDMENT NO. 2

On page 2, in line 10, strike “\$10,000,000” and substitute “\$21,000,000”.

AMENDMENT NO. 3

On page 1, in line 27, after the second “the” insert “Garrett County Board of Education, Garrett College, the”.

AMENDMENT NO. 4

On page 2, in lines 15 and 16, strike “economic development”.

On page 3, in lines 17 and 18, strike “economic development”; and in lines 19 and 39, in each instance, strike “economic development”.

AMENDMENT NO. 5

On page 2, in line 38, strike the second “and”; and in line 39, after “thereof” insert “, and implementation of the authority herein provided”.

AMENDMENT NO. 6

On page 2, in line 46, after “bonds.” insert “In addition, the County may enter into loan, grant, or similar or related agreements in connection with financing the projects, all as may be determined and presented in the aforesaid resolution.”.

AMENDMENT NO. 7

On page 3, in lines 13 and 14, strike “the Treasurer of Garrett County or such other” and substitute “such”; and in line 39, after “projects” insert “and”.

AMENDMENT NO. 8

On page 4, in line 27, strike “nothing” and substitute “any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing”; in line 28, strike “bonds:” and substitute “bonds on which the interest is not excludable from gross income for federal income tax purposes.”; and strike in their entirety lines 29 through 32, inclusive.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #5

CONSENT CALENDAR #4

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

BILL NO.	REPORT	SPONSOR	CONTENT
HB 5	FAV	Kent County Delegation	Kent County – Alcoholic Beverages – Class A Light Wine Licenses
HB 163	FAV	Howard County Delegation	Howard Co – Appointed Alc Bev Hearing Bd – Qualifs for Mbrshp Ho. Co. 15–08
HB 170	FAV	Dels Mathias and Conway	Worcester County – Alcoholic Beverages – Service of Notice of Charges
HB 171	FAV	Dels Mathias and Conway	Worcester County – Alcoholic Beverages Licenses – Fines for Late Renewals
HB 173	FAV	Del Elmore	Somerset County – Alcoholic Beverages – Death of Licensee
HB 198	FAV	Del Elmore	Somerset County – Alcoholic Beverages – Licenses, Fees, and

			Fines
HB 276	FAV	Del Beitzel	Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in County Districts
HB 331	FAV	St. Mary's County Delegation	St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations
HB 382	FAV	Cecil Co Delegation	Cecil County – Alcoholic Beverages – Restaurants – Percentage of Receipts from Food Sales
HB 428	FAV	Harford County Delegation	Harford County – Alcoholic Beverages – Cafe License
HB 437	FAV	Harford County Delegation	Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses – Additional Class B Licenses
HB 634	FAV	Washington County Delegation	Washington County – Board of License Commissioners – Annual Audit
HB 827	FAV	Montgomery County Delegation	Montgomery Co – Department of Lqr Ctrl – Sale of Items at Dispensaries and Retail Outlets MC 817–08
HB 828	FAV	Montgomery County Delegation	Montgomery County – Alcoholic Beverages – Additional Class B Licenses MC 818–08
HB 899	FAV	Carroll County Delegation	Carroll County – Alcoholic Beverages – Special Class C License for Arts Center
HB 1016	FAV	Prince George's Count Delegation	Prince George's Co – Bd of License Commissioners – Comp of Board's Attorney PG 330–08
HB 1019	FAV	Prince George's Count Delegation	Prince George's Co – Class B–DD Alc Bevs Licenses – Woodmore Towne Centre at Glenarden PG 325–08
HB 1020	FAV	Prince George's Count Delegation	Prince George's County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses PG 322–08
HB 1031	FAV	Prince George's Count Delegation	Prince George's County – Alcoholic Beverages – Salaries of Inspectors PG 313–08
HB 1087	FAV	Washington County Delegation	Washington County – Alcoholic Beverages – Catering, Stadium, and Sidewalk Café Licenses
HB 1225	FAV	Montgomery County Delegation	Montgomery Co – Alc Bevs – Licenses Held by Rev Auth for Public Golf Courses MC 807–08

Favorable report adopted on all of the preceding Bills.

All of the preceding Bills were read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #6

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 203 – Delegates Cane, Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

HB0203/103693/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 203

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first “a” in line 18 down through “licenses” in line 20 and substitute “the Board of License Commissioners to issue a Class 6 pub-brewery license or a Class 7 micro-brewery license to a holder of not more than a certain number of Class B beer, wine and liquor licenses under certain circumstances and subject to certain conditions and limitations”;

and in line 24, after “2-208(b),” insert “9-102(k).”

AMENDMENT NO. 2

On page 6, after line 27, insert:

“9-102.

(k) The provisions of subsections (a) and (a-1) of this section do not apply to licenses issued under:

(1) § 6-201 of this article if: [(1) the]

(I) THE resident applicant has been a resident of Wicomico County for at least two years prior to the application[, and (2) the]; and

(II) THE minimum capital investment in the premises is at least \$200,000 or the premises have a fair market value of at least \$200,000; OR

(2) § 12-104(E)(5) OF THIS ARTICLE.”.

On page 7, strike in their entirety lines 20 through 26, inclusive, and substitute:

“(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS PARAGRAPH, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, TO A PERSON THAT HOLDS NOT MORE THAN THREE CLASS B BEER, WINE AND LIQUOR LICENSES.

(III) A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY BE ISSUED ONLY FOR A LOCATION IN AN ENTERPRISE ZONE IN THE CITY OF SALISBURY.

(IV) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY SELL BEER FOR OFF-PREMISES CONSUMPTION ONLY TO A WHOLESALER LICENSED UNDER THIS ARTICLE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 205 – Delegates Love, Haddaway, Harrison, King, Kirk, Krysiak,
Mathias, Miller, Minnick, Stifler, and Vaughn

AN ACT concerning

**Alcoholic Beverages – Beer Manufacturer and Distributor Agreements –
Obligation of Successor Manufacturer**

HB0205/563895/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 205

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “violates” and substitute “terminates”; in line 6, strike “violation” and substitute “termination”; strike beginning with “specifying” in line 7 down through “remedies;” in line 9 and substitute “requiring a successor beer manufacturer to give certain notice to a surviving beer distributor before termination of certain agreements; requiring certain negotiations, certain payments, and certain mediation under certain circumstances; requiring a surviving beer distributor to bring a certain action within a certain period of time against a successor beer manufacturer to determine and recover certain value; requiring certain surviving beer distributors and successor beer manufacturers to support and distribute certain brands under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 22, strike “violates” and substitute “TERMINATES”; in line 26, strike “violation” and substitute “TERMINATION”; after line 26, insert:

“(D) (1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY OF THE AGREEMENT PROVISIONS REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER DISTRIBUTOR, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE SURVIVING BEER DISTRIBUTOR.

(2) ON RECEIPT OF THE NOTICE, THE SURVIVING BEER DISTRIBUTOR AND THE DESIGNATED BEER DISTRIBUTOR SHALL NEGOTIATE IN

GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.

(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER DISTRIBUTOR SHALL PROMPTLY PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE SURVIVING BEER DISTRIBUTOR.

(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE SURVIVING BEER DISTRIBUTOR RECEIVES NOTICE, THE DESIGNATED BEER DISTRIBUTOR AND THE SURVIVING BEER DISTRIBUTOR SHALL ENTER INTO NONBINDING MEDIATION WITH A MARYLAND MEDIATOR WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.”;

in line 27, strike “(D) A” and substitute “(5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE SURVIVING”; in the same line, strike “OR FRANCHISEE MAY” and substitute “SHALL”; in the same line, after “ACTION” insert “WITHIN 90 DAYS”; in line 28, after “SUCCESSOR” insert “BEER”; strike beginning with “FOR” in line 29 down through “FEES” in line 33 and substitute “TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS”; and after line 33, insert:

“(E) UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE SURVIVING BEER DISTRIBUTOR HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:

(1) THE SURVIVING BEER DISTRIBUTOR AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND

(2) THE SURVIVING BEER DISTRIBUTOR SHALL CONTINUE TO DISTRIBUTE THE BRAND.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 545 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2008

HB0545/673397/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 545

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after “events;” insert “authorizing the Board of License Commissioners to grant a special license entitling the holder to exercise certain privileges at an event conducted by a not for profit club, society, association, or organization; requiring an applicant for a special license to submit to the Board of License Commissioners a certain application on a certain form;”; in line 20, strike the first “and” and substitute a comma; in the same line, after “(d)(7),” insert “and (n)(2) and (3).”; and in line 26, after “Section” insert “7-101(n)(1) and”.

AMENDMENT NO. 2

On page 4, after line 8, insert:

“(n) (1) This subsection applies only in Dorchester County.

(2) The Board of License Commissioners may grant a special license of any class, except for any license issued by the Comptroller, that entitles the holder to exercise any of the privileges conferred by that class at an event conducted by a NOT FOR PROFIT club, society, association, or organization.

(3) [A license shall be in the form provided by the Board, and the licensee shall sign the license.] AN APPLICANT FOR A LICENSE SHALL SUBMIT TO THE BOARD A COMPLETED, SIGNED, AND NOTARIZED APPLICATION ON THE FORM THAT THE BOARD PROVIDES.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 703 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Special Brewery Promotional Event Permit

HB0703/603398/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 703
(First Reading File Bill)

On page 2, in line 22, strike “SIX” and substitute “FOUR”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Performing Arts Facility

MC 806-08

HB0823/343095/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 823

(First Reading File Bill)

On page 2, in line 10, strike “1,000” and substitute “1,500”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 852 - Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation - Credit Grantor Provisions - Fees, Charges, and Penalties

HB0852/793994/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 852

(First Reading File Bill)

On page 1, in the sponsor line, strike “Minnick,”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Schuler moved to make the Bill a Special Order for March 5, 2008.

The motion was adopted.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1050 - The Speaker (By Request - Department of Legislative Services - Code Revision)

AN ACT concerning

Economic Development

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1086 - Delegate Love

AN ACT concerning

City of Annapolis - Alcoholic Beverages - Administrative Proceedings and Fines

HB1086/123999/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1086

(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Love" and substitute "Anne Arundel County Delegation".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #5

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 26 - Delegate Holmes

AN ACT concerning

Real Property - Mechanic's Lien - Land Surveying

HB0026/170117/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 26

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Surveying" insert "and Engineering"; in line 3, after "surveyor" insert "or engineer"; in line 3, after "lien" insert "up to a certain amount"; and in line 4, after "services" insert "or engineering services".

AMENDMENT NO. 2

On page 2, in line 9, strike "**OR THE OWNER'S AGENT**"; in line 10, after "**SERVICES**" insert "**OR ENGINEERING SERVICES**"; in line 11, after "**LIEN**" insert "**TO THE EXTENT OF 15 PERCENT OF THE ASSESSED VALUE OF THE LAND AND ITS IMPROVEMENTS, IF ANY, AFTER THE SERVICES HAVE BEEN PERFORMED**"; and in line 13, strike "**WORK IN CONNECTION WITH THE SURVEYING**" and substitute "**THE LAND SURVEYING SERVICES OR ENGINEERING SERVICES**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

**House Bill 42 – Delegates McConkey, Weir, Boteler, Hucker, Holmes, Bobo,
and Glenn**

AN ACT concerning

Home Financial Accountability Act of 2008

HB0042/710913/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 42
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “member” insert “, unit owner, or lot owner”; in the same line, strike “mail” and substitute “send”; in line 10, after “to” insert “review or”; and in the same line, after “records” insert “or who requests delivery of certain information”.

AMENDMENT NO. 2

On page 2 in line 10, and on page 3 in line 19, in each instance, strike “**BY MAIL**”.

On page 2 in line 12, and on page 3 in line 20, in each instance, strike “**MAIL**” and substitute “**SEND**”.

On page 2 in line 13, and on page 3 in line 21, in each instance, after “**INFORMATION**” insert “**BY MAIL, ELECTRONIC TRANSMISSION, OR PERSONAL DELIVERY**”.

On page 2 in line 13, and on page 3 in line 21, in each instance, strike “**10**” and substitute “**21**”.

AMENDMENT NO. 3

On page 2 in line 16, on page 3 in line 24, and on page 4 in line 21, in each instance, strike “**IN INTEREST**” and substitute “**WHO IS THE SUBJECT OF THE RECORD OR THE PERSON’S DESIGNEE OR GUARDIAN**”.

On page 3, in line 16, strike "MEMBER" and substitute "UNIT OWNER".

AMENDMENT NO. 4

On page 2, in line 29, strike "OTHER"; and in lines 29 and 30, strike "OF THE COOPERATIVE HOUSING CORPORATION" and substitute "THAT HELD THE MEETING".

On page 4, in line 3, strike "OTHER"; and in lines 3 and 4, strike "OF THE COUNCIL OF UNIT OWNERS" and substitute "THAT HELD THE MEETING".

On page 5, in line 1, after "ASSOCIATION" insert "THAT HELD THE MEETING".

AMENDMENT NO. 5

On page 2, in line 33, in each instance, strike the bracket.

On page 3 in line 1, on page 4 in line 8, and on page 5 in line 5, in each instance, after "records" insert "OR WHO REQUESTS DELIVERY OF INFORMATION".

On page 3 in line 4, on page 4 in line 11, and on page 5 in line 8, in each instance, after "SUBSECTION" insert "FOR COPYING BOOKS AND RECORDS".

On page 4, in line 7, strike the third bracket; and in the same line, strike the fourth bracket.

On page 5, in line 4, strike the third bracket; and in the same line, strike the fourth bracket.

AMENDMENT NO. 6

On page 4, in line 14, after "(1)" insert "(I)"; and after line 18, insert:

"(II) IF A LOT OWNER REQUESTS A COPY OF FINANCIAL STATEMENTS OF THE HOMEOWNERS ASSOCIATION OR THE MINUTES OF A MEETING OF THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION TO BE DELIVERED, THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION SHALL COMPILE AND SEND THE REQUESTED INFORMATION BY MAIL, ELECTRONIC TRANSMISSION, OR PERSONAL DELIVERY WITHIN 21 DAYS AFTER RECEIPT OF THE REQUEST."

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 113 – Delegate Elmore

AN ACT concerning

Somerset County – Regulation of Dogs and Cats – Violations of Ordinances and Regulations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 132 – Delegate Elmore

AN ACT concerning

Somerset County – Sale of Charlie Swift Road

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 190 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Audit – Filing Date

Ho. Co. 06-08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 452 - Delegates Niemann, Holmes, Sossi, and Stein

AN ACT concerning

Landlord and Tenant - Summary Ejectment - Deceased Tenant

HB0452/570410/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 452

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "that" insert ", to the best of the landlord's knowledge."; and in line 7, after "kin;" insert "establishing certain notice and service of process requirements.".

AMENDMENT NO. 2

On page 2, in line 14, after "THAT" insert ", TO THE BEST OF THE LANDLORD'S KNOWLEDGE.".

AMENDMENT NO. 3

On page 3, after line 34, insert:

"(6) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (3) THROUGH (5) OF THIS SUBSECTION, IF THE LANDLORD CERTIFIES TO THE COURT IN THE WRITTEN COMPLAINT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT, TO THE BEST OF THE LANDLORD'S KNOWLEDGE, THE TENANT IS DECEASED, INTESTATE, AND WITHOUT NEXT OF KIN, THE DISTRICT COURT SHALL ISSUE ITS SUMMONS, DIRECTED TO ANY CONSTABLE OR SHERIFF OF THE COUNTY ENTITLED TO SERVE PROCESS, AND ORDERING THE CONSTABLE OR SHERIFF TO NOTIFY THE OCCUPANT OF THE PREMISES OR THE NEXT OF KIN OF THE DECEASED TENANT, IF KNOWN, BY PERSONAL SERVICE:

1. TO APPEAR BEFORE THE DISTRICT COURT AT THE TRIAL TO BE HELD ON THE FIFTH DAY AFTER THE FILING OF THE COMPLAINT; AND

2. TO ANSWER THE LANDLORD'S COMPLAINT TO SHOW CAUSE WHY THE DEMAND OF THE LANDLORD SHOULD NOT BE GRANTED.

(ii) 1. THE CONSTABLE OR SHERIFF SHALL PROCEED TO SERVE THE SUMMONS UPON THE OCCUPANT OF THE PREMISES OR THE NEXT OF KIN OF THE DECEASED TENANT, IF KNOWN, AS FOLLOWS:

A. IF ANY OF THE PERSONS WHOM THE SHERIFF IS DIRECTED TO SERVE ARE FOUND ON THE PROPERTY OR AT ANOTHER KNOWN ADDRESS, THE SHERIFF SHALL SERVE ANY SUCH PERSONS; OR

B. IF NONE OF THE PERSONS WHOM THE SHERIFF IS DIRECTED TO SERVE ARE FOUND ON THE PROPERTY OR AT ANOTHER KNOWN ADDRESS, THE CONSTABLE OR SHERIFF SHALL AFFIX AN ATTESTED COPY OF THE SUMMONS CONSPICUOUSLY UPON THE PROPERTY.

2. THE AFFIXING OF THE SUMMONS UPON THE PROPERTY SHALL CONCLUSIVELY BE PRESUMED TO BE A SUFFICIENT SERVICE TO ALL PERSONS TO SUPPORT THE ENTRY OF A DEFAULT JUDGMENT FOR POSSESSION OF THE PREMISES, TOGETHER WITH COURT COSTS, IN FAVOR OF THE LANDLORD, BUT IT SHALL NOT BE SUFFICIENT SERVICE TO SUPPORT A DEFAULT JUDGMENT IN FAVOR OF THE LANDLORD FOR THE AMOUNT OF RENT DUE."

AMENDMENT NO. 4

On page 7, in line 5, strike "REGARDLESS OF" and substitute "NOTWITHSTANDING"; and in line 7, after "THAT" insert ", TO THE BEST OF THE LANDLORD'S KNOWLEDGE,".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 940 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements

PG/MC 102–08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1030 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – State’s Attorney’s Office – Composition and Salaries

PG 304–08

HB1030/600011/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1030

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “repealing the method of determining” and substitute “specifying the amount of”; in line 6, strike “beginning with a” and substitute “for”; in line 7, strike “year” and substitute “years”; in lines 9, 14, 16, and 19, in each instance, after “County” insert “Executive and County”; after line 23, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 15–417(a)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter _____ (S.B. 37) of the Acts of the General Assembly of 2008)”;

and strike in their entirety lines 25 through 28, inclusive, and substitute:

“Article – Criminal Procedure

Section 15–417(b), (c), and (d)(1)

Annotated Code of Maryland

(2001 Volume and 2007 Supplement)

(As enacted by Chapter _____ (S.B. 37) of the Acts of the General Assembly of 2008)”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 3 on page 2 through line 23 on page 3, inclusive, and substitute:

“Article – Criminal Procedure

15–417.

(a) This section applies only in Prince George’s County.

(b) (1) (I) The State’s Attorney’s salary is \$125,500 FOR CALENDAR YEAR 2008 AND FOR EACH SUBSEQUENT CALENDAR YEAR THROUGH CALENDAR YEAR 2010.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, BEGINNING IN CALENDAR YEAR 2011 AND FOR EACH SUBSEQUENT CALENDAR YEAR, THE STATE’S ATTORNEY’S ANNUAL SALARY SHALL EQUAL THE SALARY OF A CIRCUIT COURT JUDGE.

(III) BY ENACTING AN ORDINANCE BEFORE THE ELECTION FILING DEADLINE FOR THE NEXT TERM OF OFFICE FOR THE STATE'S ATTORNEY, THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY SET THE SALARY AT AN AMOUNT EXCEEDING THE SALARY OF A CIRCUIT COURT JUDGE.

(2) The State's Attorney's salary and expenses shall be paid in equal semimonthly installments.

(c) (1) The State's Attorney may appoint [two] THE NUMBER OF deputy State's Attorneys and [80] assistant State's Attorneys AS AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(2) The deputy and assistant State's Attorneys serve at the pleasure of the State's Attorney.

(3) The salary of a deputy State's Attorney shall be within the discretion of the State's Attorney but may not exceed [\$115,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(4) The salary of an assistant State's Attorney shall be within the discretion of the State's Attorney but may not exceed [\$107,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(5) The county shall pay the salaries of the deputy and assistant State's Attorneys[:

(i) on certification of the State's Attorney to the County Executive and County Council; and

(ii)] in equal semimonthly installments.

(6) The deputy and assistant State's Attorneys:

(i) shall perform the work directed by the State's Attorney or as authorized by law; and

(ii) under the direction of the State's Attorney, may present cases to the grand jury, sign indictments and criminal informations, and perform other necessary duties relating to the grand jury and the operation of the office.

(d) (1) (i) The State's Attorney may appoint an administrative assistant who serves at the pleasure of the State's Attorney.

(ii) The salary of the administrative assistant shall be within the discretion of the State's Attorney but may not exceed [\$64,000] A MAXIMUM SALARY AUTHORIZED BY LAW BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL.

(iii) [The county shall pay the salary of the administrative assistant on certification of the State's Attorney to the County Executive and County Council.

(iv)] The administrative assistant is not subject to the regulations of the county merit system but is entitled to the same benefits as a county employee under the merit system.”.

On page 3 in line 35 and on page 4 in line 1, in each instance, after “County” insert “Executive and County”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #6

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 226 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Regulation of Bait

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 229 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Fishing – Reciprocal Angler’s Licenses

HB0229/210317/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 229

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “license.” insert:

“(2)”;

in the same line, strike the brackets; in the same line, strike "PARAGRAPH"; in lines 22 and 23, strike "OPPOSITE THE SHORE OF MARYLAND"; and in line 23, after "River" insert "OPPOSITE THE SHORE OF MARYLAND".

AMENDMENT NO. 2

On page 2, in line 1, strike "(2)" and substitute "(B)(1)"; in line 3, after "RIVER" insert "OPPOSITE THE SHORE OF WEST VIRGINIA,"; in lines 4 and 12, in each instance after "RESERVOIR" insert a comma; in line 5, strike "OPPOSITE THE SHORE OF WEST VIRGINIA"; in line 6, after "LICENSE." insert:

"(2)";

in line 6, strike "PARAGRAPH" and substitute "SUBSECTION"; in line 10, after "RIVER" insert "OPPOSITE THE SHORE OF MARYLAND"; in line 14, strike "(b)" and substitute "(C)(1)"; in the same line, strike "person" and substitute "RESIDENT OF PENNSYLVANIA"; in line 15, strike "person's" and substitute "RESIDENT'S"; in line 16, after "license." insert:

"(2)";

and in line 22, strike "(c)" and substitute "(D)".

AMENDMENT NO. 3

On page 3, in line 1, strike "(d)" and substitute "(E)".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 314 – Delegate Beitzel

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 373 – The Speaker (By Request – Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, and Walker

AN ACT concerning

Maryland Transit Administration – Transit-Oriented Development

HB0373/550515/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 373

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walker” and substitute “Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle”; and in line 6, after “terms;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 4, in line 4, strike the first “**THE**” and substitute “:

(I) THE”;

and in line 6, after “**PLANNING**” insert “;AND

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA”.

AMENDMENT NO. 3

On page 5, after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to:

(1) limit the authority of local governments to govern land use as established under any other law; or

(2) grant the State or a department of the State additional authority to supersede local land use and planning authority.”;

and in line 7, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 629 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

State Ethics Law – Architectural and Engineering Services – Procurement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #4

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 308 – Delegate Vallario

AN ACT concerning

Criminal Procedure – Restitution – Priority to Victims

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 318 – Delegate Love

AN ACT concerning

Anne Arundel County – Prospective Employees – Criminal History Records Checks

HB0318/762815/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 318

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Prospective” insert “or Current”; in the same line, after “Employees” insert “or Volunteers”; in lines 4, 7, and 10, in each instance, strike “Director of Administration” and substitute “Personnel Officer”; in lines 7, 9, 10, and 17, in each instance, after “prospective” insert “or current”; in lines 7 and 10, in each instance, after “employee” insert “or volunteer”; in line 9, after “employee’s” insert “or volunteer’s”; in line 13, strike “employment” and substitute “personnel-related”; in line 15, strike “authorizing” and substitute “requiring”; and in line 17, after “employees” insert “or volunteers”.

AMENDMENT NO. 2

On page 2, in lines 5, 13, and 26, strike “Director of Administration”, “**DIRECTOR OF ADMINISTRATION**”, and “**DIRECTOR OF ADMINISTRATION**”, respectively, and substitute “**PERSONNEL OFFICER**”, respectively; in line 6, strike the brackets; in the same line, strike “**SHALL APPLY TO**” and substitute “**FROM**”; in the same line, strike “**FOR**”; in line 7, strike the second set of brackets; and in the same line, strike “**EACH**”; in line 8, strike “employee” and substitute “**OR CURRENT EMPLOYEE OR VOLUNTEER**”; in lines 16 and 27, in each instance, strike “**EMPLOYEE’S**” and substitute “**OR CURRENT EMPLOYEE’S OR VOLUNTEER’S**”; in line 26, strike “**EMPLOYEE**” and substitute “**OR CURRENT EMPLOYEE OR VOLUNTEER**”; in line 33, strike “**THE EMPLOYMENT**” and substitute “**A PERSONNEL-RELATED**”; and in the same line, after “**PURPOSE**” insert

“CONCERNING A PROSPECTIVE OR CURRENT EMPLOYEE OR VOLUNTEER OF THE COUNTY AS”.

On page 3, in line 5, strike “MAY” and substitute “SHALL”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 387 – Delegates Rosenberg and Cardin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans’ Court Judges – Qualifications

HB0387/492214/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “under certain circumstances”; and in line 6, after “for” insert “certain other”.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with “IF” in line 24 on page 1 down through “REQUESTS,” in line 1 on page 2.

On page 2, in line 3, strike “THAT CITY OR COUNTY” and substitute “BALTIMORE CITY OR A COUNTY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 488 – Delegate Davis

AN ACT concerning

Motor Vehicle Accident Reports – Access

HB0488/972813/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 488

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”.

AMENDMENT NO. 2

On page 1, in the sponsor line, strike “Delegate Davis” and substitute “Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough, Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale, and Weir”.

AMENDMENT NO. 3

On page 1, strike beginning with “altering” in line 3 down through “penalty” in line 11 and substitute “prohibiting a person from accessing a certain motor vehicle accident report for certain purposes under certain circumstances; providing for a certain penalty; repealing certain provisions of law concerning access to and disclosure of a certain motor vehicle accident report; defining certain terms; making this Act an emergency measure”.

AMENDMENT NO. 4

On page 1, in line 13, strike “and reenacting, with amendments,”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 10–604

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 10–606(c)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 5

On pages 1 through 4, strike in their entirety the lines beginning with line 21 on page 1 through line 16 on page 4, inclusive.

AMENDMENT NO. 6

On page 4, after line 16, insert:

“Article – Business Occupations and Professions

10–604.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LAW ENFORCEMENT AGENCY” MEANS AN AGENCY THAT IS LISTED IN § 3–101(E) OF THE PUBLIC SAFETY ARTICLE.

(3) “MOTOR VEHICLE ACCIDENT” HAS THE MEANING STATED IN § 27–401 OF THE INSURANCE ARTICLE.

(4) “REPORT” MEANS A REPORT COMPLETED BY A POLICE OFFICER OF A LAW ENFORCEMENT AGENCY THAT:

(I) INDICATES THAT A MOTOR VEHICLE ACCIDENT OCCURRED; AND

(II) INCLUDES INFORMATION ABOUT A PERSON INVOLVED IN THE MOTOR VEHICLE ACCIDENT, INCLUDING THE PERSON'S NAME, TELEPHONE NUMBER, AND ADDRESS.

[(a)] (B) Without an existing relationship or interest in an issue:

(1) a person may not, for personal gain, solicit another person to sue or to retain a lawyer to represent the other person in a lawsuit;

(2) A PERSON MAY NOT, FOR PERSONAL GAIN, ACCESS A REPORT FOR THE PURPOSE OF SOLICITING ANOTHER PERSON TO SUE OR TO RETAIN A LAWYER TO REPRESENT THE OTHER PERSON; and

[(2)] (3) a lawyer, except as provided in the Rules of Professional Conduct, may not:

(i) for personal gain, solicit another person to sue or to retain the lawyer to represent the person in a lawsuit;

(ii) directly or indirectly employ or in any way compensate or agree to employ or compensate any person as an expert witness or otherwise for the purpose of having that person solicit or attempt to solicit clients for the lawyer;

(iii) knowingly represent a person who retained the lawyer as a result of solicitation prohibited under this section; or

(iv) cause a case to be instituted without the authority of a client.

[(b)] (C) Any solicitation involving acts described in this section is prima facie evidence that the person soliciting is acting for gain.

(c) Except as provided in subsections (a) and (b) of this section, a person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

AMENDMENT NO. 7

On page 4, strike in their entirety lines 17 and 18 and substitute:

“SECTION 2. 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 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 550 – Delegate Rosenberg (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Criminal Law – Forgery of Signature and Counterfeit Documents – Prohibition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 577 – Delegate Simmons

AN ACT concerning

Preservation of Right to Jury Trial Act

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 577
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Jury” insert “or Judge”; in line 3, strike the first “a” and substitute “an insurance”; in line 4, strike “requires the waiver of” and substitute “limits or waives”; in line 4, after “jury” insert “or judge by requiring certain arbitration”; strike beginning with “except” in line 4 down through “circumstances” in line 5; and in line 7, after “jury” insert “or judge”.

AMENDMENT NO. 2

On page 2, in line 13, strike the first “A” and substitute “AN INSURANCE”; strike beginning with “REQUIRES” in line 13 down through “OF” in line 14 and substitute “LIMITS OR WAIVES”; in line 14, after “JURY” insert “OR JUDGE BY REQUIRING BINDING OR NONBINDING ARBITRATION”; and strike beginning with “UNLESS” in line 14 down through “LAW” 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.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 675 – Delegates King, Bromwell, Costa, Kach, Kipke, Krebs, Kullen, Love, Manno, McHale, Miller, Minnick, Ross, Schuler, Sophocleus, Tarrant, and Walker

AN ACT concerning

**Criminal Law – Abduction by Noncustodial Relative – Affirmative Defenses
and Penalties**

HB0675/492115/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 675

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Law –” insert “Child”; in the same line, strike “Noncustodial”; strike beginning with “– Affirmative” in line 2 down through “Penalties” in line 3; strike beginning with “creating” in line 4 down through “penalties” in line 9 and substitute “altering the elements of certain crimes involving the abducting, detaining, or harboring of a certain child by a relative to require a certain intent; altering certain penalties for certain crimes involving the abducting, detaining, or harboring of a certain child by a relative under certain circumstances”; in line 11, strike “without” and substitute “with”; in line 13, strike “and” and substitute a comma; in the same line, after “9–305” insert “, and 9–307”; and strike in their entirety lines 16 through 25, inclusive.

AMENDMENT NO. 2

On page 2, in lines 6, 17, and 27, in each instance, after “not” insert “, WITH THE INTENT TO DEPRIVE THE LAWFUL CUSTODIAN OF THE CUSTODY OF THE CHILD”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 8 through 25, inclusive.

AMENDMENT NO. 4

On page 4, in line 1, strike “**\$5,000**” and substitute “**\$1,000**”; in line 2, strike “**5 YEARS**” and substitute “**1 YEAR**”; in line 5, strike “**\$10,000**” and substitute “**\$2,500**”; in line 6, strike “**10**” and substitute “**3**”; in line 8, strike the brackets; in the same line, strike “**\$10,000**”; and in line 9, strike “**10**” and substitute “**5**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 771 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

HB0771/202218/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 771

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 9 down through “date;” in line 12.

AMENDMENT NO. 2

On page 2, in line 8, strike “\$400” and substitute “\$250”.

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 10 on page 3, inclusive.

On page 3, in line 11, strike “5.” 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.

THE COMMITTEE ON WAYS AND MEANS REPORT #3

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 310 – Delegates Rosenberg and Cardin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Elective Franchise – Youth Voter Registration and Participation in Elections

HB0310/565365/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 310

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “CONSTITUTIONAL AMENDMENT”; strike line 2 in its entirety and substitute “Elections – Voter Registration and Voting – Age”; strike beginning with “authorizing” in line 3 down through “rejection.” in line 7 and substitute “altering the qualifications for voter registration to allow an individual who is at least 16 years old to register to vote; specifying that an individual under the age of 18 years may vote in certain primary elections but may not vote in any other elections; and generally relating to the age when an individual becomes qualified to register to vote and to vote.”

BY repealing and reenacting, with amendments,

Article – Election Law

Section 3-102

Annotated Code of Maryland

(2003 Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 8 on page 1 through line 21 on page 2, inclusive, and substitute:

“Article – Election Law

3-102.

(a) (1) Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

[(1)] (I) is a citizen of the United States;

[(2)] (II) is at least [18] 16 years old [or will be 18 years old on or before the day of the next succeeding general or special election];

[(3)] (III) is a resident of the State as of the day the individual seeks to register; and

[(4)] (IV) registers pursuant to this title.

(2) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN INDIVIDUAL UNDER THE AGE OF 18 YEARS:

(I) MAY VOTE IN A PRIMARY ELECTION IN WHICH CANDIDATES ARE NOMINATED FOR A GENERAL OR SPECIAL ELECTION THAT WILL OCCUR WHEN THE INDIVIDUAL IS AT LEAST 18 YEARS OLD; AND

(II) MAY NOT VOTE IN ANY OTHER ELECTION.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for the conviction;

(2) is under guardianship for mental disability; or

(3) has been convicted of buying or selling votes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 483 – Harford County Delegation

AN ACT concerning

Harford County – Special Taxing Districts – Creation

HB0483/895764/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 483

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 11 down through “circumstances;” in line 15; in line 19, after “district;” insert “prohibiting a vendor of certain property within a special taxing district from enforcing a contract for the sale of the property unless the purchaser of the property is provided with certain information relating to the special taxing district and the contract of sale contains a certain notice; providing that a vendor may provide a purchaser with certain information by providing the purchaser with a certain collection of documents; providing that a vendor may rely on certain documents filed in the land records when providing the purchaser with certain information; providing that a purchaser under a contract for the sale of certain property within a special taxing district may cancel the contract within a certain time after receiving certain information; providing that unless the purchaser consents, settlement of a contract for the sale of certain property within a special taxing district may not take place within a certain time after a purchaser receives certain information; requiring a vendor to refund certain deposits under certain circumstances; providing that a vendor is liable for certain damages caused by certain false statements or omissions; providing that an action against a vendor for certain false statements or omissions must be brought within a certain time;”;

and in line 21, after “improvements” insert “and to the sale of property located within certain special taxing districts”.

On page 2, after line 2, insert:

“BY adding to

Article – Real Property

Section 10–706

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 5, strike beginning with “**REQUIRE:**” in line 21 down through “**THAT**” in line 30 and substitute “**REQUIRE THAT**”.

On page 6, after line 5, insert:

“Article – Real Property

10–706.

(A) (1) THIS SECTION APPLIES ONLY TO THE SALE OF RESIDENTIAL REAL PROPERTY IN HARFORD COUNTY.

(2) THIS SECTION DOES NOT APPLY TO:

(i) A SALE OF PROPERTY TO A PURCHASER WHO DOES NOT INTEND TO OCCUPY THE PROPERTY; OR

(ii) A SALE IN AN ACTION TO FORECLOSE A MORTGAGE, DEED OF TRUST, OR OTHER LIEN.

(B) THE VENDOR OF PROPERTY THAT IS SUBJECT TO A TAX OF A SPECIAL TAXING DISTRICT AS AUTHORIZED IN ARTICLE 24, § 9–1301(C) OF THE CODE MAY NOT ENFORCE A CONTRACT FOR THE SALE OF THE PROPERTY UNLESS:

(1) THE PURCHASER OF THE PROPERTY IS PROVIDED WITH THE FOLLOWING INFORMATION IN WRITING:

(I) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT;

(II) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT;

(III) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY IMPROVEMENTS;

(IV) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD-FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY;

(V) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR;

(VI) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAYED; AND

(VII) A DESCRIPTION OF THE PURCHASER'S RIGHT TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS; AND

(2) THE CONTRACT FOR THE SALE OF THE PROPERTY CONTAINS A NOTICE, WRITTEN IN CONSPICUOUS, BOLD, AND UNDERSCORED TYPE, THAT IS SUBSTANTIALLY THE SAME AS THE FOLLOWING:

“NOTICE REQUIRED BY MARYLAND LAW

THE PROPERTY THAT IS THE SUBJECT OF THIS CONTRACT IS LOCATED WITHIN A SPECIAL TAXING DISTRICT, WHICH HAS BEEN CREATED FOR THE PURPOSE OF FINANCING OR REFINANCING THE COSTS RELATED TO CERTAIN INFRASTRUCTURE IMPROVEMENTS WITHIN THE TAXING DISTRICT. THESE

COSTS WILL BE REPAID FROM THE PROCEEDS OF SPECIAL TAXES COLLECTED FROM THE OWNERS OF PROPERTIES LOCATED WITHIN THE SPECIAL TAXING DISTRICT.

STATE LAW REQUIRES THAT THE SELLER DISCLOSE TO YOU, AT OR BEFORE THE TIME YOU ENTER INTO THIS CONTRACT, THE FOLLOWING INFORMATION: (1) A DESCRIPTION OF THE AREA INCLUDED WITHIN THE SPECIAL TAXING DISTRICT, (2) THE MAXIMUM AMOUNT OF BONDS AND OTHER OBLIGATIONS TO BE ISSUED WITH RESPECT TO THE SPECIAL TAXING DISTRICT, (3) A DESCRIPTION OF THE PURPOSES FOR WHICH THE SPECIAL TAXING DISTRICT WAS CREATED, AND FOR WHICH THE BONDS OR OTHER OBLIGATIONS HAVE BEEN ISSUED, INCLUDING A DESCRIPTION OF ANY INFRASTRUCTURE IMPROVEMENTS, (4) THE AMOUNT OF SPECIAL TAXES LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR OR, IF TAXES WERE NOT LEVIED ON THE PROPERTY FOR THE MOST RECENT YEAR, A GOOD-FAITH ESTIMATE OF THE ANNUAL TAX THAT WILL BE LEVIED ON THE PROPERTY, (5) THE MAXIMUM AMOUNT OF SPECIAL TAXES THAT MAY BE LEVIED ON THE PROPERTY IN A YEAR, (6) THE PROJECTED TIME PERIOD OVER WHICH ANY BONDS OR OBLIGATIONS ISSUED IN CONNECTION WITH THE SPECIAL TAXING DISTRICT ARE TO BE REPAID, AND (7) YOUR RIGHT AS THE PROSPECTIVE OWNER OF THE PROPERTY TO FULLY PREPAY THE SPECIAL TAXING DISTRICT OBLIGATIONS WITH RESPECT TO THE PROPERTY.

YOU HAVE 7 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE ABOVE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT TO CANCEL THIS CONTRACT BY SENDING A WRITTEN NOTICE OF CANCELLATION TO THE SELLER. YOU ARE NOT REQUIRED TO STATE A REASON FOR CANCELLING THE CONTRACT. UPON CANCELLATION OF THE CONTRACT, YOU ARE ENTITLED TO A REFUND OF ANY DEPOSIT YOU MAY HAVE MADE UNDER THIS CONTRACT.

A SELLER MAY NOT REQUIRE THAT YOU WAIVE YOUR RIGHT TO RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT OR YOUR RIGHT TO CANCEL THE CONTRACT WITHIN 7 CALENDAR DAYS OF RECEIPT OF THE INFORMATION. A SELLER MAY NOT REQUIRE THAT YOU CLOSE THE SALE UNDER THIS CONTRACT WITHIN 7 CALENDAR DAYS FROM THE DATE YOU RECEIVE THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT.

STATE LAW PROVIDES THAT ANY SELLER WHO, IN DISCLOSING THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT, MAKES ANY FALSE STATEMENT OF A MATERIAL FACT OR OMITTS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE SELLER'S FALSE OR OMITTED STATEMENT. ANY ACTION FOR DAMAGES CAUSED BY THE SELLER'S FALSE STATEMENT OR OMISSION OF A MATERIAL FACT MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF CLOSING UNDER THIS CONTRACT.

YOU SHOULD CAREFULLY REVIEW THE INFORMATION RELATING TO THE SPECIAL TAXING DISTRICT PROVIDED BY THE SELLER TO FAMILIARIZE YOURSELF WITH YOUR RIGHTS AND OBLIGATIONS AS A PROSPECTIVE OWNER OF PROPERTY LOCATED WITHIN THE SPECIAL TAXING DISTRICT."

(C) (1) THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION SHALL BE DEEMED FULFILLED IF THE INFORMATION REQUIRED TO BE PROVIDED TO THE PURCHASER IS PROVIDED TO THE PURCHASER IN WRITING, IN A CLEAR AND CONCISE MANNER.

(2) A VENDOR MAY PROVIDE THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION BY PROVIDING THE PURCHASER WITH A COLLECTION OF DOCUMENTS IF THE DOCUMENTS CONVEY THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION IN A CLEAR AND CONCISE MANNER.

(3) IN SATISFYING THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION, THE VENDOR MAY RELY ON ANY DOCUMENT THAT, IN CONNECTION WITH THE CREATION OF THE SPECIAL TAXING DISTRICT, WAS FILED BY THE OWNER OF THE PROPERTY IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(D) (1) A PURCHASER UNDER A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY CANCEL THE CONTRACT WITHIN 7 CALENDAR DAYS OF RECEIVING THE INFORMATION UNDER

SUBSECTION (B)(1) OF THIS SECTION BY DELIVERING WRITTEN NOTICE OF CANCELLATION TO THE VENDOR.

(2) UNLESS THE PURCHASER CONSENTS TO AN EARLIER SETTLEMENT DATE, THE SETTLEMENT OF A CONTRACT FOR THE SALE OF PROPERTY THAT IS SUBJECT TO THIS SECTION MAY NOT TAKE PLACE WITHIN 7 CALENDAR DAYS FROM THE DATE THE PURCHASER RECEIVES THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(3) NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DELIVERED BY:

(i) HAND-DELIVERY; OR

(ii) FIRST-CLASS MAIL.

(4) ON CANCELLATION OF A CONTRACT FOR THE PURCHASE OF PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE VENDOR SHALL REFUND TO THE PURCHASER ANY DEPOSITS PAID BY, OR ON BEHALF OF, THE PURCHASER UNDER THE CANCELLED CONTRACT.

(E) (1) ANY VENDOR THAT, IN PROVIDING THE PURCHASER WITH THE INFORMATION REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION, MAKES ANY FALSE STATEMENT OF A MATERIAL FACT OR OMITTS A MATERIAL FACT THAT, IN LIGHT OF THE CIRCUMSTANCES UNDER WHICH THE STATEMENTS WERE MADE, IS NECESSARY TO MAKE THE STATEMENTS NOT MISLEADING IS LIABLE TO THE PURCHASER FOR DAMAGES PROXIMATELY CAUSED BY THE VENDOR'S FALSE OR OMITTED STATEMENT.

(2) AN ACTION BROUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST BE BROUGHT WITHIN 1 YEAR FROM THE DATE OF SETTLEMENT OF THE CONTRACT OF SALE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 573 – Delegates Tarrant, DeBoy, Malone, and Stukes

AN ACT concerning

Disabled Law Enforcement Officers and Rescue Workers – Property Tax Credit

HB0573/955269/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 573

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “a certain definition” and substitute “certain definitions”.

AMENDMENT NO. 2

On page 2, in line 6, after “OFFICER” insert “OR A CORRECTIONAL OFFICER”; and in line 20, after “officer” insert “OR A CORRECTIONAL OFFICER”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 191)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #11

House Bill 216 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Hereditary and Congenital Disorders – Newborn Screening

Delegate Ross moved the previous question.

The motion was adopted.

Read the third time and passed by yeas and nays as follows:

Affirmative – 109 Negative – 27 (See Roll Call No. 192)

The Bill was then sent to the Senate.

House Bill 362 – The Speaker (By Request – Administration) and Delegate Cardin

AN ACT concerning

Reorganization of State Government – Department of Information Technology

Read the third time and passed by yeas and nays as follows:

Affirmative – 105 Negative – 31 (See Roll Call No. 193)

The Bill was then sent to the Senate.

House Bill 535 – Delegates Hubbard, Kullen, Montgomery, Nathan–Pulliam, Pena–Melnik, and V. Turner

AN ACT concerning

Morbidity, Mortality, and Quality Review Committee – Pregnancy and Childhood

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 194)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 195)

ADJOURNMENT

At 11:15 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, March 5, 2008.

Annapolis, Maryland
Wednesday, March 5, 2008

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Carolyn J. B. Howard of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 196)

The Journal of March 4, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. McDonough – illness

Del. Smigiel – late – illness

Speaker Busch – left early – business

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2009

(See Exhibit F of Appendix II)

Read and referred to the Committee on Appropriations.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #7

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 148 – Delegate Beitzel

AN ACT concerning

Garrett County – Tobacco Products – Distribution to Minors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 340 – Delegates Pena–Melnik, Barnes, and Frush

AN ACT concerning

Public Utility Companies – Bus Service Provided by Institutions of Higher Education – Exemption from Motor Carrier Permit Requirement

HB0340/383095/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 340

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Institutions of Higher Education” and substitute “University of Maryland, College Park”; in line 5, strike “an institution of higher education” and substitute “the University of Maryland, College Park”; in line 7, strike “institution” and substitute “University of Maryland, College Park”; in line 8, after “corporation;” insert “requiring the Department of Transportation Services in the University of Maryland, College Park to report to certain committees by a certain time on certain findings; providing for the termination of this Act;”; and in lines 8 and 9, strike “an institution of higher education” and substitute “the University of Maryland, College Park”.

AMENDMENT NO. 2

On page 2, in lines 19 and 20, strike “AN INSTITUTION OF HIGHER EDUCATION” and substitute “THE UNIVERSITY OF MARYLAND, COLLEGE PARK”; in line 20, strike “INSTITUTION” and substitute “UNIVERSITY OF MARYLAND, COLLEGE PARK”; in line 22, strike “INSTITUTION” and substitute “UNIVERSITY OF MARYLAND, COLLEGE PARK”; after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, the Department of Transportation Services in the University of Maryland,

College Park shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Economic Matters Committee on the implementation of a transportation services program with the City of College Park for the residents of the City of College Park.”;

in line 27, strike “2.” and substitute “3.”; in line 28, strike “October 1, 2008.” and substitute “July 1, 2008. It shall remain effective for a period of 3 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 600 – Delegates Taylor, Frush, Haynes, and Proctor

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

HB0600/453898/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 600

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, strike “Judiciary” and substitute “Environmental Matters”.

On pages 1 and 2, strike beginning with “and” in line 20 on page 1 down through “members.” in line 10 on page 2 and substitute:

“(3) the Maryland Insurance Commissioner, or the Commissioner’s designee;

- (4) the Maryland Attorney General, or the Attorney General's designee;
- (5) the Commissioner of Financial Regulation, or the Commissioner's designee;
- (6) the Executive Director of the Maryland Real Estate Commission, or the Executive Director's designee;
- (7) the chair of the Maryland Affordable Housing Trust, or the chair's designee;
- (8) a title insurance producer licensed in Maryland, designated by the Maryland Land Title Association;
- (9) a representative of a title insurance company domiciled in Maryland, designated by the Maryland Land Title Association;
- (10) a representative of a national title insurance company doing business in Maryland and other states, designated by the Maryland Coalition of Title Insurers;
- (11) a mortgage broker licensed in Maryland, designated by the Maryland Association of Mortgage Brokers;
- (12) a mortgage lender affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;
- (13) a mortgage lender not affiliated with a bank and doing business in Maryland, designated by the Maryland Mortgage Bankers Association;
- (14) a representative of the Maryland Bankers Association, designated by the Maryland Bankers Association;
- (15) a representative of a State-chartered community bank in Maryland, designated by the Maryland Bankers Association;

(16) a representative of a bank chartered under federal law and doing business in Maryland and other states, designated by the Maryland Bankers Association;

(17) a representative of the Maryland State Builders Association, designated by the Maryland State Builders Association;

(18) a representative of the Section of Real Property Planning and Zoning of the Maryland State Bar Association, designated by the Maryland State Bar Association;

(19) a practicing real estate attorney familiar with title insurance settlements and not licensed as a title insurance producer, designated by the Maryland State Bar Association; and

(20) two consumer members appointed by the Governor.”;

and in line 11, strike “elect a chair from among its members” and substitute “be co-chaired by:

(1) one of the members of the Senate, as designated by the President of the Senate; and

(2) one of the members of the House of Delegates, as designated by the Speaker of the House”.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “study” in line 17 on page 2 down through “solvency.” in line 12 on page 3 and substitute “make recommendations for changes to State laws relating to the title insurance industry.”

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

- (3) identify title insurance industry issues that affect consumers in Maryland;
- (4) examine the rate-setting factors for title insurance premiums;
- (5) examine how rates and services in a title plant state compare to those in Maryland;
- (6) identify ways to improve consumer education about the title insurance industry;
- (7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;
- (8) review the time limits, subsequent to closing, for the issuance of title insurance policies;
- (9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; and
- (10) study any other issue with significant impact on the title insurance industry.”;

and in line 13, strike “(g)” and substitute “(h)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1015 – Prince George’s County Delegation

AN ACT concerning

Workers’ Compensation – Prince George’s County Correctional Officers

PG 328-08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #4**

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 399 - Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, and V. Turner

AN ACT concerning

**Maryland Human Relations Commission - Administrative and Civil
Relief - Waiver of Sovereign Immunity**

HB0399/646586/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 399
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “respondents;” insert “establishing that a certain civil action alleging a certain discriminatory act may be filed if the complainant filed a certain administrative charge or certain complaint in a timely manner and must be filed within a certain time after the occurrence of a certain act of discrimination;”.

AMENDMENT NO. 2

On page 3, in line 17, strike “an” and substitute “A TIMELY”; in line 19, strike “and”; and in line 21, after “complaint” insert “;AND”

(3) THE CIVIL ACTION IS FILED NO MORE THAN 2 YEARS AFTER THE OCCURRENCE OF THE ALLEGED ACT OF DISCRIMINATION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for March 6, 2008.

The motion was adopted.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 487 - Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors - Sunset Extension and Program Evaluation

HB0487/716883/3

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 487

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Board;" insert "altering the composition of the Board; requiring the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General to appoint certain Board members; requiring the Director, to the extent practicable, to fill certain vacancies occurring on the Board within a certain period of time; authorizing the Director to remove certain members from the Board under certain circumstances;"; in line 11, after "dates;" insert "requiring the additional consumer member of the Board authorized under this Act to be appointed by a certain date; providing that the term of the additional consumer member shall begin on a certain date; providing that certain positions on the Board terminate on a certain date;"; and in line 15, after "Section" insert "7-202.".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"7-202.

- (a) (1) The Board consists of [12] 10 members.
- (2) Of the [12] 10 Board members:
- (i) [8] 5 shall be licensed morticians or licensed funeral directors; and
- (ii) [4] 5 shall be consumer members.
- (3) All Board members shall be residents of the State.
- (4) [The Governor shall appoint each member with the advice of the Secretary, and with the advice and consent of the Senate.
- (5) The Board may not have more than one member who is employed by or affiliated with, directly or indirectly, the same corporation, professional association, or other entity, that owns, directly or through a subsidiary corporation, professional association, or other entity, one or more funeral homes.

(b) (1) **THE GOVERNOR SHALL APPOINT EACH MORTICIAN MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.**

- [(1)] (2) Each mortician member shall:
- (i) Be a licensed mortician whose license is in good standing with the Board; and
- (ii) Have practiced mortuary science actively for at least 5 years immediately before appointment.

[(2)] (3) In this subsection, "good standing" means that the Board has not reprimanded the licensee, suspended, or revoked the mortician's license or placed the licensee on probation within 5 years' time prior to or after confirmation to the Board.

[(3)] (4) To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a mortician license under this title.

(c) (1) THE GOVERNOR SHALL APPOINT EACH FUNERAL DIRECTOR MEMBER WITH THE ADVICE OF THE SECRETARY, AND WITH THE ADVICE AND CONSENT OF THE SENATE.

[(1)] (2) Each funeral director member shall:

(i) Be a licensed funeral director whose license is in good standing with the Board; and

(ii) Have practiced funeral direction actively for at least 5 years immediately before appointment.

[(2)] (3) In this subsection, "good standing" means that the Board has not reprimanded the licensee, suspended, or revoked the funeral director's license or placed the licensee on probation within 5 years' time prior to or after confirmation to the Board.

[(3)] (4) To qualify for appointment to the Board, the licensee must meet all other qualifications required for renewal of a funeral director license under this title.

(d) (1) THE CONSUMER MEMBERS SHALL BE APPOINTED BY THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL IN ACCORDANCE WITH THIS SUBSECTION.

(2) Each consumer member of the Board:

[(1)] (I) Shall be a member of the general public;

[(2)] (II) May not be or ever have been a mortician, funeral director, or apprentice;

[(3)] (III) May not have a household member who is a mortician, funeral director, or apprentice;

[(4)] (IV) May not participate or ever have participated in a commercial or professional field related to the practice of mortuary science;

[(5)] (V) May not have a household member who participates in a commercial or professional field related to the practice of mortuary science; and

[(6)] (VI) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

[(e)] (3) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

[(f)] (E) Before taking office, each member of the Board shall take the oath required by Article I, § 9 of the State Constitution.

[(g)] (F) (1) The term of an appointed member is 4 years, except that the initial term of 1 of the consumer members is 3 years.

(2) The terms of appointed members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(3) At the end of a term, an appointed 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 rest of the term and until a successor is appointed and qualifies.

(5) (I) To the extent practicable, the Governor shall fill any vacancy on the Board occurring during the term of [an] A MEMBER appointed [member] BY THE GOVERNOR within 60 days of the date of the vacancy.

(II) TO THE EXTENT PRACTICABLE, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL SHALL FILL ANY VACANCY ON THE BOARD OCCURRING DURING THE TERM OF A MEMBER APPOINTED BY THE DIRECTOR WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

(6) A member may not serve more than 2 consecutive full terms.

[(h)] (G) (1) The Governor may remove an appointed MORTICIAN OR FUNERAL DIRECTOR member:

(i) For incompetence or misconduct; or

(ii) Who, because of events that occur after the member's appointment or reappointment to the Board, causes the Board to be in violation of the prohibition set forth in subsection [(a)(5)](A)(4) of this section.

(2) Upon the recommendation of the Secretary, the Governor may remove an appointed MORTICIAN OR FUNERAL DIRECTOR member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

(H) (1) THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER:

(I) FOR INCOMPETENCE OR MISCONDUCT; OR

(II) WHO, BECAUSE OF EVENTS THAT OCCUR AFTER THE MEMBER'S APPOINTMENT OR REAPPOINTMENT TO THE BOARD, CAUSES THE BOARD TO BE IN VIOLATION OF THE PROHIBITION SET FORTH IN SUBSECTION (A)(4) OF THIS SECTION.

(2) UPON THE RECOMMENDATION OF THE SECRETARY, THE DIRECTOR OF THE HEALTH, EDUCATION, AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL MAY REMOVE AN APPOINTED CONSUMER MEMBER WHOM THE SECRETARY FINDS TO HAVE BEEN ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON."

AMENDMENT NO. 3

On page 5, after line 18, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That:

(1) On or before June 30, 2009, the Director of the Health, Education, and Advocacy Unit in the Office of the Attorney General shall appoint the additional consumer member of the State Board of Morticians and Funeral Directors authorized under Section 1 of this Act, and, subject to item (2) of this section, the additional consumer member shall fill the vacancy on the Board, previously held by a licensed member, that existed as of February 25, 2008;

(2) The 4-year term of the additional consumer member of the Board appointed under item (1) of this section shall begin on July 1, 2009; and

(3) The two positions on the Board held by licensed members whose terms expire at the end of June 30, 2009, shall be terminated at the end of June 30, 2009.”;

and in line 19, strike “6.” and substitute “7.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 585 – Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Griffith, Gutierrez, Hubbard, Hucker, Kipke, McDonough, Montgomery, Nathan–Pulliam, Oaks, Reznik, Robinson, Tarrant, V. Turner, Valderrama, and Weldon

AN ACT concerning

Nursing Homes – Safe Patient Lifting

HB0585/546986/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 585

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Elliott, Hammen, Kullen, Morhaim, and Pendergrass”; and in line 7, strike “defining a certain term;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 10 through 12, inclusive; and in lines 13, 16, and 21, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(A)”, “(B)”, and “(C)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 852 – Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

**THE HONORABLE ADRIENNE A. JONES,
SPEAKER PRO TEM, NOW PRESIDING**

INTRODUCTION OF BILLS

Delegate Ramirez moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 197)

In compliance with the rules, the Bill was introduced.

House Bill 1611 – Delegate Ramirez

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Children’s Guild
Multipurpose Room and Play Field**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$425,000, the proceeds to be used as a grant to the Board of Trustees of The Children’s Guild, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Ramirez moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 198)

In compliance with the rules, the Bill was introduced.

House Bill 1612 – Delegates Ramirez, Ivey, and Niemann

AN ACT concerning

Creation of a State Debt – Prince George’s County – St. James ADA Ramp

FOR the purpose of authorizing the creation of a State Debt not to exceed \$25,000, the proceeds to be used as a grant to the Board of Directors of the St. James Catholic Church, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a

deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Hixson moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 199)

In compliance with the rules, the Bill was introduced.

House Bill 1613 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Creation of a State Debt – Montgomery County – Metropolitan Washington Ear Facility

FOR the purpose of authorizing the creation of a State Debt not to exceed \$50,000, the proceeds to be used as a grant to the Board of Directors of The Metropolitan Washington Ear, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Conway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 200)

In compliance with the rules, the Bill was introduced.

House Bill 1614 – Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

**State Personnel – Security Personnel of Correctional Facilities – Exception
for Overtime Compensation**

FOR the purpose of excluding State security personnel in correctional facilities from certain provisions of law requiring the payment of certain overtime compensation; and generally relating to compensation of State security personnel.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 8–305(d) and 8–308(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Bohanan moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 201)

In compliance with the rules, the Bill was introduced.

House Bill 1615 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County Metropolitan Commission – System Improvement Charges

FOR the purpose of altering the properties for which the St. Mary’s County Metropolitan Commission is required to impose and collect a certain per EDU system improvement charge; and generally relating to a system improvement charge imposed by the St. Mary’s County Metropolitan Commission.

BY repealing and reenacting, without amendments,
The Public Local Laws of St. Mary’s County
Section 113–29 A.
Article 19 – Public Local Laws of Maryland
(2007 Edition, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of St. Mary's County
Section 113-29 B.(1)
Article 19 – Public Local Laws of Maryland
(2007 Edition, as amended)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 202)

ADJOURNMENT

At 10:39 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, March 6, 2008.

Annapolis, Maryland
Thursday, March 6, 2008

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Shawn Z. Tarrant of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 203)

The Journal of March 5, 2008 was read and approved.

EXCUSES:

Del. Gutierrez – left early – personal

Del. Jameson – recovering from surgery

Del. Stull – wife in hospital

Del. Walkup – late – personal

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 157 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

FOR the purpose of adding Wicomico County to the list of counties that authorize the holder of a Class 6 pub–brewery license to sell malt beverages for off–premises consumption in sealed refillable containers; adding Wicomico County to the list of counties that are authorized to issue a Class 7 micro–brewery (on– and off–sale) license; creating a Class B special wine license for the sale of wine for consumption off the premises; specifying certain requirements for applicants for and holders of the Class B special wine license; specifying a fee and hours of sale; specifying a maximum alcohol content for wine sold under the Class B special wine license; authorizing the Board of License Commissioners to adopt certain regulations; authorizing the Board to issue a special Class C beer, beer

and wine, or beer, wine and liquor license; specifying the privileges, application requirements, fee, days of use, and other requirements for holders of the special Class C licenses; adding Wicomico County to the list of counties that, on the death of a licensee, shall issue a new license under certain circumstances to the surviving spouse, partners, or senior officer without the necessity of further proceedings for the balance of the current license year; authorizing ~~a holder of a Class 6 pub-brewery license or a Class 7 micro-brewery license to have or hold a financial interest in certain retail alcoholic beverages licenses~~ the Board of License Commissioners to issue a Class 6 pub-brewery license or a Class 7 micro-brewery license to a holder of not more than a certain number of Class B beer, wine and liquor licenses under certain circumstances; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2-207(g), 2-208(b), 9-102(k), and 10-506(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2-208(a) and 6-201(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6-201(x)(4), 7-101(w), and 12-104(e)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 399 – Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, and V. Turner

AN ACT concerning

Maryland Human Relations Commission – Administrative and Civil Relief – Waiver of Sovereign Immunity

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 204)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #12

House Bill 5 – Kent County Delegation

AN ACT concerning

Kent County – Alcoholic Beverages – Class A Light Wine Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 205)

The Bill was then sent to the Senate.

House Bill 26 – Delegate Holmes

AN ACT concerning

Real Property – Mechanic’s Lien – Land Surveying and Engineering

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 206)

The Bill was then sent to the Senate.

House Bill 42 – Delegates McConkey, Weir, Boteler, Hucker, Holmes, Bobo, and Glenn

AN ACT concerning

Home Financial Accountability Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 207)

The Bill was then sent to the Senate.

House Bill 113 – Delegate Elmore

AN ACT concerning

**Somerset County – Regulation of Dogs and Cats – Violations of Ordinances
and Regulations**

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 208)

The Bill was then sent to the Senate.

House Bill 132 – Delegate Elmore

AN ACT concerning

Somerset County – Sale of Charlie Swift Road

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 0 (See Roll Call No. 209)

The Bill was then sent to the Senate.

House Bill 163 – Howard County Delegation

AN ACT concerning

**Howard County – Appointed Alcoholic Beverage Hearing Board –
Qualifications for Membership**

Ho. Co. 15-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 210)

The Bill was then sent to the Senate.

House Bill 170 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages – Service of Notice of Charges

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 211)

The Bill was then sent to the Senate.

House Bill 190 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Audit – Filing Date

Ho. Co. 06-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 212)

The Bill was then sent to the Senate.

House Bill 198 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – Licenses, Fees, and Fines

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 213)

The Bill was then sent to the Senate.

House Bill 203 – Delegates Cane, Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Wicomico County – Alcoholic Beverages Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 214)

The Bill was then sent to the Senate.

House Bill 308 – Delegate Vallario

AN ACT concerning

Criminal Procedure – Restitution – Priority to Victims

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 215)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #13

**House Bill 229 – Chair, Environmental Matters Committee (By Request –
Departmental – Natural Resources)**

AN ACT concerning

Fishing – Reciprocal Angler’s Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 4 (See Roll Call No. 216)

The Bill was then sent to the Senate.

House Bill 276 – Delegate Beitzel

AN ACT concerning

**Garrett County – Alcoholic Beverages – Referendum on Sunday Sales in
County Districts**

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 217)

The Bill was then sent to the Senate.

House Bill 318 – Delegate Love

AN ACT concerning

Anne Arundel County – Prospective or Current Employees or Volunteers – Criminal History Records Checks

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 218)

The Bill was then sent to the Senate.

House Bill 373 – The Speaker (By Request – Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, ~~and Walker~~ Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle

AN ACT concerning

Maryland Transit Administration – Transit-Oriented Development

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 7 (See Roll Call No. 219)

The Bill was then sent to the Senate.

House Bill 428 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Cafe License

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 220)

The Bill was then sent to the Senate.

House Bill 488 – ~~Delegate Davis~~ Delegates Davis, Anderson, Aumann, Beitzel, Boteler, Cardin, Carter, Costa, DeBoy, Eckardt, Frank, George, Griffith, Haddaway, Jennings, Lafferty, McComas, McConkey, McDonough,

Miller, Morhaim, Myers, Norman, Shewell, Smigiel, Stein, Stocksdale,
and Weir

EMERGENCY BILL

AN ACT concerning

Motor Vehicle Accident Reports - Access

Read the third time and passed by yeas and nays as follows:

Affirmative - 136 Negative - 0 (See Roll Call No. 221)

The Bill was then sent to the Senate.

House Bill 545 - Dorchester County Delegation

AN ACT concerning

Dorchester County - Alcoholic Beverages Act of 2008

Read the third time and passed by yeas and nays as follows:

Affirmative - 135 Negative - 0 (See Roll Call No. 222)

The Bill was then sent to the Senate.

House Bill 573 - Delegates Tarrant, DeBoy, Malone, and Stukes

AN ACT concerning

**Disabled Law Enforcement Officers and Rescue Workers - Property Tax
Credit**

Read the third time and passed by yeas and nays as follows:

Affirmative - 136 Negative - 0 (See Roll Call No. 223)

The Bill was then sent to the Senate.

**House Bill 771 - The Speaker (By Request - Department of Legislative
Services)**

AN ACT concerning

State Board of Law Examiners - Sunset Extension and Program Evaluation

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 224)

The Bill was then sent to the Senate.

House Bill 1045 – Delegates Gaines, Aumann, Barkley, Bronrott, DeBoy, Haynes, Healey, Jones, and F. Turner

AN ACT concerning

Department of Budget and Management – Health and Welfare Benefits Program – Information from and Liability of Health Insurance Carriers

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 225)

The Bill was then sent to the Senate.

House Bill 1338 – Delegate Beitzel

AN ACT concerning

Garrett County – Public Facilities Bonds

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 226)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #14

House Bill 171 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Alcoholic Beverages Licenses – Fines for Late Renewals

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 0 (See Roll Call No. 227)

The Bill was then sent to the Senate.

House Bill 173 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – Death of Licensee

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the Senate.

House Bill 205 – Delegates Love, Haddaway, Harrison, King, Kirk, Krysiak, Mathias, Miller, Minnick, Stifler, and Vaughn

AN ACT concerning

Alcoholic Beverages – Beer Manufacturer and Distributor Agreements – Obligation of Successor Manufacturer

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 229)

The Bill was then sent to the Senate.

House Bill 223 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Endangered and Threatened Species – Incidental Taking – Delmarva Fox Squirrel

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 1 (See Roll Call No. 230)

The Bill was then sent to the Senate.

House Bill 226 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Regulation of Bait

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 231)

The Bill was then sent to the Senate.

House Bill 310 – Delegates Rosenberg and Cardin

~~CONSTITUTIONAL AMENDMENT~~

AN ACT concerning

~~**Elective Franchise – Youth Voter Registration and Participation in Elections**~~
Elections – Voter Registration and Voting – Age

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the Senate.

House Bill 382 – Cecil County Delegation

AN ACT concerning

**Cecil County – Alcoholic Beverages – Restaurants – Percentage of Receipts
from Food Sales**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the Senate.

House Bill 387 – Delegates Rosenberg and Cardin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans' Court Judges – Qualifications

Read the third time and failed for want of a constitutional majority:

Affirmative – 84 Negative – 50 (See Roll Call No. 234)

Delegate Rosenberg moved to reconsider the vote by which the Bill failed Third Reading.

Delegate Rosenberg moved to make the Bill and motion a Special Order for March 7, 2008.

The motion was adopted.

House Bill 452 – Delegates Niemann, Holmes, Sossi, and Stein

AN ACT concerning

Landlord and Tenant – Summary Ejectment – Deceased Tenant

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 235)

The Bill was then sent to the Senate.

House Bill 577 – Delegate Simmons

AN ACT concerning

Preservation of Right to Jury or Judge Trial Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 1 (See Roll Call No. 236)

The Bill was then sent to the Senate.

House Bill 675 – Delegates King, Bromwell, Costa, Kach, Kipke, Krebs, Kullen, Love, Manno, McHale, Miller, Minnick, Ross, Schuler, Sophocleus, Tarrant, and Walker

AN ACT concerning

**Criminal Law – Child Abduction by ~~Nonecustodial~~ Relative – ~~Affirmative~~
~~Defenses and Penalties~~**

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 237)

The Bill was then sent to the Senate.

House Bill 703 – Delegates Malone and DeBoy

AN ACT concerning

Alcoholic Beverages – Special Brewery Promotional Event Permit

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 238)

The Bill was then sent to the Senate.

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Performing Arts Facility

MC 806–08

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 239)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #15**House Bill 314 – Delegate Beitzel**

AN ACT concerning

Garrett County – County Commissioners – Agricultural Districts

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 240)

The Bill was then sent to the Senate.

House Bill 331 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Alcoholic Beverages – Maximum Fine for Sales Violations

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 2 (See Roll Call No. 241)

The Bill was then sent to the Senate.

House Bill 437 – Harford County Delegation

AN ACT concerning

**Harford County – Alcoholic Beverages – Repeal of Class BDR Licenses –
Additional Class B Licenses**

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 242)

The Bill was then sent to the Senate.

**House Bill 550 – Delegate Rosenberg (By Request – Committee to Revise
Article 27 – Crimes and Punishments)**

AN ACT concerning

**Criminal Law – Forgery of Signature and Counterfeit Documents –
Prohibition**

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 243)

The Bill was then sent to the Senate.

**House Bill 629 – Chair, Environmental Matters Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

State Ethics Law – Architectural and Engineering Services – Procurement

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 244)

The Bill was then sent to the Senate.

House Bill 634 – Washington County Delegation

AN ACT concerning

Washington County – Board of License Commissioners – Annual Audit

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 245)

The Bill was then sent to the Senate.

**House Bill 704 – Chair, Appropriations Committee (By Request –
Departmental – Higher Education Commission)**

AN ACT concerning

**Higher Education Investment Fund – Expenditures – Base Realignment and
Closure Process**

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 5 (See Roll Call No. 246)

The Bill was then sent to the Senate.

House Bill 827 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Department of Liquor Control – Sale of Items at
Dispensaries and Retail Outlets**

MC 817-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 247)

The Bill was then sent to the Senate.

House Bill 828 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Additional Class B Licenses

MC 818-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 248)

The Bill was then sent to the Senate.

House Bill 1016 - Prince George's County Delegation

AN ACT concerning

Prince George's County - Board of License Commissioners - Compensation of Board's Attorney

PG 330-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 249)

The Bill was then sent to the Senate.

House Bill 1086 - ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

City of Annapolis - Alcoholic Beverages - Administrative Proceedings and Fines

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 2 (See Roll Call No. 250)

The Bill was then sent to the Senate.

House Bill 1225 - Montgomery County Delegation

AN ACT concerning

Montgomery County - Alcoholic Beverages - Licenses Held by Revenue Authority for Public Golf Courses

MC 807-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 251)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #16

House Bill 899 – Carroll County Delegation

AN ACT concerning

Carroll County – Alcoholic Beverages – Special Class C License for Arts Center

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 252)

The Bill was then sent to the Senate.

House Bill 940 – Prince George’s County Delegation and Montgomery County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission and Maryland–National Capital Park and Planning Commission – Appointments – Interviews and Financial Statements

PG/MC 102–08

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 253)

The Bill was then sent to the Senate.

House Bill 1019 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Class B–DD Alcoholic Beverages Licenses – Woodmore Towne Centre at Glenarden

PG 325–08

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 254)

The Bill was then sent to the Senate.

House Bill 1020 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses

PG 322-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 136 Negative – 0 (See Roll Call No. 255)

The Bill was then sent to the Senate.

House Bill 1030 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – State’s Attorney’s Office – Composition and Salaries

PG 304-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 256)

The Bill was then sent to the Senate.

House Bill 1031 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Salaries of Inspectors

PG 313-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 0 (See Roll Call No. 257)

The Bill was then sent to the Senate.

**House Bill 1048 - Chair, Appropriations Committee (By Request -
Departmental - Public Safety and Correctional Services)**

AN ACT concerning

Correctional Services - Maryland Correctional Enterprises - Revolving Fund

Read the third time and passed by yeas and nays as follows:

Affirmative - 136 Negative - 0 (See Roll Call No. 258)

The Bill was then sent to the Senate.

House Bill 1087 - Washington County Delegation

AN ACT concerning

**Washington County - Alcoholic Beverages - Catering, Stadium, and Sidewalk
Café Licenses**

Read the third time and passed by yeas and nays as follows:

Affirmative - 136 Negative - 0 (See Roll Call No. 259)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #17

**House Bill 1050 - The Speaker (By Request - Department of Legislative
Services - Code Revision)**

AN ACT concerning

Economic Development

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 260)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 261)

ADJOURNMENT

At 10:58 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, March 7, 2008.

Annapolis, Maryland
Friday, March 7, 2008

The House met at 11:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Robert A. Costa of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 262)

The Journal of March 6, 2008 was read and approved.

EXCUSES:

Del. Ivey – personal – father in hospital

Del. Jameson – recovering from surgery

Del. Pendergrass – illness – broken arm

Del. Stein – funeral

Del. Stull – wife in hospital

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

**Senate Bill 140 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Public Safety and Correctional Services)**

AN ACT concerning

**Criminal Procedure – Criminal Injuries Compensation Board – Claims by
Victims**

FOR the purpose of requiring the Criminal Injuries Compensation Board to reduce the amount of an award or deny a certain claim if the Board finds that the victim contributed to the victim's own injury under certain circumstances; repealing a provision authorizing the Board to disregard the responsibility of the victim for the victim's own injury under certain circumstances; ~~repealing a provision prohibiting a certain claimant from receiving an award unless the claimant proves a certain lack of knowledge;~~ repealing a provision prohibiting a claimant

from receiving an award under certain circumstances; repealing a reference to a certain schedule of benefits as it existed on a certain date and providing that the effective schedule of benefits applies; and generally relating to claims by victims for awards from the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–810 and 11–811(a)(1)(i)
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 238 – Senators Stone, Astle, DeGrange, Della, Forehand, Haines, Harris, Jacobs, Klausmeier, Madaleno, and Muse

AN ACT concerning

Juveniles – Arrests for Reportable Offenses – Expansion of Notification

FOR the purpose of expanding certain provisions relating to the required notification to a local public school superintendent of the arrest of a public school student for a certain reportable offense to apply to the notification of a certain nonpublic school official of the arrest of a certain nonpublic school student for a certain reportable offense; providing for the confidentiality of information obtained by the nonpublic school official; making certain conforming changes; defining a certain term; making a certain stylistic change; and generally relating to arrests of juveniles for reportable offenses.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–303
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 353 – Senator Della

AN ACT concerning

**State Personnel – ~~Independent Personnel Systems in Executive Branch~~
Department of Transportation’s Human Resources Management System –
Disciplinary Actions**

FOR the purpose of ~~expanding the scope of certain provisions of State personnel law governing actions an appointing authority must take before taking disciplinary~~

~~action related to employee misconduct, and the authority to impose a disciplinary action, to include actions against certain employees of units in the Executive Branch of State government with independent personnel systems; making a certain conforming change; and generally relating to independent personnel systems in the Executive Branch of State government and disciplinary actions related to employee misconduct requiring certain regulations to provide that, except for certain suspensions, an appointing authority or a designated representative may impose any disciplinary action against an employee in the Department of Transportation's Human Resources Management System no later than a certain number of days after acquiring certain knowledge; requiring certain regulations to provide that, except for certain suspensions, an appointing authority or a designated representative may suspend an employee in the Human Resources Management System no later than a certain number of working days following the close of a certain shift; making certain stylistic and conforming changes; and generally relating to disciplinary actions against employees in the Department of Transportation's Human Resources Management System.~~

~~BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11-102 and 11-106
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2-103.4(d)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Appropriations.

Senate Bill 407 – Senator Della

AN ACT concerning

Elevator Safety Review Board Fund

FOR the purpose of establishing the Elevator Safety Review Board Fund; providing for the purpose, administration, composition, use, investments, and expenditures of the Fund; providing that the Fund is a special, nonlapsing fund; requiring certain fees collected for ~~certain registrations and~~ certain licenses to be paid into the Fund; and generally relating to the Elevator Safety Review Board Fund.

BY repealing and reenacting, with amendments,
Article – Public Safety

Section ~~12-800~~ and 12-824
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY adding to
Article – Public Safety
Section 12-824.1
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 442 – Senators Frosh, Conway, and Pinsky

AN ACT concerning

Environment – Clean Air Permit Fees

FOR the purpose of ~~prohibiting all~~ altering the circumstances under which certain moneys in the Maryland Clean Air Fund from reverting or being transferred to must be deposited in the General Fund; increasing the maximum amount of a certain fee; eliminating increasing the cap on a certain fee in certain years; eliminating the cap on a certain fee after a certain year; clarifying the calculation of certain fees; altering a certain definition; removing obsolete language; making stylistic changes; and generally relating to air quality and permit fees.

BY repealing and reenacting, with amendments,
Article – Environment
Section ~~2-107~~ 2-101(h), 2-107, and 2-403
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 492 – Senators Frosh, Forehand, King, Madaleno, and Pinsky

AN ACT concerning

Vehicular Crossings – Use by Pedestrians and Bicycles – Authorization

FOR the purpose of authorizing the use of certain vehicular crossings under the jurisdiction of the Maryland Transportation Authority by pedestrians and bicycles when authorized by the Chairman of the Maryland Transportation Authority; and generally relating to the use of vehicular crossings.

BY repealing and reenacting, without amendments,

Article – Transportation
Section 21–1401
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 570 – Senators Garagiola, Astle, Exum, Glassman, Kittleman, Klausmeier, Middleton, Pugh, and Robey

AN ACT concerning

State Emergency Medical Services Board – Public Access Automated External Defibrillator Program

FOR the purpose of renaming the Automated External Defibrillator Program to be the Public Access Automated External Defibrillator Program; identifying the purpose of the program; repealing the authority of the State Emergency Medical Services Board to set and require certain fees for the issuance and renewal of certain certificates; authorizing the Board to deny, suspend, revoke, or refuse to renew certain certificates, to approve certain educational and training programs that include training in automated external defibrillation, and to approve a certain protocol; repealing the authority of the Board to require certain facilities to produce certain records and equipment for inspection under certain circumstances; repealing the requirement that the Board pay certain fees to the Comptroller of the Treasury; exempting certain places of business from a certain requirement that certain facilities possess certain certificates; altering certain requirements relating to qualifying for a certain certificate; requiring certain facilities to report certain uses of an AED to the Maryland Institute for Emergency Medical Services Systems for certain review; repealing the authorization for certain individuals to operate an AED at certain facilities under certain circumstances; repealing the requirement that certain individuals follow certain protocols; repealing the authority of the Board to issue a cease and desist order or obtain injunctive relief under certain circumstances; ~~repealing the requirement that certain facilities satisfy certain requirements in order to be immune from certain liabilities;~~ providing that certain members of the regional council AED committee are not civilly liable for certain acts or omissions; ~~repealing certain requirements that certain individuals must meet in order to be immune from certain liabilities;~~ providing that certain immunities from civil liability are not affected by certain other provisions of this Act;

defining certain terms; and generally relating to the Public Access Automated External Defibrillator Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 13–501(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 13–517
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 646 – Senators Astle, Garagiola, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Credit Regulation – Debt Management Services

FOR the purpose of authorizing a person that is not a nonprofit organization to provide debt management services in the State; requiring a person that is licensed to provide debt management services to provide a certain notice to a consumer and to make certain determinations before providing debt management services for a consumer; altering certain requirements for a debt management services license; altering the information that must be included in a certain annual report to the Commissioner of Financial Regulation; altering the records that must be preserved by a licensee; altering certain definitions; repealing a certain defined term; making conforming changes; and generally relating to debt management services.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 12–901, 12–905(a), 12–907(a), 12–908(b)(11), 12–916(a)(1),
12–921(a), and 12–922(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 12–908(a)

Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to

Article – Financial Institutions
Section 12–916(a)(3)
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 679 – ~~Senator Kittleman~~ Senators Kittleman, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, and Pugh

AN ACT concerning

Injured Workers' Insurance Fund – Regulation by the Maryland Insurance Commissioner

FOR the purpose of removing the Injured Workers' Insurance Fund from exceptions to certain provisions of law; providing that the Fund is subject to examination in accordance with certain provisions of law; ~~providing that the Fund is subject to certain provisions of law regarding rate making and rating;~~ authorizing the Maryland Insurance Commissioner to enforce certain provisions of law to which the Fund is subject; ~~removing a prohibition that an order of the Commissioner may not include a requirement that the Fund increase rates;~~ removing a prohibition that the Commissioner may not take any action to enforce certain provisions of law; ~~removing a requirement that certain information submitted by the Fund to the Governor comply as closely as possible to a certain form;~~ ~~requiring the Board for the Fund to determine a schedule of premium rates in accordance with certain provisions of law;~~ ~~requiring the Board for the Fund to adjust certain classes and rates in accordance with certain provisions of law;~~ requiring the Maryland Insurance Administration to conduct a certain study and identify certain of provisions of law; requiring the Administration to report to certain committees of the General Assembly on or before a certain date; making a stylistic change; and generally relating to regulation of the Injured Workers' Insurance Fund.

~~BY repealing and reenacting, with amendments,~~

~~Article – Insurance
Section 11–202 and 11–303
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 10–125(a) through (c), ~~10–126, and 10–130~~

Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 744 – Senator Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement – Additional Duties

FOR the purpose of altering the charge to the Task Force on Health Care Access and Reimbursement to develop certain recommendations; and generally relating to the recommendations of the Task Force on Health Care Access and Reimbursement.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–710.3(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 771 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

FOR the purpose of authorizing a personal representative to become a limited partner in any partnership or a member in any limited liability company, including a single member limited liability company; authorizing a fiduciary to continue as or become a member in any limited liability company, including a single member limited liability company; and generally relating to the powers of personal representatives and fiduciaries.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 7–401(u) and 15–102(q)
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #5**CONSENT CALENDAR #5**

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1504 - Delegates Eckardt, Cane, Elmore, Haddaway, and Smigiel

AN ACT concerning

Department of Natural Resources - Shell Dredging - Permit Application

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1513 - Delegate Hucker

AN ACT concerning

Maryland Affordable Housing Trust - Board of Trustees - Membership

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1514 - Delegate Hucker

AN ACT concerning

State Department of Transportation - Board of Review - Repeal

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1540 - Delegates Benson, Hucker, Bobo, Glenn, Heller, Holmes, Ivey, Levi, Love, Manno, Montgomery, Niemann, Ramirez, Taylor, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Health Care Reform Act of 2008

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1560 - Caroline County Delegation

AN ACT concerning

Caroline County - Board of Education - Selection of Members - Straw Ballot

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1562 - Delegates Rudolph, James, and Walkup

AN ACT concerning

Cecil County - Special Taxing Districts - Creation

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1563 - Delegate Hubbard

AN ACT concerning

**State Board of Chiropractic and Massage Therapy Examiners - Licensure of
Massage Therapists**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1564 - Delegates Haddaway and Eckardt

AN ACT concerning

Real Property – Talbot County – Recordation of County Right-of-Way Plats

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1566 – Delegate Beitzel

AN ACT concerning

Garrett County – Local Tax – Date of Payment

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1567 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1568 – Delegates Haddaway, Aumann, Bates, Beidle, Benson, Braveboy, Carter, V. Clagett, Doory, Dumais, Eckardt, Frush, Gaines, Glenn, Griffith, Gutierrez, Harrison, Healey, Hecht, Hixson, Howard, Ivey, James, Jones, Kaiser, Kirk, Krebs, Krysiak, Kullen, Lee, Levi, Love, McComas, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Robinson, Shewell, Stifler, Stocksdale, V. Turner, Valderrama, and Walkup

AN ACT concerning

International Marriage Brokers – Regulation

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1570 – Delegates Frick and Barve

AN ACT concerning

Motor Vehicle Excise Tax – Leased Vehicles – Residual Value

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1571 – Delegate Olszewski

AN ACT concerning

Public Schools – Graduation Rate Formula

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1572 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Property Tax Credits – Amusement Parks

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1575 – Delegate Guzzone

AN ACT concerning

Elections – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1576 – Delegates F. Turner, Doory, Gilchrist, Rice, Stukes, and Walker

EMERGENCY BILL

AN ACT concerning

Statewide Phase-Out of Electronic Gaming Devices

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1578 – Delegates Levy, Bohanan, Frush, Kullen, Murphy, and Wood

AN ACT concerning

Electricity Generation – Long-Term Contracts and Study on Consortium of Electric Companies to Build New Facilities

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1579 – Delegate Weldon

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2007 – Frederick County – Chesapeake and Ohio Canal National Historic Catoclin Aqueduct

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1582 – Delegate Ross

AN ACT concerning

Income Tax Credit – Maryland Defense Force – Travel, Training, and Uniform Expenses

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations and the Committee on Appropriations:

House Bill 1583 - Delegate Ross

AN ACT concerning

Maryland Substance Abuse Fund - Oxford House World Services

The Bill was re-referred to the Committee on Health and Government Operations and the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1584 - Delegate Feldman

AN ACT concerning

Cigarette Business Licenses - Cigarette Manufacturers - Definition and Scope of License

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1585 - Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, G. Clagett, Eckardt, Guzzone, Haynes, James, Jones, Levy, Robinson, and Schuh

AN ACT concerning

Local Governments - Postemployment Benefits - Investment of Funds

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1586 - Chair, Health and Government Operations Committee (By Request - Departmental - Military)

AN ACT concerning

Military Department - Employees - Authority of the Adjutant General

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations and the Committee on Health and Government Operations:

House Bill 1587 - Delegate Hammen

AN ACT concerning

Health Services Cost Review Commission - Averted Uncompensated Care - Assessment

The Bill was re-referred to the Committee on Appropriations and the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1588 - Delegate Shewell

AN ACT concerning

Critical Infrastructure Protection Task Force

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1589 - Chair, Economic Matters Committee (By Request - Departmental - Insurance Administration, Maryland)

AN ACT concerning

Insurance Producers - Licensing Requirements

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1590 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Employer Misclassification of Employees as Independent Contractors

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1591 – Delegate DeBoy

AN ACT concerning

Public Service Companies – Passenger-For-Hire Services

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1592 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Sale of Superfluous Property and Disposition of Proceeds

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1595 – Delegates Mizeur, Kaiser, Ali, Barnes, Beidle, Bobo, Bromwell, Carr, Carter, V. Clagett, Frush, Gutierrez, Guzzone, Healey, Heller, Hixson, Holmes, Hubbard, Hucker, Ivey, Kullen, Lafferty, Montgomery, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Ramirez, Rice, Ross, Schuh, Schuler, Stein, Stukes, F. Turner, V. Turner, Valderrama, and Vaughn

AN ACT concerning

**Intercounty Connector – Public Health Impacts from Air Pollution –
Assessment**

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1598 – Delegates Niemann and Mizeur

AN ACT concerning

**Human Relations – Sexual Orientation and Gender Identity –
Antidiscrimination**

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1599 – Washington County Delegation

AN ACT concerning

Washington County – Roads and Transportation

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1600 – Delegate McHale

AN ACT concerning

Public Service Commission – Regulation of Nuclear Decommissioning Funds

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Economic Matters:

House Bill 1601 – Delegate Miller

AN ACT concerning

Business Regulation – Motor Fuel – Below Cost Sales

The Bill was re-referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1603 – Delegate McComas

AN ACT concerning

Social Services Administration – Children Subject to a Substantial Risk of Child Abuse or Neglect – Identification and Notice

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1604 – Delegate Carr

AN ACT concerning

Department of Natural Resources – Community Parks and Playgrounds Program

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Judiciary:

House Bill 1605 – Delegates Bates, Beitzel, Carter, Dwyer, Eckardt, McConkey, McDonough, Miller, Myers, Shewell, Sophocleus, and Walkup

AN ACT concerning

Divorce – Mutual Consent Required

The Bill was re-referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1606 – Delegates Smigiel and Sossi

AN ACT concerning

Cecil County – Office of Sheriff – Collective Bargaining

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1607 – Delegate Love

AN ACT concerning

Anne Arundel County – Board of Education and School Board Nominating Commission

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1608 – Delegate Glenn

AN ACT concerning

Creation of a State Debt – Baltimore City – Archbishop Curley High School Elevator Project

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Ways and Means:

House Bill 1609 – Delegates F. Turner, Guzzone, and Pendergrass

AN ACT concerning

Property Tax – Abatement of Tax on Exempt Manufacturing Personal Property

The Bill was re-referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Health and Government Operations:

House Bill 1610 - Delegate Walkup

AN ACT concerning

Certificate of Need - Hospital Purchase, Merger, or Closure

The Bill was re-referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1611 - Delegate Ramirez

AN ACT concerning

**Creation of a State Debt - Prince George's County - Children's Guild
Multipurpose Room and Play Field**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1612 - Delegates Ramirez, Ivey, and Niemann

AN ACT concerning

Creation of a State Debt - Prince George's County - St. James ADA Ramp

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1613 - Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

**Creation of a State Debt - Montgomery County - Metropolitan Washington
Ear Facility**

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

**House Bill 1614 – Chair, Appropriations Committee (By Request –
Departmental – Public Safety and Correctional Services)**

AN ACT concerning

**State Personnel – Security Personnel of Correctional Facilities – Exception
for Overtime Compensation**

The Bill was re-referred to the Committee on Appropriations.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 387 – Delegates Rosenberg and Cardin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans’ Court Judges – Qualifications

STATUS OF BILL: BILL FAILED FOR WANT OF A CONSTITUTIONAL MAJORITY. MOTION BY DEL. ROSENBERG TO RECONSIDER THE VOTE BY WHICH THE BILL FAILED.

Delegate Minnick moved the previous question.

The motion was adopted.

The motion to reconsider the vote was adopted by a roll call vote as follows:

Affirmative – 87 Negative – 47 (See Roll Call No. 263)

Delegate Impallaria moved to reconsider the vote by which **House Bill 387** was ordered printed for Third Reading.

The motion was rejected.

Read the third time and failed for want of a constitutional majority:

Affirmative – 84 Negative – 50 (See Roll Call No. 264)

QUORUM CALL

The presiding officer announced a quorum call, showing 131 Members present.

(See Roll Call No. 265)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 148 – Delegate Beitzel

AN ACT concerning

Garrett County – Tobacco Products – Distribution to Minors

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the Senate.

House Bill 340 – Delegates Pena–Melnyk, Barnes, and Frush

AN ACT concerning

Public Utility Companies – Bus Service Provided by ~~Institutions of Higher Education~~ University of Maryland, College Park – Exemption from Motor Carrier Permit Requirement

Read the third time and passed by yeas and nays as follows:

Affirmative – 122 Negative – 9 (See Roll Call No. 267)

The Bill was then sent to the Senate.

House Bill 483 – Harford County Delegation

AN ACT concerning

Harford County – Special Taxing Districts – Creation

Read the third time and passed by yeas and nays as follows:

Affirmative – 123 Negative – 8 (See Roll Call No. 268)

The Bill was then sent to the Senate.

House Bill 487 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Morticians and Funeral Directors – Sunset Extension and Program Evaluation

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 269)

The Bill was then sent to the Senate.

House Bill 585 – Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Griffith, Gutierrez, Hubbard, Hucker, Kipke, McDonough, Montgomery, Nathan–Pulliam, Oaks, Reznik, Robinson, Tarrant, V. Turner, Valderrama, ~~and Weldon~~ Weldon, Elliott, Hammen, Kullen, Morhaim, and Pendergrass

AN ACT concerning

Nursing Homes – Safe Patient Lifting

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the Senate.

House Bill 600 – Delegates Taylor, Frush, Haynes, and Proctor

AN ACT concerning

Commission to Study the Title Insurance Industry in Maryland

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 1 (See Roll Call No. 271)

The Bill was then sent to the Senate.

House Bill 852 – Delegates Davis, Feldman, Haddaway, Hecht, Impallaria, Jameson, Krysiak, Love, Manno, Mathias, McHale, Miller, ~~Minniek~~, Vaughn, Walkup, and Wood

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 130 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the Senate.

House Bill 1015 – Prince George’s County Delegation

AN ACT concerning

Workers’ Compensation – Prince George’s County Correctional Officers

PG 328-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 273)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Ross moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 131 Negative – 0 (See Roll Call No. 274)

In compliance with the rules, the Bill was introduced.

House Bill 1616 – Delegates Ross, Barnes, Bohanan, Feldman, Frush, Hucker, Mizeur, Reznik, Taylor, and Waldstreicher

AN ACT concerning

Election Law – Maryland Student Voting Rights Act of 2008

FOR the purpose of 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 of Elections 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 of elections 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; and generally relating to the Maryland Student Voting Rights Act of 2008.

BY adding to

Article – Election Law
Section 1–305
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 3–204, 9–306, 10–302, and 16–206
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 275)

ADJOURNMENT

At 11:53 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M. on Monday, March 10, 2008.

**Annapolis, Maryland
Monday, March 10, 2008**

The House met at 8:02 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate James E. Malone, Jr. of Baltimore and Howard counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 279)

The Journal of March 7, 2008 was read and approved.

EXCUSES:

Del. Jameson – recovering from surgery

Del. Stull – wife in hospital

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 213 – The President (By Request – Administration) and Senators Frosh, Garagiola, Gladden, King, Madaleno, Peters, Pinsky, Raskin, ~~and~~ Robey, Conway, Dyson, Lenett, Rosapepe, Harrington, Colburn, and Harris

AN ACT concerning

Chesapeake Bay 2010 Trust Fund and Nonpoint Source Fund

FOR the purpose of altering the Chesapeake Bay 2010 Trust Fund and its purposes; stating the intent of the General Assembly; providing for the uses of the Fund; establishing in statute the BayStat Program and BayStat Subcabinet; requiring the BayStat Subcabinet to oversee the administration of the Program; establishing the responsibilities of the Program; requiring the BayStat Subcabinet to submit to the public a certain annual report and develop ~~an~~ annual work and expenditure ~~plan~~ plans; requiring the Governor to submit ~~the~~ annual work and expenditure ~~plan~~ plans to the General Assembly as part of the annual budget submission; requiring the BayStat Subcabinet to prepare a final

work and expenditure plan; requiring the Program to implement certain measures for certain purposes; requiring the Program to distribute funds from the Trust Fund to the BayStat Subcabinet agencies; requiring the BayStat Subcabinet agencies to ~~redistribute the funds through grants to various entities and to the Chesapeake Bay Nonpoint Source Fund~~ administer the funds, including redistributing the funds in a certain manner; requiring the Program to develop certain grant solicitations, guidelines, and applications; requiring grant agreements to comply with certain requirements; requiring grant recipients to submit a certain annual report that includes certain information; prohibiting the use of the Trust Fund for certain purposes; establishing a BayStat Program Scientific Advisory Panel, composed of certain individuals appointed by the Governor; establishing certain responsibilities for the Panel; authorizing State agencies that administer certain grants to receive certain administrative costs from the Trust Fund; establishing the Chesapeake Bay Nonpoint Source Fund as a special, continuing, nonlapsing fund in the Water Quality Financing Administration in the Department of the Environment; establishing the purpose of the Fund; establishing certain funding for the Fund; requiring the Fund to be subject to a certain audit; authorizing the Administration to establish accounts and subaccounts in the Fund for certain purposes; establishing the uses of the Fund; providing for certain bonding authority relating to money in the Fund; requiring the Administration to provide for a certain system of financial accounting, controls, audits, and reports for certain funds that conforms with certain State and federal laws; requiring a certain audit and audit report of certain funds; defining certain terms; and generally relating to dedicated funding sources for the restoration of the Chesapeake Bay and the waters of the State.

BY renumbering

Article – Natural Resources

Section 8–205

to be Section 8–2A–01 to be under the new subtitle “Subtitle 2A. Chesapeake Bay 2010 Trust Fund”

Annotated Code of Maryland

(2007 Replacement Volume)

(As enacted by Chapter 6 of the Acts of the General Assembly Special Session of 2007)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 8–2A–01

Annotated Code of Maryland

(2007 Replacement Volume)

(As enacted by Section 1 of this Act)

BY adding to

Article – Natural Resources

Section 8–2A–02 through 8–2A–04

Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1601, 9–1611, and 9–1616
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 9–1605.3 and 9–1617.1
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY renumbering
Article – Natural Resources
Section 8–2A–01 and 8–2A–02, respectively,
to be Section 8–2A–02 and 8–2A–01, respectively
Annotated Code of Maryland
(2007 Replacement Volume)
(As enacted by Section 2 of this Act)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 548 – Senator Gladden

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

FOR the purpose of altering the definition of “real estate investment trust” to clarify that the term means an unincorporated “business” trust or association formed under certain provisions of law; establishing that a real estate investment trust, on request of the shareholder, shall send a written statement containing certain information for shares issued without certificates without charge; and generally relating to real estate investment trust law.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 8–101 and 8–203(f)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 556 – Senator Gladden

AN ACT concerning

Corporations – Objecting Stockholders – Right to Fair Value of Stock

FOR the purpose of altering the circumstances under which a stockholder of a Maryland corporation who objects to certain transactions may demand and receive the fair value of the stockholder's stock; authorizing a stockholder to demand the fair value of stock listed on a national securities exchange under certain circumstances; repealing obsolete references to certain securities quotations systems; altering the definition of "beneficial owner" under the Maryland Business Combination Act to exclude, under certain circumstances, a person that holds a revocable proxy from a stockholder; defining certain terms; making certain stylistic and conforming changes; and generally relating to rights of objecting stockholders.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 3–201, 3–202(c), and 3–601(d)
Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to
Article – Corporations and Associations
Section 3–202(d) and (e)
Annotated Code of Maryland
(2007 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 3–601(a)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 571 – Senator Astle

AN ACT concerning

Surety Insurers – Failure to Pay Bail Bond Judgment – Penalties

FOR the purpose of providing that a surety insurer that is precluded or removed from a certain list by a circuit court due to failure to timely resolve or satisfy certain bail bond forfeitures shall be subject to certain penalties; requiring a clerk of a circuit court to notify the Maryland Insurance Commissioner of the names of

certain surety insurers and certain bond forfeitures at a certain time; and generally relating to failure of a surety insurer to pay bail bond judgments.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 21-103
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters and the Committee on Judiciary.

Senate Bill 608 – Senators Garagiola, Astle, DeGrange, Dyson, Lenett, Mooney, Peters, Raskin, Simonaire, ~~and Stone~~ Stone, Klausmeier, Colburn, Conway, Harris, and Rosapepe

AN ACT concerning

**Education – Veterans of the Afghanistan and Iraq Conflicts
Scholarship – Extension**

FOR the purpose of extending the date by which the Office of Student Financial Assistance may award an initial Veterans of the Afghanistan and Iraq Conflicts Scholarship; extending the date by which the Office may renew a Veterans of the Afghanistan and Iraq Conflicts Scholarship under certain circumstances; making certain technical changes; and generally relating to the Veterans of the Afghanistan and Iraq Conflicts Scholarship.

BY repealing and reenacting, with amendments,
Article – Education
Section 18-604
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 711 – Senator Lenett

AN ACT concerning

Truth in Music Advertising Act

FOR the purpose of prohibiting a person from advertising or conducting a live musical performance or production in the State through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group; providing for certain exceptions; authorizing the Attorney General to seek an injunction to prohibit a person from continuing or

engaging in a violation under certain circumstances; authorizing a court to enter a judgment to restore to certain persons any money or real or personal property acquired by means of any prohibited practice; providing that a person who violates this Act is subject to a certain civil penalty; providing that each performance or production in violation of this Act is a separate violation; defining certain terms; and generally relating to the Truth in Music Advertising Act.

BY adding to

Article – Commercial Law

Section 11–1501 through 11–1504 to be under the new subtitle “Subtitle 15.
Truth in Music Advertising Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 735 – Senators Miller, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Forehand, Frosh, Garagiola, Gladden, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Glassman

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

FOR the purpose of establishing the Coordinating Emerging Nanobiotechnology Research in Maryland Program to be administered by the Maryland Technology Development Corporation to provide grants for certain nanobiotechnology research projects; establishing the purposes of the Program; establishing certain types of grants to be awarded under the Program; declaring the intent of the General Assembly; requiring the Corporation to adopt certain regulations; requiring the Corporation to include certain information in a certain report to the General Assembly; defining certain terms; expressing certain legislative intent related to certain appropriations to the Program; and generally relating to the creation of a program for nanobiotechnology research.

BY adding to

Article – Economic Development

Section 10–445 through 10–451 to be under the new part “Part IV. Coordinating
Emerging Nanobiotechnology Research in Maryland Program”

Annotated Code of Maryland

(As enacted by Chapter __ (H.B.__)(8lr0698) of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Economic Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 280)

ADJOURNMENT

At 8:23 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Tuesday, March 11, 2008.

**Annapolis, Maryland
Tuesday, March 11, 2008**

The House met at 10:01 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Anne Healey of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 128 Members present.

(See Roll Call No. 281)

The Journal of March 10, 2008 was read and approved.

EXCUSES:

Del. Barve – dentist appointment

Del. Jameson – recovering from surgery

Del. Schuler – late – business

Del. Smigiel – court

APPOINTMENTS

March 11, 2008

RESOLVED, THAT THE SPEAKER MAKES THE FOLLOWING COMMITTEE APPOINTMENT:

Hon. Andrew A. Serafini to the Ways and Means Committee

By Order,
Mary Monahan
Chief Clerk

Read and adopted.

**MESSAGE FROM THE SENATE
FIRST READING OF SENATE BILLS**

Senate Bill 294 – Senators Garagiola, Forehand, and Raskin

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

FOR the purpose of altering the definition of a law enforcement officer for certain crimes against law enforcement officers; and generally relating to the crimes against law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–201
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 316 – Senators Robey, Garagiola, Kasemeyer, King, Kittleman, Lenett, Munson, Peters, Pugh, and Stoltzfus

AN ACT concerning

Criminal Law – Impersonation of a Police Officer – Penalties

FOR the purpose of ~~altering the classification of~~ altering the penalties for the crime of impersonating certain police officers, special police officers, sheriffs, deputy sheriffs, constables, or certain other law enforcement officers ~~wearing a certain police article without a certain authorization, or under certain circumstances,~~ and the crime of having a simulation or imitation of a certain police article under certain circumstances ~~from a misdemeanor to a felony and increasing the penalties for a violation of the offense;~~ and generally relating to the crime of impersonating police officers, special police officers, sheriffs, deputy sheriffs, constables, or certain other law enforcement officers.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–502
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 428 – Senators Pinsky, Raskin, Conway, Della, King, Lenett, and Madaleno

AN ACT concerning

**Education – Military Recruiters – Student Contact
Information – Opportunity to Opt Out**

FOR the purpose of requiring public schools to provide notice to certain students or the parents or guardians of the students about the right not to release student contact information to military recruiters; requiring public schools to include the notice in a certain format, size, and type on the card requesting emergency contact information for the student; requesting the student or the parent or guardian of the student to indicate whether the student's contact information is to be released to military recruiters; requiring the principal of a school to submit to the county board of education a list of students whose names are not submitted to military recruiters; and generally relating to the right not to release student contact information to military recruiters.

BY repealing and reenacting, with amendments,
Article – Education
Section 7-111
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 443 – Senators Frosh, Conway, and Dyson

AN ACT concerning

**State Board of Physicians – Subpoenas – Medical Records for Mental Health
Services**

FOR the purpose of requiring certain health care providers, in accordance with a subpoena, to disclose certain medical records for mental health services to the State Board of Physicians for certain investigations into complaints made by a certain person under certain circumstances; authorizing the Board to issue certain subpoenas for medical records for mental health services for certain investigations if on a certain date the Board notifies the ~~person in interest~~ patient by certified mail that the subpoena has been issued and that the ~~person in interest~~ patient may assert certain rights within a certain period of time; authorizing the Board to require the disclosure of certain medical records if certain rights are not asserted within a certain period of time; and generally relating to the issuance of subpoenas for medical records for mental health services by the State Board of Physicians.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4-307(k)(1)(v)

Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–401(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 514 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Law Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Law Examiners in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; increasing the maximum Bar examination fee that the Court of Appeals may impose on an applicant; requiring the Court of Appeals to implement the initial increase of certain fees in a certain manner; requiring the Court of Appeals to report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Law Examiners.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–208 and 10–218
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(38)
Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 569 – Senator Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Definition of Dealer

FOR the purpose of altering the definition of “dealer”, as it relates to the regulation of secondhand precious metal object dealers, to mean an individual who arranges for the sale or delivery of a secondhand precious metal object on behalf of a person who does not hold a license to do business as a dealer; altering the definitions of “fixed business address” and “local law enforcement unit”, as they relate to the regulation of secondhand precious metal object dealers, to clarify their scope; and generally relating to the regulation of secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 12–101(a), (e), and (i) and 12–201
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–101(b), (d), and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

THE COMMITTEE ON APPROPRIATIONS REPORT #4

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

HB0359/404664/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 359
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “a” in line 4 down through the first “for” in line 5 and substitute “liability for payment to a health care provider for”; in line 5, after “of” insert “certain”; strike beginning with “is” in line 5 down through “at” in line 6 and substitute “may not exceed”; strike beginning with “enter” in line 6 down through “rate” in line 8 and substitute “elect to declare certain provisions of this Act inapplicable to the county by filing a certain declaration with the county health officer; providing that a certain election may be withdrawn in a certain manner at any time”; and in line 10, strike “confined in” and substitute “committed to”.

AMENDMENT NO. 2

On page 3, in line 16, after “(2)” insert “(1)”; after line 17, insert:

“(II) “HEALTH CARE PROVIDER” DOES NOT INCLUDE A HOSPITAL REGULATED BY THE HEALTH SERVICES COST REVIEW COMMISSION.

“(3) “HEALTH CARE SERVICE” HAS THE MEANING STATED IN § 19-132 OF THE HEALTH – GENERAL ARTICLE.”;

in line 18, strike “(3)” and substitute “(4)”; in the same line, after “MEANS” insert “:

(I)”;

and in line 21, after “PROGRAM” insert “;OR

(II) IF THE HEALTH CARE PROVIDER IS A FEDERALLY QUALIFIED HEALTH CENTER, THE AMOUNT THAT A FEDERALLY QUALIFIED HEALTH CENTER WOULD BE PAID BY THE MARYLAND MEDICAL ASSISTANCE PROGRAM USING THE PAYMENT METHODOLOGY DESCRIBED IN 42 U.S.C. § 1396A(BB).

AMENDMENT NO. 3

On page 3, in line 22, strike “**A LOCAL CORRECTIONAL FACILITY THAT IS RESPONSIBLE**” and substitute “**LIABILITY**”; in line 23, after “**FOR**” insert “**ANY**”; in lines 23, 27, and 28, in each instance, strike “**SERVICES**” and substitute “**SERVICE**”; in line 24, strike “**IS ONLY RESPONSIBLE FOR PAYMENT OF**” and substitute “**COMMITTED TO A LOCAL CORRECTIONAL FACILITY THAT IS NOT PROVIDED ON THE PREMISES OF THE FACILITY MAY NOT EXCEED**”.

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 2 on page 4, inclusive, and substitute:

“(C) (1) A COUNTY MAY ELECT TO DECLARE THE PROVISIONS OF THIS SECTION INAPPLICABLE TO THE COUNTY BY FILING WITH THE COUNTY HEALTH OFFICER A WRITTEN DECLARATION BY THE HIGHEST OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY, APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.”

“(2) THE HIGHEST OFFICIAL OF THE LOCAL CORRECTIONAL FACILITY, WITH THE APPROVAL OF THE CHIEF EXECUTIVE OFFICER OF THE COUNTY, MAY WITHDRAW AT ANY TIME AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION.”

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Morhaim moved to make the Bill a Special Order for March 12, 2008.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 442 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Deferred Retirement Option Program Participants – Application of Line of Duty Disability Benefits

HB0442/564764/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, after “IF” insert “AFTER”; and in the same line, strike “IS”.

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 2, inclusive, and substitute “COMMENCES PARTICIPATION IN THE DROP:”

(I) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY THAT OCCURS WHILE PARTICIPATING IN DROP, AND WITHOUT WILLFUL NEGLIGENCE OF THE MEMBER; AND

(II) THE MEDICAL BOARD CERTIFIES THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY BY THE OCCURRENCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
AND

3. THE MEMBER SHOULD BE RETIRED.”.

AMENDMENT NO. 2

On page 2, in line 25, after “IF” insert “AFTER”; in the same line, strike “IS”; and strike in their entirety lines 26 through 31, inclusive, and substitute “COMMENCES PARTICIPATION IN THE DROP:”

(I) THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY THAT OCCURS WHILE PARTICIPATING IN DROP, AND WITHOUT WILLFUL NEGLIGENCE OF THE MEMBER; AND

(II) THE MEDICAL BOARD CERTIFIES THAT:

1. THE MEMBER IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY BY THE OCCURRENCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH;

2. THE INCAPACITY IS LIKELY TO BE PERMANENT;
AND

3. THE MEMBER SHOULD BE RETIRED.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 458 – Delegate G. Clagett

AN ACT concerning

State Personnel – Executive Pay Plan – Reporting Requirements – Repeal

HB0458/284564/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Plan” and substitute “Plans”; in the same line, strike “– Repeal”; in line 3, strike “repealing” and substitute “altering a”; in the same line, strike “requirements” and substitute “requirement”; in line 4, strike “certain reports” and substitute “a report”; in line 5, after “circumstances;” insert “requiring the Secretary of Transportation to provide a report to the Department of Legislative Services on Executive Pay Plan employees under certain circumstances; repealing a certain reporting requirement;”; in line 6, after “Management” insert “and the Secretary of Transportation”; and after line 17, insert:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 2–103.4(h)

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 22, strike the brackets.

On page 2, in lines 1 and 4, in each instance, strike the bracket; in line 1, after “(b)” insert “**(1)**”; in line 2, strike “September 1” and substitute “**JULY 15, OCTOBER 15, JANUARY 15, AND APRIL 15**”; in line 3, strike “year” and substitute “**FISCAL YEAR:**

(I);

in the same line, after “step,” insert “**TITLE, NAME,**”; in line 4, after the second “the” insert “**LAST DAY OF THE**”; in the same line, strike “June 30” and substitute “**FISCAL QUARTER; AND**

(II) THE DETAILS OF ANY LUMP–SUM INCREASES GIVEN TO EMPLOYEES IN THE EXECUTIVE PAY PLAN DURING THE PRECEDING FISCAL QUARTER;;

and after line 4, insert:

(2) (I) THE QUARTERLY REPORTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE EACH FLAT–RATE EMPLOYEE POSITION IN THE EXECUTIVE PAY PLAN.

(II) EACH FLAT-RATE EMPLOYEE POSITION INCLUDED IN THE QUARTERLY REPORTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE ASSIGNED A UNIQUE IDENTIFIER THAT:

1. DESCRIBES THE PROGRAM TO WHICH THE POSITION IS ASSIGNED FOR BUDGETARY PURPOSES; AND

2. CORRESPONDS TO THE POSITION IDENTIFICATION NUMBER USED IN THE BUDGET DATA PROVIDED ANNUALLY BY THE SECRETARY TO THE DEPARTMENT OF LEGISLATIVE SERVICES.”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“Article – Transportation

2-103.4.

(h) (1) The Secretary shall establish an executive pay plan that conforms to the provisions of §§ 8-101, 8-102, 8-103(b), 8-104, 8-108, and 8-109 of the State Personnel and Pensions Article that govern the executive pay plan of the State. The Secretary shall have the same authority to implement an executive pay plan as is delegated to the Secretary of Budget and Management.

(2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY SHALL SUBMIT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, ON OR BEFORE JULY 15, OCTOBER 15, JANUARY 15, AND APRIL 15 OF EACH FISCAL YEAR:

(i) A LIST OF THE POSITION, PAY GRADE AND STEP, TITLE, NAME, AND PAY RATE OF EACH EMPLOYEE WHO WAS INCLUDED IN THE EXECUTIVE PAY PLAN AS OF THE LAST DAY OF THE PRECEDING FISCAL QUARTER; AND

(II) THE DETAILS OF ANY LUMP-SUM INCREASES GIVEN TO EMPLOYEES IN THE EXECUTIVE PAY PLAN DURING THE PRECEDING FISCAL QUARTER.

(3) (I) THE QUARTERLY REPORTS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL INCLUDE EACH FLAT-RATE EMPLOYEE POSITION IN THE EXECUTIVE PAY PLAN.

(II) EACH FLAT-RATE EMPLOYEE POSITION INCLUDED IN THE QUARTERLY REPORTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE ASSIGNED A UNIQUE IDENTIFIER THAT:

1. DESCRIBES THE PROGRAM TO WHICH THE POSITION IS ASSIGNED FOR BUDGETARY PURPOSES; AND

2. CORRESPONDS TO THE POSITION IDENTIFICATION NUMBER USED IN THE BUDGET DATA PROVIDED ANNUALLY BY THE SECRETARY TO THE DEPARTMENT OF LEGISLATIVE SERVICES.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 472 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Imposition of Administrative Fees on Employers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 481 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Investments

HB0481/644662/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 481
(First Reading File Bill)

On page 2, in line 27, after “MANAGEMENT” insert “, IN THEIR CAPACITY AS MEMBERS OF THE BOARD OF TRUSTEES”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 482 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Survivor Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 588 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – Pensions

HB0588/954763/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 588

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “changes;” in line 6 and substitute “permitting certain individuals serving as the Sheriff of Calvert County to participate in the Calvert County Employees’ Savings Plan;”; in line 8, strike “with” and substitute “without”; and after line 12, insert:

“BY adding to

Article – Courts and Judicial Proceedings

Section 2–309(f)(6)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 1, in lines 17, 18, 19, 21, and 22, in each instance, strike the bracket; in line 18, strike “A”; in line 19, strike “THE SHERIFF”; in line 21, strike “(II)”; in the same line strike “A”; strike beginning with “AUTHORIZED” in line 21 down through “PARAGRAPH” in line 22; and in line 22, strike “AT LEAST”.

On page 2, in lines 1 and 2, in each instance, strike the bracket.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“(6) (i) THIS PARAGRAPH APPLIES TO AN INDIVIDUAL WHO:

1. ON OR AFTER JULY 1, 2008, SERVES AS THE SHERIFF OF CALVERT COUNTY; AND

2. AS THE SHERIFF OF CALVERT COUNTY DOES NOT PARTICIPATE IN THE EMPLOYEES’ PENSION SYSTEM UNDER TITLE 23 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(II) AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY PARTICIPATE IN THE CALVERT COUNTY EMPLOYEES' SAVINGS PLAN.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 720 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

HB0720/674665/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 720

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “exempting from a certain offset of a retirement allowance retired judges who are members of the Employees’ Retirement System or the Employees’ Pension System;”; after line 23, insert:

“BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 22–406(b) and (c)(2) and (3) and 23–407(b) and (c)(2) and (3)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)”;

and in line 26, strike “22–406(c)(1) and (9) and 23–407(c)(1) and (9)” and substitute “22–406(c)(1), (4)(vii) and (viii), and (9) and 23–407(c)(1), (4)(v) and (vi), and (9)”.

On page 2, in line 2, strike “22-407 and 23-408” and substitute “22-406(c)(4)(ix), 22-407, 23-407(c)(4)(vii), and 23-408”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual’s intention to accept this employment; and

(2) the individual specifies the compensation to be received.”;

and after line 23, insert:

“(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual’s initial annual basic allowance and the individual’s annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree’s annual compensation and the retiree’s annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(vii) a former employee of the Domestic Relations Division of Anne Arundel County Circuit Court who transfers into the State Employees' Personnel System under § 2-510 of the Courts Article; [or]

(viii) a retiree of the Employees' Retirement System who is reemployed on a contractual basis for not more than 4 years by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article, in:

1. a State residential center as defined in § 7-101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10-101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; OR

(IX) A RETIREE OF THE EMPLOYEES' RETIREMENT SYSTEM AND THE JUDGES' RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.

AMENDMENT NO. 3

On page 5, after line 30, insert:

“(b) Except as provided in subsection (m) of this section, an individual who is receiving a service retirement allowance or a vested allowance may accept employment with a participating employer on a permanent, temporary, or contractual basis, if:

(1) the individual immediately notifies the Board of Trustees of the individual's intention to accept this employment; and

(2) the individual specifies the compensation to be received.”.

On page 6, after line 13, insert:

“(2) The reduction required under paragraph (1) of this subsection shall equal:

(i) the amount by which the sum of the individual’s initial annual basic allowance and the individual’s annual compensation exceeds the average final compensation used to compute the basic allowance; or

(ii) for a retiree who retired under the Workforce Reduction Act (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree’s annual compensation and the retiree’s annual basic allowance at the time of retirement, including the incentive provided by the Workforce Reduction Act, exceeds the average final compensation used to compute the basic allowance.

(3) A reduction of an early service retirement allowance or an early vested allowance under paragraph (1)(iii) of this subsection shall be applied only until the individual has received an allowance for 12 months.

(4) Except for an individual whose allowance is subject to a reduction as provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an allowance under this subsection does not apply to:

(v) a retiree of the Teachers’ Pension System who:

1. A. was employed as a principal within 5 years of retirement; or

B. was employed as a principal not more than 10 years before retirement and was employed in a position supervising principals in the retiree’s last assignment prior to retirement;

2. has verification of satisfactory performance for each year as a principal and, if applicable, in a position supervising principals prior to retirement;

3. based on the retiree’s qualifications, has been hired as a principal; and

4. receives verification of satisfactory performance each year the retiree is employed as a principal under paragraph (6) of this subsection; [or]

(vi) a retiree of the Employees' Pension System who is reemployed on a contractual basis for not more than 4 years by the Department of Health and Mental Hygiene as a health care practitioner, as defined in § 1-301 of the Health Occupations Article in:

1. a State residential center as defined in § 7-101 of the Health – General Article;

2. a chronic disease center subject to Title 19, Subtitle 5 of the Health – General Article;

3. a State facility as defined in § 10-101 of the Health – General Article; or

4. a local health department subject to Title 3, Subtitle 2 of the Health – General Article; OR

(VII) A RETIREE OF THE EMPLOYEES' PENSION SYSTEM AND THE JUDGES' RETIREMENT SYSTEM WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION."

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 725 – Delegates Rudolph, Bartlett, G. Clagett, DeBoy, Hecht, Stull, and Weldon

AN ACT concerning

Employees' Retirement and Pension Systems – Line of Duty Death Benefits – State Highway Administration Employees

HB0725/874861/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 725

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Employees" and substitute "State"; in the same line, strike "Systems" and substitute "System"; in line 3, strike "- State Highway Administration Employees"; in line 5, strike "employees of the State Highway Administration" and substitute "deceased members of the State Retirement and Pension System"; in line 9, strike "Employees' Retirement System or Employees' Pension System" and substitute "State Retirement and Pension System"; strike beginning with "Employees" in line 12 down through the second "System" in line 13 and substitute "State Retirement and Pension System"; and in line 17, strike "employees of the State Highway Administration" and substitute "members of the State Retirement and Pension System".

AMENDMENT NO. 2

On page 2, in line 29, strike "AN" and substitute "A STATE"; in line 30, strike "OF THE STATE HIGHWAY ADMINISTRATION"; in line 31, after "SYSTEM" insert a comma; in the same line, strike "OR"; in line 32, after "SYSTEM" insert ", TEACHERS' RETIREMENT SYSTEM, OR TEACHERS' PENSION SYSTEM"; in the same line, strike "DIED" and substitute "WAS KILLED".

AMENDMENT NO. 3

On page 3, strike beginning with "AN" in line 19 down through "WAS" in line 20; in line 21, after the first "SYSTEM" insert a comma; in the same line, strike "OR"; and in the same line, after the second "SYSTEM" insert ", TEACHERS' RETIREMENT SYSTEM, OR TEACHERS' PENSION SYSTEM".

AMENDMENT NO. 4

On page 3, in line 25, strike "DIES" and substitute "IS KILLED"; in line 26, strike "EMPLOYED BY THE STATE HIGHWAY ADMINISTRATION AS"; in line 27, after the first "SYSTEM" insert a comma; in the same line, strike "OR"; and in the

same line, after the second “SYSTEM” insert “, TEACHERS’ RETIREMENT SYSTEM, OR TEACHERS’ PENSION SYSTEM”.

AMENDMENT NO. 5

On page 5, in line 15, after “SYSTEM” insert “OR TEACHERS’ RETIREMENT SYSTEM”.

On page 6, in line 7, after “SYSTEM” insert “OR TEACHERS’ PENSION SYSTEM”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 946 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Housing Opportunities Commission – Service Contracts

MC 814-08

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1064 – Delegates Conway and Mathias

AN ACT concerning

Convention Center – Bond Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1233 - Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdale, and Wood

AN ACT concerning

**Blue Ribbon Commission to Study Retiree Health Care Funding Options -
Extension of Reporting and Termination Dates**

HB1233/144966/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1233
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "requiring the Blue Ribbon Commission to Study Retiree Health Care Funding Options to issue a certain report by a certain date;".

AMENDMENT NO. 2

On page 2, in line 1, after "(g)" insert "**(1)**"; in the same line, strike the brackets; in the same line, strike "**2009**"; strike beginning with "a" in line 1 down through "final" in line 2 and substitute "AN INTERIM"; in line 2, strike "and recommendations"; and after line 3, insert:

"(2) ON OR BEFORE DECEMBER 31, 2009, THE COMMISSION SHALL ISSUE A FINAL REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY."

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1245 – Cecil County Delegation

AN ACT concerning

Cecil County – Correctional Officers’ Bill of Rights Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #8

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 416 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – State Collection of the Federal Unemployment Insurance Tax

HB0416/553797/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 416

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing for a certain review by the Joint Committee on Unemployment Insurance Oversight; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 2, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Labor, Licensing, and Regulation shall submit any agreement reached with the federal

government pursuant to this Act to the Joint Committee on Unemployment Insurance Oversight for review.”;

in line 3, strike “2.” and substitute “3.”; and in line 4, after “2008.” insert “It shall remain effective for a period of 5 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 608 – Delegates Kelly, Bartlett, Beidle, Beitzel, Conaway, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Jennings, Kipke, McComas, McDonough, McKee, Myers, Norman, O’Donnell, Riley, Schuh, Shank, Smigiel, Sophocleus, Sossi, Stull, and Weldon

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Energy Efficiency and Conservation Programs and Services – Prohibition of Surcharge Without Customer Consent

HB0608/243790/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 608

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Hecht, Manno, Mathias, and Taylor”.

AMENDMENT NO. 2

On page 1, in line 3, strike “Prohibition of Surcharge Without”; in the same line, strike “Consent” and substitute “Notification and Report”; strike beginning with “prohibiting” in line 4 down through “surcharge;” in line 12 and substitute “requiring electric companies and gas companies to provide certain customers with notice of certain energy efficiency and conservation charges and benefits in a certain manner with a certain frequency; requiring the Public Service Commission to report to the General Assembly on the status of certain energy efficiency and conservation programs on certain dates; making a stylistic change;”.

AMENDMENT NO. 3

On page 2, strike beginning with “(1)” in line 16 down through “SURCHARGE” in line 28 and substitute “AT LEAST ONCE EACH YEAR, EACH ELECTRIC COMPANY AND GAS COMPANY SHALL NOTIFY AFFECTED CUSTOMERS OF THE ENERGY EFFICIENCY AND CONSERVATION CHARGES IMPOSED AND BENEFITS CONFERRED BY:

(1) PUBLICATION ON THE COMPANY’S WEBSITE; AND

(2) INCLUSION WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE”;

in line 29, strike “2001” and substitute “2009, AND EVERY 2 YEARS THEREAFTER”; and in line 30, strike “subject to” and substitute “IN ACCORDANCE WITH”.

On page 3, strike in their entirety lines 10 through 15, inclusive; and in line 16, strike “3.” and substitute “2.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 724 – Delegates Feldman, Ali, Barkley, Barnes, Bates, Bobo, Bronrott, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Jameson, King, Kramer, Lee, Manno, Miller, Mizeur, Montgomery, Morhaim, Pendergrass, Rice, Rosenberg, Ross, Simmons, Stifler, Taylor, Vaughn, Waldstreicher, Walker, and Weldon

AN ACT concerning

Joint Information Technology and Biotechnology Committee - Membership and Duties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1079 - Delegates Feldman, Ali, and Rosenberg

AN ACT concerning

Consumer Protection - Halal Food Products

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1138 - Delegates Braveboy, Cane, Feldman, Griffith, Hecht, Holmes, Manno, Miller, and Pena-Melnyk

AN ACT concerning

Task Force to Study Gasoline Zone-Pricing in Maryland

HB1138/833595/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1138

(First Reading File Bill)

On page 1, in lines 16 and 18, in each instance, strike “three members” and substitute “one member”.

On page 2, in lines 15 and 17, in each instance, strike “one of the members” and substitute “the member”; and in line 28, after “(iii)” insert “the effect of existing gasoline pricing laws and regulation and”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Wood moved to make the Bill a Special Order for March 12, 2008.

The motion was adopted.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1166 - Delegate Davis

AN ACT concerning

Renewable Energy Portfolio Standard - Tier 1 Renewable Source - Poultry Litter

HB1166/983995/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1166

(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Davis" and substitute "Delegates Davis, Haddaway, Hecht, King, Manno, Mathias, Miller, Minnick, Vaughn, and Walkup".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1358 - Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan-Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena-Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices - Protection of Minors

HB1358/393490/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1358

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “the” in line 4 down through “by” in line 5; in line 5, after “individuals” insert “provide consent for the minors in a certain manner”; and in line 9, after “terms;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 2, strike beginning with “MINOR” in line 27 down through “DEVICE” in line 31 and substitute “MINOR’S PARENT OR LEGAL GUARDIAN PROVIDES WRITTEN CONSENT ON THE PREMISES OF THE TANNING FACILITY AND IN THE PRESENCE OF AN OWNER, EMPLOYEE, OR OPERATOR OF THE TANNING FACILITY”.

On page 3, after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to regulate the use of tanning devices by minors.”;

and in line 13, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #7

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 221 – Delegates Gaines, Frush, Griffith, Healey, Ivey, Niemann, and Ross

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motorcycles – Definition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 684 – Delegates Stukes, Braveboy, Burns, Conaway, Frick, Glenn, Gutierrez, Howard, Kaiser, Levi, McHale, Niemann, Oaks, Proctor, Rice, Robinson, Taylor, F. Turner, Valderrama, and Walker

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices

HB0684/450411/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 684

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Stukes,” insert “Frush.”; and in the sponsor line, strike “and Walker” and substitute “Walker, Carr, McIntosh, Shewell, and Stein”.

AMENDMENT NO. 2

On page 2, strike beginning with “and” in line 17 down through “Governor” in line 18 and substitute:

“(12) one representative of the Maryland Auto and Truck Recyclers Association, appointed by the Executive Director of the Association;

(13) one representative of a Maryland branch of the American Automobile Association (AAA) appointed by the branch president of the Association;

(14) two representatives of the Maryland Municipal League, appointed by the Executive Director of the League; and

(15) the following members appointed by the Governor:

(i) two members representing the interests of commercial and residential property owners; and

(ii) two members from the general public”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 717 – Delegate Malone

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors – Notice of Vehicle Acquisition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

**House Bill 972 – Chair, Environmental Matters Committee (By Request –
Departmental – Natural Resources)**

AN ACT concerning

Forest Conservation – Reporting and Enforcement

HB0972/780317/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 972

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 16, strike “ENGAGING IN” and substitute “CONDUCTING”; in line 17, strike “THE PROVISIONS OF”; in line 28, strike “AND” and substitute “OR”; and in the same line, strike “OF THE” and substitute “LOCATED IN THE”.

AMENDMENT NO. 2

On page 3, in line 2, strike “UNDERTAKEN” and substitute “ACTIVITY CONDUCTED”; in lines 2 and 3, strike “THE PROVISIONS OF”; and in line 5, after “AREAS” insert “, SUBMITTED”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

**House Bill 1005 – Delegates Conway, Mathias, Cane, Eckardt, Elmore,
Haddaway, and Sossi**

AN ACT concerning

**Somerset County, Wicomico County, and Worcester County – School Buses –
Length of Operation – Sunset Repeal**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #8

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 117 - Delegates Hecht, Bartlett, Bronrott, G. Clagett, DeBoy, Donoghue, Elmore, Feldman, Frank, George, Gilchrist, Guzzone, Howard, Hucker, James, King, Krysiak, Lee, Manno, Mizeur, Morhaim, Murphy, Riley, Rudolph, Schuh, Stocksdale, Stukes, F. Turner, and Weldon

AN ACT concerning

Real Property - Installation of Solar Panels - Clarification and Solar Easement

HB0117/280314/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 117

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Stein, and Montgomery"; in line 2, strike "Installation of"; in the same line, strike "Panels" and substitute "Collector Systems"; in the same line, strike "Clarification" and substitute "Restriction on Use"; strike beginning with "defining" in line 4 down through the semicolon in line 5; strike beginning with "condominium" in line 6 down through "impose" in line 7 and substitute "restriction on use from imposing"; in line 7, after "of" insert "a"; in the same line, strike "collection panels in" and substitute "collector system under"; strike beginning with "locations;" in line 8 down through "easement" in line 12 and substitute "circumstances; authorizing a property owner who has installed or intends to install a solar collector system to negotiate to obtain a solar easement in writing; requiring any written instrument creating a solar easement to include certain provisions; requiring a written instrument creating a solar easement to be recorded under certain circumstances; exempting a

restriction on use on certain historic properties from the applicability of this Act"; strike beginning with "enabling" in line 12 down through "of" in line 13; in line 13, strike "energy" and substitute "collector"; in line 16, strike ", 11-104(c), and 11-125(f)"; and strike in their entirety lines 19 through 25, inclusive.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 2, in line 8, after "(a)" insert "**(1)**"; in the same line, strike beginning with the comma through "INCLUDES" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "RESTRICTION ON USE" INCLUDES;

in lines 10, 11, 12, 13, 15, and 16, strike "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in lines 17 and 18, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; after line 18, insert:

(3) "SOLAR COLLECTOR SYSTEM" MEANS A SOLAR COLLECTOR OR OTHER SOLAR ENERGY DEVICE, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE FOR THE COLLECTION, STORAGE, AND DISTRIBUTION OF SOLAR ENERGY FOR ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING, OR WATER HEATING.

(4) "SOLAR EASEMENT" MEANS AN INTEREST IN LAND THAT:

(i) IS CONVEYED OR ASSIGNED IN PERPETUITY; AND

(ii) LIMITS THE USE OF THE LAND TO PRESERVE THE RECEIPT OF SUNLIGHT ACROSS THE LAND FOR THE USE OF A PROPERTY OWNER'S SOLAR COLLECTOR SYSTEM.;

in line 19, strike "restrictive covenant" and substitute "**RESTRICTION ON USE**"; in lines 19 and 20, strike ", which becomes effective after July 1, 1980,"; in line 21, strike "solar collection panels" and substitute "**A SOLAR COLLECTOR SYSTEM**"; in line 22, strike "AN" and substitute "**FOR PURPOSES OF PARAGRAPH (1) OF THIS**

SUBSECTION, AN"; in lines 24 and 26, in each instance, before "SYSTEM" insert "SOLAR COLLECTOR"; in line 24, after the semicolon insert "OR"; and strike beginning with the semicolon in line 26 down through "OR" in line 28 and substitute a period.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 and 2, and substitute:

"(C) (1) A PROPERTY OWNER WHO HAS INSTALLED OR INTENDS TO INSTALL A SOLAR COLLECTOR SYSTEM MAY NEGOTIATE TO OBTAIN A SOLAR EASEMENT IN WRITING.

(2) ANY WRITTEN INSTRUMENT CREATING A SOLAR EASEMENT SHALL INCLUDE:

(I) A DESCRIPTION OF THE DIMENSIONS OF THE SOLAR EASEMENT EXPRESSED IN MEASURABLE TERMS, INCLUDING VERTICAL OR HORIZONTAL ANGLES MEASURED IN DEGREES OR THE HOURS OF THE DAY ON SPECIFIED DATES WHEN DIRECT SUNLIGHT TO A SPECIFIED SURFACE OF A SOLAR COLLECTOR SYSTEM MAY NOT BE OBSTRUCTED;

(II) THE RESTRICTIONS PLACED ON VEGETATION, STRUCTURES, AND OTHER OBJECTS THAT WOULD IMPAIR THE PASSAGE OF SUNLIGHT THROUGH THE SOLAR EASEMENT; AND

(III) THE TERMS UNDER WHICH THE SOLAR EASEMENT MAY BE REVISED OR TERMINATED.

(3) A WRITTEN INSTRUMENT CREATING A SOLAR EASEMENT SHALL BE RECORDED IN THE LAND RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED."

AMENDMENT NO. 4

On page 3, in line 3, strike "(C)" and substitute "(D)"; in the same line, strike "restrictive covenant" and substitute "RESTRICTION ON USE"; and strike beginning with "by" in line 4 down through "The" in line 6 and substitute "IN, OR DETERMINED BY THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE".

On pages 3 through 8, strike in their entirety the lines beginning with line 7 on page 3 through line 12 on page 8, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 123 – Delegate Bromwell

AN ACT concerning

Baltimore County – State’s Attorney – Salary

HB0123/970913/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 123

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “clarifying” and substitute “establishing”; in the same line, after “County” insert “beginning with the State’s Attorney elected in a certain year”; and in line 4, strike “amount” and substitute “percentage until a certain date; clarifying language; providing that this Act does not apply to the salary or compensation of the incumbent State’s Attorney for Baltimore County”.

AMENDMENT NO. 2

On page 2, in line 1, after “(b)” insert “**(1)**”; in the same line, strike “[, and” and substitute “**AND PARAGRAPH (2) OF THIS SUBSECTION,**”; in lines 3, 4, and 6, in each instance, strike the bracket; in lines 4 and 5, strike “(1)” and “(2)”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 6, after “office” insert a period; in line 7, strike “**(1)**” and substitute “**(2)(I)**”; in the same line, strike “**BEGINNING ON JANUARY 2, 2008**” and substitute “**BEGINNING WITH THE TERM OF THE STATE’S ATTORNEY ELECTED TO THAT POSITION IN 2010**”; in line 9, strike “**(2)**” and substitute “**(II)**”; in the same line, strike “**IN**” and substitute “**FOR THE YEAR BEGINNING ON JANUARY 1, 2012, AND**”; in the same line, after “**THEREAFTER**”

insert "UNTIL JANUARY 1, 2023"; strike beginning with "THE" in line 10 down through "EMPLOYEES" in line 11 and substitute "1%"; and after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, this Act may not be construed to extend or apply to the salary or compensation of the State's Attorney for Baltimore County in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the State's Attorney for Baltimore County shall take effect at the beginning of the next following term of office.";

and in line 12, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 246 – Delegates Bobo and V. Clagett

AN ACT concerning

Charter Counties – Land Use Appeals – Standing

HB0246/590610/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 246

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "authorizing certain persons in a charter county" and substitute "authorizing a charter county to enact a local law to include among those persons authorized"; in line 4, after "legislative" insert "or quasi-legislative"; strike beginning with "to" in line 4 down through "courts" in line 12 and substitute "a person who is not aggrieved by the decision or action; authorizing the local law to establish the terms and conditions under which the person may appeal and procedures for

taking an appeal; and generally relating to the authority to appeal a decision of a board of appeals or a zoning action of a local legislative or quasi-legislative body in a charter county"; after line 17, insert:

"BY adding to

Article 66B – Land Use

Section 14.10

Annotated Code of Maryland

(2003 Replacement Volume and 2007 Supplement)";

and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 19 on page 2, inclusive.

On page 2, strike line 31 in its entirety; in line 32, strike the brackets; and in the same line, strike "**(6)**".

On page 3, in lines 1, 2, 3, 4, 5, 7, and 8, in each instance, strike the brackets; in lines 1, 2, 3, 4, 5, 7, and 8, strike "**(7)**", "**(8)**", "**(9)**", "**(10)**", "**(11)**", "**(12)**", and "**(13)**", respectively; in line 7, strike "and"; in line 8, after "14.06.1" insert ";**AND**

(13) § 14.10 (APPEALS);

after line 10, insert:

14.10.

IN ADDITION TO THE POWERS GRANTED BY ARTICLE 25A, § 5(U) AND (X) OF THE CODE, A CHARTER COUNTY MAY ENACT A LOCAL LAW TO:

(1) INCLUDE AMONG THOSE PERSONS AUTHORIZED TO APPEAL A DECISION OF A BOARD OF APPEALS OR A ZONING ACTION OF A LOCAL LEGISLATIVE OR QUASI-LEGISLATIVE BODY A PERSON NOT AGGRIEVED BY THE DECISION OR ACTION;

(2) ESTABLISH THE TERMS AND CONDITIONS UNDER WHICH THE PERSON MAY APPEAL; AND

(3) ESTABLISH PROCEDURES FOR TAKING AN APPEAL.;

and strike in their entirety lines 11 through 30, inclusive.

On page 4, strike in their entirety lines 1 through 25, inclusive; and in line 26, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 325 – Delegate Elmore

AN ACT concerning

Somerset County – County Roads Board – Authority to Sell County Roads

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

HB0497/110213/1

BY: Environmental Matters Committee

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “circumstances;” insert “authorizing a certain property owner to bring a certain action in District Court for reimbursement of certain costs under certain circumstances;”.

AMENDMENT NO. 2

On page 2, after line 23, insert:

“(E) IF THE PERSON RESPONSIBLE FOR THE RELEASE THAT RESULTED IN THE GROUNDWATER CONTAMINATION FAILS TO REIMBURSE THE PROPERTY OWNER IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION, THE PROPERTY OWNER MAY BRING AN ACTION IN DISTRICT COURT FOR THE REIMBURSEMENT OF THE OWNER’S COSTS.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 543 – Delegates Stull, Bartlett, Bates, Beitzel, Bobo, Bohanan, Boteler, Burns, Cane, G. Clagett, Conway, Davis, DeBoy, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, George, Guzzone, Haddaway, Hecht, Hucker, James, Jameson, Kullen, Levy, Mathias, McComas, McDonough, McIntosh, McKee, Miller, Montgomery, Morhaim, Murphy, Myers, Norman, O’Donnell, Proctor, Riley, Rudolph, Shank, Shewell, Smigiel, Sossi, Stifler, Stukes, Weir, Weldon, and Wood

AN ACT concerning

Agriculture – Maryland Dairy Farmer Emergency Trust Fund

HB0543/560017/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 543

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike “requiring” and substitute “authorizing”; and in line 10, strike “to appropriate to the Fund a certain amount” and substitute “to make an appropriation to the Fund”.

AMENDMENT NO. 2

On page 2, in line 21, strike “SHALL” and substitute “**MAY**”; and in the same line, strike “**\$5,000,000**” and substitute “AN APPROPRIATION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 696 – Delegates Hixson, Waldstreicher, Gutierrez, Hucker, and Mizeur

AN ACT concerning

Farm-to-School Program – Activities and Promotional Events

HB0696/670415/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 696

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Mizeur” and substitute “Mizeur, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Malone, McIntosh, Niemann, O’Donnell, Norman, Shewell, Sossi, and Stein”.

On page 2, in line 9, strike the second “**STATE**” and substitute “**MARYLAND**”; in lines 12, 14, and 23, in each instance, strike “**STATE**” and substitute “**MARYLAND**”; and in line 19, strike the first “**STATE**” and substitute “**MARYLAND**”.

AMENDMENT NO. 2

On page 2, in lines 9, 12, 15, 19, and 23, in each instance, strike “**AND FACILITIES**”.

AMENDMENT NO. 3

On page 2, in lines 10 and 20, in each instance, strike “**AND THE BOARD OF PUBLIC WORKS**”; in line 20, after “**EDUCATION**” insert “**AND IN COMPLIANCE WITH APPLICABLE PROCUREMENT REQUIREMENTS**”; in line 24, strike “**CONSULTATION**” and substitute “**PARTNERSHIP**”; in line 25, strike “**, THE BOARD OF PUBLIC WORKS,**” and substitute “**AND IN CONSULTATION WITH**”; and in line 26, strike the first comma.

AMENDMENT NO. 4

On page 3, in line 6, strike “**, INCLUDING**” and substitute “**THROUGH PROMOTIONAL ACTIVITIES THAT MAY INCLUDE**”.

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 JUDICIARY REPORT #5

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 6 – Delegates Anderson, Vallario, Rosenberg, Ramirez, Valderrama, Schuler, Dumais, Gutierrez, Ivey, Conaway, Shank, Carter, McConkey, McComas, and Smigiel

AN ACT concerning

Criminal Procedure – Custodial Interrogation – Electronic Recordation

HB0006/182210/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 6
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Electronic”; strike beginning with “custodial” in line 3 down through “Act” in line 13 and substitute “certain law enforcement units shall make certain efforts to create a certain audiovisual recording under certain circumstances and certain law enforcement units shall make certain efforts to create a certain audio recording under certain circumstances; exempting certain recordings”; in line 13, strike “certain terms” and substitute “a certain term”; in line 14, strike “providing that” and substitute “requiring”; in the same line, strike “shall” and substitute “to”; in line 16, strike “and” and substitute a comma; strike beginning with “compliance” in line 17 down through “date;” in line 18 and substitute “the establishment of certain interrogation rooms, and monitor and report during certain meetings on the progress of jurisdictions and the Department of State Police in establishing certain interrogation rooms;”; in line 22, strike “and 2-402” and substitute “through 2-404”.

AMENDMENT NO. 2

On page 2, strike beginning with “(A)” in line 6 down through “CUSTODIAL” in line 8 and substitute “IN THIS SUBTITLE, “CUSTODIAL””.

On pages 2 through 4, strike in their entirety the lines beginning with line 10 on page 2 through line 13 on page 4, inclusive, and substitute:

“2-402.

IT IS THE PUBLIC POLICY OF THE STATE THAT:

(1) A LAW ENFORCEMENT UNIT THAT REGULARLY UTILIZES ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIOVISUAL RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE

INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE; AND

(2) A LAW ENFORCEMENT UNIT THAT DOES NOT REGULARLY UTILIZE ONE OR MORE INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS SHALL MAKE REASONABLE EFFORTS TO CREATE AN AUDIO RECORDING OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IN CONNECTION WITH A CASE INVOLVING MURDER, RAPE, SEXUAL OFFENSE IN THE FIRST DEGREE, OR SEXUAL OFFENSE IN THE SECOND DEGREE, WHENEVER POSSIBLE.”.

AMENDMENT NO. 3

On page 4, in line 14, strike “**2-402.**” and substitute “**2-403.**”; strike beginning with “**RECORDINGS**” in line 15 down through “**ARE**” in line 16 and substitute “**AN AUDIO OR AUDIOVISUAL RECORDING MADE BY A LAW ENFORCEMENT UNIT OF A CUSTODIAL INTERROGATION OF A CRIMINAL SUSPECT IS**”; after line 17, insert:

2-404.

ON OR BEFORE DECEMBER 31, 2009, AND ANNUALLY THEREAFTER, THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL REPORT TO THE HOUSE JUDICIARY COMMITTEE AND THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE ON THE PROGRESS OF JURISDICTIONS AND THE DEPARTMENT OF STATE POLICE IN ESTABLISHING INTERROGATION ROOMS CAPABLE OF CREATING AUDIOVISUAL RECORDINGS OF CUSTODIAL INTERROGATIONS.”;

in line 22, strike “and”; strike beginning with “compliance” in line 24 down through “Act.” in line 29 and substitute “the establishment and operation of interrogation rooms capable of creating audiovisual recordings of custodial interrogations; and

(3) monitor and report during StateStat meetings on the progress of jurisdictions and the Department of State Police in establishing interrogation rooms capable of creating audiovisual recordings of custodial interrogations.”;

in line 30, strike “4.” and substitute “3.”; and in line 31, strike “2010” and substitute “2008”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 108 – Delegates Branch, Anderson, Stukes, and Tarrant

AN ACT concerning

Public Safety – Electronic Weapons – Prohibition

HB0108/152112/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 108

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Prohibition” and substitute “Procedures and Reports”; strike beginning with “prohibiting” in line 3 down through “training;” in line 7 and substitute “requiring a law enforcement agency to follow certain procedures and file a certain report with the Governor’s Office of Crime Control and Prevention whenever a law enforcement officer employed by the law enforcement agency discharges a certain electronic weapon under certain circumstances; requiring a law enforcement officer to file a certain report with the Governor’s Office of Crime Control and Prevention whenever an individual other than a law enforcement officer discharges a certain electronic weapon under certain circumstances; requiring the Governor’s Office of Crime Control and Prevention to compile and allow public inspection of certain reports;”; strike in their entirety lines 9 through 14, inclusive, and substitute “BY adding to”; in line 16, strike “3-207” and substitute “3-507”; in line 21, strike “Criminal Law” and substitute “Public Safety”; and in line 22, strike “4-109” and substitute “3-507”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 6 on page 2 through line 19 on page 4, inclusive, and substitute:

“(3) “LAW ENFORCEMENT AGENCY” MEANS THE DIVISION OF CORRECTION OR A POLICE DEPARTMENT OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION.

“(4) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE CRIMINAL LAW ARTICLE.

“(B) WHENEVER A LAW ENFORCEMENT OFFICER DISCHARGES AN ELECTRONIC WEAPON IN THE COURSE OF THE LAW ENFORCEMENT OFFICER’S DUTIES, THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE LAW ENFORCEMENT OFFICER SHALL:

“(1) FOLLOW THE SAME PROCEDURES THAT IT FOLLOWS WHEN A LAW ENFORCEMENT OFFICER DISCHARGES A FIREARM; AND

“(2) FILE A REPORT WITH THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION DOCUMENTING THE DISCHARGE OF THE ELECTRONIC WEAPON.

“(C) WHENEVER AN INDIVIDUAL OTHER THAN A LAW ENFORCEMENT OFFICER DISCHARGES AN ELECTRONIC WEAPON, AND A LAW ENFORCEMENT OFFICER REPORTS TO THE SCENE, THE LAW ENFORCEMENT OFFICER SHALL FILE A REPORT WITH THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION DOCUMENTING THE DISCHARGE OF THE ELECTRONIC WEAPON.

“(D) THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION SHALL COMPILE AND ALLOW PUBLIC INSPECTION OF ALL REPORTS FILED RELATING TO THE DISCHARGE OF ELECTRONIC WEAPONS BY LAW ENFORCEMENT OFFICERS AND OTHER INDIVIDUALS.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate DeBoy moved to make the Bill a Special Order for March 12, 2008.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 183 – Delegates Dumais, Barve, Bobo, Doory, Eckardt, Feldman, Frick, Glenn, Gutierrez, Healey, Hecht, Hixson, Jones, Kaiser, Krebs, Krysiak, Kullen, Lee, Love, McIntosh, Mizeur, Montgomery, Pendergrass, Shank, Stein, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 239 – Delegate Love

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive Investigations – Deputy Fire Marshal

HB0239/892711/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 239

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Love” and substitute “Anne Arundel County Delegation”; in line 3, strike “Investigations – Deputy Fire Marshal” and substitute “Investigators – Qualifications”; in line 4, strike “requiring that an Anne” and substitute “altering the definition of “Anne”; in line 5, strike “investigator have the rank of deputy fire marshal or higher” and substitute “investigator” to

include certain additional qualifications”; and in line 6, strike “investigations” and substitute “investigators”.

AMENDMENT NO. 2

On page 1, in line 19, after “assigned” insert “FULL TIME”; in line 20, after “Office” insert “AND IS A PAID EMPLOYEE”; and strike beginning with “the” in line 21 down through “and” in line 22 and substitute “BEEN EMPLOYED BY THE ANNE ARUNDEL COUNTY OR CITY OF ANNAPOLIS FIRE DEPARTMENT AS A FIREFIGHTER FOR AT LEAST 5 YEARS;”.

On page 2, in line 3, after “Article” insert “; AND”

(4) AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 287 – Delegate Love

AN ACT concerning

Anne Arundel County – Department of Detention Facilities Correctional Employees – Polygraph Examinations

HB0287/962919/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 287

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Love” and substitute “Anne Arundel County Delegation”.

AMENDMENT NO. 2

On page 1, in lines 2 and 3, strike “Correctional Employees” and substitute “Employment Applicants”; in lines 5 and 6, strike “employment, prospective employment, or continued”; in lines 7 and 8, strike “or are employed as correctional officers for” and substitute “with”; in line 9, after “Facilities” insert “either as correctional officers”; and in the same line, strike “personal”.

AMENDMENT NO. 3

On page 2, in lines 25 and 30, in each instance, strike the bracket; strike in their entirety lines 26 through 29, inclusive; and in line 30, strike “(VII)”.

On page 3, after line 8, insert:

“(5) THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR EMPLOYMENT WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES:

(I) AS A CORRECTIONAL OFFICER; OR

(II) IN ANY OTHER CAPACITY THAT INVOLVES DIRECT CONTACT WITH AN INMATE IN THE ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 348 – Delegates Waldstreicher and Feldman

AN ACT concerning

Criminal Law – Crimes Against a Law Enforcement Officer – Definition of Law Enforcement Officer

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 348
(First Reading File Bill)

On page 1, in line 19, in each instance, strike the bracket; and in line 21, strike “] MEANS”.

On pages 1 through 3, strike in their entirety the lines beginning with line 22 on page 1 through line 20 on page 3, inclusive.

On page 3, in line 21, strike “(2)” and substitute “(1)”; and in the same line, after “facility” insert “; AND”

(II) AN OFFICER EMPLOYED BY THE WMATA METRO TRANSIT POLICE, SUBJECT TO THE JURISDICTIONAL LIMITATIONS UNDER ARTICLE XVI, § 76 OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT, WHICH IS CODIFIED IN § 10-204 OF THE TRANSPORTATION ARTICLE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 531 – Delegate Dumais

AN ACT concerning

Catastrophic Health Emergencies – Quarantine Orders – Arrest Without Warrant and Citations

HB0531/712611/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 531

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Emergencies – Quarantine” and substitute “Emergency”; strike beginning with “Arrest” in line 2 down through “and” in line 3; strike beginning with “an” in line 4 down through “authorizing” in line 5; in line 6, strike “quarantine”; in line 7, strike “quarantine”; in line 8, strike “arrests without warrants and”; in line 11, strike “2–203 and”; and after line 13, insert:

“BY repealing and reenacting, without amendments,

Article – Health – General

Section 18–907(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 30 on page 2, inclusive.

On page 3, in line 28, after “EMERGENCY” insert “EXAMINATION, TESTING, VACCINATION, TREATMENT,”; in line 29, strike “AND” and substitute “, OR”; and in line 29, after “UNDER” insert “§ 18–907(A) OF THE HEALTH – GENERAL ARTICLE OR”.

AMENDMENT NO. 3

On page 4, after line 30, insert:

“Article – Health – General

18–907.

(a) (1) A person may not knowingly and willfully fail to comply with any order, regulation, or directive issued in accordance with § 18–905 of this subtitle.

(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$3,000 or both.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 685 – Delegates Rosenberg, Anderson, Barnes, Cane, Carter, Conaway, Dumais, Lee, Levi, Ramirez, Valderrama, and Vallario

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

HB0685/892312/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 685
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “time;” insert “providing that a person is not entitled to an expungement under certain circumstances; clarifying that a person who is not entitled to an expungement for a certain conviction is not entitled to an expungement of any other conviction;”; and in line 17, after “10–105(a)” insert “and (e)(4) and 10–107(b)”.

AMENDMENT NO. 2

On page 3, strike line 9 in its entirety; in lines 10, 12, 13, and 14, strike “**(VI)**”, “**(VII)**”, “**(VIII)**”, and “**(IX)**”, respectively, and substitute “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively; and after line 21, insert:

“(e) (4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, a nolle prosequi, [or] a stet, including a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse

treatment, A CONVICTION FOR A CRIME SPECIFIED IN SUBSECTION (A)(9) OF THIS SECTION, or the grant of a pardon by the Governor; and

(ii) the person:

1. since the full and unconditional pardon [or], entry, OR CONVICTION has been convicted of a crime other than a minor traffic violation; or

2. is a defendant in a pending criminal proceeding.

10-107.

(b) (1) If a person is not entitled to expungement of one charge OR CONVICTION in a unit, the person is not entitled to expungement of any other charge OR CONVICTION in the unit.

(2) The disposition of a charge for a minor traffic violation that arises from the same incident, transaction, or set of facts as a charge in the unit does not affect any right to expungement of a charge OR CONVICTION in the unit.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Levy moved to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 745 - Delegate Donoghue

AN ACT concerning

City of Hagerstown - Fire and Explosives Investigators - Authority

HB0745/242319/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 745
(First Reading File Bill)

On page 6, in line 20, after “OFFICE” insert “AND IS A PAID EMPLOYEE”; strike beginning with “ATTAINED” in line 21 down through “AND” in line 22 and substitute “BEEN EMPLOYED BY THE CITY OF HAGERSTOWN FIRE DEPARTMENT AS A FIREFIGHTER FOR AT LEAST 5 YEARS;”; and in line 26, after “ARTICLE” insert “; AND”

(4) AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 768 - Delegate Anderson (By Request - Baltimore City Administration) and Delegate Glenn

AN ACT concerning

Children - Records - Access by the Baltimore City Health Department

HB0768/122315/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 768
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 7 down through “circumstances;” in line 13; and in line 20, strike “defining a certain term;” and substitute “providing for the termination of this Act;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 3 on page 2, inclusive.

AMENDMENT NO. 2

On page 3 in lines 5 and 34, on page 5 in line 19, on page 7 in lines 24 and 25, and on page 8 in lines 5 and 6 and 26 and 27, in each instance, strike “AS HAVING COMMITTED A DELINQUENT” and substitute “DELINQUENT FOR AN”.

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 31 on page 5 through line 8 on page 7, inclusive.

On page 9, in line 13, after “2008.” insert “It shall remain effective until the taking effect of the termination provision specified in Section 2 of Chapter 10 of the Acts of the General Assembly of 2006, as amended by Section 1 of this Act. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 824 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Fire and Explosive Investigator – Rank

MC 805–08

HB0824/882015/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 824
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Rank” and substitute “Qualifications”; in line 6, after “County;” insert “altering the definition of “Montgomery County fire and explosive investigator” to include certain additional qualifications;””.

AMENDMENT NO. 2

On page 1, in line 19, after “assigned” insert “FULL TIME”; in line 20, after “Office” insert “AND IS A PAID EMPLOYEE”; in the same line, strike “and”; in line 21, strike “[i)”; and in the same line, strike “the rank of a fire rescue lieutenant or higher; and” and substitute “BEEN EMPLOYED BY THE MONTGOMERY COUNTY FIRE AND RESCUE SERVICE AS A FIREFIGHTER/RESCUER FOR AT LEAST 5 YEARS;”.

On page 2, in line 1, strike “(ii)】” and substitute “(3)”; and in line 3, after “Article” insert “; AND

(4) AT ALL TIMES MAINTAINS ACTIVE CERTIFICATION BY THE POLICE TRAINING COMMISSION”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The “Smart on Crime” Act

HB0845/752110/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 845

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “violence” insert “within a certain amount of time, who was previously convicted of or received a probation before judgment for a certain drug distribution offense, or who was an adult at the time of the violation and the violation involved the distribution of a controlled dangerous substance to a minor,”; strike beginning with “allowing” in line 13 down through “date;” in line 18.

AMENDMENT NO. 2

On page 8, in line 28, strike “ANY” and substitute “A”;

On page 9, in line 20, after “IF” insert “:

(1);

in line 21, strike “OF THE CONVICTION UNDER § 5-602 OF THIS SUBTITLE”; and in line 22, after “ARTICLE” insert “;

(2) THE PERSON WAS PREVIOUSLY CONVICTED OF OR RECEIVED A PROBATION BEFORE JUDGMENT FOR A VIOLATION OF § 5-602 OF THIS SUBTITLE; OR

(3) THE PERSON WAS AN ADULT AT THE TIME OF THE VIOLATION AND THE VIOLATION INVOLVED THE DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE TO A MINOR”.

On pages 9 and 10, strike in their entirety the lines beginning with line 23 on page 9 through line 8 on page 10, inclusive.

On page 10, in line 9, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 883 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Eligibility for Parole – Medical Parole

HB0883/942918/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 883

(First Reading File Bill)

On page 1, in line 14, strike “eliminating” and substitute “reaffirming”.

On page 2, in line 24, after “DEPARTMENT” insert “OR LOCAL CORRECTIONAL FACILITY”.

On page 4, in line 7, after “CORRECTION” insert “OR THE LOCAL CORRECTIONAL FACILITY FROM WHICH THE INMATE WAS RELEASED”; and in line 24, strike “NOTWITHSTANDING” and substitute “CONSISTENT WITH”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1113 – Delegates Lee, McComas, and Niemann (Task Force to Study Identity Theft) and Delegates Barkley, Barnes, Benson, Bronrott, DeBoy, Dumais, Frick, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, Montgomery, Pena-Melnyk, Pendergrass,

Ramirez, Schuh, Schuler, Shank, Smigiel, Stocksdale, Valderrama, and Waldstreicher

AN ACT concerning

Identity Fraud – Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult – Penalties

HB1113/202313/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1113

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with “Barkley” down through “Waldstreicher” and substitute “Aumann, Barkley, Barnes, Beitzel, Benson, Bronrott, Carter, DeBoy, Dumais, Eckardt, Elliott, Frank, Frick, George, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, McConkey, McDonough, Miller, Montgomery, Myers, Norman, Pena–Melnyk, Pendergrass, Ramirez, Robinson, Schuh, Schuler, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Valderrama, Waldstreicher, and Wood”; strike beginning with “Felony” in line 2 down through “Adult –” in line 3 and substitute “Prohibitions, Evidence, and”; in line 4, after “of” insert “prohibiting the intentional, willful, and unauthorized copying, attempt to copy, possessing, or attempt to possess all or part of the contents of a computer database accessed in a certain manner; providing that certain penalties apply to a certain violation; authorizing in a criminal case or juvenile proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; prohibiting a person from knowingly, willfully, and with fraudulent intent to obtain a benefit, credit, good, service, or other thing of value using a re–encoder device or a skimming device in a certain manner for certain purposes; prohibiting a person from knowingly, willfully, and with fraudulent intent to possess, obtain, or help another person to possess or obtain a re–encoder device or a skimming device for certain unauthorized purposes;”; strike beginning with “providing” in line 10 down through “fraud;” in line 14; in line 15, after “terms;” insert “making stylistic changes;”; in the same line, strike “penalties for”; strike in their entirety lines 16 through 20, inclusive; in line 23, after “Section” insert “7–302(c), 8–214.1, and”; and in the same line, strike “(a) and (e)”.

On page 2, after line 1, insert:

“BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–302(d)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“7–302.

(c) (1) A person may not intentionally, willfully, and without authorization:

(I) access, attempt to access, cause to be accessed, or exceed the person’s authorized access to all or part of a computer network, computer control language, computer, computer software, computer system, computer [services] SERVICE, or computer database; OR

(II) COPY, ATTEMPT TO COPY, POSSESS, OR ATTEMPT TO POSSESS THE CONTENTS OF ALL OR PART OF A COMPUTER DATABASE ACCESSED IN VIOLATION OF ITEM (I) OF THIS PARAGRAPH.

(2) A person may not commit an act prohibited by paragraph (1) of this subsection with the intent to:

(i) cause the malfunction or interrupt the operation of all or any part of a computer, computer network, computer control language, computer software, computer system, computer [services] SERVICE, or computer data; or

(ii) alter, damage, or destroy all or any part of data or a computer program stored, maintained, or produced by a computer, computer network, computer software, computer system, computer [services] SERVICE, or computer database.

(3) A person may not intentionally, willfully, and without authorization:

(i) possess, identify, or attempt to identify a valid access code;
or

(ii) publicize or distribute a valid access code to an unauthorized person.

(d) (1) A person who violates subsection (c)(1) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(2) A person who violates subsection (c)(2) or (3) of this section:

(i) if the aggregate amount of the loss is \$10,000 or more, 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; or

(ii) if the aggregate amount of the loss is less than \$10,000, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

8-214.1.

(a) In a criminal case or juvenile proceeding involving a violation of § 8-204, § 8-205, § 8-206, § 8-207, § 8-208, § 8-209, § 8-210, or § 8-214 of this subtitle OR § 8-301 OF THIS TITLE, an affidavit sworn to by a lawful credit cardholder may be introduced as substantive evidence that the credit card or credit card number was taken, used, or possessed without the authorization of the credit cardholder.

(b) (1) At least 10 days before a proceeding in which the State intends to introduce into evidence an affidavit as provided under this section, the State shall provide written notice to the defendant that the State intends to:

(i) rely on the affidavit; and

(ii) introduce the affidavit into evidence at the proceeding.

(2) On written demand of a defendant filed at least 5 days before the proceeding described in subsection (a) of this section, the State shall require the presence of the affiant as a prosecution witness.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 7 through 10, inclusive; in line 11, strike the brackets; in the same line, strike “(3)”; in line 13, strike the brackets; in the same line, strike “(4)”; strike lines 18 and 19 in their entirety and substitute:

“(4) “RE-ENCODER” MEANS AN ELECTRONIC DEVICE THAT PLACES ENCODED PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER FROM THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR ANY ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR.

(5) “SKIMMING DEVICE” MEANS A SCANNER, SKIMMER, READER, OR ANY OTHER ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD.”;

after line 29, insert:

“(D) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT TO OBTAIN A BENEFIT, CREDIT, GOOD, SERVICE, OR OTHER THING OF VALUE, USE:

(1) A RE-ENCODER TO PLACE INFORMATION ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CREDIT CARD OR USE ANY OTHER ELECTRONIC MEDIUM THAT ALLOWS SUCH A TRANSACTION TO OCCUR WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD FROM WHICH THE PERSONAL IDENTIFYING INFORMATION OR PAYMENT DEVICE NUMBER IS BEING RE-ENCODED; OR

(2) A SKIMMING DEVICE TO ACCESS, READ, SCAN, OBTAIN, MEMORIZE, OR STORE PERSONAL IDENTIFYING INFORMATION OR A PAYMENT

DEVICE NUMBER ON THE MAGNETIC STRIP OR STRIPE OF A CREDIT CARD WITHOUT THE CONSENT OF THE INDIVIDUAL AUTHORIZED TO USE THE CREDIT CARD.

(E) A PERSON MAY NOT KNOWINGLY, WILLFULLY, AND WITH FRAUDULENT INTENT POSSESS, OBTAIN, OR HELP ANOTHER POSSESS OR OBTAIN A RE-ENCODER DEVICE OR A SKIMMING DEVICE FOR THE UNAUTHORIZED USE, SALE, OR TRANSFER OF PERSONAL IDENTIFYING INFORMATION OR A PAYMENT DEVICE NUMBER.”;

and in line 30, strike “(d)” and substitute “(F)”.

AMENDMENT NO. 4

On page 3, in line 3, strike “(e)” and substitute “(G)”; in lines 4 and 9, in each instance, strike “(b) or (c)” and substitute “(B), (C), OR (D)”; in line 6, strike the second set of brackets; in the same line, strike “\$50,000”; strike beginning with the colon in line 11 down through “VIOLATION,” in line 12; strike beginning with the semicolon in line 13 down through “BOTH” in line 15; in line 20, strike the second set of brackets; in the same line, strike “\$50,000”; strike in their entirety lines 21 through 28, inclusive; in line 29, strike the brackets; in the same line, strike “(6)”; in the same line, strike “or (d)” and substitute “, (E), OR (F)”; strike beginning with the colon in line 30 down through “VIOLATION,” in line 31; strike beginning with the semicolon in line 32 down through “BOTH” in line 34.

AMENDMENT NO. 5

On page 4, in line 1, strike the brackets; in the same line, strike “(7)”; after line 5, insert:

“(f) (H) A person described in subsection [(e)(2)](G)(2) or (4) of this section is subject to § 5-106(b) of the Courts Article.

[(g) (I) In addition to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article, a court may order a person who pleads guilty or nolo contendere or who is found guilty under this section to make restitution to the victim for reasonable costs, including reasonable attorney’s fees, incurred:

- (1) for clearing the victim’s credit history or credit rating; and

(2) in connection with a civil or administrative proceeding to satisfy a debt, lien, judgment, or other obligation of the victim that arose because of the violation.”;

in line 6, strike “(h)” and substitute “**(J)**”; and after line 8, insert:

“(i) **(K)** Notwithstanding any other law, the Department of State Police may initiate investigations and enforce this section throughout the State without regard to any limitation otherwise applicable to that department’s activities in a municipal corporation or other political subdivision.

[(j)] **(L)** (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, the Maryland Port Administration Police, the park police of the Maryland–National Capital Park and Planning Commission, or a municipal corporation or county may investigate violations of this section throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(2) The authority granted in paragraph (1) of this subsection may be exercised only in accordance with regulations that the Department of State Police adopts.

(3) The regulations are not subject to Title 10, Subtitle 1 of the State Government Article.

(4) The authority granted in paragraph (1) of this subsection may be exercised only if an act related to the crime was committed in the investigating law enforcement agency’s jurisdiction or if the complaining witness resides in the investigating law enforcement agency’s jurisdiction.

[(k)] **(M)** If action is taken under the authority granted in subsection [(j)](L) of this section, notification of an investigation:

(1) in a municipal corporation, shall be made to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, shall be made to the chief of police or designee of the chief of police;

(3) in a county without a police department, shall be made to the sheriff or designee of the sheriff;

(4) in Baltimore City, shall be made to the Police Commissioner or the Police Commissioner's designee;

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, shall be made to the respective chief of police or the chief's designee; and

(6) on property owned, leased, or operated by or under the control of the Maryland–National Capital Park and Planning Commission, to the chief of police of the Maryland–National Capital Park and Planning Commission for the county in which the property is located.

[(l)] (N) When acting under the authority granted in subsection [(i)](K) or [(j)](L) of this section, a law enforcement officer:

(1) in addition to any other immunities and exemptions to which the officer may be entitled, has the immunities from liability and exemptions accorded to a law enforcement officer of the Department of State Police; but

(2) remains an employee of the officer's employing agency.

[(m)] (O) (1) A State's Attorney or the Attorney General may investigate and prosecute a violation of this section or a violation of any crime based on the act establishing a violation of this section.

(2) If the Attorney General exercises authority under paragraph (1) of this subsection, the Attorney General has all the powers and duties of a State's Attorney, including the use of a grand jury in any county or Baltimore City, to investigate and prosecute the violation.

[(n)] (P) Notwithstanding any other provision of law, the prosecution of a violation of this section or for a violation of any crime based on the act establishing a violation of this section may be commenced in any county in which:

- (1) an element of the crime occurred; or
- (2) the victim resides.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1323 – Delegates Vallario, Ali, Barkley, Carter, Conaway, Costa, DeBoy, Dumais, Glenn, Healey, Kipke, Love, Manno, Montgomery, Pendergrass, Ramirez, Riley, Shank, Shewell, and Sophocleus

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

HB1323/352616/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1323
(First Reading File Bill)

On page 1, in line 3, strike “requiring” and substitute “authorizing”.

On page 5, in line 10, strike “SHALL” and substitute “MAY”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 1329 – Delegates Valderrama, Vallario, and Lee

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #4

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 153 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Campaign Finance – Slate – Disbursements

HB0153/785861/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 153

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “that campaign finance entity’s” and substitute “the slate’s”; and in the same line, after “account;” insert “prohibiting the chairman of a slate from making disbursements for the slate if the chairman is a candidate;”.

AMENDMENT NO. 2

On page 2, in line 6, after “to” insert “PARAGRAPH (3) OF THIS SUBSECTION AND”; strike beginning with “, OR” in line 6 down through “CHAIRMAN,” in line 7; and after line 8, insert:

“(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE CHAIRMAN OR TREASURER OF A SLATE ESTABLISHED UNDER THIS TITLE SHALL MAKE ALL DISBURSEMENTS FOR THE SLATE.”

(II) THE CHAIRMAN OF A SLATE MAY NOT MAKE DISBURSEMENTS FOR THE SLATE IF THE CHAIRMAN IS A CANDIDATE.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 544 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 612 – Delegates Kullen, Elmore, Haddaway, Mathias, Smigiel, and Sossi

EMERGENCY BILL

AN ACT concerning

Property Tax Assessment – Commercial Waterfront Property

HB0612/485762/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 612

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in line 2, strike “Assessment” and substitute “Credit”; strike beginning with “establishing” in line 3 down through “purposes” in line 15 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 the county or municipal corporation property tax imposed on certain commercial waterfront property; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and certain other provisions to carry out the credit; defining certain terms; providing for the application of this Act; and generally relating to a local property tax credit for commercial waterfront property"; strike in their entirety lines 16 through 20, inclusive; and in line 23, strike "8-228.1" and substitute "9-248".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 22, inclusive; and in line 23, strike "**8-228.1.**" and substitute "9-248.".

AMENDMENT NO. 3

On page 2, in line 26, after "**(2)**" insert "**(I)**"; in lines 26 and 27, in each instance, strike "FISHING" and substitute "FISH"; and after line 28, insert:

"(II) "COMMERCIAL FISH OPERATION" INCLUDES ANY ACTIVITY FOR WHICH A PERSON IS REQUIRED TO BE LICENSED AS A SEAFOOD DEALER UNDER § 4-701 OF THE NATURAL RESOURCES ARTICLE."

On page 3, in lines 7 and 13, in each instance, strike "FISHING" and substitute "FISH".

AMENDMENT NO. 4

On page 3, before line 1, insert:

"(3) "COMMERCIAL FISHING VESSEL" MEANS A VESSEL THAT IS:

(I) OWNED OR LEASED BY A PERSON POSSESSING A TIDAL FISH LICENSE UNDER § 4-701 OF THE NATURAL RESOURCES ARTICLE; AND

(II) USED IN A COMMERCIAL FISH OPERATION."

AMENDMENT NO. 5

On page 3, in line 1, strike "**(3)**" and substitute "**(4)**"; in lines 1 and 2, strike "**USED FOR COMMERCIAL PURPOSES**" and substitute "**THAT LEASES AT LEAST 20% OF ITS SLIPS TO COMMERCIAL FISHING VESSELS**".

AMENDMENT NO. 6

On page 3, after line 2, insert:

“(5) “COMMERCIAL MARINE REPAIR FACILITY” MEANS A MARINE REPAIR FACILITY THAT DERIVES AT LEAST 20% OF ITS GROSS RECEIPTS FROM CHARGES FOR THE REPAIR AND MAINTENANCE OF COMMERCIAL FISHING VESSELS.”;

in line 3, strike “(4)” and substitute “(6)”; and in lines 8 and 13, in each instance, after “MARINA” insert “OR COMMERCIAL MARINE REPAIR FACILITY”.

AMENDMENT NO. 7

On pages 3 through 6, strike in their entirety the lines beginning with line 14 on page 3 through line 24 on page 5, inclusive, and substitute:

“(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON COMMERCIAL WATERFRONT PROPERTY.

(C) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SECTION;

(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;

(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SECTION.”.

AMENDMENT NO. 8

On page 5, in line 25, strike “3.” and substitute “2.”; and strike beginning with “is” in line 25 down through “enacted” in line 29 and substitute “shall take effect June 1, 2008, and shall be applicable to all taxable years beginning after June 30, 2008”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #6

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1593 - Delegate Wood

AN ACT concerning

Low Speed Emergency Medical Services Vehicles - Operation in St. Mary's County

The Bill was re-referred to the Committee on Environmental Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 282)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 399 - Delegates Rosenberg, Benson, Frush, Hubbard, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, and V. Turner

AN ACT concerning

**Maryland Human Relations Commission – Administrative and Civil
Relief – Waiver of Sovereign Immunity**

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 4 (See Roll Call No. 283)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Cardin moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 284)

In compliance with the rules, the Bill was introduced.

**House Bill 1617 – Delegates Cardin, Bromwell, Levy, Minnick, Morhaim,
Murphy, Rosenberg, and Stein**

AN ACT concerning

Sales and Use Tax – Exemption – Veterans’ Organizations

FOR the purpose of making certain veterans’ organizations eligible for a certain exemption from the sales and use tax for sales to certain veterans’ organizations; and generally relating to a sales and use tax exemption for certain sales to veterans’ organizations.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 11–204(a)(8)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 285)

ADJOURNMENT

At 11:25 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Wednesday, March 12, 2008.

**Annapolis, Maryland
Wednesday, March 12, 2008**

The House met at 10:02 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Barbara A. Robinson of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 286)

The Journal of March 11, 2008 was read and approved.

EXCUSES:

Del. Harrison – illness – flu

Del. Jameson – recovering from surgery

Del. Stull – wife's illness

Del. Walkup – late – illness

THE COMMITTEE ON ECONOMIC MATTERS REPORT #9

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 878 – Washington County Delegation

AN ACT concerning

**Washington County – Regulation of Electricians and the Provision of
Electrical Services**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 902 – Carroll County Delegation

AN ACT concerning

Carroll County - Alcoholic Beverages - Sunday Sales

HB0902/193394/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 902

(First Reading File Bill)

On page 1, in line 23, strike "NOON TO MIDNIGHT" and substitute "**11 A.M. TO 6 P.M.**".

On page 2, in line 8, strike "**11 P.M.**" and substitute "**6 P.M.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1013 - Prince George's County Delegation

AN ACT concerning

Prince George's County - Class B-DD (Development District) Alcoholic Beverages Licenses - Greenbelt Station

PG 310-08

HB1013/153391/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1013

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “County – ” insert “Alcoholic Beverages – Class BH (Hotel) Licenses and”; in lines 2 and 3, strike “Alcoholic Beverages”; in line 5, after “of” insert “altering the annual license fee for a BH (Hotel) license; altering the hours for licensed premises with a BH license to sell alcoholic beverages on Sunday; repealing the limitation on the number of BH licenses that an individual, partnership, or corporation may hold; repealing the limitation on the number of BH licenses that the Board of License Commissioners may issue; exempting BH licenses from certain limitations on granting licenses within certain distances of certain schools or churches;”; in line 14, after “6–201(r)(1)(i)” insert “, (4)(i),”; in the same line, after “9–217(a)” insert “and (e)(1)”; in line 19, strike “6–201(r)(15)(iv)” and substitute “6–201(r)(4)(ii), (iv), (vi), and (vii) and (15)(iv)”; in the same line, after “(ix)” insert “, 9–201(a),”; and in the same line, strike “9–217(f)(7)” and substitute “9–217(b)(15), (e)(5), and (f)(7)”.

AMENDMENT NO. 2

On page 2, after line 1, insert:

“(4) (i) There is a special Class B license known as Class BH, which may be issued only to hotels.

(ii) The annual license fee is [\$3,850] \$5,000.

(iv) Class BH licenses are subject to all other provisions pertaining to Class B beer, wine and liquor licenses, except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere in this article do not apply; and any alcoholic beverages may not be sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before [12 noon] 10 A.M.

(vi) [Notwithstanding the provisions of § 9–102 of this article or other provisions of this article, an individual, partnership, or corporation may not hold or have an interest in more than four Class BH licenses.

(vii) The Board shall adopt regulations to establish compliance with the provisions of this paragraph.”.

On page 3, after line 11, insert:

“9-102.

(a) No more than one license provided by this article, except by way of renewal or as otherwise provided in this section, shall be issued in any county or Baltimore City, to any person, or for the use of any partnership, corporation, unincorporated association, or limited liability company, in Baltimore City or any county of the State, and no more than one license shall be issued for the same premises except as provided in §§ 2-201 through 2-208, 2-301, and 6-701 OF THIS ARTICLE, and nothing herein shall be construed to apply to [§ 6-201(r)(15)] § 6-201(R)(4) AND (15), § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), § 8-508, or § 12-202 of this article.”;

and after line 13, insert:

“(b) The number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

(15) [Beer, wine and liquor license, Class BH 25] RESERVED.

(e) (1) A license may not be granted to sell alcoholic beverages in any building located within 1,000 feet of a school building, or within 500 feet of a church. The 1,000 feet, or the 500 feet, as the case may be, is to be measured from the front door or main entrance, whichever is nearest the street abutting the premises, of the proposed licensed establishment along the nearest usual pedestrian route to the door closest to the licensed premises which is used as an entrance or exit to any school, or to the main entrance of the church building.

(5) This subsection does not apply to any license issued under § 6-201(r)(2), (4), (5), or (15) or § 7-101 of this article.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1301 - Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr, Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais, Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser,

Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy, Nathan-Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and Taylor

AN ACT concerning

The Jane E. Lawton Loan Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1316 – Delegates Vaughn, Burns, Feldman, Haddaway, Hecht, King, Krysiak, Miller, and Taylor

AN ACT concerning

Real Estate Brokers – Record Keeping

HB1316/423197/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1316
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Taylor” and substitute “Taylor, and Manno”; in line 2, strike “Brokers” and substitute “Licensees”; in lines 3, 4, and 5, in each instance, strike “broker” and substitute “licensee”; in line 3, strike “retain” and substitute “keep”; in line 4, after “to” insert “keep and”; in the same line, after “store” insert “certain”; in line 6, after “Commission” insert “in a certain manner under certain circumstances”; in line 7, strike “brokers” and substitute “licensees”; and in line 10, after “(d),” insert “(k)”.

AMENDMENT NO. 2

On page 1, after line 23, insert:

“(k) “Licensee” means a licensed real estate broker, a licensed associate real estate broker, or a licensed real estate salesperson.”.

On page 2, in lines 6 and 20, in each instance, strike “**REAL ESTATE BROKER**” and substitute “LICENSEE”.

On page 2 in lines 12, 15, and 26, and on page 3 in lines 11 and 15, in each instance, strike “**BROKER**” and substitute “LICENSEE”.

On page 2 in lines 24 and 26, and on page 3 in lines 13 and 15, in each instance, strike “**BROKER’S**” and substitute “LICENSEE’S”.

AMENDMENT NO. 3

On page 2, in line 6, strike “**RETAIN**” and substitute “KEEP”; in line 7, after “**LISTINGS;**” insert “AND”; strike beginning with “**DEPOSIT**” in line 8 down through “**(V)**” in line 11; strike beginning with “**FOR**” in line 12 down through “**REQUIRED**” in line 13 and substitute “INVOLVING THE PROVISION OF REAL ESTATE BROKERAGE SERVICES”; in line 15, after “**(2)**” insert “**(I)**”; in lines 16 and 17, in each instance, strike “**3**” and substitute “5”; after line 18, insert:

“(II) A LICENSEE PROVIDING PROPERTY MANAGEMENT SERVICES SHALL KEEP THE RECORDS REQUIRED BY THIS SECTION FOR 5 YEARS AFTER THE TERMINATION OF THE MANAGEMENT AGREEMENT.”;

in line 19, strike “**STORED**” and substitute “KEPT”; in the same line, strike “**SUBSECTION**” and substitute “SUBSECTIONS (A) AND”; and in line 20, strike “**RETAIN**” and substitute “KEEP AND STORE”.

AMENDMENT NO. 4

On page 3, in line 14, strike “**MAINTAINED**” and substitute “kept”; in the same line, after “**UNDER**” insert “SUBSECTION (B) OF”; and after line 16, insert:

“(3) A LICENSEE SHALL DISPLAY TO THE COMMISSION ON DEMAND ALL RECORDS, BOOKS, AND ACCOUNTS OF ANY MONEY HELD IN TRUST.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1400 – Delegates Wood, Bohanan, Murphy, and O’Donnell

AN ACT concerning

Workers’ Compensation – Covered Employees – State Government Volunteer Workers

HB1400/833396/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1400

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “using” in line 7 down through “purposes;” in line 8 and substitute “limiting the benefits provided to a volunteer worker to certain medical services and treatment;”; and in line 12, strike “and 9–602(m)”.

AMENDMENT NO. 2

On page 1, strike line 23 in its entirety and substitute:

“(C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, BENEFITS PROVIDED UNDER THIS SECTION SHALL CONSIST ONLY OF MEDICAL SERVICES AND TREATMENT UNDER SUBTITLE 6, PART IX OF THIS TITLE FOR A COMPENSABLE INJURY.”

On page 2, strike in their entirety lines 1 through 5, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Wood moved to make the Bill a Special Order for the end of today’s business.

The motion was adopted.

**THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS
REPORT #5**

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 81 – Delegates Hubbard and Hammen

AN ACT concerning

Task Force to Study the Regulation of Artificial Trans Fat

HB0081/336680/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 81
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 23, strike “EIGHT” and substitute “NINE”.

AMENDMENT NO. 2

On page 2, in line 7, strike “FIVE” and substitute “SIX”; strike beginning with “ONE” in line 12 down through “COMPANIES” in line 13 and substitute “ONE REPRESENTATIVE OF THE MARYLAND RETAILERS ASSOCIATION”; in line 15, strike “AND”; and in line 17, after “SOCIETY” insert “; AND”

(VI) ONE REPRESENTATIVE OF THE MARYLAND DIETETIC ASSOCIATION”.

On page 3, in line 13, strike “DETERMINES” and substitute “CONSIDERS”.

AMENDMENT NO. 3

On page 3, in line 15, strike “DECEMBER” and substitute “FEBRUARY”; in line 21, strike “July” and substitute “June”; in the same line, strike “2 years” and

substitute "1 year and 6 months"; strike beginning with "June" in line 21 down through "2010" in line 22 and substitute "November 30, 2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 277 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Insurance Commissioner – Authority to Act in an Emergency

HB0277/686888/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 277

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Authority to Act" and substitute "Adoption of Regulations Applicable"; in the same line, after "Emergency" insert "- Required"; in lines 3 and 4, strike "managed care organizations and"; in line 4, strike "and purpose"; strike beginning with "specifying" in line 4 down through "regulations;" in line 8; in line 9, after "the" insert "Maryland Insurance"; in the same line, after "regulations" insert "that may be applied in certain emergencies or disasters; authorizing the regulations to apply to certain persons and address certain activities; requiring the Commissioner to issue a certain bulletin under certain circumstances; requiring the Commissioner to provide a copy of the bulletin to a certain emergency contact; authorizing the Commissioner to post a copy of the bulletin on a certain website"; in line 10, after the second "the" insert "Maryland"; and strike in their entirety lines 11 through 15, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 7, inclusive.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 13 on page 2 through line 20 on page 3, inclusive, and substitute:

“(A) THE COMMISSIONER SHALL ADOPT REGULATIONS THAT MAY BE APPLIED WHEN:

(1) THE GOVERNOR HAS DECLARED A STATE OF EMERGENCY FOR THE STATE OR AN AREA WITHIN THE STATE UNDER § 14-107 OF THE PUBLIC SAFETY ARTICLE; OR

(2) THE PRESIDENT OF THE UNITED STATES HAS ISSUED A MAJOR DISASTER OR EMERGENCY DECLARATION FOR THE STATE OR AN AREA WITHIN THE STATE UNDER THE FEDERAL STAFFORD ACT.

(B) THE REGULATIONS MAY:

(1) APPLY TO ANY PERSON REGULATED BY THE COMMISSIONER UNDER THIS ARTICLE OR TITLE 19, SUBTITLE 7 OF THE HEALTH - GENERAL ARTICLE; AND

(2) ADDRESS:

(I) SUBMISSION OF CLAIMS OR PROOF OF LOSS;

(II) GRACE PERIODS FOR PAYMENT OF PREMIUMS AND PERFORMANCE OF OTHER DUTIES BY INSUREDS;

(III) TEMPORARY POSTPONEMENT OF CANCELLATIONS, NONRENEWALS, PREMIUM INCREASES, OR POLICY MODIFICATIONS;

(IV) PROCEDURES FOR OBTAINING NONELECTIVE HEALTH CARE SERVICES;

(V) TIME RESTRICTIONS FOR FILLING OR REFILLING PRESCRIPTION DRUGS;

(VI) TIME FRAMES APPLICABLE TO AN ACTION BY THE COMMISSIONER UNDER THIS ARTICLE; AND

(VII) ANY OTHER ACTIVITY NECESSARY TO PROTECT THE RESIDENTS OF THE STATE.

(C) (1) TO ACTIVATE A REGULATION ADOPTED UNDER THIS SECTION, THE COMMISSIONER SHALL ISSUE A BULLETIN SPECIFYING:

(I) THAT THE REGULATION IS ACTIVATED;

(II) THE LINE OR LINES OF BUSINESS TO WHICH THE REGULATION APPLIES;

(III) THE GEOGRAPHIC AREAS TO WHICH THE REGULATION APPLIES; AND

(IV) THE PERIOD OF TIME FOR WHICH THE REGULATION APPLIES.

(2) A REGULATION ACTIVATED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT APPLY BEYOND THE DURATION OF, OR THE GEOGRAPHICAL AREA INCLUDED WITHIN, THE GOVERNOR'S OR PRESIDENT'S DECLARATION OF A STATE OF EMERGENCY OR DISASTER.

(3) THE COMMISSIONER:

(I) SHALL PROVIDE A COPY OF THE BULLETIN TO THE EMERGENCY CONTACT DESIGNATED BY THE PERSON SUBJECT TO THE BULLETIN; AND

(II) MAY POST A COPY OF THE BULLETIN ON THE ADMINISTRATION'S WEBSITE."

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 419 - Delegates Elliott, Ali, Bartlett, Beitzel, Bromwell, Cane, Costa, DeBoy, Frush, George, Norman, Hammen, Hecht, Hubbard, Impallaria, Kach, King, Kipke, Kirk, Krebs, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Proctor, Reznik, Riley, Rudolph, Smigiel, Sophocleus, Sossi, Stukes, Stull, V. Turner, Walkup, Weir, and Weldon

AN ACT concerning

Pharmacy Benefits Managers - Registration

HB0419/576785/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 419

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Benson, and Donoghue”; in line 3, strike “person” and substitute “pharmacy benefits manager”; strike beginning with “the” in line 4 down through “manager” in line 5 and substitute “providing pharmacy benefits management services”; strike beginning with “exempting” in line 5 down through “circumstances;” in line 9; in line 12, strike “applicants” and substitute “pharmacy benefits managers”; strike beginning with “authorizing” in line 16 down through “requirements;” in line 22; strike beginning with “an” in line 22 down through “organization” in line 23 and substitute “a purchaser”; and in line 25, strike “requiring” and substitute “authorizing”.

On page 2, strike beginning with “requiring” in line 2 down through “date;” in line 3 and substitute “authorizing the Commissioner to issue a certain order; authorizing an order of the Commissioner to be served in a certain manner under”

certain circumstances; providing that a request for a hearing on a certain order does not stay a certain portion of the order; authorizing the Commissioner to file a certain petition in circuit court; authorizing the Commissioner to recover certain fees and costs under certain circumstances;"; strike beginning with "altering" in line 3 down through "requirements;" in line 6; in line 13, strike "15-1613" and substitute "15-1609"; and strike in their entirety lines 22 through 31, inclusive.

AMENDMENT NO. 2

On page 2, after line 38, insert:

"(B) "BENEFICIARY" MEANS AN INDIVIDUAL WHO RECEIVES PRESCRIPTION DRUG COVERAGE OR BENEFITS FROM A PURCHASER.

(C) "ERISA" HAS THE MEANING STATED IN § 8-301 OF THIS ARTICLE."

On page 3, strike in their entirety lines 1 through 10, inclusive, and substitute:

"(D) "NONPROFIT HEALTH MAINTENANCE ORGANIZATION" HAS THE MEANING STATED IN § 6-121(A) OF THIS ARTICLE.

(E) (1) "PHARMACY BENEFITS MANAGEMENT SERVICES" MEANS:

(I) THE PROCUREMENT OF PRESCRIPTION DRUGS AT A NEGOTIATED RATE FOR DISPENSATION WITHIN THE STATE TO BENEFICIARIES;

(II) THE ADMINISTRATION OR MANAGEMENT OF PRESCRIPTION DRUG COVERAGE PROVIDED BY A PURCHASER FOR BENEFICIARIES; AND

(III) ANY OF THE FOLLOWING SERVICES PROVIDED WITH REGARD TO THE ADMINISTRATION OF PRESCRIPTION DRUG COVERAGE:

1. MAIL SERVICE PHARMACY;

2. CLAIMS PROCESSING, RETAIL NETWORK MANAGEMENT, AND PAYMENT OF CLAIMS TO PHARMACIES FOR PRESCRIPTION DRUGS DISPENSED TO BENEFICIARIES;

3. CLINICAL FORMULARY DEVELOPMENT AND MANAGEMENT SERVICES;

4. REBATE CONTRACTING AND ADMINISTRATION;

5. PATIENT COMPLIANCE, THERAPEUTIC INTERVENTION, AND GENERIC SUBSTITUTION PROGRAMS; OR

6. DISEASE MANAGEMENT PROGRAMS.

(2) "PHARMACY BENEFITS MANAGEMENT SERVICES" DOES NOT INCLUDE ANY SERVICE PROVIDED BY A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT OPERATES AS A GROUP MODEL, PROVIDED THAT THE SERVICE:

(I) IS PROVIDED SOLELY TO A MEMBER OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION; AND

(II) IS FURNISHED THROUGH THE INTERNAL PHARMACY OPERATIONS OF THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.;

in line 11, strike "(C)" and substitute "(F)"; and strike in their entirety lines 13 through 18, inclusive, and substitute:

"(G) (1) "PURCHASER" MEANS THE STATE EMPLOYEE AND RETIREE HEALTH AND WELFARE BENEFITS PROGRAM, AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT:

(I) PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS IN THE STATE; AND

(II) ENTERS INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER FOR THE PROVISION OF PHARMACY BENEFITS MANAGEMENT SERVICES.

(2) “PURCHASER” DOES NOT INCLUDE A PERSON THAT PROVIDES PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH PLANS SUBJECT TO ERISA AND DOES NOT PROVIDE PRESCRIPTION DRUG COVERAGE OR BENEFITS THROUGH INSURANCE, UNLESS THE PERSON IS A MULTIPLE EMPLOYER WELFARE ASSOCIATION AS DEFINED IN § 514(B)(6)(A)(II) OF ERISA.”

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 20 on page 3 through line 11 on page 4, inclusive.

AMENDMENT NO. 4

On page 4, in line 12, strike “PERSON” and substitute “**PHARMACY BENEFITS MANAGER**”; in lines 12 and 13, strike “**BEFORE THE PERSON ACTS AS OR REPRESENTS ITSELF**”; in line 14, strike “**IN THE STATE**” and substitute “**BEFORE PROVIDING PHARMACY BENEFITS MANAGEMENT SERVICES IN THE STATE TO PURCHASERS**”; strike beginning with “**THE**” in line 20 down through “**REGULATION**” in line 22 and substitute “**SUBJECT TO THE PROVISIONS OF § 15-1604 OF THIS SUBTITLE, THE COMMISSIONER SHALL REGISTER EACH PHARMACY BENEFITS MANAGER THAT MEETS THE REQUIREMENTS OF THIS SECTION**”; strike in their entirety lines 23 through 25, inclusive, and substitute:

“15-1603.

(A) A PHARMACY BENEFITS MANAGER REGISTRATION EXPIRES ON THE ANNIVERSARY DATE THAT OCCURS ON THE DATE 2 YEARS FOLLOWING THE DATE THE COMMISSIONER ISSUED THE REGISTRATION, UNLESS IT IS RENEWED AS PROVIDED UNDER THIS SECTION.”;

and strike beginning with “**BEFORE**” in line 26 down through “**REGISTRANT**” in line 27 and substitute “**A PHARMACY BENEFITS MANAGER MAY RENEW ITS REGISTRATION FOR AN ADDITIONAL 2-YEAR TERM, IF THE PHARMACY BENEFITS MANAGER**”.

AMENDMENT NO. 5

On page 5, in line 3, after “A” insert “**PHARMACY BENEFITS MANAGER**”; in line 4, strike “**TIMELY IF**” and substitute “**MADE IN A TIMELY MANNER IF IT IS**”; in lines 4 and 5, strike “**JUNE 30 OF THE YEAR OF THE RENEWAL**” and substitute “**THE**”.

DATE THE PHARMACY BENEFITS MANAGER'S REGISTRATION EXPIRES"; after line 5, insert:

"(D) SUBJECT TO THE PROVISIONS OF § 15-1604 OF THIS SUBTITLE, THE COMMISSIONER SHALL RENEW THE REGISTRATION OF EACH PHARMACY BENEFITS MANAGER THAT MEETS THE REQUIREMENTS OF THIS SECTION.

15-1604.

(A) SUBJECT TO THE HEARING PROVISIONS OF TITLE 2 OF THIS ARTICLE, THE COMMISSIONER MAY DENY A REGISTRATION TO A PHARMACY BENEFITS MANAGER APPLICANT OR REFUSE TO RENEW, SUSPEND, OR REVOKE THE REGISTRATION OF A PHARMACY BENEFITS MANAGER IF THE PHARMACY BENEFITS MANAGER, OR AN OFFICER, DIRECTOR, OR EMPLOYEE OF THE PHARMACY BENEFITS MANAGER:

(1) MAKES A MATERIAL MISSTATEMENT OR MISREPRESENTATION IN AN APPLICATION FOR REGISTRATION;

(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION;

(3) IN CONNECTION WITH THE ADMINISTRATION OF PHARMACY BENEFITS MANAGEMENT SERVICES, COMMITS FRAUD OR ENGAGES IN ILLEGAL OR DISHONEST ACTIVITIES; OR

(4) VIOLATES ANY PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE.

(B) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

15-1605.

A PHARMACY BENEFITS MANAGER MAY NOT SHIP, MAIL, OR DELIVER PRESCRIPTION DRUGS OR DEVICES TO A PERSON IN THE STATE THROUGH A

NONRESIDENT PHARMACY UNLESS THE NONRESIDENT PHARMACY HOLDS A PERMIT ISSUED IN ACCORDANCE WITH THE PROVISIONS OF § 12-403 OF THE HEALTH OCCUPATIONS ARTICLE.”;

and strike in their entirety lines 6 through 21, inclusive.

AMENDMENT NO. 6

On pages 5 and 6, strike in their entirety the lines beginning with line 23 on page 5 through line 2 on page 6, inclusive, and substitute:

“(A) WHENEVER THE COMMISSIONER CONSIDERS IT ADVISABLE, THE COMMISSIONER MAY EXAMINE THE AFFAIRS, TRANSACTIONS, ACCOUNTS, AND RECORDS OF A REGISTERED PHARMACY BENEFITS MANAGER.

(B) THE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH § 2-207 OF THIS ARTICLE.

(C) THE EXPENSE OF THE EXAMINATION SHALL BE PAID IN ACCORDANCE WITH § 2-208 OF THIS ARTICLE.

(D) THE REPORTS OF THE EXAMINATION AND INVESTIGATION SHALL BE ISSUED IN ACCORDANCE WITH § 2-209 OF THIS ARTICLE.”.

AMENDMENT NO. 7

On pages 6 and 7, strike in their entirety the lines beginning with line 4 on page 6 through line 24 on page 7, inclusive, and substitute:

“A PHARMACY BENEFITS MANAGER SHALL MAINTAIN ADEQUATE BOOKS AND RECORDS ABOUT EACH PURCHASER FOR WHICH THE PHARMACY BENEFITS MANAGER PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES:

(1) IN ACCORDANCE WITH PRUDENT STANDARDS OF RECORD KEEPING;

(2) FOR THE DURATION OF THE AGREEMENT BETWEEN THE PHARMACY BENEFITS MANAGER AND THE PURCHASER; AND

(3) FOR 3 YEARS AFTER THE PHARMACY BENEFITS MANAGER CEASES TO PROVIDE PHARMACY BENEFITS MANAGEMENT SERVICES FOR THE PURCHASER.

15-1608.

(A) IF THE COMMISSIONER DETERMINES THAT A PHARMACY BENEFITS MANAGER HAS VIOLATED ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY ISSUE AN ORDER THAT REQUIRES THE PHARMACY BENEFITS MANAGER TO:

(1) CEASE AND DESIST FROM THE IDENTIFIED VIOLATION AND FURTHER SIMILAR VIOLATIONS;

(2) TAKE SPECIFIC AFFIRMATIVE ACTION TO CORRECT THE VIOLATION; OR

(3) MAKE RESTITUTION OF MONEY, PROPERTY, OR OTHER ASSETS TO A PERSON THAT HAS SUFFERED FINANCIAL INJURY BECAUSE OF THE VIOLATION.

(B) (1) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY BENEFITS MANAGER THAT IS REGISTERED UNDER THIS SUBTITLE IN THE MANNER PROVIDED IN § 2-204 OF THIS ARTICLE.

(2) AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SECTION MAY BE SERVED ON A PHARMACY BENEFITS MANAGER THAT IS NOT REGISTERED UNDER THIS SUBTITLE IN THE MANNER PROVIDED IN § 4-206 OR § 4-207 OF THIS ARTICLE FOR SERVICE ON AN UNAUTHORIZED INSURER THAT DOES AN ACT OF INSURANCE BUSINESS IN THE STATE.

(3) A REQUEST FOR A HEARING ON ANY ORDER ISSUED UNDER THIS SECTION DOES NOT STAY THAT PORTION OF THE ORDER THAT REQUIRES THE PHARMACY BENEFITS MANAGER TO CEASE AND DESIST FROM CONDUCT IDENTIFIED IN THE ORDER.

(4) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT OF ANY COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION, WHETHER OR NOT A HEARING HAS BEEN REQUESTED OR, IF REQUESTED, WHETHER OR NOT A HEARING HAS BEEN HELD.

(5) IF THE COMMISSIONER PREVAILS IN AN ACTION BROUGHT UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER, FOR THE USE OF THE STATE, REASONABLE ATTORNEY'S FEES AND THE COSTS OF THE ACTION.

(C) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(D) THIS SECTION DOES NOT LIMIT ANY OTHER REGULATORY AUTHORITY OF THE COMMISSIONER UNDER THIS ARTICLE.

15-1609.

A PURCHASER MAY NOT ENTER INTO AN AGREEMENT WITH A PHARMACY BENEFITS MANAGER THAT HAS NOT REGISTERED WITH THE COMMISSIONER."

AMENDMENT NO. 8

On pages 7 through 10, strike in their entirety the lines beginning with line 29 on page 7 through line 7 on page 10, inclusive.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 440 – Delegates Rosenberg, Harrison, Kirk, Krysiak, Love, Manno, McHale, and Taylor

AN ACT concerning

Procurement – Service Contracts – Notice to State Employees and Exclusive Representatives

HB0440/226989/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 440

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “State Employees and”; in line 6, after “to” insert “exclusive representatives of”; in line 7, strike “and their exclusive representatives”; in line 8, after “process;” insert “providing that a violation of a certain provision does not constitute grounds to challenge or appeal certain awards and processes;”; strike beginning with “authorizing” in line 9 down through “required” in line 12 and substitute “altering certain notice requirements included in certain”; in line 13, after “assistance” insert “for certain State employees who will be adversely affected by certain service contracts”; and in the same line, strike “certain terms” and substitute “a certain term”.

On page 2, in line 5, strike “, 13–402, and 13–403” and substitute “through 13–404”; and in line 10, strike “13–404 and”.

AMENDMENT NO. 2

On page 4, in line 9, strike “**90**” and substitute “**60**”; in line 11, after “**PROVIDE**” insert “**THE EXCLUSIVE REPRESENTATIVE OF THE**”; strike beginning with “**AND**” in line 12 down through “**REPRESENTATIVES**” in line 13; and after line 17, insert:

“(C) A VIOLATION OF THIS SECTION DOES NOT CONSTITUTE GROUNDS TO CHALLENGE OR APPEAL AN AWARD OF A PROCUREMENT OR THE PROCESS THROUGH WHICH THE PROCUREMENT WAS CONDUCTED.”

AMENDMENT NO. 3

On page 6, in lines 2, 5, 8, 10, 12, 14, and 15, in each instance, strike the brackets; strike in their entirety lines 6 and 7, inclusive; and in lines 8, 10, 12, and 15, strike “**(2)**”, “**(3)**”, “**(4)**”, and “**(5)**”, respectively.

On pages 6 and 7, strike beginning with “; AND” in line 16 on page 6 down through “WORKS” in line 13 on page 7.

On page 8, in line 18, strike “AND § 13-404 OF THIS ARTICLE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 527 – Delegates Reznik, Beitzel, Bromwell, Donoghue, Hammen, Kullen, Montgomery, Morhaim, Pena-Melnyk, Schuler, Tarrant, and V. Turner

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

HB0527/256383/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 527
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 8 and 9, strike “Department of Budget and Management and the Department of General Services” and substitute “Department of Legislative Services”.

AMENDMENT NO. 2

On page 2, in lines 25 and 26, strike “Department of Budget and Management and the Department of General Services” and substitute “Department of Legislative Services”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 561 – Delegate Morhaim

AN ACT concerning

Procurement – Small Business Reserve Program – Eligibility Modifications

HB0561/946984/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 561

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Morhaim” and substitute “Delegates Morhaim, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melynk, Reznik, Tarrant, V. Turner, and Weldon”; in line 3, after “Authority” insert “and the Department of Information Technology”; in the same line, strike “a”; in line 4, strike “unit” and substitute “units”; in line 6, after “services;” insert “requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; making certain provisions of this Act contingent on the taking effect of another Act;”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 14–501(b)(22) and (23)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

(As enacted by Section 1 of this Act)

BY adding to

Article – State Finance and Procurement
Section 14-501(b)(24)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)
(As enacted by Section 1 of this Act)”.

AMENDMENT NO. 2

On page 3, after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
read as follows:

Article – State Finance and Procurement

14-501.

(b) “Designated procurement unit” means:

(22) the Morgan State University; [and]

(23) the Maryland Transportation Authority; AND

(24) THE DEPARTMENT OF INFORMATION TECHNOLOGY.”

AMENDMENT NO. 3

On page 3, before line 25, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1,
2011, the Department of General Services shall report to the Senate Education,
Health, and Environmental Affairs Committee and the House Health and Government
Operations Committee, in accordance with § 2-1246 of the State Government Article,
on whether this Act has negatively impacted small businesses with:

(1) wholesale operations that did not employ more than 50 persons,
and gross sales that did not exceed an average of \$2,000,000 in their most recently
completed 3 fiscal years;

(2) retail operations that did not employ more than 25 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years; and

(3) service operations that did not employ more than 100 persons, and gross sales that did not exceed an average of \$2,000,000 in their most recently completed 3 fiscal years.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2008, contingent on the taking effect of Chapter ____ (S.B. 212/H.B. 362) of the Acts of the General Assembly of 2008, and if Chapter ____ does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.”;

in line 25, strike “2.” and substitute “5.”; and in the same line, after “That” insert “, subject to Section 4 of this Act.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 578 – Delegates Pena–Melnik, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan–Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, and Weldon

AN ACT concerning

Health Insurance – Coverage for Amino Acid–Based Elemental Formula

HB0578/826687/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 578

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley”; and in line 6, after “circumstances;” insert “authorizing an insurer, nonprofit health service plan, or health maintenance organization to review a certain determination of medical necessity;”.

AMENDMENT NO. 2

On page 2, in line 20, after “(II)” insert “SEVERE”; in line 21, after “DISORDERS” insert “, AS EVIDENCED BY THE RESULTS OF A BIOPSY”; in line 25, strike “THE” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE”; and after line 28, insert:

“(3) AN INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION MAY REVIEW THE ORDERING PHYSICIAN’S DETERMINATION OF THE MEDICAL NECESSITY OF THE AMINO ACID-BASED ELEMENTAL FORMULA FOR THE TREATMENT OF A DISEASE OR DISORDER.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 689 – Delegate Barnes

AN ACT concerning

Access to Public Records – Permissible Denials – Public Institutions of Higher Education

HB0689/646480/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 689

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Barnes” and substitute “Delegates Barnes, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon”; in line 4, strike “to deny certain inspections of a part”; in line 5, after “education” insert “that contains certain personal information”; in line 6, strike “that contains certain information” and substitute “to require that certain requests be in writing and to deny certain inspections”; in line 7, strike “a”; in the same line, strike “term” and substitute “terms”; and after line 8, insert:

“BY repealing and reenacting, with amendments,

Article – State Government

Section 10–611(f)

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“10–611.

(f) (1) [“Personal information”] EXCEPT AS OTHERWISE PROVIDED IN THIS PART III, “PERSONAL INFORMATION” means information that identifies an individual including an individual’s address, driver’s license number or any other identification number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number.

(2) “Personal information” does not include an individual’s driver’s status, driving offenses, 5–digit zip code, or information on vehicular accidents.”.

AMENDMENT NO. 3

On page 1, in line 18, after “(1)” insert “(I)”; in the same line, strike the comma and substitute “THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II)”;

in the same line, strike “**DIRECTORY**” and substitute “**DIRECTORY**”; after line 19, insert:

“(III) “PERSONAL INFORMATION” MEANS:

- 1. AN ADDRESS;**
- 2. A PHONE NUMBER;**
- 3. AN ELECTRONIC MAIL ADDRESS; OR**
- 4. DIRECTORY INFORMATION.”;**

in line 20, strike “MAY DENY INSPECTION OF A PART”; in line 21, after “EDUCATION” insert “THAT CONTAINS PERSONAL INFORMATION”; in lines 22 and 23, strike “THAT CONTAINS THE FOLLOWING INFORMATION,” and substitute “MAY:

(I) REQUIRE THAT A REQUEST TO INSPECT A RECORD CONTAINING PERSONAL INFORMATION BE MADE IN WRITING AND SENT BY FIRST-CLASS MAIL; AND

(II)”;

in line 24, strike the colon and substitute “, DENY INSPECTION OF THE PART OF THE RECORD CONTAINING THE PERSONAL INFORMATION.”.

On page 2, strike in their entirety lines 1 through 4, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 805 – Delegates Weldon, Bates, G. Clagett, Hecht, Miller, and Stull

AN ACT concerning

Procurement – Preferences – Employment Works Program

HB0805/456285/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 805
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stull” and substitute “Stull, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner”.

AMENDMENT NO. 2

On page 2, in line 22, strike “**IS APPROVED**” and substitute “**IS ACCREDITED BY THE DIVISION OF REHABILITATION SERVICES OF THE STATE DEPARTMENT OF EDUCATION**”; and strike beginning with “**BY**” in line 23 down through “**EDUCATION**” in line 24.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 815 – Delegates Tarrant, Donoghue, James, Nathan-Pulliam, Riley, and Stukes

AN ACT concerning

**Health Insurance – Reimbursement of Health Care Practitioners –
Information Provided by Carriers**

HB0815/856988/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 815
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 22, strike “written”; and in line 28, strike the brackets.

AMENDMENT NO. 2

On page 3, strike beginning with the semicolon in line 2 down through “USES” in line 4; in line 5, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A”; in line 6, after “subsection” insert “IN THE MANNER INDICATED”; in line 7, after “(i)” insert “IN WRITING”; in line 8, after “(ii)” insert “IN WRITING OR ELECTRONICALLY”; in line 9, after “(iii)” insert “IN WRITING OR ELECTRONICALLY”; after line 9, insert:

“(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A CARRIER SHALL MAKE THE PHARMACEUTICAL FORMULARY THAT THE CARRIER USES AVAILABLE TO A HEALTH CARE PRACTITIONER ELECTRONICALLY.

(4) ON WRITTEN REQUEST OF A HEALTH CARE PRACTITIONER, A CARRIER SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPHS (1) AND (3) OF THIS SUBSECTION IN WRITING.”;

and in line 10, strike “(3)” and substitute “(5)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 865 – Delegates Morhaim, Bromwell, Miller, and Weldon

AN ACT concerning

Government Efficiency and Streamlining Operations

HB0865/686582/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 865
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Hammen, Pendergrass, Beitzel, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner”; strike line 2 in its entirety and substitute “Procurement – eMaryland Marketplace – Use”; and in line 6, after “Act;” insert “prohibiting an unintentional violation from constituting grounds to challenge or appeal the award of a procurement or the process through which a procurement was conducted”.

AMENDMENT NO. 2

On page 2, in line 18, after “(8)” insert “EXCEPT FOR THE MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY,”; and after line 23, insert:

“(C) AN UNINTENTIONAL VIOLATION OF THIS SECTION MAY NOT CONSTITUTE GROUNDS TO CHALLENGE OR APPEAL:

(1) THE AWARD OF A PROCUREMENT; OR

(2) THE PROCESS THROUGH WHICH A PROCUREMENT WAS CONDUCTED.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 872 – Delegates Pendergrass, Bobo, DeBoy, Guzzone, Malone, and F. Turner

AN ACT concerning

Health Insurance – Public-Private Health Care Programs

HB0872/216682/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 872

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and F. Turner” and substitute “F. Turner, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon”; and in line 9, after “law;” insert “requiring a public-private health care program to disapprove an application under certain circumstances;”.

On page 2, in line 1, strike “14-709” and substitute “14-710”.

AMENDMENT NO. 2

On page 2, in line 23, strike “AND”; after line 23, insert:

“(2) IS NOT COVERED UNDER A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE; AND”;

and in line 24, strike “(2)” and substitute “(3)”.

AMENDMENT NO. 3

On page 4, in line 17, strike “AND”; in line 19, after “PARTICIPANTS;” insert “AND

5. THE PROCEDURES TO BE USED TO MONITOR APPLICATIONS FOR ENROLLMENT TO DETERMINE WHETHER AN INDIVIDUAL

HAS VOLUNTARILY TERMINATED COVERAGE UNDER A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE;”.

AMENDMENT NO. 4

On page 5, after line 22, insert:

“A PUBLIC-PRIVATE HEALTH CARE PROGRAM MAY NOT APPROVE AN APPLICATION FOR ENROLLMENT IF IT IS DETERMINED THAT THE INDIVIDUAL FOR WHOM THE APPLICATION WAS SUBMITTED WAS COVERED BY A HEALTH BENEFIT PLAN ISSUED UNDER TITLE 15, SUBTITLE 12 OF THIS ARTICLE THAT WAS VOLUNTARILY TERMINATED BY THE INDIVIDUAL WITHIN 6 MONTHS PRECEDING THE DATE OF THE APPLICATION.

14-707.”.

AMENDMENT NO. 5

On page 6, in lines 24 and 31, strike “14-707.” and “14-708.”, respectively, and substitute “14-708.” and “14-709.”, respectively.

On page 8, in line 6, strike “14-709.” and substitute “14-710.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 881 – Delegate Weldon

AN ACT concerning

Procurement – Preference Procurement Program for Sheltered Workshops – Individual With Disability Owned Businesses

HB0881/266380/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 881

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Weldon” and substitute “Delegates Weldon, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner”; in line 6, in each instance, strike “entity” and substitute “business”; in line 7, after “program;” insert “requiring the State or certain State aided or controlled entities to buy certain supplies and services from certain businesses under certain circumstances;”; in line 10, strike “entities” and substitute “certain sheltered workshops and businesses”; and in lines 23 and 24, strike “AN ENTITY” and substitute “A BUSINESS”.

AMENDMENT NO. 2

On page 2, in line 4, strike beginning with “CERTIFIED” through “DISABILITY” and substitute “DETERMINED”; and in line 5, after “EDUCATION” insert “TO HAVE A DISABILITY, AS DEFINED BY TITLE 21, SUBTITLE 3 OF THE EDUCATION ARTICLE”.

AMENDMENT NO. 3

On page 3, in line 16, strike “or”; in lines 17 and 18, strike “**OR INDIVIDUAL WITH DISABILITY OWNED BUSINESSES**”; in lines 19 and 20, strike “**OR AN INDIVIDUAL WITH DISABILITY OWNED BUSINESS**”; in line 24, after “government” insert “**;OR**”

(4) INDIVIDUAL WITH DISABILITY OWNED BUSINESSES IF:

(i) AN INDIVIDUAL WITH DISABILITY OWNED BUSINESS PROVIDES THE SUPPLIES OR SERVICES;

(ii) NEITHER MARYLAND CORRECTIONAL ENTERPRISES, BLIND INDUSTRIES AND SERVICES OF MARYLAND, NOR A SHELTERED WORKSHOP PROVIDES THE SUPPLIES OR SERVICES; AND

(III) THE STATE OR A STATE AIDED OR CONTROLLED ENTITY IS NOT REQUIRED BY LAW TO BUY THE SUPPLIES OR SERVICES FROM ANY OTHER UNIT OF THE STATE GOVERNMENT".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1059 - Delegates Hubbard, Benson, Costa, Elliott, Gaines, Guzzone, Hucker, Kipke, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Community Services Reimbursement Rate Commission - Termination Date Extension and Modifications

HB1059/166386/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1059

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Hammen, Pendergrass, Bromwell, Donoghue, Kach, McDonough, Mizeur, Morhaim, and Reznik"; in line 10, after "workers;" insert "repealing a requirement that the Commission assess certain measures of quality and certain other rate system issues"; strike beginning with "requiring" in line 13 down through "providers;" in line 14; strike beginning with the second "requiring" in line 15 down through "data" in line 18 and substitute "repealing a requirement that the Commission study the variation in transportation costs among providers of services to individuals with developmental disabilities and make a certain recommendation; repealing a requirement that the Commission work with the Mental Hygiene Administration to expand the use of

certain billing data for a certain purpose”; and strike beginning with “requiring” in line 20 down through “recommendations;” in line 21.

AMENDMENT NO. 2

On page 4, in line 22, strike “Measures of quality and how” and substitute “**HOW**”; in line 23, after “methodology;” insert “**AND**”; and strike beginning with the semicolon in line 27 down through “appropriate” in line 31.

On page 5, strike beginning with the colon in line 6 down through “Review” in line 7 and substitute “, **REVIEW**”; strike in their entirety lines 10 through 13, inclusive; and strike beginning with “With” in line 14 down through “(4)” in line 27.

On page 7, in line 2, strike the brackets; and strike beginning with the semicolon in line 5 down through “**SERVICES**” in line 7.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1492 – The Speaker (By Request – Administration) and Delegates Hammen, Beitzel, Benson, Bromwell, Busch, Costa, Donoghue, Eckardt, Elliott, Hubbard, Kach, Kaiser, Kipke, Kullen, Manno, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Rudolph, Tarrant, V. Turner, and Weldon

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap

HB1492/676088/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1492
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Gap” insert “and Sunset Extension”; and in line 19, after “subsidy;” insert “extending the termination date of the Senior Prescription Drug Assistance Program”.

On page 2, after line 12, insert:

“BY repealing and reenacting, with amendments,

Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, and Chapter 509 of the Acts of the General Assembly of 2007

Section 13”.

AMENDMENT NO. 2

On page 6, after line 21, insert:

“Chapter 153 of the Acts of 2002, as amended by Chapter 282 of the Acts of 2005, Chapter 345 of the Acts of 2006, and Chapter 509 of the Acts of 2007

SECTION 13. AND BE IT FURTHER ENACTED, That:

(1) No later than June 1, 2003, the Secretary of Health and Mental Hygiene and the carrier that is required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article shall transfer all Plan records, data, and other information necessary to operate and administer the Senior Prescription Drug Program established under this Act to the Board of the Maryland Health Insurance Plan.

(2) Each individual enrolled in the Short-Term Prescription Drug Subsidy Plan, established under Title 15, Subtitle 6 of the Health – General Article, on June 30, 2003 shall, at the option of the enrollee and subject to the payment of all necessary premiums and copayments, be automatically enrolled in the Senior Prescription Drug Program established under this Act.

(3) It is the intent of the General Assembly that the transition of enrollees from the Short-Term Prescription Drug Subsidy Plan to the Senior

Prescription Drug Program be accomplished without interruption of benefits for enrollees.

(4) Subsidies shall be offered to enrollees through the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II of the Insurance Article beginning January 1, 2006. At the end of December 31, [2009] 2010, the Senior Prescription Drug Assistance Program established under Title 14, Subtitle 5, Part II, as amended, shall be abrogated and of no further force and effect.

(5) Beginning April 1, 2003, the carrier required to offer the Short-Term Prescription Drug Subsidy Plan under Title 15, Subtitle 6 of the Health – General Article and the Senior Prescription Drug Assistance Program under Title 14, Subtitle 5 of the Insurance Article shall subsidize the Plan and beginning January 1, 2006, the Program, using the value of the carrier’s premium tax exemption.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O’Donnell moved to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 108 – Delegates Branch, Anderson, Stukes, and Tarrant

AN ACT concerning

Public Safety – Electronic Weapons – Prohibition

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

House Bill 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities - Inmate Health Care Expenses - Payment Rates to Health Care Providers

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Morhaim moved to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

House Bill 1138 - Delegates Braveboy, Cane, Feldman, Griffith, Hecht, Holmes, Manno, Miller, and Pena-Melnyk

AN ACT concerning

Task Force to Study Gasoline Zone-Pricing in Maryland

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Wood moved to make the Bill a Special Order for March 13, 2008.

The motion was adopted.

House Bill 1400 - Delegates Wood, Bohanan, Murphy, and O'Donnell

AN ACT concerning

Workers' Compensation - Covered Employees - State Government Volunteer Workers

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1400/853724/1

BY: Delegate Wood

AMENDMENT TO HOUSE BILL 1400

(First Reading File Bill)

On page 2, in line 7, strike "October" and substitute "July".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 287)

ADJOURNMENT

At 10:48 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Thursday, March 13, 2008.

**Annapolis, Maryland
Thursday, March 13, 2008**

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Roger P. Manno of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 288)

The Journal of March 12, 2008 was read and approved.

EXCUSES:

Del. Harrison – illness – flu

Del. Jameson – recovering from surgery

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 42 – ~~Senator Frosh~~ Senators Frosh, Brochin, Forehand, Muse, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

FOR the purpose of authorizing a judge in entering a temporary protective order to order a certain person to surrender to law enforcement authorities any firearm in the person's possession for a certain period of time; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to provide for the safe storage of the firearm; providing for the retaking of surrendered firearms by the respondent under certain circumstances; and generally relating to ~~temporary~~ protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law

Section 4-505
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Family Law
Section 4-506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 124 – Senators Brochin and Stone

AN ACT concerning

Criminal Law – Lawful Interception of Communications – Additional Crimes

FOR the purpose of adding the commission of assault in the first degree and the attempt to commit certain offenses to the offenses for which it is lawful under certain circumstances for an investigative or law enforcement officer or another person acting at the prior direction and under the supervision of an investigative or law enforcement officer to intercept a wire, oral, or electronic communication in order to provide evidence of the commission of the offense; and generally relating to the interception of communications.

~~BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 10-402(c)(2)(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10-402(c)(2)(ii)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 271 – Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)

AN ACT concerning

Admissibility of Evidence – Intercepted Communications – Electronic

FOR the purpose of prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in certain proceedings under certain circumstances; providing that an electronic communication that was intercepted in the violation of certain provisions of law may be admissible in certain proceedings under certain circumstances; and generally relating to the admissibility of evidence and intercepted electronic communications.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 10–401(11)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–405
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 387 – Senators Stone, Astle, DeGrange, Dyson, Exum, Glassman, Haines, King, and Klausmeier

AN ACT concerning

Criminal Law – Possessing Stolen Property

FOR the purpose of providing that in a prosecution for theft by possessing stolen property, it is not a defense that the property was ~~obtained by certain means~~ provided by law enforcement as part of an investigation under certain circumstances; and generally relating to theft by possessing stolen property.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–104(c)
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 600 – Senators Conway, Della, Dyson, Exum, Frosh, Garagiola, Gladden, Kelley, Middleton, Muse, and Stone

AN ACT concerning

Schools – Early Intervention – Hearing and Vision Screenings

FOR the purpose of altering a certain timeframe for when county boards of education and county health departments are required to provide hearing and vision screenings to certain students; authorizing certain screenings in accordance with certain policies; requiring county boards of education and county health departments to provide certain forms; requiring certain parents or guardians to report certain information; and generally relating to the provision of hearing and vision screenings in public schools, private schools, and nonpublic educational facilities.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–404
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #9

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 141 – Charles County Delegation

AN ACT concerning

Charles County – Test Borings and Soil Tests – Entry on Private Land

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 167 – Howard County Delegation

AN ACT concerning

Howard County – Installation of Multiuse Septic Systems

Ho. Co. 11–08

HB0167/210414/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 167
(First Reading File Bill)

In line 2, strike "Septic" and substitute "Sewerage"; in lines 5 and 6, in each instance strike "septic" and substitute "sewerage"; and in line 17, strike "SEPTIC" and substitute "SEWERAGE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 305 – Howard County Delegation

AN ACT concerning

Howard County – Enabling Legislation – Septic System Performance Bond**Ho. Co. 12-08****HB0305/320819/1**

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 305
(First Reading File Bill)

In line 2, strike "Septic" and substitute "Sewerage"; in lines 5, 6, and 7, in each instance, strike "septic" and substitute "sewerage"; in line 10, strike "9-519" and substitute "9-1106"; in line 16, strike "9-519." and substitute "9-1106."; and in lines 18 and 19, in each instance, strike "SEPTIC" and substitute "SEWERAGE".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 589 – Delegates Oaks, Costa, Frush, Glenn, Hubbard, and Malone

AN ACT concerning

Lead Poisoning Prevention Act of 2008

HB0589/110912/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 589

(First Reading File Bill)

On page 8, in lines 19 and 20, strike “STANDARDS UNDER §§ 6-815 AND 6-819” and substitute “STANDARD UNDER § 6-815 OR § 6-819”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 628 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Grants and Loans – Small, Minority, and Women’s Business Enterprises

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 638 – Allegany County Delegation

AN ACT concerning

Western Maryland Code Counties – Junkyard Abatement – Liens on Property

HB0638/940614/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 638

(First Reading File Bill)

On page 1, in line 4, strike “fees charged to” and substitute “charges imposed on”; in line 6, strike “are” and substitute “shall be”; in the same line, strike “a certain” and substitute “the”; in line 7, strike “and shall” and substitute “; requiring a certain lien to”; and in line 8, after “occurred;” insert “making stylistic changes;”.

On page 2, in line 10, strike “In” and substitute “(I) THIS PARAGRAPH APPLIES TO”; in line 11, strike the colon and substitute a period; in line 12, strike “(I)” and substitute “(II)”; in line 18, strike “; AND” and substitute a period; in line 19, strike “(II)” and substitute “(III) 1.”; in the same line, strike “FEES CHARGED TO” and substitute “CHARGES IMPOSED ON”; in line 20, strike “ITEM (I)2” and substitute “SUBPARAGRAPH (II)2”; strike beginning with the colon in line 20 down through “A” in line 21 and substitute “A”; in line 22, strike “; AND” and substitute a period; and in line 23, strike “RECORDED” and substitute “THE LIEN SHALL BE RECORDED”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

**House Bill 975 – Chair, Environmental Matters Committee (By Request –
Departmental – Housing and Community Development)**

AN ACT concerning

**Department of Housing and Community Development – Authorization of
State-Funded Loan Sales – Servicing Rights for State and Bond-Funded
Loans**

HB0975/620312/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 975
(First Reading File Bill)

On page 1, in line 2, after “Authorization” insert “for Sales”; in line 3, strike “Loan Sales” and substitute “Mortgages or Other Obligations”; strike beginning with “for” in line 3 down through “Loans” in line 4; in line 5, strike “requiring” and substitute “authorizing”; in lines 6, 8, 9, and 10, in each instance, strike “loans” and substitute “mortgages or other obligations”; and in line 21, before “The” insert “(A)”.

On page 2, in line 20, strike the brackets; in line 24, strike “; AND” and substitute a period; in line 25, strike “(11)” and substitute “(B)”; strike beginning with “IF” in line 25 down through the comma in line 26 and substitute “THE DEPARTMENT MAY:”

(1);

in lines 26 and 29, in each instance, strike “IT” and substitute “THE DEPARTMENT”; in line 27, strike “, AND” and substitute “;”

(2);

in line 29, strike “AND” and substitute “; AND”

(3);

in line 31, strike “BY” and substitute “UNDER”; in line 33, after “(c)” insert “(1)”; and in line 34, after “holds” insert a period.

On page 3, in line 1, strike the first “AND” and substitute “(2) THE ADMINISTRATION MAY”; in lines 2 and 7, in each instance, strike “IT” and substitute “THE ADMINISTRATION”; in line 4, after “may” insert “:

(1)”;

and in line 5, strike “, AND” and substitute “;AND

(2)”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Bromwell moved to make the Bill a Special Order for March 14, 2008.

The motion was adopted.

House Bill 685 – Delegates Rosenberg, Anderson, Barnes, Cane, Carter, Conaway, Dumais, Lee, Levi, Ramirez, Valderrama, and Vallario

AN ACT concerning

Police and Court Records – Nuisance Crimes – Expungement

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The “Smart on Crime” Act

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0845/683120/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 845, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 26 on page 1 through line 4 on page 2, inclusive.

AMENDMENT NO. 2

On page 3 of the bill, in line 32, strike the brackets; in the same line, strike “, § 5-609, OR § 5-609.1”.

On page 4 of the bill, strike beginning with “OR” in line 12 down through “SUBTITLE” in line 13.

On page 6 of the bill, strike beginning with “OR” in line 13 down through “SUBTITLE” in line 14.

On pages 8 through 10 of the bill, strike in their entirety the lines beginning with line 27 on page 8 through line 8 on page 10, inclusive.

On page 10 of the bill, in line 9, strike “3.” and substitute “2.”.

AMENDMENT NO. 3

On page 1 of the House Judiciary Committee Amendments (HB0845/752110/1), strike beginning with “within” in line 1 of Amendment No. 1 down through “minor.” in line 4.

On pages 1 and 2 of the House Judiciary Committee Amendments, strike Amendment No. 2 in its entirety.

The preceding 3 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 59 Negative – 77 (See Roll Call No. 289)

Delegate Elmore moved to make the Bill a Special Order for March 14, 2008.

The motion was adopted.

House Bill 1138 – Delegates Braveboy, Cane, Feldman, Griffith, Hecht, Holmes, Manno, Miller, and Pena-Melnyk

AN ACT concerning

Task Force to Study Gasoline Zone-Pricing in Maryland

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Wood moved to make the Bill a Special Order for March 14, 2008.

The motion was adopted.

House Bill 1492 – The Speaker (By Request – Administration) and Delegates Hammen, Beitzel, Benson, Bromwell, Busch, Costa, Donoghue, Eckardt, Elliott, Hubbard, Kach, Kaiser, Kipke, Kullen, Manno, McDonough, McIntosh, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Pendergrass, Reznik, Riley, Rudolph, Tarrant, V. Turner, and Weldon

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 290)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #20

House Bill 684 – Delegates Stukes, Frush, Braveboy, Burns, Conaway, Frick, Glenn, Gutierrez, Howard, Kaiser, Levi, McHale, Niemann, Oaks, Proctor, Rice, Robinson, Taylor, F. Turner, Valderrama, ~~and Walker~~ Walker, Carr, McIntosh, Shewell, and Stein

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 291)

The Bill was then sent to the Senate.

House Bill 717 – Delegate Malone

AN ACT concerning

**Vehicle Laws – Automotive Dismantlers and Recyclers and Scrap Processors
– Notice of Vehicle Acquisition**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 292)

The Bill was then sent to the Senate.

House Bill 724 – Delegates Feldman, Ali, Barkley, Barnes, Bates, Bobo, Bronrott, Dumais, Frick, Gilchrist, Gutierrez, Hecht, Hucker, Jameson, King, Kramer, Lee, Manno, Miller, Mizeur, Montgomery, Morhaim, Pendergrass, Rice, Rosenberg, Ross, Simmons, Stifler, Taylor, Vaughn, Waldstreicher, Walker, and Weldon

AN ACT concerning

**Joint Information Technology and Biotechnology Committee – Membership
and Duties**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 293)

The Bill was then sent to the Senate.

House Bill 768 – Delegate Anderson (By Request – Baltimore City Administration) and Delegate Glenn

AN ACT concerning

Children – Records – Access by the Baltimore City Health Department

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 7 (See Roll Call No. 294)

The Bill was then sent to the Senate.

House Bill 946 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Housing Opportunities Commission – Service
Contracts**

MC 814-08

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 295)

The Bill was then sent to the Senate.

**House Bill 972 – Chair, Environmental Matters Committee (By Request –
Departmental – Natural Resources)**

AN ACT concerning

Forest Conservation – Reporting and Enforcement

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 296)

The Bill was then sent to the Senate.

House Bill 1079 – Delegates Feldman, Ali, and Rosenberg

AN ACT concerning

Consumer Protection – Halal Food Products

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 297)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #21

**House Bill 6 – Delegates Anderson, Vallario, Rosenberg, Ramirez,
Valderrama, Schuler, Dumais, Gutierrez, Ivey, Conaway, Shank,
Carter, McConkey, McComas, and Smigiel**

AN ACT concerning

Criminal Procedure – Custodial Interrogation – ~~Electronic~~ Recordation

Read the third time and passed by yeas and nays as follows:

Affirmative – 132 Negative – 7 (See Roll Call No. 298)

The Bill was then sent to the Senate.

House Bill 153 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Campaign Finance – Slate – Disbursements

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the Senate.

House Bill 239 – ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County and City of Annapolis – Fire and Explosive Investigations – ~~Deputy Fire Marshal~~ Investigators – Qualifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 300)

The Bill was then sent to the Senate.

House Bill 325 – Delegate Elmore

AN ACT concerning

Somerset County – County Roads Board – Authority to Sell County Roads

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 301)

The Bill was then sent to the Senate.

House Bill 416 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – State Collection of the Federal Unemployment Insurance Tax

Read the third time and passed by yeas and nays as follows:

Affirmative – 135 Negative – 4 (See Roll Call No. 302)

The Bill was then sent to the Senate.

House Bill 458 – Delegate G. Clagett

AN ACT concerning

**State Personnel – Executive Pay ~~Plan Plans~~ – Reporting Requirements –
~~Repeal~~**

Read the third time and passed by yeas and nays as follows:

Affirmative – 110 Negative – 29 (See Roll Call No. 303)

The Bill was then sent to the Senate.

House Bill 497 – Delegates Kach, Impallaria, Jennings, and McDonough

AN ACT concerning

Oil Discharge – Groundwater Contamination – Reimbursement for Costs

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 304)

The Bill was then sent to the Senate.

House Bill 608 – Delegates Kelly, Bartlett, Beidle, Beitzel, Conaway, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Jennings, Kipke, McComas, McDonough, McKee, Myers, Norman, O'Donnell, Riley, Schuh, Shank, Smigiel, Sophocleus, Sossi, Stull, ~~and Weldon~~ Weldon, Hecht, Manno, Mathias, and Taylor

EMERGENCY BILL

AN ACT concerning

**Public Service Commission – Energy Efficiency and Conservation Programs
and Services – ~~Prohibition of Surcharge Without Customer Consent~~
Notification and Report**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 1 (See Roll Call No. 305)

The Bill was then sent to the Senate.

House Bill 612 – Delegates Kullen, Elmore, Haddaway, Mathias, Smigiel, and Sossi

~~EMERGENCY BILL~~

AN ACT concerning

Property Tax ~~Assessment~~ Credit – Commercial Waterfront Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 306)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #22

House Bill 246 – Delegates Bobo and V. Clagett

AN ACT concerning

Charter Counties – Land Use Appeals – Standing

Read the third time and passed by yeas and nays as follows:

Affirmative – 131 Negative – 7 (See Roll Call No. 307)

The Bill was then sent to the Senate.

House Bill 442 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**Deferred Retirement Option Program Participants – Application of Line of
Duty Disability Benefits**

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 308)

The Bill was then sent to the Senate.

House Bill 481 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Investments

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 309)

The Bill was then sent to the Senate.

House Bill 482 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Police Retirement System – Survivor Benefits

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 310)

The Bill was then sent to the Senate.

House Bill 543 – Delegates Stull, Bartlett, Bates, Beitzel, Bobo, Bohanan, Boteler, Burns, Cane, G. Clagett, Conway, Davis, DeBoy, Dumais, Eckardt, Elliott, Elmore, Feldman, Frank, George, Guzzone, Haddaway, Hecht, Hucker, James, Jameson, Kullen, Levy, Mathias, McComas, McDonough, McIntosh, McKee, Miller, Montgomery, Morhaim, Murphy, Myers, Norman, O'Donnell, Proctor, Riley, Rudolph, Shank, Shewell, Smigiel, Sossi, Stifler, Stukes, Weir, Weldon, and Wood

AN ACT concerning

Agriculture – Maryland Dairy Farmer Emergency Trust Fund

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 311)

The Bill was then sent to the Senate.

House Bill 725 – Delegates Rudolph, Bartlett, G. Clagett, DeBoy, Hecht, Stull, and Weldon

AN ACT concerning

~~Employees' State Retirement and Pension Systems System – Line of Duty Death Benefits – State Highway Administration Employees~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 312)

The Bill was then sent to the Senate.

House Bill 1329 – Delegates Valderrama, Vallario, and Lee

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 313)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #23

House Bill 183 – Delegates Dumais, Barve, Bobo, Doory, Eckardt, Feldman, Frick, Glenn, Gutierrez, Healey, Hecht, Hixson, Jones, Kaiser, Krebs, Krysiak, Kullen, Lee, Love, McIntosh, Mizeur, Montgomery, Pendergrass, Shank, Stein, F. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Enforcement of Protective Order

Read the third time and passed by yeas and nays as follows:

Affirmative – 128 Negative – 10 (See Roll Call No. 314)

The Bill was then sent to the Senate.

House Bill 531 – Delegate Dumais

AN ACT concerning

Catastrophic Health Emergencies—Quarantine Emergency Orders – Arrest Without Warrant and Citations

Read the third time and passed by yeas and nays as follows:

Affirmative – 126 Negative – 13 (See Roll Call No. 315)

The Bill was then sent to the Senate.

House Bill 696 – Delegates Hixson, Waldstreicher, Gutierrez, Hucker, ~~and Mizour~~ Mizour, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Malone, McIntosh, Niemann, O'Donnell, Norman, Shewell, Sossi, and Stein

AN ACT concerning

Farm-to-School Program – Activities and Promotional Events

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 316)

The Bill was then sent to the Senate.

House Bill 720 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 317)

The Bill was then sent to the Senate.

House Bill 745 – Delegate Donoghue

AN ACT concerning

City of Hagerstown – Fire and Explosives Investigators – Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 1 (See Roll Call No. 318)

The Bill was then sent to the Senate.

House Bill 1113 - Delegates Lee, McComas, and Niemann (Task Force to Study Identity Theft) and Delegates ~~Barkley, Barnes, Benson, Bronrott, DeBoy, Dumais, Frick, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, Montgomery, Pena-Melnyk, Pendergrass, Ramirez, Schuh, Schuler, Shank, Smigiel, Stocksdale, Valderrama, and Waldstreicher~~ Aumann, Barkley, Barnes, Beitzel, Benson, Bronrott, Carter, DeBoy, Dumais, Eckardt, Elliott, Frank, Frick, George, Gutierrez, Howard, James, Jones, Kaiser, Kramer, Krebs, Kullen, Levy, McConkey, McDonough, Miller, Montgomery, Myers, Norman, Pena-Melnyk, Pendergrass, Ramirez, Robinson, Schuh, Schuler, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksdale, Valderrama, Waldstreicher, and Wood

AN ACT concerning

Identity Fraud - ~~Felony or Violations Involving Repeat Offender, Fiduciary, or Vulnerable Adult~~ Prohibitions, Evidence, and Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 319)

The Bill was then sent to the Senate.

House Bill 1166 - ~~Delegate Davis~~ Delegates Davis, Haddaway, Hecht, King, Manno, Mathias, Miller, Minnick, Vaughn, and Walkup

AN ACT concerning

Renewable Energy Portfolio Standard - Tier 1 Renewable Source - Poultry Litter

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 320)

The Bill was then sent to the Senate.

House Bill 1245 - Cecil County Delegation

AN ACT concerning

Cecil County - Correctional Officers' Bill of Rights Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 321)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 117 – Delegates Hecht, Bartlett, Bronrott, G. Clagett, DeBoy, Donoghue, Elmore, Feldman, Frank, George, Gilchrist, Guzzone, Howard, Hucker, James, King, Krysiak, Lee, Manno, Mizeur, Morhaim, Murphy, Riley, Rudolph, Schuh, Stocksdale, Stukes, F. Turner, ~~and Weldon~~ Weldon, Beidle, Bobo, Cane, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Stein, and Montgomery

AN ACT concerning

**Real Property – ~~Installation of Solar Panels Collector Systems – Clarification~~
Restriction on Use and Solar Easement**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 322)

The Bill was then sent to the Senate.

House Bill 123 – Delegate Bromwell

AN ACT concerning

Baltimore County – State’s Attorney – Salary

Read the third time and passed by yeas and nays as follows:

Affirmative – 137 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the Senate.

House Bill 221 – Delegates Gaines, Frush, Griffith, Healey, Ivey, Niemann, and Ross

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motorcycles – Definition

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 324)

The Bill was then sent to the Senate.

House Bill 348 – Delegates Waldstreicher and Feldman

AN ACT concerning

**Criminal Law – Crimes Against a Law Enforcement Officer – Definition of
Law Enforcement Officer**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 325)

The Bill was then sent to the Senate.

House Bill 472 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Imposition of Administrative Fees on
Employers**

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 326)

The Bill was then sent to the Senate.

House Bill 544 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 327)

The Bill was then sent to the Senate.

House Bill 588 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – Pensions

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the Senate.

House Bill 883 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Eligibility for Parole – Medical Parole

Read the third time and passed by yeas and nays as follows:

Affirmative – 107 Negative – 32 (See Roll Call No. 329)

The Bill was then sent to the Senate.

House Bill 1005 – Delegates Conway, Mathias, Cane, Eckardt, Elmore, Haddaway, and Sossi

AN ACT concerning

Somerset County, Wicomico County, and Worcester County – School Buses – Length of Operation – Sunset Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 330)

The Bill was then sent to the Senate.

House Bill 1064 – Delegates Conway and Mathias

AN ACT concerning

Convention Center – Bond Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 138 Negative – 0 (See Roll Call No. 331)

The Bill was then sent to the Senate.

House Bill 1233 – Delegates Griffith, Aumann, Barkley, Bates, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Eckardt, Gaines, Gutierrez, Guzzone, Haynes, Heller, James, Jones, Levy, Myers, Proctor, Robinson, Schuh, Sophocleus, Stocksdales, and Wood

AN ACT concerning

**Blue Ribbon Commission to Study Retiree Health Care Funding Options –
Extension of Reporting and Termination Dates**

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 332)

The Bill was then sent to the Senate.

House Bill 1323 – Delegates Vallario, Ali, Barkley, Carter, Conaway, Costa, DeBoy, Dumais, Glenn, Healey, Kipke, Love, Manno, Montgomery, Pendergrass, Ramirez, Riley, Shank, Shewell, and Sophocleus

AN ACT concerning

Criminal Injuries Compensation – Claims by Victims

Read the third time and passed by yeas and nays as follows:

Affirmative – 139 Negative – 0 (See Roll Call No. 333)

The Bill was then sent to the Senate.

House Bill 1358 – Delegates Healey, Bobo, Boteler, Cane, Elliott, Frush, Heller, Holmes, Howard, Hubbard, Kaiser, Love, McKee, Nathan-Pulliam, Ross, Sossi, V. Clagett, Gaines, Krebs, McDonough, Montgomery, Pena-Melnyk, and V. Turner

AN ACT concerning

Artificial Tanning Devices – Protection of Minors

Read the third time and passed by yeas and nays as follows:

Affirmative – 125 Negative – 14 (See Roll Call No. 334)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #25

House Bill 287 - ~~Delegate Love~~ Anne Arundel County Delegation

AN ACT concerning

**Anne Arundel County - Department of Detention Facilities ~~Correctional~~
~~Employees~~ Employment Applicants - Polygraph Examinations**

Read the third time and passed by yeas and nays as follows:

Affirmative - 139 Negative - 0 (See Roll Call No. 335)

The Bill was then sent to the Senate.

House Bill 824 - Montgomery County Delegation

AN ACT concerning

Montgomery County - Fire and Explosive Investigator - ~~Rank~~ Qualifications

MC 805-08

Read the third time and passed by yeas and nays as follows:

Affirmative - 135 Negative - 2 (See Roll Call No. 336)

The Bill was then sent to the Senate.

INTRODUCTION OF BILLS

Delegate Conway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative - 137 Negative - 0 (See Roll Call No. 337)

In compliance with the rules, the Bill was introduced.

House Bill 1618 - Chair, Appropriations Committee

AN ACT concerning

Unpaid Child Support - Liens Against Monetary Awards Owed to Child Support Obligors

FOR the purpose of requiring that unpaid child support be a lien against certain monetary awards owed to a child support obligor; requiring that the distribution of a certain monetary award be stayed pending payment of a certain lien; requiring that a certain prevailing party or beneficiary provide a certain statement to that individual's attorney under certain circumstances; requiring that a certain attorney contact the Child Support Enforcement Administration to verify certain information before the delivery of a certain release; prohibiting a certain attorney from distributing a certain monetary award until a certain response is received; establishing duties of a certain attorney if a certain obligation and arrearage exists; requiring a certain disbursement by the State disbursement unit if there are multiple child support orders; providing for submission of a certain statement and written documentation and payment of the lien if a certain individual is not represented by an attorney; establishing a certain immunity for making an erroneous distribution; providing that a certain provision of law does not establish a certain claim or cause of action; prohibiting the State Workers' Compensation Commission from entering a certain order unless the claimant has provided a certain statement and written documentation; requiring the Commission to order payment of a certain lien for unpaid child support in a certain manner; requiring that, if there is a certain dispute, a certain amount of money be placed in escrow in the State disbursement unit; defining certain terms; and generally relating to child support.

BY adding to

Article – Family Law

Section 10-140.1

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9-729

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 9-732

Annotated Code of Maryland

(1999 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 338)

ADJOURNMENT

At 12:00 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Friday, March 14, 2008.

**Annapolis, Maryland
Friday, March 14, 2008**

The House met at 11:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Adelaide C. Eckardt of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 339)

The Journal of March 13, 2008 was read and approved.

EXCUSES:

Del. Harrison – illness – flu
Del. Holmes – funeral
Del. Howard – business
Del. Jameson – recovering from surgery
Del. Nathan–Pulliam – legislative business
Del. Oaks – doctor’s appointment
Del. Walker – business

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 3 – Senators ~~Simonaire, Harris, Edwards, and Greenip~~ Greenip, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Forehand, Frosh, Garagiola, Gladden, Haines, Glassman, Harrington, Jacobs, Jones, Kasemeyer, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Peters, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Fallen Soldier Privacy Act of 2008

FOR the purpose of prohibiting a person from knowingly using the name, portrait, picture, or image of a certain deceased soldier for certain purposes without prior consent from certain individuals; providing for the application of this Act; defining a certain term; establishing a certain penalty; and generally relating to the use of a deceased soldier's identity.

BY adding to

Article – Business Regulation

Section 19-401 through ~~19-403~~ 19-404 to be under the new subtitle “Subtitle 4.
Use of a Deceased Soldier's Identity”

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 33 – ~~Senator Muse~~ Senators Muse, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education

FOR the purpose of repealing certain provisions of law relating to the composition of certain school board districts in Prince George's County; requiring the elected 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 for the County Board to live in certain school board districts and be registered voters; providing for the terms of the elected members of the County Board; requiring a certain vacancy on the County Board to be filled by a special election if the vacancy occurs within a certain time period; requiring that a certain vacancy on the County Board remain unfilled under certain circumstances; requiring the Prince George's County Council to adopt a certain resolution concerning a special election for the County Board; requiring a special election for the County Board to be conducted at a certain time and in a certain manner under certain provisions of law; requiring that a special election for the County Board be funded by Prince George's County; clarifying that a school board member removed from office is entitled to judicial review of the removal based on a certain record and certain other evidence; repealing certain provisions of law 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 when there are two or more vacancies on the County Board; repealing a certain provision of law relating to the composition of a committee of the County Board; repealing certain provisions of law relating to the Chief Financial Officer of the county public school system; making stylistic changes; providing for the effective dates of this Act; and generally relating to the Prince George's County Board of Education.

BY repealing

Article – Education
Section 3–1001 and 3–1008
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Education
Section 3–1001
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1002 through 3–1004 and 3–1006
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 166 – Senators Haines, Colburn, Gladden, Jacobs, Simonaire, and Stone

AN ACT concerning

Furnishing an Alcoholic Beverage to Underage Individual – Penalty

FOR the purpose of ~~making it a misdemeanor for a person knowingly and willfully to furnish an alcoholic beverage for consumption to an individual under the age of 21 years under certain circumstances; imposing a certain criminal penalty; repealing certain provisions requiring the issuance of a civil citation to a person who violates the prohibition against furnishing an alcoholic beverage for consumption to an underage individual; clarifying the elements of a certain alcoholic beverage violation; increasing the penalty for furnishing an alcoholic beverage for consumption to an individual under the age of 21 years under certain circumstances; and generally relating to penalties for furnishing an alcoholic beverage to an underage individual.~~

BY repealing and reenacting, ~~with~~ without amendments,
Article – Criminal Law
Section 10–117 ~~and 10–119(a), (b), (f)(1), and (h)~~
Annotated Code of Maryland
(2002 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–119(h)
Annotated Code of Maryland

(2002 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 210 - The President (By Request - Administration) and Senators Astle, Brochin, Currie, Della, Edwards, Frosh, Garagiola, Gladden, Kasemeyer, King, Klausmeier, Lenett, Madaleno, Peters, Rosapepe, ~~and Stone~~ Stone, Middleton, Exum, and Glassman

AN ACT concerning

Maryland Veterans Behavioral Health

FOR the purpose of establishing behavioral health service coordination among the Department of Health and Mental Hygiene, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force for certain veterans of the Afghanistan or Iraq conflicts; requiring the provision of certain behavioral health services under certain circumstances in certain areas of the State to veterans of the Afghanistan or Iraq conflicts; requiring the Department of Health and Mental Hygiene to seek certain reimbursement for certain services; requiring the Department of Health and Mental Hygiene to separately account for certain funds; creating the Veterans Behavioral Health Advisory Board; providing for the composition and chair of the Board; providing for the staffing of the Board; prohibiting members of the Board from receiving compensation but entitling members to reimbursement of certain expenses; establishing the duties of the Board; requiring the Board to submit certain reports to the Governor and the General Assembly on or before certain dates; requiring the Department of Health and Mental Hygiene, in consultation with the Board, to submit a certain application for certain funds on or before a certain date; requiring the Department to submit a copy of the application to the Maryland Congressional Delegation and certain committees of the General Assembly; providing for the termination of this Act; defining certain terms; and generally relating to the behavioral health needs of veterans and their families.

BY adding to

Article - Health - General

Section 13-2701 through 13-2703 to be under the new subtitle "Subtitle 27. Behavioral Health Services for Maryland Veterans of the Afghanistan and Iraq Conflicts"

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 306 - ~~Senator Glassman~~ Senators Glassman and Harris

AN ACT concerning

Harford County – Board of Education – ~~Election~~ Selection of Members

FOR the purpose of requiring that ~~the~~ certain members of the Harford County Board of Education be elected; requiring that certain members of the County Board be appointed within a certain period of time; establishing the composition of the County Board; providing for the qualifications, terms of office, and vacancy of certain members of the County Board; establishing a procedure for the election and appointment of members of the County Board; authorizing the Harford County Board of Elections to adopt certain regulations; providing for the election, terms, qualifications, and duty of a certain student member of the County Board; establishing certain removal, hearing, and appeal procedures for certain members of the County Board; providing for the election of a certain president and vice president of the County Board; providing for the termination of the terms of the appointed members of the County Board; requiring the Governor to ensure a certain makeup of the Board; defining a certain term; and generally relating to the Harford County Board of Education.

BY renumbering

Article – Education

Section 3–111 and 3–112, respectively

to be Section 3–6A–05 and 3–6A–04, respectively

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–108(a) and 3–114

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Education

Section 3–6A–01 through 3–6A–03 to be under the new subtitle “Subtitle 6A.
Harford County”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 347 – Senators Middleton and Astle

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Credit Grantor Provisions – Fees, Charges, and Penalties

FOR the purpose of clarifying that certain fees or charges may be collected by a credit grantor at any time; providing that certain penalties do not apply for certain acts or omissions arising from conformity to or reliance on certain opinions, interpretations, or approvals by certain persons under certain circumstances; providing that certain provisions of this Act may not be construed to limit certain penalties or limit certain powers of the Commissioner of Financial Regulation or the courts under certain circumstances; providing for the application of certain provisions of this Act; making the provisions of this Act severable; making this Act an emergency measure; and generally relating to regulation of credit grantors.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–905(b), 12–1005(d), and 12–1009(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY adding to
Article – Commercial Law
Section 12–918.1 and 12–1018.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 460 – Senators Middleton and Dyson

AN ACT concerning

Vehicle Laws – Moving Violations by Minors – Notification of Parent or Guardian

FOR the purpose of requiring the Motor Vehicle Administration to notify the parent, guardian, or other cosigner of a minor's driver's license application if a citation is issued to the minor charging the minor with a certain moving violation; requiring the Chief Judge of the District Court, in conjunction with the Motor Vehicle Administrator, to establish procedures for notifying the Administration of each citation within the jurisdiction of the District Court that is issued to a minor licensed in the State charging that the minor committed a certain moving violation; requiring the notice provided by the Administration to contain certain information; providing for the construction and applicability of this Act; and generally relating to notifying a parent, guardian, or other cosigner of a minor's driver's license application that a citation alleging a moving violation was issued to the minor.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–808
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 557 – Senator Gladden

AN ACT concerning

Lead Poisoning Prevention Act of 2008

FOR the purpose of requiring 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 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; 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, 8–303(a), and 8–620
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation

Section 8–303(b), 8–308, and 8–611
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–801(m)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Real Property
Section 8–215
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 610 – Senators Frosh, Dyson, Forehand, Kramer, Madaleno, Raskin, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver’s License Suspensions

FOR the purpose of requiring a certain court to order the Motor Vehicle Administration to initiate an action to suspend the driving privilege of a child for certain periods of time, on making a finding that the child has committed certain violations relating to alcoholic beverages, leaving the scene of an accident, and fleeing or eluding a police officer; prohibiting the Administration from issuing restricted licenses to individuals whose driver’s licenses are suspended under certain circumstances; requiring the Administration to retain certain reports of certain violations relating to leaving the scene of an accident and fleeing or eluding a police officer; requiring the Administration to suspend a child’s license to drive for a certain period of time on notification by the clerk of the court that the child has been adjudicated delinquent for certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer, or that certain findings were made that a child committed certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer; providing that a suspension imposed under certain circumstances is to be consecutive to a certain other suspension; requiring the Administration to suspend the driver’s license of the holder of a provisional driver’s license who is under a certain age if the individual accumulates a certain number of points in a certain time period; authorizing an individual to request a hearing on certain suspensions or revocations of driver’s licenses under certain circumstances; establishing that a holder of a provisional driver’s license who is under a certain

age is guilty of the offense of high-risk driving if the holder commits certain violations of the Maryland Vehicle Laws; requiring the Administration to suspend the driver's license of a certain individual for a certain period of time if the Administration receives satisfactory evidence of the commission of a certain high-risk driving violation; establishing that a driver's license suspension imposed for high-risk driving is separate from any other penalty imposed for a certain violation and consecutive to any other suspension imposed for a certain violation; ~~extending the duration of a certain prohibition against a certain holder of a provisional driver's license driving with certain passengers under a certain age;~~ and generally relating to the driver's licenses of minors.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3-8A-01(j), 3-8A-03(d)(2), and 3-8A-19(e)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3-8A-19(e)(1) and 3-8A-23(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-206(b), and 16-404, ~~and 21-1123~~
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 21-905
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21-1123
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

Senate Bill 696 – Senator Gladden

AN ACT concerning

**Maryland General Corporation Law – Altering and Updating Corporate
Procedures and Miscellaneous Provisions**

FOR the purpose of repealing a certain provision of law requiring a corporation to give certain written notice of the amount, time, and place of payment on subscriptions for stock to each subscriber; repealing a certain provision of law requiring that a call by the board of directors for payment on subscriptions be uniform as to all stock of the same class; clarifying that stockholders of a corporation formed on or after a certain date do not have certain preemptive rights unless the charter expressly grants the rights, and that stockholders of a corporation formed before that date have certain preemptive rights unless and until expressly changed or terminated by charter amendment; altering the circumstances under which a corporation is required to send certain information to a stockholder; requiring the information to be sent on request of a stockholder and without charge to the stockholder; authorizing a resignation of a director given in a certain manner to provide that it will be effective at a later time or on the occurrence of an event and that it is irrevocable under certain circumstances; authorizing the board of directors of a corporation to delegate to certain committees the power to recommend to stockholders the election of directors; altering the circumstances under which a committee of a board of directors may authorize or fix the terms of certain stock and the terms on which any stock may be issued; altering the definition of “director” as it relates to certain indemnification provisions to include certain directors of corporations who serve in certain capacities in connection with a limited liability company; limiting certain requirements imposed on making advance payments of expenses for indemnification of a director; authorizing a corporation to hold its annual meeting in the manner provided in its bylaws; requiring a corporation to give notice of an action taken by stockholders without a meeting to each stockholder who, if the action had been taken at a meeting, would have been entitled to notice of the meeting; providing that, for certain corporations, the presence of a certain number of votes at a meeting of stockholders constitutes a quorum under certain circumstances; authorizing articles of merger, consolidation, or share exchange to provide certain information relating to the directors, trustees, and officers of the successor, or of persons acting in similar positions, if the persons in those positions will be changed in the merger, consolidation, or share exchange; making certain stylistic changes; and generally relating to corporations and altering and updating the Maryland General Corporation Law.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 2–202, 2–205, 2–210(c), 2–406, 2–411(a) and (b), 2–418(a)(3) and (f),
2–501(c), 2–505(b), and 2–506

Annotated Code of Maryland
(2007 Replacement Volume)

BY adding to

Article – Corporations and Associations
Section 3–109(f)
Annotated Code of Maryland
(2007 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 713 – Senators Astle, Brinkley, Colburn, DeGrange, Della, Garagiola, Haines, Kramer, Munson, Stoltzfus, ~~and Stone~~ Stone, and Jacobs

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

FOR the purpose of authorizing the use of certain auxiliary lighting on a motorcycle; and generally relating to motorcycle lighting.

BY ~~repealing and reenacting, with amendments,~~ adding to
Article – Transportation
Section ~~22–224.1~~ 22–221(l)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 718 – Senator Klausmeier

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; 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 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; 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
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–824 and 6–836
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Environment
Section 6–825
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 775 – ~~Senator Pugh~~ Senators Pugh, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, and Klausmeier

AN ACT concerning

Maryland Medbank Program – Funding

FOR the purpose of 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; and generally relating to funding for the Maryland Medbank Program.

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 906 – The President (By Request – Administration) and Senators Astle, Frosh, Garagiola, Klausmeier, Madaleno, Middleton, Muse, Pinsky, Pugh, ~~and Raskin~~ Raskin, Exum, Glassman, and Kelley

AN ACT concerning

Senior Prescription Drug Assistance Program – Subsidy for Medicare Part D Coverage Gap and Sunset Extension

FOR the purpose of requiring a certain corporation, beginning on a certain date and under certain circumstances, to transfer a certain amount of money to the separate account for the Senior Prescription Drug Assistance Program within the Maryland Health Insurance Plan; authorizing the corporation not to make the transfer, under certain circumstances; providing for a certain exception; requiring the Program to provide a certain subsidy for the Medicare Part D coverage gap, subject to the availability of certain funds; requiring the Board of Directors of the Maryland Health Insurance Plan to determine annually the amount of the subsidy; requiring the segregated account for the Senior Prescription Drug Assistance Program to include certain money deposited by a nonprofit health service plan; repealing a certain source of funds for the Maryland Health Insurance Plan Fund; altering requirements for a certain segregated account; altering requirements for the amount a nonprofit health service plan is required to deposit to the Fund; requiring a nonprofit health service plan to deposit to the Maryland Health Insurance Plan Fund the amount required for the Medicare Part D coverage gap subsidy; extending the termination date of the Senior Prescription Drug Assistance Program; defining a certain term; making technical corrections; and generally relating to a subsidy for the Medicare Part D coverage gap for enrollees of the Senior Prescription Drug Assistance Program.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–102(h), 14–501(i) and (j), 14–504(b), 14–512(c) and (e), and 14–513

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance

Section 14–106.2 and 14–501(i)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 14–501(a), 14–504 (a)(1) and (e), and 14–512(a) and (b)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Chapter 153 of the Acts of the General Assembly of 2002, as amended by Chapter 282 of the Acts of the General Assembly of 2005, Chapter 345 of the Acts of the General Assembly of 2006, and Chapter 509 of the Acts of the General Assembly of 2007

Section 13

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 90 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2009)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2009, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

Read the first time and referred to the Committee on Appropriations.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #10

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 633 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages

HB0633/473698/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 633

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “imposing” in line 4 down through “issued;” in line 5; in line 17, after “5–201(a)(1)” insert “and (f)”; and in line 23, strike “5–201(f),”.

AMENDMENT NO. 2

On page 2, in line 31, strike “(1)”.

On pages 2 and 3, strike in their entirety the lines beginning with line 32 on page 2 through line 4 on page 3, inclusive.

On page 3, strike in their entirety lines 25 through 30, inclusive.

On page 4, in lines 1 and 7, in each instance, strike the bracket; and in lines 1 and 7, strike “(4)” and “(5)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

**House Bill 754 - Chair, Economic Matters Committee (By Request -
Departmental - Labor, Licensing and Regulation)**

AN ACT concerning

Inflatable Amusement Attractions - Inspections

HB0754/773998/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 754
(First Reading File Bill)

On page 4, in line 2, strike “June” and substitute “October”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 859 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)

AN ACT concerning

**Property and Casualty Insurance Policies – Coverage for Additional Living
Expenses**

HB0859/483599/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 859

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “Act;” insert “authorizing the Maryland Insurance Commissioner to require an insurer to provide coverage for additional living expenses under a certain policy for up to a certain time under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 24, strike the colon.

On page 2, in line 1, strike “(1)”; strike beginning with “STATED” in line 1 down through “PROPERTY” in line 4 and substitute “LESS THAN 12 MONTHS”; strike beginning with “STATED” in line 8 down through “PROPERTY” in line 10 and substitute “LESS THAN 12 MONTHS”; after line 11, insert:

“(C) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER MAY REQUIRE AN INSURER TO PROVIDE COVERAGE FOR ADDITIONAL LIVING EXPENSES UNDER A POLICY OF HOMEOWNER’S, FIRE, FARMOWNER’S, OR DWELLING INSURANCE FOR UP TO 24 MONTHS IF THE COMMISSIONER FINDS THAT COVERED PROPERTY REMAINS UNINHABITABLE DUE TO DELAYS IN REPAIR OR REPLACEMENT CAUSED:

(1) BY THE INSURER; OR

(2) BY FACTORS BEYOND THE CONTROL OF THE INSURED.”;

and in line 12, strike “(C)” and substitute “**(D)**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 866 – Delegate Beidle

AN ACT concerning

Employment Agencies – Bonding – Enforcement Authority

HB0866/643192/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 866

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “to” insert “initiate certain investigations and”.

AMENDMENT NO. 2

On page 4, in lines 12, 17, and 22, in each instance, strike “SUBTITLE” and substitute “SECTION”; in line 12, after “MAY” insert “INITIATE AN INVESTIGATION OR”; in lines 18, 21, 23, 26 and 27, 29, and 31, in each instance, strike “ALLEGED VIOLATOR” and substitute “EMPLOYMENT AGENCY”.

AMENDMENT NO. 3

On page 5, in line 4, strike “ALLEGED VIOLATOR” and substitute “EMPLOYMENT AGENCY”; and in lines 4 and 6, in each instance, strike “SUBTITLE” and substitute “SECTION”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

**House Bill 1177 - Chair, Economic Matters Committee (By Request -
Departmental - State Police)**

AN ACT concerning

**Secondhand Precious Metal Object Dealers and Pawnbrokers - Electronic
Reporting**

HB1177/343798/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1177

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "time;" insert "providing for the construction of this Act; providing for a certain report to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 3, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to require a pawnbroker or secondhand precious metal objects dealer to obtain additional computer software at the pawnbroker's or dealer's expense or to pay a transaction fee to submit an electronic report as required by this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2008, the Department of State Police and the Department of Labor, Licensing, and Regulation jointly shall study and report to the House Economic Matters Committee and the Senate Education, Health, and Environmental Affairs Committee, in accordance with § 2-1246 of the State Government Article, regarding the licensing and reporting requirements for the sale of secondhand items in the State.

(a) To prepare the report, the departments shall:

(1) evaluate any gaps in the current licensing and reporting requirements for the sale of secondhand items in the State;

(2) determine the estimated impact of any gaps in the current law on the ability of law enforcement to recover stolen items, as well as any other enforcement issues, including limitations on enforcement related to sales conducted over the Internet; and

(3) develop recommendations regarding the appropriate scope of licensing and reporting requirements for the sale of secondhand items, including electronic sales.

(b) In developing the report, the departments shall solicit public comments from the affected stakeholders, including antique dealers, pawnbrokers, secondhand precious metal objects dealers, secondhand retail shops, and businesses that arrange sales of secondhand items predominantly by electronic commerce.”;

and in line 3, strike “2.” and substitute “4.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #10

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 180 – Allegany County Delegation

AN ACT concerning

Allegany County Planning Commission – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 261 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Deputy Sheriffs – Repeal of Residency Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 330 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Assistant Sheriff

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 335 – Cecil County Delegation

AN ACT concerning

Cecil County – Waste Disposal – Northeast Maryland Waste Disposal Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 364 – The Speaker (By Request – Administration) and Delegates McIntosh, Barve, Bobo, Bronrott, Cane, G. Clagett, V. Clagett, Frush, Glenn, Howard, Hucker, Lafferty, Manno, Montgomery, Niemann, and Stein

AN ACT concerning

**Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use
in Highway Work Zones**

HB0364/370715/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 364
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stein” and substitute “Stein, and Burns”; in line 4, after “counties” insert “and municipalities”; strike beginning with “altering” in line 6 down through “system;” in line 7; in line 10, after “hearing;” insert “requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval, provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations;”; in line 15, after “system;” insert “requiring a certain speed monitoring system placed in a certain location to be calibrated to only record images of motor vehicles traveling at or above a certain speed; repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden;”; in line 20, strike “providing that” and substitute “requiring the Comptroller to distribute to the State Highway Administration”; in line 21, strike “shall first” and substitute “in an amount to”; and in line 27, strike the second “certain” and substitute “reasonable”.

On page 2, in line 30, after “systems;” insert “requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court;”; and in line 37, after “Act;” insert “providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County;”.

AMENDMENT NO. 2

On page 4, in line 18, strike “OR A SPEED MONITORING SYSTEM”.

On page 5, in line 16, strike “THE STATE OR A” and substitute “A LOCAL”; and in line 22, strike “ENFORCE” and substitute “IMPLEMENT”.

On page 12, in line 30, after the second “system” insert “, INCLUDING A WORK ZONE SPEED CONTROL SYSTEM,”; in line 32, after “system” insert “OR A WORK ZONE SPEED CONTROL SYSTEM”.

AMENDMENT NO. 3

On page 6, in line 14, after “CLEAR” insert “AND LEGIBLE”; in the same line, after the first “the” insert “ENTIRE”; after line 25, insert:

“(II) BEFORE A COUNTY MAY USE A SPEED MONITORING SYSTEM ON A STATE HIGHWAY AT A LOCATION WITHIN A MUNICIPAL CORPORATION, THE COUNTY SHALL:

1. OBTAIN THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION;

2. NOTIFY THE MUNICIPAL CORPORATION OF THE STATE HIGHWAY ADMINISTRATION’S APPROVAL OF THE USE OF A SPEED MONITORING SYSTEM AT THAT LOCATION; AND

3. GRANT THE MUNICIPAL CORPORATION 60 DAYS FROM THE DATE OF THE COUNTY’S NOTICE TO THE MUNICIPAL CORPORATION TO ENACT AN ORDINANCE AUTHORIZING THE MUNICIPAL CORPORATION INSTEAD OF THE COUNTY TO USE A SPEED MONITORING SYSTEM AT THAT LOCATION.”;

in line 26, strike “(II)” and substitute “(III)”; and in line 28, strike “12 MONTHS” and substitute “30 DAYS”.

On page 7, in lines 1 and 12, strike “(III)” and “(IV)”, respectively, and substitute “(IV)” and “(V)”, respectively.

On page 16, in line 2, after “CLEAR” insert “AND LEGIBLE”; and in the same line, after the first “THE” insert “ENTIRE”.

AMENDMENT NO. 4

On page 8, after line 9, insert:

“(5) (I) THIS PARAGRAPH DOES NOT APPLY TO A SPEED MONITORING SYSTEM PLACED IN A SCHOOL ZONE.

(II) IF A SPEED MONITORING SYSTEM IS PLACED WITHIN 250 FEET AFTER THE LOCATION OF A SIGN DECREASING THE MAXIMUM SPEED LIMIT ON THE HIGHWAY, THE SPEED MONITORING SYSTEM SHALL BE CALIBRATED TO ONLY RECORD IMAGES OF MOTOR VEHICLES TRAVELING AT SPEEDS AT LEAST 10 MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT BEFORE THE LOCATION OF THE SIGN.”;

in line 15, strike the brackets; and in the same line, strike “\$75”.

AMENDMENT NO. 5

On page 9, in lines 3 and 4, strike “EMPLOYEE OR agent of” and substitute “LAW ENFORCEMENT OFFICER EMPLOYED BY OR UNDER CONTRACT WITH”.

AMENDMENT NO. 6

On page 10, in line 37, after “violation;” insert “AND”.

On page 11, strike beginning with “Provides” in line 1 down through “(iii)” in line 4.

On page 21, in line 24, after “VIOLATION;” insert “AND”; and strike beginning with “PROVIDES” in line 25 down through “(III)” in line 28.

AMENDMENT NO. 7

On page 12, in line 2, strike “STATE AND”; in line 3, strike “OR UNITS”; in line 6, after “(j)” insert “**(1) AN AGENCY OR AN AGENT OR CONTRACTOR DESIGNATED BY THE AGENCY SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.**

(2);

and in line 7, strike “OR AN AGENCY”.

On page 22, in line 31, after “(J)” insert “THE DEPARTMENT OF STATE POLICE OR AN AGENT OR CONTRACTOR DESIGNATED BY THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION WITH THE DISTRICT COURT.”

(K)”.

AMENDMENT NO. 8

On page 14, in line 26, strike “OF” and substitute “THE COMPTROLLER SHALL DISTRIBUTE TO THE STATE HIGHWAY ADMINISTRATION REVENUE FROM”; and strike beginning with the comma in line 27 down through “ADMINISTRATION” in line 28 and substitute “IN AN AMOUNT”.

AMENDMENT NO. 9

On page 16, in line 5, strike “AND”; in line 7, after “POLICE” insert “;AND”

(III) THE MARYLAND TRANSIT ADMINISTRATION POLICE”;

in lines 21 and 22, strike “A POLICE OFFICER” and substitute “AN INDIVIDUAL”; in line 23, after “SYSTEM” insert “AND WHO IS:”

(I) A POLICE OFFICER;

(II) A REPRESENTATIVE OF A LOCAL POLICE DEPARTMENT;

(III) A REPRESENTATIVE OF A STATE POLICE DEPARTMENT;

OR

(IV) A STATE HIGHWAY ADMINISTRATION CONTRACTOR”;

and in line 30, after “LIMIT” insert “, ESTABLISHED USING GENERALLY ACCEPTED TRAFFIC ENGINEERING PRACTICES,”.

AMENDMENT NO. 10

On page 17, in line 8, strike “WITHIN ONE-QUARTER OF A MILE” and substitute “AT A REASONABLE DISTANCE CONSISTENT WITH NATIONAL GUIDELINES”.

AMENDMENT NO. 11

On page 18, in line 30, strike “THE” and substitute “A”; and in lines 30 and 31, strike “OR STATE POLICE DEPARTMENT” and substitute “, STATE POLICE DEPARTMENT, OR POLICE DEPARTMENT CONTRACTOR”.

AMENDMENT NO. 12

On page 24, in line 8, strike “12-month” and substitute “30-day”; in line 13, strike “or deploys” and substitute “, deploys, or operates”; after line 27, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That § 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted by Section 1 of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2008.”;

and in line 28, strike “9.” and substitute “10.”.

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Shank moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 637 – Washington County Delegation

AN ACT concerning

Washington County – County Clerk

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 739 – Delegate Heller (Chair, Joint Committee on Federal Relations) and Delegates Burns, Haddaway, Hubbard, Kaiser, Ramirez, and Weldon

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of Virginia Member

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 766 – Delegate Malone

AN ACT concerning

Vehicle Laws – Medical Advisory Board – Confidentiality

HB0766/570615/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 766
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Medical” in line 3 down through “disclose” in line 4 and substitute “Motor Vehicle Administration to use, whether unilaterally or in certain collaboration,”; in lines 4 and 6, in each instance, after “information” insert “of the Medical Advisory Board”; in line 5, strike “disclosure” and substitute “use”; and in line 6, strike “Medical Advisory Board” and substitute “Motor Vehicle Administration”.

AMENDMENT NO. 2

On page 2 in line 13, and on page 3 in line 11, in each instance, strike “**MEDICAL ADVISORY BOARD MAY DISCLOSE**” and substitute “**ADMINISTRATION MAY USE**”.

On page 2, in line 14, strike “ITS RECORDS” and substitute “THE RECORDS OF THE MEDICAL ADVISORY BOARD”; and strike beginning with “MEDICAL” in line 14 down through “RECORDS” in line 17 and substitute “DRIVER SAFETY RESEARCH, WHETHER PERFORMED UNILATERALLY OR IN COLLABORATION WITH ANOTHER MEDICAL RESEARCH ENTITY, PROVIDED THAT PERSONAL INFORMATION IS NOT DISCLOSED”.

On page 3, in line 6, strike “The” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; and strike beginning with “MEDICAL” in line 12 down through “REPORTS” in line 15 and substitute “DRIVER SAFETY RESEARCH, WHETHER PERFORMED SOLELY BY THE ADMINISTRATION OR IN COLLABORATION WITH ANOTHER MEDICAL RESEARCH ENTITY, PROVIDED THAT PERSONAL INFORMATION IS NOT DISCLOSED”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 974 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Motor Vehicle Administration – Required Security – Suspension of Registration for Violation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1119 – Delegates Ali and Malone

AN ACT concerning

Motor Vehicles – Towing and Towed Vehicles – Procedures and Equipment

HB1119/390117/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1119
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Malone" and substitute "Sossi".

AMENDMENT NO. 2

On page 2, in line 26, strike "(I)".

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 12 on page 3, inclusive.

On page 3, in line 13, strike "(I)"; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 3

On page 4, in line 26, strike "VEHICLE EQUIPPED" and substitute "CONNECTION MADE".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1168 – Delegates Kramer, Aumann, Bromwell, Dwyer, Frank, Kach, Kelly, Kullen, McComas, McConkey, Myers, O'Donnell, Olszewski, Shank, Simmons, Smigiel, Sossi, and Stull

AN ACT concerning

Vehicle Laws – Equipment on Motorcycles – Auxiliary Lighting

HB1168/130918/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1168
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 7, strike “22-224.1” and substitute “22-221(l)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 21 on page 2, inclusive, and substitute:

“22-221.

(L) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MOTORCYCLE MAY BE EQUIPPED WITH THE FOLLOWING AUXILIARY LIGHTING:

(i) BLUE DOT ILLUMINATION;

(ii) STANDARD BULB RUNNING LIGHTS; OR

(iii) LIGHT-EMITTING DIODE PODS AND STRIPS ADDED TO PROTECT THE DRIVER.

(2) (i) LIGHTING UNDER THIS SUBSECTION SHALL BE:

1. NONBLINKING;

2. NONFLASHING;

3. NONOSCILLATING; AND

4. DIRECTED TOWARD THE ENGINE AND THE DRIVE TRAIN OF THE MOTORCYCLE.

(II) LIGHTING UNDER THIS SUBSECTION MAY NOT:

1. BE ATTACHED TO THE WHEELS OF THE MOTORCYCLE; OR

2. EMIT A RED OR BLUE LIGHT.

(III) BLUE DOT ILLUMINATION:

1. MAY BE LOCATED ONLY ON THE REAR OF A MOTORCYCLE AS PART OF OR ADJACENT TO THE REAR BRAKE LIGHT; AND

2. MAY NOT EXCEED THREE-QUARTERS OF AN INCH IN DIAMETER.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #7

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1526 - Delegates Carr, Bobo, V. Clagett, Hubbard, Hucker, and Montgomery

AN ACT concerning

Public Safety - Demolition Work - Safety Provisions and Permitting

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Environmental Matters:

House Bill 1555 – Delegates Anderson, Branch, Conaway, Glenn, Hammen, Harrison, Haynes, Krysiak, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Land Bank Authorities – Establishment by Counties

The Bill was re-referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1594 – Delegate Jones

AN ACT concerning

Maryland Housing Fund – Unallocated Reserves – Transfers

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1596 – Delegate Jones

AN ACT concerning

Board of Public Works – Notification – Capital Leases

The Bill was re-referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re-referred to the Committee on Appropriations:

House Bill 1602 – Delegate Malone

AN ACT concerning

Commission to Study the Impact of Immigrants in Maryland

The Bill was re-referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS**Senate Bill 527 – Chair, Budget and Taxation Committee**

AN ACT concerning

Spending Mandate and Revenue Dedication Relief Act

FOR the purpose of altering a requirement that the State budget include a certain appropriation to pay rent to counties for certain space occupied by clerks of the circuit courts; ~~altering the calculation of certain State aid to private institutions of higher education;~~ altering the calculation of certain State aid to libraries; repealing a requirement that the Governor provide funds in the budget in a certain amount for a certain interagency pool of funds to provide certain services; altering the distribution of the motor fuel tax revenue for certain fiscal years; altering the distribution of the sales and use tax revenue for certain fiscal years; and generally relating to certain State spending mandates and dedicated revenues.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–504
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section ~~17–104(a), 23–205(e), 23–205(c)~~ and 23–503(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–139(c) and (d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104, 2–1302.1, and 2–1302.2
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)
(As enacted by Chapter 6 of the Acts of the General Assembly of the 2007
Special Session)

BY repealing and reenacting, with amendments,
Chapter 6 of the Acts of the General Assembly of the 2007 Special Session

Section 6

Read the first time and referred to the Committee on Appropriations.

Senate Bill 536 – Chair, Budget and Taxation Committee

AN ACT concerning

Drinking Driver Monitor Program – Fee

FOR the purpose of altering a certain fee assessed for the Drinking Driver Monitor Program; authorizing a court to exempt a supervisee from the fee under certain circumstances; repealing the termination of a certain fee; and generally relating to the Drinking Driver Monitor Program.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–115(b) ~~and (c)~~, (c), and (d)
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary and the Committee on Appropriations.

Senate Bill 540 – Chair, Budget and Taxation Committee

AN ACT concerning

~~Central Collection Unit~~ – Transfer of Special Fund Balances

FOR the purpose of providing that certain balances in the Central Collection Fund at the end of each fiscal year revert to the General Fund; ~~authorizing~~ requiring the Governor to transfer to the General Fund certain amounts from ~~the Central Collection Fund~~ certain special funds for a certain fiscal year; repealing the Joseph Fund Account within the State Reserve Fund, the Joseph Fund Board, and related provisions of law; requiring that certain balances in the Joseph Fund Account be transferred to a certain special fund; providing for the application of certain provisions of this Act; and generally relating to the ~~Central Collection Fund~~ transfer of certain special fund balances to certain funds.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–306 and 7–309(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing

Article – State Finance and Procurement

Section 7-327

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Appropriations.

Senate Bill 545 – Chair, Budget and Taxation Committee

AN ACT concerning

Maryland Health Care Provider Rate Stabilization Account Funds – Transfer of Funds Transfers and Disbursements

FOR the purpose of authorizing certain funds in a certain account of the Maryland Health Care Provider Rate Stabilization Fund to be transferred to certain accounts to be used for certain purposes; limiting a certain requirement that the Legislative Auditor conduct certain audits of a certain insurance society to years in which the society received certain disbursements from the Rate Stabilization Account of the Fund; requiring the Legislative Auditor to conduct a certain follow-up audit; authorizing the Governor, by budget amendment, to transfer a certain amount in the Cigarette Restitution Fund to the Department of Health and Mental Hygiene under certain circumstances; requiring that certain revenue for a certain fiscal year be distributed to a special fund, to be used only for certain purposes; authorizing the Governor, by budget amendment, to transfer a certain amount from the special fund to the Department of Health and Mental Hygiene under certain circumstances; and generally relating to ~~the use of certain funds in a certain account of the Maryland Health Care Provider Rate Stabilization Fund~~ certain transfers and disbursements of health care funds.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 19-804(c)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY adding to

Article – Insurance

Section 19-804(e)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 24-213

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Appropriations and the Committee on Health and Government Operations.

Senate Bill 10 – The President (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Criminal Procedure Article Additions – Cross-References and Corrections

FOR the purpose of correcting certain cross-references to new Title 15 and new Title 16 of the Criminal Procedure Article of the Annotated Code of Maryland that revise provisions of law that relate to the Office of the State Prosecutor, the Office of the State's Attorney, and the Office of the Public Defender, respectively; and generally relating to new Titles 15 and 16 of the Criminal Procedure Article and cross-references to them.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 6–113
Annotated Code of Maryland
(1999 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–20(e)(3)(ii) and 10–4A–04(c)(2)(ii)1.
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–103(b)(3) and 11–903
Annotated Code of Maryland
(2001 Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–302(d)(2), 9–268.1(b)(2), and 9–344(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–307(a)(1)

Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

**Senate Bill 182 – Chair, Budget and Taxation Committee (By Request –
Departmental – Transportation)**

AN ACT concerning

Maryland Transportation Authority – ~~Bonding Authority~~

FOR the purpose of requiring the Maryland Transportation Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components; modifying a certain limit on the issuance of certain debt by the ~~Maryland Transportation~~ Authority; authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain line of credit for the financing of a certain highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway; requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway; and generally relating to the Maryland Transportation Authority ~~revenue bonds and the issuance of debt~~ and the financing of the Intercounty Connector.

BY adding to

Article – Transportation
Section 4-210 and 4-320.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 4-306 and 4-321
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Appropriations.

Senate Bill 212 – The President (By Request – Administration)

AN ACT concerning

Reorganization of State Government – Department of Information Technology

FOR the purpose of reorganizing State government by establishing a Department of Information Technology as a principal unit of the Executive Branch; providing for the qualifications, appointment, powers, duties, and salary of the Secretary of Information Technology; providing for the duties of the Department of Information Technology; specifying that the Department of Information Technology is responsible for administering the information technology functions of the Executive Branch of State government; transferring the information technology and telecommunications functions of the Executive Branch from the Department of Budget and Management to the Department of Information Technology; requiring the Secretary to provide a certain annual report on certain technology development projects to the Department of Legislative Services; transferring the Telecommunications Access of Maryland program from the Department of Budget and Management to the Department of Information Technology; requiring certain shopping facilities to acquire and install certain communications devices; providing that the Department of Information Technology is a primary procurement unit; repealing a certain requirement regarding the adoption of regulations; repealing certain provisions of law rendered inapplicable by provisions of this Act; abolishing the State Information Technology Board; defining certain terms; providing for the transfer of certain employees under certain circumstances; providing for appropriate transitional provisions relating to the continuity of certain departments, boards, commissions, committees, agencies, and other units; providing for the transfer of certain property, records, fixtures, appropriations, credits, assets, liabilities, obligations, rights, and privileges; providing for the continuity of certain laws, rules and regulations, standards and guidelines, policies, orders and other directives, permits and licenses, applications, forms, plans, memberships, contracts, property, investigations, and administrative and judicial responsibilities; providing for the continuity of certain transactions, rights, duties, and interests; providing for the continuity of certain persons licensed, registered, permitted, and certified under certain departments, offices, and units; providing for the continuity of certain contracts, agreements, grants, or other obligations; specifying that the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct agency names and titles in the Code to conform to the changes that are made by this Act; making technical changes; and generally relating to the reorganization of State government and the establishment of a Department of Information Technology.

BY repealing

Article – State Finance and Procurement

Section 3–401 through 3–413 and the subtitle “Subtitle 4. Information Processing”; 3–701 through 3–706 and the subtitle “Subtitle 7. Telecommunications”; 3–801 through 3–807 and the subtitle “Subtitle 8. Telecommunications Access of Maryland”; and 3–901 through 3–906 and the subtitle “Subtitle 9. Telecommunications Devices and Distribution of Accessible Information for Disabled Individuals”

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–201

Annotated Code of Maryland

(2004 Replacement Volume and 2007 Supplement)

BY adding to

Article – State Finance and Procurement

Section 3A–101 through 3A–606 to be under the new title “Title 3A. Department of Information Technology”; and 12–107(b)(7)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 11–101(l), 12–107(b)(2), (5), and (6), 13–401, 13–402(a), and 14–501(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 14–501(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 327 – Senators Kelley and Jones (Task Force to Study Identity Theft) and Senators Astle, Currie, Della, Exum, Jacobs, Kittleman, Lenett, Mooney, Pinsky, Pugh, Raskin, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

**Identity Fraud – ~~Personal and Business Documents and~~ Cardholder
Affidavits – Evidence**

FOR the purpose of ~~providing that certain personal and business documents are admissible as evidence and presumed to be authentic if a certain person testifies as to their authenticity in any judicial or administrative proceeding;~~ authorizing in a criminal case or juvenile proceeding involving identity fraud the introduction of the affidavit of a lawful credit cardholder as substantive evidence that the credit card or credit card number of the credit cardholder was taken, used, or possessed without the authorization of the credit cardholder; and generally relating to the admissibility of ~~documents and~~ affidavits as evidence.

~~BY adding to~~

~~Article – Commercial Law~~

~~Section 24-101 to be under the new title “Title 24. Authentication of Documents”~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2007 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 8-214.1

Annotated Code of Maryland

(2002 Volume and 2007 Supplement)

Read the first time and referred to the Committee on Judiciary.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Barkley moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 845 – Delegates Anderson, Barnes, Branch, Bronrott, Carter, Conaway, Davis, Dumais, Glenn, Harrison, Heller, Ivey, Jones, McIntosh, Montgomery, Oaks, Proctor, Ramirez, Robinson, Rosenberg, Schuler, Simmons, Stukes, Taylor, V. Turner, Valderrama, Vallario, and Vaughn

AN ACT concerning

Criminal Procedure – Penalties – The “Smart on Crime” Act

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate Rosenberg moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

House Bill 1138 – Delegates Braveboy, Cane, Feldman, Griffith, Hecht, Holmes, Manno, Miller, and Pena-Melnyk

AN ACT concerning

Task Force to Study Gasoline Zone-Pricing in Maryland

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1138/333324/2

BY: Delegate Wood

AMENDMENT TO HOUSE BILL 1138

(First Reading File Bill)

On page 2, in line 19, strike “Office of the Comptroller” and substitute “Department of Legislative Services”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 340)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #26

House Bill 561 - ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen, McDonough, Mizeur, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Tarrant, V. Turner, and Weldon

AN ACT concerning

Procurement - Small Business Reserve Program - Eligibility Modifications

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 341)

The Bill was then sent to the Senate.

House Bill 805 - ~~Delegates Weldon, Bates, G. Clagett, Hecht, Miller, and Stull~~ Stull, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement - Preferences - Employment Works Program

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 342)

The Bill was then sent to the Senate.

House Bill 865 - ~~Delegates Morhaim, Bromwell, Miller, and Weldon~~ Weldon, Hammen, Pendergrass, Beitzel, Benson, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

**~~Government Efficiency and Streamlining Operations~~
Procurement - eMaryland Marketplace - Use**

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 343)

The Bill was then sent to the Senate.

House Bill 872 - Delegates Pendergrass, Bobo, DeBoy, Guzzone, Malone, ~~and F. Turner~~ F. Turner, Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance - Public-Private Health Care Programs

Read the third time and passed by yeas and nays as follows:

Affirmative - 133 Negative - 0 (See Roll Call No. 344)

The Bill was then sent to the Senate.

House Bill 881 - ~~Delegate Weldon~~ Delegates Weldon, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Procurement - Preference Procurement Program for Sheltered Workshops - Individual With Disability Owned Businesses

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 345)

The Bill was then sent to the Senate.

House Bill 1013 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Class BH (Hotel) Licenses and Class B-DD (Development District) ~~Alcoholic Beverages Licenses – Greenbelt Station~~

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Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 346)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #27

House Bill 81 – Delegates Hubbard and Hammen

AN ACT concerning

Task Force to Study the Regulation of Artificial Trans Fat

Read the third time and passed by yeas and nays as follows:

Affirmative – 120 Negative – 13 (See Roll Call No. 347)

The Bill was then sent to the Senate.

House Bill 277 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Maryland Insurance Commissioner – ~~Authority to Act~~ Adoption of Regulations Applicable in an Emergency – Required

Read the third time and passed by yeas and nays as follows:

Affirmative – 133 Negative – 0 (See Roll Call No. 348)

The Bill was then sent to the Senate.

House Bill 527 - Delegates Reznik, Beitzel, Bromwell, Donoghue, Hammen, Kullen, Montgomery, Morhaim, Pena-Melnyk, Schuler, Tarrant, and V. Turner

AN ACT concerning

Task Force to Study the Procurement of Health and Social Services by State Agencies

Read the third time and passed by yeas and nays as follows:

Affirmative - 131 Negative - 1 (See Roll Call No. 349)

The Bill was then sent to the Senate.

House Bill 815 - Delegates Tarrant, Donoghue, James, Nathan-Pulliam, Riley, and Stukes

AN ACT concerning

Health Insurance - Reimbursement of Health Care Practitioners - Information Provided by Carriers

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 350)

The Bill was then sent to the Senate.

House Bill 902 - Carroll County Delegation

AN ACT concerning

Carroll County - Alcoholic Beverages - Sunday Sales

Read the third time and passed by yeas and nays as follows:

Affirmative - 132 Negative - 0 (See Roll Call No. 351)

The Bill was then sent to the Senate.

House Bill 1059 - Delegates Hubbard, Benson, Costa, Elliott, Gaines, Guzzone, Hucker, Kipke, Kullen, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Riley, Tarrant, V. Turner, ~~and Weldon~~ Weldon, Hammen,

Pendergrass, Bromwell, Donoghue, Kach, McDonough, Mizeur,
Morhaim, and Reznik

AN ACT concerning

**Community Services Reimbursement Rate Commission – Termination Date
Extension and Modifications**

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 352)

The Bill was then sent to the Senate.

**House Bill 1316 – Delegates Vaughn, Burns, Feldman, Haddaway, Hecht,
King, Krysiak, Miller, ~~and Taylor~~ Taylor, and Manno**

AN ACT concerning

Real Estate ~~Brokers~~ Licensees – Record Keeping

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 353)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #28

House Bill 108 – Delegates Branch, Anderson, Stukes, and Tarrant

AN ACT concerning

Public Safety – Electronic Weapons – ~~Prohibition~~ Procedures and Reports

Read the third time and passed by yeas and nays as follows:

Affirmative – 111 Negative – 22 (See Roll Call No. 354)

The Bill was then sent to the Senate.

**House Bill 419 – Delegates Elliott, Ali, Bartlett, Beitzel, Bromwell, Cane,
Costa, DeBoy, Frush, George, Norman, Hammen, Hecht, Hubbard,
Impallaria, Kach, King, Kipke, Kirk, Krebs, Kullen, McDonough,
Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk,
Pendergrass, Proctor, Reznik, Riley, Rudolph, Smigiel, Sophocleus,**

Sossi, Stukes, Stull, V. Turner, Walkup, Weir, ~~and Weldon~~ Weldon, Benson, and Donoghue

AN ACT concerning

Pharmacy Benefits Managers - Registration

Read the third time and passed by yeas and nays as follows:

Affirmative - 133 Negative - 0 (See Roll Call No. 355)

The Bill was then sent to the Senate.

House Bill 440 - Delegates Rosenberg, Harrison, Kirk, Krysiak, Love, Manno, McHale, and Taylor

AN ACT concerning

Procurement - Service Contracts - Notice to ~~State Employees~~ and Exclusive Representatives

Read the third time and passed by yeas and nays as follows:

Affirmative - 128 Negative - 4 (See Roll Call No. 356)

The Bill was then sent to the Senate.

House Bill 578 - Delegates Pena-Melnyk, Mizeur, Benson, Bromwell, Costa, Donoghue, Dumais, Elliott, Feldman, Gutierrez, Guzzone, Heller, Kaiser, Kipke, Montgomery, Nathan-Pulliam, Oaks, Reznik, Rice, Tarrant, F. Turner, V. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Beitzel, Hammen, Hubbard, Kach, Kullen, McDonough, Morhaim, Pendergrass, and Riley

AN ACT concerning

Health Insurance - Coverage for Amino Acid-Based Elemental Formula

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 357)

The Bill was then sent to the Senate.

House Bill 689 - ~~Delegate Barnes~~ Delegates Barnes, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kullen,

McDonough, Mizeur, Montgomery, Nathan-Pulliam, Oaks,
Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

**Access to Public Records - Permissible Denials - Public Institutions of
Higher Education**

Read the third time and passed by yeas and nays as follows:

Affirmative - 133 Negative - 0 (See Roll Call No. 358)

The Bill was then sent to the Senate.

House Bill 878 - Washington County Delegation

AN ACT concerning

**Washington County - Regulation of Electricians and the Provision of
Electrical Services**

Read the third time and passed by yeas and nays as follows:

Affirmative - 132 Negative - 0 (See Roll Call No. 359)

The Bill was then sent to the Senate.

**House Bill 1301 - Delegates Frick, McIntosh, Gutierrez, Waldstreicher, Carr,
Ali, Barkley, Barve, Beidle, Benson, Bronrott, V. Clagett, Dumais,
Feldman, Frush, Gilchrist, Healey, Heller, Hixson, Hucker, Kaiser,
Kramer, Lee, Malone, Manno, McComas, Mizeur, Montgomery, Murphy,
Nathan-Pulliam, Niemann, Reznik, Rice, Shewell, Simmons, Sossi, and
Taylor**

AN ACT concerning

The Jane E. Lawton Loan Program

Read the third time and passed by yeas and nays as follows:

Affirmative - 134 Negative - 0 (See Roll Call No. 360)

The Bill was then sent to the Senate.

House Bill 1400 - Delegates Wood, Bohanan, Murphy, and O'Donnell

AN ACT concerning

Workers' Compensation – Covered Employees – State Government Volunteer Workers

Read the third time and passed by yeas and nays as follows:

Affirmative – 134 Negative – 0 (See Roll Call No. 361)

The Bill was then sent to the Senate.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 359 – Delegates Conway, Barkley, DeBoy, Haynes, James, and Levy

AN ACT concerning

Local Correctional Facilities – Inmate Health Care Expenses – Payment Rates to Health Care Providers

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0359/233223/1

BY: Delegate Barkley

AMENDMENTS TO HOUSE BILL 359
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “terms;” insert “providing for the application of this Act;”.

AMENDMENT NO. 2

On page 4, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to a contract to provide health care services to inmates in local correctional facilities in effect on or before the effective date of this Act.”;

and in line 3, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Haddaway moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 128 Negative – 1 (See Roll Call No. 362)

In compliance with the rules, the Bill was introduced.

House Bill 1619 – Delegates Haddaway, Bartlett, Bates, Beitzel, Donoghue, Eckardt, Elmore, James, Kelly, McComas, Myers, Norman, O’Donnell, Riley, Serafini, Shank, Smigiel, Sossi, Stifler, Stull, and Weldon

AN ACT concerning

Rural Broadband Communication Services – Railroads and Tributaries

FOR the purpose of exempting the installation of certain infrastructure provided by certain persons from a certain State wetlands licensing requirement; prohibiting the Secretary of the Environment from adopting certain regulations; requiring the Maryland Transit Administration to allow the use of any railroad right-of-way for the installation of certain infrastructure provided by certain persons without the imposition of a certain charge; requiring the State Highway Administration to allow the use of any right-of-way for the installation of certain infrastructure provided by certain persons without the imposition of a certain charge; providing for the termination of this Act; providing for the construction of certain provisions of this Act; making a stylistic change; and generally relating to rural broadband communication services.

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a)

Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–202(d) and 16–302(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2007 Supplement)

BY adding to
Article – Transportation
Section 7–904
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–654
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Dwyer moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 127 Negative – 0 (See Roll Call No. 363)

In compliance with the rules, the Bill was introduced.

House Bill 1620 – Delegate Dwyer

AN ACT concerning

Local Jurisdictions – Zoning and Land Use Procedures

FOR the purpose of providing that a person may request a letter from a local jurisdiction detailing the zoning and permissible land uses of a property; requiring local jurisdictions to issue a certain letter within a certain period of time; providing that a zoning classification stated in a certain letter is binding on a local jurisdiction until the governing body of the local jurisdiction changes the zoning classification or permissible land uses of the property; prohibiting local jurisdictions from retroactively changing the zoning classification or

permissible land uses of a property; prohibiting governing bodies of local jurisdictions from requiring, as a condition for the issuance of a building permit or a grading permit, the owner of property to designate a part of the property as open space, a conservation area, or a deeded right-of-way of a local jurisdiction; prohibiting local jurisdictions from accepting or acting on an anonymously submitted zoning complaint against a person; requiring local jurisdictions to disclose the name of a person who files a zoning complaint to the owner of the property that is the subject of the complaint; prohibiting local jurisdictions from fining more than one person for a single zoning offense; prohibiting a certain provision from being construed to allow a local jurisdiction to fine a husband and a wife who jointly own property for a single zoning offense; stating the intent of the General Assembly as to certain provisions of this Act; providing for the application of this Act; and generally relating to zoning and land use procedures.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.02 and 2.13
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 66B – Land Use
Section 7.06 and 7.07
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

Delegate Dwyer moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 130 Negative – 0 (See Roll Call No. 364)

In compliance with the rules, the Bill was introduced.

House Bill 1621 – Delegate Dwyer

AN ACT concerning

**Local Jurisdictions – Grading Permits, Building Permits, and Zoning Letters
– Rights**

FOR the purpose of providing that a person who is issued a grading permit, building permit, or zoning letter by a local jurisdiction has the right to rely and act on the permit or letter even if the permit or letter was issued in error; requiring local jurisdictions to grant, within a certain time period, a variance to a person to whom a grading or building permit or a zoning letter was issued in error; prohibiting certain persons from appealing a certain decision of a local jurisdiction to correct a certain grading or building permit or a certain zoning letter; providing for the application of this Act; and generally relating to zoning.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.02 and 2.13
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

BY adding to
Article 66B – Land Use
Section 7.06
Annotated Code of Maryland
(2003 Replacement Volume and 2007 Supplement)

Read the first time and referred to the Committee on Rules and Executive Nominations.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 365)

RECESS

At 12:31 P.M. on motion of Delegate Barve the House recessed until 8:00 P.M. on Legislative Day March 14, 2008, Calendar Day Monday, March 17, 2008.