

**SB0911/257973/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 911  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Astle” and substitute “Senators Astle, Della, Exum, Garagiola, Glassman, Klausmeier, and Middleton”; in line 17, after “sources;” insert “prohibiting the Authority from imposing a certain charge or assessment against a person for certain purposes under certain circumstances;”; and in line 31, strike “owners” and substitute “owner-members”.

On page 2, in line 3, after “system” insert “by registering with the one-call system”; in line 6, after “system;” insert “requiring the one-call system to promptly transmit a copy of a certain ticket to certain owner-members under certain circumstances;”; in lines 9, 11, 13, 15, 29, 31, and 32, in each instance, strike “owner” and substitute “owner-member”; and strike beginning with “repealing” in line 24 down through “laws;” in line 28.

On pages 2 and 3, strike beginning with “altering” in line 43 on page 2 down through “Act;” in line 1 on page 3.

On page 3, in line 40, strike “12-122, and 12-128” and substitute “and 12-122”.

On page 4, after line 2, insert:

“BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 12-128 to be under the new part “Part IV. Excavation and Demolition”

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

(As enacted by Section 2 of this Act)”;

(Over)

and strike in their entirety lines 14 through 25, inclusive.

AMENDMENT NO. 2

On page 5, in line 14, strike “OR ENGINEER” and substitute “, PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR, OR LICENSED LANDSCAPE ARCHITECT, AS THOSE TERMS ARE DEFINED IN THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE,”.

AMENDMENT NO. 3

On page 7, in line 2, in each instance, strike the bracket; in the same line, before “THE” insert “;

(II)”;

in line 3, strike “(II)” and substitute “(III)”; in line 4, strike “(III)” and substitute “(IV)”; and in line 14, strike “to be”.

On page 9, after line 15, insert:

“(C) TO THE EXTENT PRACTICABLE, MEMBERS APPOINTED TO THE AUTHORITY SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER DIVERSITY OF THE STATE.”;

and in lines 16 and 30, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 4

On page 11, in line 9, before “THE” insert “(A)”; in line 12, before “AUTHORIZED” insert “FOR COMPLAINTS HEARD BY THE AUTHORITY AS”; in line 13, strike “§ 12-112” and substitute “§ 12-112(B)(1)”; and after line 14, insert:

“(B) EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, THE AUTHORITY MAY NOT IMPOSE A CHARGE OR ASSESSMENT AGAINST ANY PERSON, DIRECTLY OR INDIRECTLY, TO OBTAIN FUNDING FOR ITS OPERATIONAL EXPENSES.”;

in line 22, after “(B)” insert “(1)”; in lines 23 and 25, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and after line 26, insert:

“(2) IF THE AUTHORITY DETERMINES THAT AN INDIVIDUAL CANNOT AFFORD TO PAY A FEE ESTABLISHED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE AUTHORITY MAY EXEMPT THE INDIVIDUAL WHOLLY OR PARTLY FROM THE FEE.”.

AMENDMENT NO. 5

On page 12, in line 1, after “RECEIVES” insert “REASONABLE”; in line 16, strike “THE PERSON AGAINST WHOM THE COMPLAINT WAS MADE” and substitute “ALL PARTIES TO THE COMPLAINT PROCEEDINGS”; in line 20, after “WITH” insert “THE JUDICIAL REVIEW AND APPEALS PROCESS UNDER”; in line 24, after “(3)” insert “(I)”; in the same line, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; and after line 26, insert:

“(II) IF THE PARTY FILING THE REQUEST FOR JUDICIAL REVIEW PREVAILS, THE CIRCUIT COURT MAY REQUIRE THAT THE COSTS OF THE JUDICIAL REVIEW, INCLUDING THE COSTS OF PREPARING A RECORD AND TRANSCRIPT, BE PAID BY THE AUTHORITY.”.

On page 14, in lines 26 and 29, in each instance, strike “12-123(A)” and substitute “12-123”.

AMENDMENT NO. 6

On page 16, in line 9, after “(A)” insert “(1)”; after line 9, insert:

**“(2) AN OWNER BECOMES A MEMBER OF A ONE-CALL SYSTEM BY REGISTERING WITH THE ONE-CALL SYSTEM.”;**

in line 28, after “(C)” insert:

**“(1) ON RECEIVING NOTICE, THE ONE-CALL SYSTEM SHALL PROMPTLY TRANSMIT A COPY OF THE TICKET TO ALL OWNER-MEMBERS IN THE GEOGRAPHIC AREA INDICATED FOR THAT TICKET.**

**(2)**;

and in line 29, strike “OWNER” and substitute “OWNER-MEMBER”.

On page 17, in lines 10, 12, 15, 16, 22, 26, 30, and 31, in each instance, strike “OWNER” and substitute “OWNER-MEMBER”; and in line 29, strike “OWNERS” and substitute “OWNER-MEMBERS”.

On page 18, in lines 3, 8, 10, 13, 20, 23, 24, 28, 30, and 35, in each instance, strike “OWNER” and substitute “OWNER-MEMBER”; and in lines 4, 11, 26, and 28, in each instance, strike “OWNER’S” and substitute “OWNER-MEMBER’S”.

AMENDMENT NO. 7

On page 19, in line 7, strike “OWNERS” and substitute “OWNER-MEMBERS”; in lines 15 and 24, in each instance, strike “OWNER” and substitute “OWNER-MEMBER”; and strike in their entirety lines 26 through 29, inclusive, and substitute:

**“(2) BEFORE USING MECHANIZED EQUIPMENT FOR EXCAVATION OR DEMOLITION WITHIN 18 INCHES OF AN UNDERGROUND FACILITY MARKING, A PERSON SHALL EXPOSE THE UNDERGROUND FACILITY TO ITS OUTERMOST SURFACES BY HAND OR OTHER NONDESTRUCTIVE TECHNIQUES.”**

On page 20, strike in their entirety lines 1 through 8, inclusive; in line 10, strike “OWNER” and substitute “OWNER-MEMBER”; and in line 27, strike “OWNERS” and substitute “OWNER-MEMBERS”.

On page 21, in lines 7, 8, 9, 10, 11, and 15, in each instance, strike the brackets; in line 7, strike “, A”; in the same line, strike “, OR AN OWNER”; in line 8, strike “NOT”; in line 9, strike “A FEE”; in line 10, before “municipal” strike the comma; in the same line, strike “, OR OWNER”; and in line 29, after “ONLY” insert “AND MAY NOT BE USED FOR THE PURPOSE OF EXCAVATION OR DEMOLITION”.

On page 22, in line 1, strike “OWNERS” and substitute “OWNER-MEMBERS”; in lines 4, 8, 11, and 20, in each instance, strike “OWNER” and substitute “OWNER-MEMBER”; and in line 6, after “15” insert “BUSINESS”.

On page 23, in lines 17 and 31, in each instance, strike “\$2,500” and substitute “\$2,000”; in line 19, strike “\$5,000” and substitute “\$4,000”; in line 29, strike “OTHER”; in line 30, strike “OR PART V”.

On page 25, strike in their entirety lines 13 through 27, inclusive.

#### AMENDMENT NO. 8

On page 26, in line 1, strike “5.” and substitute “4.”; in lines 8 and 19, in each instance, after “Committee” insert “as identified by the Governor on the initial appointment of that member to the Authority”; strike in their entirety lines 24 through 31, inclusive; in line 32, strike “8.” and substitute “5.”; and in lines 32 and 33, strike “, except as provided in Section 7 of this Act.”.