

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

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**Annapolis, Maryland
Friday, February 23, 2007
11:00 A.M. Session**

The Senate met at 11:19 A.M.

Prayer by The Reverend J. Bruce Jarboe, Holy Trinity Catholic Church, guest of Senator DeGrange, Sr.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 22, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 215)

UNFINISHED BUSINESS

SPECIAL ORDERS

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

Senate Bill 367 – Senators Astle, Edwards, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Credit Regulation – Debt Management Services

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0367/273126/3)

BY: Senator Lenett

AMENDMENTS TO SENATE BILL 367
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike the second “a”; and in the same line, strike “requirement” and substitute “requirements”.

AMENDMENT NO. 2

On page 5, in line 15, strike “and”; and in line 20, after “section” insert “; AND”

(4) WITHIN 3 MONTHS AFTER BEING HIRED, EACH DEBT MANAGEMENT COUNSELOR EMPLOYED BY THE APPLICANT OR THE APPLICANT’S AGENT WILL RECEIVE COMPREHENSIVE TRAINING IN COUNSELING SKILLS, PERSONAL FINANCE, BUDGETING, AND CREDIT AND DEBT MANAGEMENT”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0367/923329/1)

BY: Senator Lenett

AMENDMENTS TO SENATE BILL 367
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “license;” insert “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;”; in line 13, strike “and”; and in the same line, after “12-916(a)(1)” insert “, 12-921(a), and 12-922(a)”.

AMENDMENT NO. 2

On page 2, in line 19, strike “seeks” and substitute “:”

(1) SEEKS”;

and in line 20, after “consumers” insert “REGARDING PERSONAL FINANCE, BUDGETING, AND CREDIT AND DEBT MANAGEMENT; AND”

(2) PROVIDES COUNSELING TAILORED TO THE NEEDS AND CIRCUMSTANCES OF THE CONSUMER WITH REGARD TO OPTIONS AND STRATEGIES FOR ADDRESSING THE CONSUMER’S DEBT PROBLEMS, INCLUDING:

(I) CREATING AND MAINTAINING A BUDGET;

(II) ESTABLISHING DEBT MANAGEMENT PAYMENT PLANS WITH CREDITORS;

(III) NEGOTIATING DIRECTLY WITH CREDITORS ON PAYMENT OR INTEREST RATE RELIEF; AND

(IV) FILING FOR BANKRUPTCY”.

On page 6, in line 3, after “(i)” insert “1.”; and in line 4, after “program;” insert:

“2. THE LICENSEE PROVIDES THE CONSUMER WITH A WRITTEN SUMMARY OF THE COUNSELING OPTIONS AND STRATEGIES FOR ADDRESSING THE CONSUMER’S DEBT PROBLEMS DEVELOPED UNDER § 12-901(E)(2) OF THIS SUBTITLE; AND

3. THE CONSUMER SIGNS AN ACKNOWLEDGMENT STATING THAT THE CONSUMER HAS REVIEWED THE WRITTEN SUMMARY AND HAS DECIDED TO PROCEED WITH ENTERING INTO A DEBT MANAGEMENT SERVICES AGREEMENT WITH THE LICENSEE;”.

On page 7, after line 20, insert:

“12-921.

(a) (1) On or before April 30 of each year, a licensee shall report to the Commissioner on the debt management services business of the licensee conducted during the preceding calendar year.

(2) The annual report shall be on the form that the Commissioner requires.

(3) The report shall include:

(i) An audited financial statement that is prepared in accordance with generally accepted accounting principles and includes a balance sheet, income statement, statement of changes in fund balances, and statement of cash flow;

(ii) An alphabetical list of all debt management counselors who provided services for the licensee during the previous calendar year;

(iii) The number of consumers for whom the licensee provided debt management services under a debt management services agreement during the preceding calendar year;

(iv) The number of consumers who signed new debt management services agreements with the licensee during the preceding calendar year;

(v) The highest number of consumers for whom the licensee provided debt management services under a debt management services agreement during any month in the preceding calendar year; [and]

(vi) The amounts paid by consumers to the licensee, both in total and for each month, during the preceding calendar year, broken down by:

1. Payments to be disbursed to creditors; and
2. Payments for the licensee's services;

(VII) THE PERCENTAGE OF ALL CONSUMERS WHO RECEIVED A CONSUMER EDUCATION PROGRAM AND SUBSEQUENTLY EXECUTED A DEBT MANAGEMENT SERVICES AGREEMENT DURING THE PRECEDING CALENDAR YEAR; AND

(VIII) A REPRESENTATIVE SAMPLE OF THE WRITTEN SUMMARY REQUIRED UNDER § 12-916(A)(1)(I)2 OF THIS SUBTITLE.

12-922.

(a) To enable the Commissioner to determine compliance with this subtitle, a licensee shall make and preserve the following books, accounts, and records for a period of at least 7 years:

(1) A general ledger containing all assets, liability, capital, income, and expense accounts;

(2) Each debt management services agreement between the licensee and a consumer;

(3) Books and records for each consumer with whom the licensee has a debt management services agreement; [and]

(4) Bank statements and bank reconciliation records;

(5) A COPY OF EACH WRITTEN SUMMARY REQUIRED UNDER § 12-916(A)(1)(I)2 OF THIS SUBTITLE; AND

(6) A COPY OF EACH SIGNED ACKNOWLEDGMENT REQUIRED UNDER § 12-916(A)(1)(I)3 OF THIS SUBTITLE.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senate Bill 910 – Senator Jones

AN ACT concerning

University of Maryland Medical System – Minority Business Enterprise Procurement Activities

FOR the purpose of requiring the Board of Directors of the University of Maryland Medical System to submit a statement of certain procurement policies and procedures to the Board of Public Works for approval; requiring the Board of Directors to include certain information about purchasing activities with regard to minority business enterprises in a certain report it submits to certain persons each year; and generally relating to minority business enterprise procurement activities of the University of Maryland Medical System.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–303
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 911 – Senator Jones

AN ACT concerning

Higher Education – University of Maryland Medical System – Subject to State Access to Public Records Law

FOR the purpose of making the University of Maryland Medical System subject to

certain provisions of State law relating to access to public records; and generally relating to the application of the State access to public records law to the University of Maryland Medical System.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–303
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 912 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George’s County – Marlton Gazebo

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 Marlton Gazebo Foundation 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.

Senate Bill 913 – Senators Klausmeier and Brochin

AN ACT concerning

Credit Regulation – Prepayment Charge or Penalty – Prohibition

FOR the purpose of prohibiting a lender that terminates a line of credit from requiring a borrower who is in good standing with the lender to pay a prepayment charge or penalty on a partial or full prepayment of the unpaid principal balance of the line of credit; providing that existing obligations or contract rights may not be impaired by this Act; providing for the application of this Act; and generally relating to a prepayment charge or penalty in connection with a line of credit.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–105(b)
Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 914 – Senator McFadden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans' Court Judge – Degree of Juris Doctor or Its Equivalent

FOR the purpose of proposing an amendment to the Maryland Constitution to require an individual to possess a degree of Juris Doctor, or its equivalent, from an accredited law school to be eligible to be a judge of an orphans' court; providing for an exception of limited duration; providing for the expiration of a certain exception; generally relating to the requirements of becoming a judge of an orphans' court; 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 40

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 Rules.

Senate Bill 915 – Senator McFadden

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

FOR the purpose of adding a member of the Colonial Chapter of the Paralyzed Veterans of America to the Maryland Veterans Commission; and generally relating to the Maryland Veterans Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–916
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–917
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 916 – Senators Rosapepe and Peters

AN ACT concerning

Labor and Employment – Scheduled Pay

FOR the purpose of requiring employees who report to work at the request of an employer, and are not offered work, to be compensated a certain amount; authorizing a certain employee to bring a certain action; requiring a circuit court to award reasonable attorney’s fees and costs to a prevailing employee; authorizing a circuit court to award certain remedies to a prevailing employee; specifying that no criminal penalties may be imposed under certain circumstances; and generally relating to payment for scheduled work.

BY adding to
Article – Labor and Employment
Section 3–710
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 917 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – St. Clement’s Island Lighthouse

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 St. Clement’s Hundred, 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; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 918 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – St. Mary’s College Amphitheater

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 St. Mary’s College of Maryland 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.

Senate Bill 919 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – Hospice 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 Directors of St. Mary’s Hospital of St. Mary’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 Rules.

Senate Bill 920 – Senator Colburn

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset Repeal

FOR the purpose of repealing the termination provisions relating to the requirement that State residential centers operated by the Department of Health and Mental Hygiene provide respite care; and generally relating to respite care and individuals with developmental disabilities.

BY repealing and reenacting, with amendments,
Chapter 178 of the Acts of the General Assembly of 2004
Section 4

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

Senate Bill 921 – Senators Jacobs, Hooper, and Harris

AN ACT concerning

Creation of a State Debt – Harford County – Havre de Grace Maritime Museum

FOR the purpose of authorizing the creation of a State Debt not to exceed \$600,000, the proceeds to be used as a grant to the Board of Directors of the Havre de Grace Maritime 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 Rules.

Senate Bill 922 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Blandair Regional Park

Ho. Co. 3–07

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 County Executive and County Council of Howard County 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; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 923 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Robinson Nature Center**Ho. Co. 1–07**

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 County Executive and County Council of Howard County 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.

Senate Bill 924 – Howard County Senators

AN ACT concerning

**Creation of a State Debt – Howard County – Historic Main Street Ellicott City
Parking Garage****Ho. Co. 4–07**

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 Howard County Revenue Authority 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.

Senate Bill 925 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – North Laurel Community Center**Ho. Co. 2–07**

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 County Executive and County Council of Howard County 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.

Senate Bill 926 – Senator Harris

AN ACT concerning

Harford County – Gaming – Political Fundraising

FOR the purpose of authorizing a political committee in Harford County to conduct a fundraiser at which prizes of money or merchandise are awarded in certain games of chance; requiring that a prize not exceed the amount otherwise allowed for a prize in the county; and generally relating to gaming and political fundraising in Harford County.

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 13–1501(a), (b), (c), (d), and (e) and 13–1502

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY adding to

Article – Criminal Law

Section 13–1508.1

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

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

Senate Bill 927 – Senator DeGrange

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Opportunity Builders

FOR the purpose of authorizing the creation of a State Debt not to exceed \$165,000, the proceeds to be used as a grant to the Board of Directors of Opportunity Builders, 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.

Senate Bill 928 – Senators Peters, Britt, Currie, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Creation of a State Debt – Prince George’s County – Reid Community Business Development Center

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 Reid 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.

Senate Bill 929 – Senator Kittleman

AN ACT concerning

Workers’ Compensation Insurance – Subrogation Rights of Insurers

FOR the purpose of providing that if an insurer that makes a payment for a certain claim made under the workers’ compensation law, the insurer is subrogated to a certain cause of action of a certain claimant against the Maryland Automobile Insurance Fund for certain uninsured motorist coverage or against certain uninsured motorist coverage; and generally relating to workers’ compensation insurance and subrogation.

BY adding to

Article – Insurance

Section 19–407

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 930 – Senator Kittleman

AN ACT concerning

Workers' Compensation Insurance – Adjustments to Experience Rating Plans

FOR the purpose of providing that a prospective premium adjustment to a workers' compensation insurance experience rating plan may not be based on a certain claim paid for injuries caused by the negligence of a certain third party under certain circumstances; and generally relating to adjustments to workers' compensation experience rating plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–329
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 216)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #12

Senate Bill 47 – Senators Stone, Frosh, Gladden, Pinsky, Raskin, and Rosapepe

AN ACT concerning

State Government – Administrative Procedure Act – Scope of Judicial Review

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

Affirmative – 33 Negative – 14 (See Roll Call No. 217)

The Bill was then sent to the House of Delegates.

Senate Bill 142 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Jury Selection and Service

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

Affirmative – 47 Negative – 0 (See Roll Call No. 218)

The Bill was then sent to the House of Delegates.

Senate Bill 143 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Real Property – Electronic Recording Pilot Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 219)

The Bill was then sent to the House of Delegates.

Senate Bill 199 – Senator Forehand

AN ACT concerning

Family Law – Protective Orders – Duration of Final Order

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

Affirmative – 47 Negative – 0 (See Roll Call No. 220)

The Bill was then sent to the House of Delegates.

Senate Bill 219 – Senator Frosh

AN ACT concerning

Estates and Trusts – Donation of Conservation Easements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 221)

The Bill was then sent to the House of Delegates.

Senate Bill 221 – Senator Frosh

AN ACT concerning

Maryland Condominium Act – Application and Preemption of Certain Laws

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

Affirmative – 46 Negative – 0 (See Roll Call No. 222)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 61 – Senators Brochin, Forehand, and Stone

AN ACT concerning

Evidence – Separate Act of Sexual Misconduct Involving a Minor – Admissibility

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(2) OFFERED FROM THE FLOOR BY SENATOR ZIRKIN.

FLOOR AMENDMENT

(Amendment ID: SB0061/473623/2)

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 61 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “within” in line 8 down through “shown” in line 9 and substitute “in accordance with certain rules”.

AMENDMENT NO. 2

On page 2, after line 21, insert:

“(3) “COMMON SCHEME OR PLAN” MEANS OFFENSES THAT ARE SO CONNECTED OR BLENDED IN POINT OF TIME OR CIRCUMSTANCE THAT THE OFFENSES FORM ONE TRANSACTION.”;

in line 22, strike “(3)” and substitute “(4)”; and after line 29, insert:

“(1) FINDS THAT THE EVIDENCE ESTABLISHES:

(I) MOTIVE;

(II) INTENT;

(III) ABSENCE OF MISTAKE;

(IV) IDENTITY;

(V) A COMMON SCHEME OR PLAN;

(VI) OPPORTUNITY;

(VII) PREPARATION; OR

(VIII) KNOWLEDGE;”.

On page 3, in lines 1 and 6, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively; and strike beginning with “AT” in line 11 down through “SHOWN” in line 13 and substitute “IN ACCORDANCE WITH THE MARYLAND RULES”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 223)

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #2

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee

Report #2

2/19/2007

Aging, Department of

1. Gloria Gary Lawlah
3801 24th Avenue
Hillcrest Heights, Maryland 20748

Secretary of Aging; appointed to serve a term at the pleasure of the Governor

Agriculture, Department of

2. Roger L. Richardson
1947 Old Furnace Road
Eden, Maryland 21822

Secretary of Agriculture; appointed to serve a term at the pleasure of the Governor

Business and Economic Development, Department of

3. David W. Edgerly
17814 Cricket Hill Road
Germantown, Maryland 20874

Secretary of Business and Economic Development; appointed to serve a term at the pleasure of the Governor

Disabilities, Department of

4. Catherine Raggio
5383 Dunteachin Drive
Ellicott City, Maryland 21043

Secretary of the Department of Disabilities; appointed to serve a term at the pleasure of the Governor

General Services, Department of

5. Alvin C. Collins
1195 Bay Highlands Road
Annapolis, Maryland 21403

Secretary of the Department of General Services; appointed to serve a term at the pleasure of the Governor

Housing and Community Development, Department of

6. Raymond A. Skinner
14700 Jones Bridge Road
Bowie, Maryland 20721

Secretary of Housing and Community Development; appointed to serve a term at the pleasure of the Governor

Human Resources, Department of

7. Brenda Donald
1750 Poplar Lane N.W.
Washington, DC 20012

Secretary of the Department of Human Resources; appointed to serve a term at the pleasure of the Governor

Juvenile Services, Department of

8. Donald W. DeVore
267 Old Farms West
Middletown, Connecticut 06457

Secretary of Juvenile Services; appointed to serve a term at the pleasure of the Governor

Public Safety and Correctional Services, Department of

9. Gary D. Maynard
4915 Plumwood Drive
West Des Moines, Iowa 50265

Secretary of Public Safety and Correctional Services; appointed to serve a term at the pleasure of the Governor

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: “Will the Senate advise and consent to the above nominations of the Executive?”

The above nominations of the Executive (with the exception of nominee #1) were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 224)

Nominee No.1, Gloria G. Lawlah, to be Secretary of Department of Aging was confirmed by roll call vote as follows:

The above nomination of the Executive was confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 225)

QUORUM CALL

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

(See Roll Call No. 226)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #13

Senate Bill 157 – Senators Kelley, Conway, Exum, Frosh, Hooper, ~~Jacobs~~, Jones, Muse, Pugh, Raskin, and Stone

AN ACT concerning

Public Safety – Eyewitness Identification – Written Policies

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

Affirmative – 35 Negative – 12 (See Roll Call No. 227)

The Bill was then sent to the House of Delegates.

Senate Bill 262 – Senators Klausmeier and Della

AN ACT concerning

Consent Provisions – Minors – Mental or Emotional Disorder

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

Affirmative – 47 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the House of Delegates.

Senate Bill 263 – Senators Klausmeier, Astle, Exum, and Pinsky

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

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

Affirmative – 47 Negative – 0 (See Roll Call No. 229)

The Bill was then sent to the House of Delegates.

Senate Bill 399 – Senators Pipkin, Astle, Della, and Middleton

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board

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

Affirmative – 47 Negative – 0 (See Roll Call No. 230)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 231)

ADJOURNMENT

At 12:45 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 26, 2007, in memory of Edith Van Hollen.

Annapolis, Maryland
Monday, February 26, 2007
8:00 P.M. Session

The Senate met at 8:16 P.M.

Prayer by Pastor Dan Mucci, Abundant Life Church, guest of Senator DeGrange.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 23, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 234)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Kimberly Dabbondanza	Senator Garagiola	336

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 235)

Recipient	Sponsor	Resolution No.
Kimberly Boukal	Senator Garagiola	337

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 236)

INTRODUCTION OF BILLS

Senate Bill 931 – Senator Forehand

AN ACT concerning

Creation of a State Debt – Montgomery County – Metropolitan Center for the Visual Arts

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 Metropolitan Center for the Visual Arts, 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.

Senate Bill 932 – Senator Forehand

AN ACT concerning

Criminal Procedure – Prostitution and Pandering – Seizure and Forfeiture

FOR the purpose of authorizing a State or local law enforcement agency, on process issued by a court of competent jurisdiction, to seize certain property used or intended for use in connection with a violation of certain prostitution laws; establishing that certain property is contraband and presumed to be forfeitable; placing the burden of rebutting a certain presumption on a certain property claimant; authorizing the seizure of certain property with or without a warrant in certain circumstances; authorizing a court to direct a certain defendant to forfeit certain property; establishing a certain forfeiture proceeding; defining certain terms; providing for the application of this Act; and generally relating to seizure and forfeiture of property used in connection with a violation of the prostitution law.

BY adding to

Article – Criminal Procedure

Section 13–401 through 13–407 to be under the new subtitle “Subtitle 4. Violations of Prostitution Laws”

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

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

Senate Bill 933 – Senators Astle, Della, Edwards, Exum, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Insurance – Public Health Plans – Education and Disclosure Requirements

FOR the purpose of requiring that, in the case of an applicant for a license as an insurance producer for health insurance, a certain program of studies shall include a course designed to familiarize the applicant with certain public health plans available to residents of the State; requiring certain applicants to pass a certain examination to determine the familiarity of the applicant with certain public health plans; requiring certain insurance producers to receive continuing education that directly relates to certain public health plans; requiring a licensed insurance producer to provide to a certain small employer information about certain public health plans on a certain form and at a certain time; requiring a certain small employer, under certain circumstances, to agree to provide information about certain public health plans on a certain form and to certain employees; defining a certain term; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act; and generally relating to education and disclosure requirements relating to public health plans.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 10–101(a) and 10–116(a)(1) and (4)(i)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 10–101(h–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–105(e), 10–109(b)(1), and 10–116(a)(4)(ii)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 15–1206(g)
Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1209(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1209(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 287 of the Acts of the General Assembly of 2004)

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

Senate Bill 934 – Senators Lenett, Britt, Conway, Jones, Muse, Pugh, Robey, and Rosapepe

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 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 49B – Human Relations Commission
Section 20(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article 49B – Human Relations Commission
Section 20(v) and 21(k)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 935 – Senators Robey, DeGrange, Hogan, Kasemeyer, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Stoltzfus

AN ACT concerning

Vehicle Laws – Traffic Control Signals – Exit Ramps

FOR the purpose of requiring vehicular traffic approaching a highway from an exit ramp from an expressway and facing a nonfunctioning traffic control signal to stop at a certain location and to remain stopped until it is safe to continue onto the highway; providing for the assessment of certain points for a violation of this Act; establishing that a certain penalty applies to a violation of this Act; and generally relating to traffic signals.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–402(a)(9)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Transportation
Section 21–209
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation

Section 27–101(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 936 – Senators Klausmeier, Astle, Edwards, Garagiola, Kittleman, Middleton, and Pugh

AN ACT concerning

Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation

FOR the purpose of altering the number of terms and the total number of years that may be served by a member of the board of directors of a nonprofit health service plan; altering the amount and type of compensation that may be received by a board member; requiring the Maryland Insurance Commissioner to make a certain review in a certain manner about the amount of compensation to be paid to board members; requiring the Commissioner to submit a certain report to certain committees of the General Assembly on or before a certain date each year; altering the requirement that a certain corporation report certain information to the Commissioner; and generally relating to the boards of directors of nonprofit health service plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–115(e)(6) and (g)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 937 – Senator Kelley

AN ACT concerning

State Board for Certification of Residential Child Care Program Administrators – Fees

FOR the purpose of repealing the State Board for Certification of Residential Child Care Program Administrators Fund; requiring the Board to pay certain money collected by the Board into the General Fund of the State; and generally relating to fees and the State Board for Certification of Residential Child Care Program Administrators.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–206
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 938 – Senators Hooper, Colburn, Harris, Jones, and Middleton

AN ACT concerning

Public Health – Injury Reports – Statewide Applicability

FOR the purpose of repealing the provision that limits the applicability of certain injury reporting requirements to certain counties.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–701
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 939 – Senators Hooper, Colburn, Dyson, Exum, Haines, and Munson

AN ACT concerning

Controlled Dangerous Substances – Dextromethorphan Products

FOR the purpose of prohibiting a person from purchasing a dextromethorphan product unless the person adheres to certain requirements; requiring a pharmacy or a retail establishment to maintain a certain record and post certain signs; limiting the quantity of a dextromethorphan product that a person may purchase within a certain time period; providing a certain exception; establishing certain criminal penalties; defining a certain term; and generally relating to restrictions on sales and purchases of dextromethorphan products.

BY adding to
Article – Criminal Law
Section 5–711
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Senate Bill 940 – Senators Hooper, Colburn, Garagiola, Harris, Jacobs, and Kittleman

AN ACT concerning

Motor Vehicles – Registration – Show Class Vehicles

FOR the purpose of authorizing the Motor Vehicle Administration to register show class vehicles; defining “show class vehicle”; authorizing the Administration to set the annual fee for show class vehicles under a certain standard; establishing the Show Class Vehicle Volunteer Review Board; requiring the Review Board to establish an application process for show class vehicle registration, subject to the approval of the Motor Vehicle Administrator, approve or deny registration applications for show class vehicles, and verify the mileage of show class vehicles at a certain time interval; providing for the membership, chair, and staffing for the Review Board; prohibiting members of the Review Board from receiving certain compensation but authorizing the reimbursement of certain expenses; prohibiting a show class vehicle from being driven more than a certain number of miles during a registration year; requiring the Administration to suspend or revoke the registration of a show class vehicle that exceeds the annual mileage limit; requiring an applicant for a show class vehicle to make certain certifications; requiring the Administration to design and issue a special registration plate for show class vehicles; providing that equipment standards do not apply to show class vehicles; exempting show class vehicles from certain inspection, emission, and sound level requirements; requiring the Administration to adopt certain regulations; and generally relating to the registration of show class vehicles.

BY adding to

Article – Transportation

Section 13–937.2

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 941 – Senator Hooper

AN ACT concerning

Creation of a State Debt – Harford County – Harford County 4–H Club Camp

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 Harford County 4–H

Clubs, 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.

Senate Bill 942 – Senator Hooper

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 Rules.

Senate Bill 943 – Senators Hooper, Colburn, Greenip, Harris, and Mooney

AN ACT concerning

English Language – Formal Recognition

FOR the purpose of designating the English language as the official language of the State of Maryland; making provisions of this Act severable; and generally relating to the formal recognition of English as the official language of the State of Maryland.

BY adding to

Article – State Government

Section 10–1301 to be under the new subtitle “Subtitle 13. Official Language of the State of Maryland”

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 944 – Senators Madaleno, Forehand, Lenett, and Raskin

AN ACT concerning

Health Insurance – Habilitative Services – Covered Persons

FOR the purpose of requiring insurers, nonprofit health service plans, and health maintenance organizations to cover habilitative services for certain individuals regardless of age; altering a certain definition; and generally relating to health insurance coverage of habilitative services for covered persons.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–835

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 945 – Senators Madaleno, Della, and Pinsky

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

FOR the purpose of requiring that a certain deduction for dividends paid be added to federal taxable income to determine Maryland modified income of certain real estate investment trusts for Maryland income tax purposes; defining a certain term; providing for the application of this Act; and generally relating to a Maryland income tax addition modification in the amount of the dividends paid deduction for certain real estate investment trusts.

BY adding to

Article – Tax – General

Section 10–306.2

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 946 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Oakley Cabin Restoration

FOR the purpose of authorizing the creation of a State Debt in the amount of \$15,000, the proceeds to be used as a grant to the Board of Directors of the Maryland Parks 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; 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.

Senate Bill 947 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Talbot County – Easton Memorial Walk

FOR the purpose of authorizing the creation of a State Debt not to exceed \$47,000, the proceeds to be used as a grant to the Mayor and Town Council of the Town of Easton 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.

Senate Bill 948 – Senators Mooney and Brinkley

AN ACT concerning

Creation of a State Debt – Frederick County – Maryland Museum of Civil War History at Landon House

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 Tycon Group LLC, 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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #5

House Bill 19 – Delegates Cardin, Morhaim, and Stein

AN ACT concerning

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

FOR the purpose of altering the membership of the Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance Education to authorize certain individuals to appoint certain former members of the Senate of Maryland and the House of Delegates, respectively, as members of the Task Force; and generally relating to the Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance Education.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2005
Section 1

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 69 – Delegate Cane (Joint Subcommittee on Program Open Space/Agricultural Land Preservation) and Delegates Beidle, Boteler, Braveboy, V. Claggett, Eckardt, Elmore, Frank, Haddaway, Hubbard, Jennings, Love, Mathias,

Morhaim, Proctor, Rudolph, Smigiel, Sophocleus, Sossi, Walkup, ~~and Weir~~ Weir, Lawton, Shewell, and Stull

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

FOR the purpose of altering the amount a local government can spend on development projects after it has attained its acquisition goals under Program Open Space; and generally relating to the apportionment of local government funds for Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–905(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 94 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Old Blair High School Auditorium

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the date by which the Board of Directors of the Old Blair Auditorium Project, Inc. must present evidence that a matching fund will be provided for the Old Blair High School Auditorium grant.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Items ZA01(AR) and ZA02(AV)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 128 – Delegates Montgomery, Kaiser, Taylor, and Barkley

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Trustees of the Grand United Order of Odd Fellows Sandy Spring Lodge # 6430, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA01 (AQ)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 141 – Delegate Elliott

AN ACT concerning

State Board of Pharmacy – Sending Renewal Notices by Electronic Means

FOR the purpose of ~~authorizing~~ requiring the State Board of Pharmacy, on request, to send renewal notices by electronic means to licensed pharmacists, pharmacy and distribution permit holders, and registered pharmacy technicians; requiring that renewal notices sent by electronic means be sent a certain number of times within a certain period of time and to a certain electronic address; requiring the Board to send a renewal notice by first-class mail if a renewal notice sent by electronic means is returned as undeliverable; making stylistic and clarifying changes; and generally relating to the State Board of Pharmacy sending renewal notices by electronic means.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–308(b), 12–407(b), 12–602(j)(2), and 12–6B–07(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 157 – Delegate Morhaim

AN ACT concerning

**Health Insurance – Prohibited Discrimination and Rebates – Incentives for
Participation in Wellness Programs and Other Exceptions**

FOR the purpose of providing that it is not discrimination or a rebate under certain insurance laws for an insurer, nonprofit health service plan, ~~or~~ health maintenance organization, or dental plan organization to provide reasonable incentives to an individual who is an insured, subscriber, or member for participation in a bona fide wellness program offered by the insurer, nonprofit health service plan, ~~or~~ health maintenance organization, or dental plan organization under certain circumstances; requiring any incentive offered for participation in a bona fide wellness program to be reasonably related to the program; prohibiting the value of the incentive from exceeding a certain limit; requiring the Maryland Insurance Commissioner to adopt certain regulations; applying certain exceptions to certain prohibitions against certain discrimination and rebates to health maintenance organizations; defining certain terms; and generally relating to exceptions to prohibitions against discrimination and rebates under insurance laws.

BY adding to

Article – Health – General
Section 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 27–210
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

House Bill 188 – Delegate Rosenberg

AN ACT concerning

Estates, Trusts, and Real Property – Rule Against Perpetuities

FOR the purpose of establishing that the common-law rule against perpetuities as now recognized in this State does not apply to certain options, rights to acquire land, or nondonative property interests; establishing the effective date of certain nondonative property interests; establishing that certain nondonative property interests shall be void unless the interests have become effective, been exercised, or become vested within certain periods of time under certain circumstances; providing that certain executory interests and powers of appointment are subject to the common-law rule against perpetuities as modified by this Act; defining certain

terms; making stylistic changes; and generally relating to the common-law rule against perpetuities.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 11–102
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY adding to
Article – Estates and Trusts
Section 11–102.1
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 2–116(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 220 – Delegates Beidle, Ali, Aumann, Barnes, Bobo, Boteler, Cane, V. Clagett, Costa, Dwyer, Elmore, Frush, George, Glassman, Healey, Hecht, Holmes, Hucker, James, Jameson, Jennings, J. King, Kipke, Kullen, Lafferty, Lawton, Levy, Love, Malone, Mathias, McConkey, McIntosh, O'Donnell, Pena–Melnik, Riley, Schuh, Shewell, Sophocleus, Sossi, ~~and Weir~~ Weir, Glenn, Niemann, and Stull

AN ACT concerning

Vehicle Laws – Special and Commemorative Registration Plates – Sunset Provisions

FOR the purpose of altering the termination date for the Chesapeake Bay Commemorative License Plate and the special registration plate honoring State agriculture; repealing the termination date for certain provisions related to the design of and the renewal fees for the Chesapeake Bay Commemorative License Plate; and generally relating to special and commemorative registration plates for motor vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–618 and 13–619.2(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 3 of the Acts of the General Assembly of the First Special Session of 1992, as amended by Chapter 91 of the Acts of the General Assembly of 1994, Chapter 356 of the Acts of the General Assembly of 1996, Chapter 141 of the Acts of the General Assembly of 1998, Chapter 340 of the Acts of the General Assembly of 2000, Chapter 34 of the Acts of the General Assembly of 2002, and Chapter 398 of the Acts of the General Assembly of 2003

Section 3

BY repealing and reenacting, with amendments,

Chapter 251 of the Acts of the General Assembly of 2000, as amended by Chapter 398 of the Acts of the General Assembly of 2003

Section 3

BY repealing and reenacting, with amendments,

Chapter 398 of the Acts of the General Assembly of 2003

Section 3

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 248 – Delegates Bromwell, Benson, Costa, Donoghue, Hubbard, and Kach

AN ACT concerning

Life Insurance – Investment Accounts

FOR the purpose of expanding the scope of certain provisions of law that authorize a life insurer to allocate to one or more separate investment accounts certain amounts paid to the life insurer by repealing the requirement that the accounts must be established or operated for the funding of certain qualified plans; expanding the authority of a separate investment account or a segregated asset account to make investments for the account by repealing a requirement that the plan of operation in which the investments must be specified must be issued to a qualified plan; repealing a certain definition; clarifying language; making technical and conforming changes; and generally relating to investments of life insurers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 5–512

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 16–113(d)(3) and 16–602(a)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

House Bill 263 – Delegates Dumais, Anderson, Kelly, McComas, and Vallario

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

FOR the purpose of requiring the Child Support Enforcement Administration, by a certain date, to develop a statewide Child Support Payment Incentive Program to encourage payment of child support in certain cases; establishing certain criteria for participation in the Program; requiring the Administration to consider certain factors in determining whether to authorize a child support obligor to participate in the Program; establishing a certain presumption; requiring the Administration to reduce certain child support arrearages under certain circumstances; requiring that certain child support enforcement actions be suspended except under certain circumstances; requiring the Administration to take certain actions; establishing that a Program agreement is effective without the necessity of judicial approval; requiring that a Program agreement be terminated under certain circumstances; prohibiting a certain obligor from future participation in the Program under certain circumstances; establishing certain appeal procedures; requiring the Administration and local support enforcement offices to jointly develop a certain public awareness campaign; authorizing the Secretary of Human Resources to adopt certain regulations; requiring the Administration to report to the General Assembly on or before a certain date; defining a certain term; and generally relating to the Child Support Payment Incentive Program.

BY repealing and reenacting, without amendments,

Article – Family Law
Section 10–112
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to

Article – Family Law
Section 10–112.1
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 278 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Expungement – Civil Offenses or Infractions

FOR the purpose of providing for expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances; providing for the application of this Act; and generally relating to expungement of court, police, and other governmental records concerning certain civil offenses or infractions under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–101(c)(1) and (h) and 10–105(a)
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 286 – Calvert County Delegation

AN ACT concerning

Calvert County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than \$53,110,000 to finance the construction, improvement, or development of certain public facilities in Calvert 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; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally

relating to the issuance and sale of such bonds.

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 302 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Jury Selection and Service

FOR the purpose of altering certain provisions of law relating to jury selection and service, including provisions relating to limits on frequency of service, the contents of the juror qualification form, and postponement and other rescheduling of jury service; providing for the application of this Act; and generally relating to jury selection and service.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 8–215(4), 8–216, 8–302(a), 8–304(b)(2), 8–305(2), 8–310(c)(2), 8–314(a),
and 8–402(a)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

State Board of Nursing – Licensing, Certification, and Reinstatement Requirements

FOR the purpose of ~~repealing certain authorization for~~ altering certain supervision provisions concerning the authority of certain unlicensed individuals ~~to perform performing~~ certain acts of registered nursing and licensed practical nursing; requiring the State Board of Nursing to begin a process of requiring certain criminal history records checks as a condition of certain licensure reinstatement and certain certificate reinstatement; altering certain grounds for revoking certain temporary licenses or temporary certificates if a criminal history records check reveals certain information; authorizing the Board to reinstate certain licenses or certain certificates if the licensee or certificate holder meets certain requirements for reinstatement and submits to a certain criminal history records check; providing that a certain subtitle does not apply to certain individuals who perform certain nursing assistant tasks while enrolled in certain nursing assistant training

programs and practicing under certain supervision; requiring certain certified medicine aides and certain certified medication technicians who are renewing certain certificates to provide certain evidence of completion of a certain amount of practice within a certain time period; and generally relating to licensing, certification, and reinstatement requirements for nurses, nursing assistants, medicine aides, and medication technicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–102, 8–312(g), 8–315(e), 8–319, 8–6A–02, 8–6A–10(e), and 8–705

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–313

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–6A–08

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

(As enacted by Chapter 390 of the Acts of the General Assembly of 2006)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 343 – Delegate Pendergrass

AN ACT concerning

Department of Health and Mental Hygiene – Laboratories – Letter of Exception

FOR the purpose of altering a certain definition that relates to the circumstances under which the Secretary of Health and Mental Hygiene is required to issue a letter of exception from certain State licensing requirements for laboratories; and generally relating to exceptions from State licensing requirements for laboratories.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 17–205

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

House Bill 344 – Delegate Pendergrass

AN ACT concerning

Public Health Laboratories – Mutual Aid Agreements

FOR the purpose of authorizing a public health laboratory in the State to enter into a mutual aid agreement with a public health laboratory operated by another state; requiring a public health laboratory operated by another state to provide certain documentation under certain circumstances; requiring a mutual aid agreement to include certain liability provisions; authorizing certain employees to travel to and provide services at certain public health laboratories under certain circumstances; providing for the applicability of certain laws; providing that certain expenditures may be charged in a certain manner; providing for the construction of this Act; defining certain terms; and generally relating to public health laboratories and mutual aid agreements.

BY adding to

Article – Health – General

Section 17–104

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

House Bill 352 – Washington County Delegation

AN ACT concerning

Washington County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Washington County, from time to time, to borrow not more than \$80,000,000 in order to finance the costs of the construction, improvement, or development of certain public facilities in Washington 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; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land, woodland preservation easements, and transferable development rights; and relating generally to the issuance and sale of such bonds.

Read the first time and referred to the Committee on Budget and Taxation.

QUORUM CALL

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

(See Roll Call No. 237)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 39 – Senator Pipkin

AN ACT concerning

Maryland Port Administration – ~~Transfer to Department of Business and Economic Development~~ Strategic Plan and Membership

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

Affirmative – 45 Negative – 2 (See Roll Call No. 238)

The Bill was then sent to the House of Delegates.

Senate Bill 52 – Senators Forehand, Frosh, Britt, and Della

AN ACT concerning

**Consumer Protection – Consumer Reporting Agencies – Consumer Reports –
Security Freezes**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 239)

The Bill was then sent to the House of Delegates.

Senate Bill 64 – Senator Middleton

AN ACT concerning

Young Farmers Advisory Board – Termination Date – Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 240)

The Bill was then sent to the House of Delegates.

Senate Bill 103 – The President (By Request – Administration) and ~~Senator Frosh~~
Senators Frosh, Britt, Brochin, Conway, Garagiola, Gladden, Jones, Kelley, Kramer,
Lenett, Madaleno, Muse, Peters, Pinsky, Pugh, Raskin, Rosapepe, and Zirkin

AN ACT concerning

Maryland Clean Cars Act of 2007

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

Affirmative – 38 Negative – 9 (See Roll Call No. 241)

The Bill was then sent to the House of Delegates.

Senate Bill 104 – The President (By Request – Administration) and Senators Garagiola,
Gladden, Hogan, Miller, ~~and Rosapepe~~ Rosapepe, and Forehand

AN ACT concerning

Maryland Life Sciences Advisory Board

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

Affirmative – 43 Negative – 4 (See Roll Call No. 242)

The Bill was then sent to the House of Delegates.

Senate Bill 128 – Senators Raskin, Britt, Della, Forehand, Garagiola, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Robey, Rosapepe, Simonaire, ~~and Zirkin~~ Zirkin, and Harris

AN ACT concerning

Education – Public Schools – Constitution Day and Citizenship Day and Civic Responsibility for Students

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

Affirmative – 47 Negative – 0 (See Roll Call No. 243)

The Bill was then sent to the House of Delegates.

Senate Bill 147 – Chair, Anne Arundel County Senators

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 244)

The Bill was then sent to the House of Delegates.

Senate Bill 174 – Senator Edwards

AN ACT concerning

Environment – Mining – Security

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

Affirmative – 47 Negative – 0 (See Roll Call No. 245)

The Bill was then sent to the House of Delegates.

Senate Bill 269 – ~~Senator Conway~~ Senators Conway, Exum, Garagiola, Kelley, Middleton, and Pugh

AN ACT concerning

~~**Maryland Health Care Commission – Racial and Ethnic Variations Data –
Nondiscrimination in Health Insurance**~~
Health Insurance – Collection of Racial and Ethnic Data – Nondiscrimination

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

Affirmative – 47 Negative – 0 (See Roll Call No. 246)

The Bill was then sent to the House of Delegates.

Senate Bill 281 – Senators Middleton, Dyson, and Pugh

AN ACT concerning

**Department of Health and Mental Hygiene – Family Health Administration –
Maryland Medbank Program**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 247)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 248)

ADJOURNMENT

At 9:07 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 27, 2007.

Annapolis, Maryland
Tuesday, February 27, 2007
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Pastor Mike Kaylani, Mariners Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 26, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 251)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Thomas Allen Stocket	Senator Pugh	304

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 252)

Recipient	Sponsor	Resolution No.
United Parcel Service of America, Inc.	The President and All Members	303

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 253)

Recipient	Sponsor	Resolution No.
Edmundson Westside High School	Senator Gladden	338

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 254)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

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

Senate Bill 383 – Senator Haines

AN ACT concerning

Motor Vehicle Administration – Driver’s License Provisions – Safe Driving Credit System

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 444 – Senator Colburn

AN ACT concerning

Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle Transfer

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #7

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

Senate Bill 2 – Senators Middleton, Miller, Currie, Astle, Britt, Conway, DeGrange, Dyson, Forehand, Frosh, Garagiola, Gladden, Hogan, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stone

SECOND PRINTING

AN ACT concerning

State Employees' Rights and Protections Act of 2007

(Amendment ID: SB0002/747375/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 2
(First Reading File Bill – Second Printing)

AMENDMENT NO. 1

On page 1, in line 8, after “exception;” insert “providing that certain special appointment positions may be filled with regard to certain criteria;”; strike beginning with “clarifying” in line 11 down through “capricious;” in line 12; strike beginning with “providing” in line 17 down through “employees;” in line 20 and substitute “requiring the Secretary of Transportation to designate certain positions in the Human Resources Management System that must be filled without regard to certain criteria and that may be filled with regard to certain criteria; requiring the Secretary of Transportation to report certain information to the Governor and the General Assembly on an annual basis;”; and in line 22, after “Management” insert “and certain labor organizations”.

On page 2, in line 5, after “status;” insert “requiring the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College to identify certain nonmerit and at-will positions in certain personnel systems and report certain information to the Governor and the General Assembly on an annual basis;”; in line 9, after “1-101(c)” insert “and 11-113”; in line 14, after “5-208,” insert “6-405,”; in the same line, strike “11-113;”; and after line 16, insert:

“BY repealing and reenacting, with amendments,
Article – Transportation
Section 2-103.4(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 21, strike the brackets; and strike beginning with “EXCEPT” in line 21 down through “THIS” in line 22.

On page 4, strike beginning with “OR” in line 14 down through “GOVERNMENT” in line 16; and strike beginning with “THE” in line 19 down through “COURT” in line 20 and substitute “§ 6-405(B) OF THIS ARTICLE”.

On page 6, in line 7, strike “, OR ANY OTHER NONMERIT FACTOR”; strike beginning with the colon in line 13 down through “(I)” in line 14; strike beginning with the semicolon in line 14 down through “FACTOR” in line 15; and in line 17, after “ARTICLE” insert “AND BY THE SECRETARY OF TRANSPORTATION UNDER § 2-103.4(B)(2) OF THE TRANSPORTATION ARTICLE”.

AMENDMENT NO. 3

On page 6, after line 24, insert:

“6-405.

(A) Except as otherwise provided by law, individuals in the following positions in the skilled service, professional service, management service, or executive service are considered special appointments:

(1) a position to which an individual is directly appointed by the Governor by an appointment that is not provided for by the Maryland Constitution;

(2) a position to which an individual is directly appointed by the Board of Public Works;

(3) as determined by the Secretary, a position which performs a significant policy role or provides direct support to a member of the executive service;

(4) a position that is assigned to the Government House;

(5) a position that is assigned to the Governor’s Office; and

(6) any other position that is specified by law to be a special appointment.

(B) A POSITION THAT IS A SPECIAL APPOINTMENT MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION IF THE SECRETARY DETERMINES THAT THE POSITION:

(1) RELATES TO POLITICAL INTERESTS OR CONCERNS SO AS TO WARRANT THAT POLITICAL AFFILIATION BE A REQUIREMENT FOR THE POSITION; AND

(2) (I) REQUIRES THE PROVISION OF MEANINGFUL DIRECT OR INDIRECT INPUT INTO THE POLICY-MAKING PROCESS; OR

(II) PROVIDES ACCESS TO CONFIDENTIAL INFORMATION AND;

1. REQUIRES SUBSTANTIAL INTERVENTION OR COLLABORATION IN THE FORMULATION OF PUBLIC POLICY; OR

2. REQUIRES THE PROVISION OF DIRECT ADVICE OR THE RENDERING OF DIRECT SERVICES TO AN APPOINTING AUTHORITY.

On page 6 in line 27, and on page 8 in line 3, in each instance, after “EACH” insert “**CLASSIFICATION OF EACH**”.

AMENDMENT NO. 4

On page 9, in line 7, strike “ARBITRARY, CAPRICIOUS,”; and in the same line, strike the third comma.

On page 10, in line 8, after “EMPLOYEE” insert “**DESIGNATED BY THE SECRETARY UNDER § 4-201(C)(2)(I) OF THIS ARTICLE**”; strike in their entirety lines 11 through 14, inclusive; in line 15, strike “(E)” and substitute “**(D)**”; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 5

On page 10, after line 23, insert:

“Article – Transportation

2-103.4.

(b) **(1)** In the exercise of the Secretary’s powers under this section, the Secretary may:

[(1)] (I) Create and abolish any position other than positions specifically provided for in this article; and

[(2)] (II) Determine the qualifications, appointment, removal, tenure, terms of employment, and compensation of employees unless otherwise prohibited by law.

(2) THE SECRETARY SHALL DESIGNATE EXECUTIVE SERVICE EMPLOYEE AND COMMISSION PLAN EMPLOYEE POSITIONS IN THE HUMAN RESOURCES MANAGEMENT SYSTEM THAT:

(I) MUST BE FILLED WITHOUT REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION; OR

(II) IN ACCORDANCE WITH THE CRITERIA ESTABLISHED UNDER § 6-405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE, MAY BE FILLED WITH REGARD TO POLITICAL AFFILIATION, BELIEF, OR OPINION.

(3) ON AN ANNUAL BASIS, THE SECRETARY SHALL REPORT ON THE TOTAL NUMBER OF POSITIONS DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.”.

AMENDMENT NO. 6

On page 10, in line 26, after “Management” insert “and labor organizations that represent State employees”.

On page 11, in line 13, strike “December 31, 2007” and substitute “December 1, 2008”; after line 22, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall identify all nonmerit and at-will positions in the personnel systems of the University System of Maryland and its constituent institutions, Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College.

(b) On an annual basis, the Chancellor of the University System of Maryland and the Presidents of Morgan State University, St. Mary’s College of Maryland, and Baltimore City Community College shall report the information on nonmerit and at-will positions required under subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly.”;

and in line 23, strike “4.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 50 – Senator Middleton

AN ACT concerning

Governor's Appointments Office and Appointing Authorities – Duties

(Amendment ID: SB0050/197370/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 50
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “superseding” in line 3 down through “function” in line 4 and substitute “directing or overruling certain decisions”; in line 5, strike “and” and substitute a comma; strike beginning with “with” in line 6 down through “exception” in line 12 and substitute “, or a unit of the Department of Budget and Management”; and strike beginning with “, including” in line 14 down through “jurisdiction” in line 15.

AMENDMENT NO. 2

On page 2, strike beginning with “MEANS” in line 8 down through “EMPLOYMENT” in line 11 and substitute “HAS THE MEANING STATED IN § 1-101(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE”; and strike beginning with the first “OR” in line 13 down through “BRANCH” in line 14.

AMENDMENT NO. 3

On page 2, after line 21, insert:

“(B) THE OFFICE MAY NOT DIRECT OR OVERRULE AN APPOINTING AUTHORITY, THE SECRETARY OF BUDGET AND MANAGEMENT, OR ANY UNIT OF THE DEPARTMENT OF BUDGET AND MANAGEMENT, ON ANY DECISION TO APPOINT, PROMOTE, TRANSFER, REASSIGN, DISCIPLINE, OR TERMINATE AN EMPLOYEE UNDER THE JURISDICTION OF THE APPOINTING AUTHORITY.”

On pages 2 through 4, strike in their entirety the lines beginning with line 22 on page 2 through line 3 on page 4, inclusive.

On page 4, in lines 4, 11, and 13, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; strike beginning with the colon in line 4 down through “(2)” in line 8; and in line 9, strike “ANY OTHER” and substitute “AN”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 335 – Senator Middleton

AN ACT concerning

Qualified State Long-Term Care Insurance Partnership – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 426 – Senators Middleton, Astle, and Forehand

AN ACT concerning

Maryland Tourism Development Board – Membership

(Amendment ID: SB0426/387673/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 426
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “qualifications;” insert “providing that certain members may not vote on any matter before the Board; specifying a certain legislative intent relating to the role of certain members;”.

AMENDMENT NO. 2

On page 2, in line 4, after “Governor” insert “;”

1. 11 OF WHOM SHALL BE APPOINTED;

in line 5, after “Senate;” insert “**AND**”

2. 3 OF WHOM SHALL BE DIRECTORS OR CHIEF EXECUTIVE OFFICERS FROM AMONG THE DESTINATION MARKETING ORGANIZATIONS OFFICIALLY RECOGNIZED BY THE MARYLAND OFFICE OF TOURISM DEVELOPMENT;”;

in line 18, strike the brackets; strike beginning with “; AND” in line 22 down through “DEVELOPMENT” in line 26; in line 27, after “(4)” insert “**(I)**”; and after line 29, insert:

“(II) A MEMBER OF THE BOARD WHO IS A DIRECTOR OR CHIEF EXECUTIVE OFFICER FROM A DESTINATION MARKETING ORGANIZATION MAY NOT VOTE ON ANY MATTER BEFORE THE BOARD.”.

On page 5, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the members appointed to the Maryland Tourism Development Board from among the destination marketing organizations shall actively advocate and promote the collective interests of all destination marketing organizations.”;

and in line 28, 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.

QUORUM CALL

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

(See Roll Call No. 255)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 61 – Senators Brochin, Forehand, and Stone

AN ACT concerning

Evidence – Separate Act of Sexual Misconduct Involving a Minor – Admissibility

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

Affirmative – 27 Negative – 20 (See Roll Call No. 256)

The Bill was then sent to the House of Delegates.

Senate Bill 367 – Senators Astle, Edwards, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, and Pugh

AN ACT concerning

Credit Regulation – Debt Management Services

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

Affirmative – 39 Negative – 8 (See Roll Call No. 257)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 258)

ADJOURNMENT

At 11:33 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 28, 2007.

Annapolis, Maryland
Wednesday, February 28, 2007
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by Rabbi David Finkelstein, Shores, guest of Senator Mooney.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 27, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 261)

INTRODUCTION OF BILLS

Senate Bill 949 – Senator Miller

AN ACT concerning

Transportation Funding Act of 2007

FOR the purpose of altering the motor fuel tax rates for certain motor fuel; providing for certain increases in the motor fuel tax rates for certain motor fuel for certain periods under certain circumstances; requiring the Comptroller to make certain determinations regarding the average wholesale price per gallon of motor fuel for certain periods; providing for the payment of certain taxes on certain tax-paid motor fuel held as of certain dates; and generally relating to the motor fuel tax.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 9–305

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – General

Section 9–306

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 950 – Senator Miller

AN ACT concerning

Education Funding Act of 2007

FOR the purpose of requiring the State Lottery Commission to regulate the operation of certain video lottery terminals; requiring the Governor to appoint a member of the State Racing Commission as a liaison to the State Lottery Commission; altering a certain geographic cost of education index grant that reflects regional differences in the cost of education that are due to factors outside the control of local jurisdictions to be a mandatory education funding requirement; requiring the Department of Health and Mental Hygiene to establish certain regional centers and to conduct a certain prevalence study; requiring the Secretary of Health and Mental Hygiene to make certain grants from certain funds; altering the membership of the State Lottery Commission; specifying certain requirements for members of the State Lottery Commission; requiring the Governor to appoint a member of the State Lottery Commission as a liaison to the State Racing Commission; providing that members of the State Lottery Commission may be compensated as provided in the State budget; authorizing the operation of video lottery terminals connected to a certain central computer that allows the State Lottery Commission to monitor a video lottery terminal and that has certain capabilities; prohibiting access to the central computer by certain licensees with a certain exception; providing that only a person with a certain video lottery operation license may offer a video lottery terminal for public use in the State; providing that this Act is statewide and exclusive in effect and that certain laws do not apply to video lottery terminals authorized under this Act; requiring the State Lottery Commission to conduct certain investigations and hearings; requiring the State Lottery Commission to adopt certain regulations; requiring the State Lottery Commission to require a certain bond and collect certain fees, civil penalties, and taxes; authorizing the State Lottery Commission to inspect and seize certain equipment, financial information, and records without notice or warrant; requiring certain video lottery terminal manufacturers, video lottery operators, video lottery employees, and other individuals required by the State Lottery Commission to be licensed; providing for the application and licensing process; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; establishing the misdemeanor of giving false information in an

application for a license under this Act or in any supplemental information required by the State Lottery Commission; establishing certain penalties; establishing certain eligibility criteria and disqualifying criteria for a video lottery operation license; requiring a person that contracts with a video lottery operation licensee to meet certain requirements under certain circumstances; requiring certain video lottery operation licensees to maintain certain numbers of live racing days; providing that the license of certain video lottery operation licensees may be revoked if a certain horse racing event or trade names and other items related to the event are transferred out of the State; requiring a certain licensee to permit a certain annual race to be conducted with certain exceptions; requiring certain video lottery operation licensees to submit to the State Lottery Commission certain plans to improve the quality and marketing of horse racing and to spend a certain amount on capital renovation of horse racing facilities each year; requiring the State Racing Commission to monitor the compliance of certain video lottery operation licensees and certain other licensees with certain plans; requiring certain applicants and video lottery operation licensees to comply with certain provisions of law relating to minority business participation; specifying that certain collective bargaining agreements do not negate certain provisions of this Act; requiring a video lottery operation licensee to provide certain health insurance to its employees; authorizing certain applicants for employment to appeal to certain local human relations boards under certain circumstances; providing for the monitoring of certain provisions of this Act by the Governor's Office of Minority Affairs; requiring that a video lottery operation license not issued for locations specified under this Act reverts to the State; requiring a licensee to commence operation of video lottery terminals within a certain time period and authorizing the State Lottery Commission to grant extensions under certain circumstances; providing for the term of a video lottery operation license and for reapplication for the license at the end of the term; providing for certain eligibility criteria and disqualifying criteria for certain licenses; providing for certain waivers of certain licensing requirements under certain circumstances; providing for certain license terms and renewals; stating the intent of the General Assembly relating to video lottery operation licenses; prohibiting a video lottery operation license from being transferred or pledged as collateral; prohibiting certain video lottery operation licensees from selling or otherwise transferring more than a certain percentage of the legal or beneficial interest unless certain conditions are met; requiring that the transfer of a certain interest in a person that holds a video lottery operation license be approved by the State Lottery Commission; requiring the Department of State Police to conduct certain background investigations in a certain manner; requiring the State Lottery Commission to buy or lease the video lottery terminals, associated equipment, and central computer authorized under this Act; prohibiting more than a certain number of video lottery terminals from being allocated in one county or to licenses held by the same entity; prohibiting an individual or business entity from holding an interest in more than a certain number of video lottery operation licenses under certain circumstances; providing the minimum payout percentage for video lottery terminals and authorizing the State Lottery

Commission to adopt certain video lottery terminal payout percentages; providing for the hours of operation of video lottery terminals; prohibiting certain games offered by the State Lottery Commission from being offered for sale in a video lottery facility; prohibiting the State Lottery Commission from issuing certain licenses under certain circumstances; prohibiting a video lottery operation licensee from offering food or beverages at no cost with a certain exception or from offering food and beverages below certain prices; requiring a video lottery operation licensee to ensure that certain individuals are not permitted to play video lottery terminals and are not permitted in certain areas; requiring the State Lottery Commission to adopt certain regulations to reduce or mitigate the effects of problem gambling; authorizing the State Lottery Commission to reprimand a licensee or deny, suspend, or revoke certain licenses under certain circumstances; requiring the Comptroller to collect and distribute certain money in specified ways; establishing a Purse Dedication Account under the authority of the State Racing Commission; providing for a certain distribution from video lottery proceeds to the Purse Dedication Account for horse racing; providing for certain distributions from the Purse Dedication Account for horse racing in a certain manner; establishing the Education Trust Fund; requiring certain distributions from video lottery proceeds to the Education Trust Fund to be used for certain purposes; requiring the Governor to provide certain funding for public school construction from the Education Trust Fund for certain fiscal years; providing for the creation of certain local development councils; providing for appointment and membership of certain local development councils; requiring certain counties to develop certain plans to be reviewed by certain local development councils; specifying that a certain percentage of certain local development grants should be used for certain purposes; authorizing the State to pay certain transportation costs; requiring the Department of Transportation to facilitate certain negotiations; requiring a certain transportation plan to be developed by certain counties; authorizing certain fees and providing for a certain distribution from certain fees to the Compulsive Gambling Fund; creating a Compulsive Gambling Fund in the Department of Health and Mental Hygiene; providing for certain disbursements from the Compulsive Gambling Fund for certain purposes; requiring the State Lottery Commission to make a certain annual report by a certain date; prohibiting a licensee for a certain period of time from employing, or entering into a financial relationship with, an individual who was a member of the State Lottery Commission or the Video Lottery Facility Location Commission; exempting certain procurements by the State Lottery Agency from certain requirements; establishing a Video Lottery Facility Location Commission; establishing the membership of the Video Lottery Facility Location Commission; requiring the approval of the Legislative Policy Committee for certain appointments to the Video Lottery Facility Location Commission; establishing certain eligibility requirements for membership on the Video Lottery Facility Location Commission; providing for certain reimbursements and staffing; requiring the Department of Budget and Management to contract with a certain consultant; requiring the Video Lottery Facility Location Commission to establish a certain application fee;

prohibiting the Video Lottery Facility Location Commission from awarding more than a certain number of video lottery operation licenses; requiring certain bids for video lottery operation licenses to include certain information and to meet certain requirements; prohibiting the Video Lottery Facility Location Commission from issuing more than two licenses in one county or more than a certain number of video lottery terminals in one county; requiring the Video Lottery Facility Location Commission to consider certain factors; requiring certain initial video lottery operation license fees to be placed in the Education Trust Fund; requiring the State Lottery Commission to make certain determinations and be responsible for certain matters relating to racetrack locations and nonracetrack destination locations; providing for review of a denial of an application for a certain license by the State Board of Contract Appeals; providing for certain appeals to be made directly to the Court of Appeals of Maryland; allowing the operation of video lottery terminals in a temporary facility under certain circumstances; providing for the construction of certain provisions of this Act; making the provisions of this Act severable; requiring a certain certification entity to conduct certain studies and make certain reports; requiring the Department of Transportation to conduct a certain study and make a certain report by a certain date; providing for the payment of the cost of the study conducted by the Department of Transportation; providing that the costs of certain improvements and the planning, design, and construction of a certain interchange are the sole responsibility of the holder of a certain license and may not be paid from State funds; providing for the staggering of the terms of certain new members of the State Lottery Commission; making certain stylistic changes; providing for the termination of certain provisions of this Act; providing that certain provisions of this Act are contingent on the termination of another Act; defining certain terms; and generally relating to the operation of video lottery terminals at certain locations in the State.

BY adding to

Article – Business Regulation
Section 11–202(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 5–202(f)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General
Section 19–801 and 19–802
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–803 and 19–804
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–105 and 9–108(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Government
Section 9–1A–01 through 9–1A–35 to be under the new subtitle “Subtitle 1A.
Video Lottery Terminals”
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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 2006 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–203(b)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(b)(3)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 11–203(b)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 402 of the Acts of the General Assembly of 2003)

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

Senate Bill 951 – Senator Miller

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Melwood Horticultural
Training 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 Melwood Horticultural Training 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.

Senate Bill 952 – Senator Middleton

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

FOR the purpose of providing that certain individuals enrolled on a certain date in certain health benefit plans may remain covered under any policy offered by certain health benefit plans under certain circumstances; requiring certain health insurance carriers to establish annual open enrollment periods for certain individuals; defining a certain term; and generally relating to health insurance policies for sole proprietors.

BY repealing and reenacting, with amendments,
Chapter 347 of the Acts of the General Assembly of 2005
Section 2

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

Senate Bill 953 – Senator Middleton (By Request)

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

FOR the purpose of requiring certain health insurance carriers to provide certain information in a certain manner to the Department of Health and Mental Hygiene, at the request of the Department, about individuals who are eligible for benefits under the Maryland Medical Assistance Program or are Program recipients; requiring certain health insurance carriers to accept the Program's right of recovery and the assignment of certain rights under certain circumstances; requiring certain health insurance carriers to respond to certain inquiries by the Department under certain circumstances; prohibiting certain health insurance carriers from denying certain claims under certain circumstances; prohibiting certain health insurance carriers from denying or otherwise affecting a health insurance policy or contract due to the eligibility of an individual for Program benefits or receipt by an individual of benefits under the Program; defining a certain term; and generally relating to health insurance and the Maryland Medical Assistance Program.

BY adding to

Article – Health – General
Section 15–144 and 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 954 – Senator Edwards

AN ACT concerning

Garrett County – Property Tax Credit – Society for the Preservation of St. Ann Mission

FOR the purpose of authorizing the governing body of Garrett County to grant, by law, a property tax credit against the county property tax imposed on certain real property owned by the Society for the Preservation of St. Ann Mission; providing for the application of this Act; and generally relating to authorization for a property tax credit in Garrett County for certain real property owned by the Society for the Preservation of St. Ann Mission.

BY adding to

Article – Tax – Property

Section 9–313(b)(7)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 955 – Senator Edwards

AN ACT concerning

State Personnel – Appointments in Skilled and Professional Services – Veterans

FOR the purpose of requiring the Department of Budget and Management to adopt a uniform numerical point rating system for determining if a candidate meets certain qualifications; requiring an appointing authority to use a certain selection process that ensures compliance with State and federal laws and consistency in recruitment and hiring; requiring an appointing authority to apply a credit of a certain number of points to the examination score or rating score of certain eligible veterans, spouses of certain eligible veterans, former prisoners of war, or eligible veterans who are recipients of a Purple Heart applying for certain positions in the State Personnel Management System; requiring an appointing authority to consider service in the armed forces of the United States under certain circumstances in the evaluation of relevant work experience; requiring certain eligible veterans that are laid off to be considered to displace certain other employees under certain circumstances; making a certain conforming change; defining a certain term; and generally relating to appointments in the State Personnel Management System and veterans.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 7–201(c), 7–206(a), 7–207(a) and (c), and 11–207
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 956 – Senator Haines

AN ACT concerning

Natural Resources – Hunting on Private Land – Verbal Permission

FOR the purpose of authorizing hunting on private land with the verbal permission of the landowner or the landowner’s agent or lessee; and generally relating to hunting on private land.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–411
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

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

Senate Bill 957 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than \$120,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, to finance the payment of any unfunded liability of the County to the State Retirement and Pension System of Maryland, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; providing that such borrowing may be undertaken by Frederick County to finance the payment of any unfunded liability of Frederick County to the State Retirement and Pension System of Maryland for certain public purposes; and generally relating to the issuance and sale of the bonds by Frederick County.

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

Senate Bill 958 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

FOR the purpose of allowing in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 959 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County Board of Elections – Salary Increase

FOR the purpose of increasing the salaries of the president, other members, and substitute member of the Frederick County Board of Elections; providing that this Act does not apply to the salary or compensation of the incumbent president, other members, or substitute member of the Frederick County Board of Elections; and generally relating to the salary of the members of the Frederick County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204(a)(11) and (b)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 960 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to award certain procurement contracts for architectural and engineering services based on an evaluation of the technical proposals and qualifications of at least a certain number of persons; requiring that the contracts be fair, competitive, and reasonable; making stylistic changes; and generally relating to contracts for architectural and engineering services awarded by the Board of County Commissioners of Frederick County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 3(1)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(1)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 961 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Employees’ Pension System – Alternate Contributory Pension Selection

FOR the purpose of allowing the employees of Frederick County who are members of the Employees’ Pension System to become subject to the Alternate Contributory Pension Selection that alters the benefits those members receive and requires a certain member contribution; authorizing the purchase of service credit under certain circumstances; requiring Frederick County to pay for certain additional pension liabilities according to a certain amortization schedule approved by the Board of Trustees for the State Retirement and Pension System; making this Act subject to a certain contingency; requiring the State Retirement Agency to verify certain information; and generally relating to participation in the Alternate

Contributory Pension Selection part of the Employees' Pension System by certain employees of Frederick County.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–307(k), 23–221, and 23–307.2
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 962 – Senator Brinkley

AN ACT concerning

Agricultural Ownership Entities – Homestead Tax Credit

FOR the purpose of altering certain definitions to include partners in certain general partnerships and shareholders of certain corporations within the definition of “homeowner” for purposes of a certain property tax credit under certain circumstances; defining a certain term; providing for the application of this Act; authorizing the State Department of Assessments and Taxation to accept certain applications on or before a certain date; and generally relating to including partners or shareholders in certain agricultural ownership entities within the definition of “homeowner” for purposes of a certain property tax credit under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 9–105(a)(1)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(a)(3), (6), and (7) and (c)(4)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY adding to
Article – Tax – Property
Section 9–105(a)(8)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 963 – Senators Jones, Conway, Gladden, and McFadden

AN ACT concerning

Creation of a State Debt – The Martin Luther King, Jr., National Memorial Project

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 Washington, D.C. Martin Luther King, Jr., National Memorial Project 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.

Senate Bill 964 – Senator Raskin

AN ACT concerning

Department of the Environment – Licensing and Regulation of Tanning Facilities

FOR the purpose of requiring certain persons to obtain a certain license to operate a tanning facility; requiring a separate license for each tanning facility; requiring the Secretary of the Environment to issue certain licenses and adopt certain regulations concerning tanning facilities; requiring the Secretary to set certain fees; requiring the fees to be set to produce funds to approximate certain costs; providing for the scope of a certain license; providing for the term, renewal, and display of licenses for tanning facilities; requiring a tanning facility to post certain signs in certain locations including certain information; establishing certain requirements for the operation of tanning facilities; requiring tanning facilities to maintain certain tanning devices; requiring a certain inspection of certain tanning devices each year; providing a certain penalty for failing a certain inspection; requiring adult customers of tanning facilities to sign a certain statement of warnings; prohibiting certain minors from using certain tanning devices except in certain circumstances; requiring that certain customer records be kept; providing a certain penalty for violation of certain provisions of law; defining certain terms; stating the intent of the General Assembly that certain funds be included in the State budget for certain purposes and that when certain special funds become available, the special funds be used to reimburse the General Fund; requiring the Department of the Environment to make certain efforts to educate certain persons about the requirements of this Act; providing for the effective dates of this Act;

and generally relating to the licensing and regulation of tanning facilities by the Department of the Environment.

BY renumbering

Article – Environment

Section 8–601 and the subtitle “Subtitle 6. Short Title”

to be Section 8–701 and the subtitle “Subtitle 7. Short Title”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 8–301(a) and 8–501

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 8–301(b)

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY adding to

Article – Environment

Section 8–601 through 8–613 to be under the new subtitle “Subtitle 6. Tanning Facilities”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 965 – Senators Raskin, Lenett, Madaleno, Pugh, Robey, Stone, and Zirkin

AN ACT concerning

Protective Orders and Stalking – Cruelty Toward a Pet

FOR the purpose of authorizing a court, in a certain interim protective order, temporary protective order, or final protective order, to order a respondent to remain away from a certain pet or to refrain from cruelty or aggravated cruelty toward the pet; altering a certain definition of “stalking” to include a malicious course of conduct that puts another person in reasonable fear that a certain pet likely will suffer cruelty or aggravated cruelty; making clarifying changes; and generally relating to protective orders and stalking and cruelty toward a pet.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), and 4–506(d)(12) and (13)

Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to

Article – Family Law

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

Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 11–110(a)(1) and (3)

Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 3–802

Annotated Code of Maryland
(2002 Volume and 2006 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 2006 Supplement)

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

Senate Bill 966 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Sports Legends Museum at Camden Yards

FOR the purpose of authorizing the creation of a State Debt in the amount of \$600,000, the proceeds to be used as a grant to the Board of Directors of the Babe Ruth Birthplace Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; 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.

Senate Bill 967 – Senator Muse

AN ACT concerning

Income Tax – Subtraction Modification – Military Retirement Income

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

BY repealing and reenacting, without amendments,

Article – Tax – General

Section 10–207(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–207(q)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 9 – Senator Forehand (Chair, Joint Committee on Federal Relations)

A Senate Joint Resolution concerning

Protection for Maryland Consumers from Abusive Credit Practices

FOR the purpose of recognizing the advantages of uniform standards for the regulation of consumer and residential credit terms and practices in the United States; objecting to the laws of another state preempting the laws of Maryland; resolving that only federal laws that establish certain national rules should preempt protection under State law; resolving that the General Assembly finds it good public policy for certain banks to offer competitive and uniform credit products on a nationwide

basis; resolving that all lenders should have the choice of making consumer and residential loans pursuant to the consumer's state of residence pursuant to a national consumer lending code adopted by Congress; resolving that a copy of this resolution be forwarded by the Department of Legislative Services to certain individuals; and generally relating to protection for Maryland consumers from abusive credit practices.

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

MESSAGE FROM THE HOUSE OF DELEGATES #6

FIRST READING OF HOUSE BILLS

House Bill 60 – Southern Maryland Delegation

EMERGENCY BILL

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

FOR the purpose of authorizing certain electric cooperatives to supply their standard offer service load through a portfolio of blended wholesale supply contracts of short, medium, and long terms under certain circumstances; prohibiting the Public Service Commission from setting or enforcing a certain termination date for the procurement of certain supply; making this Act an emergency measure; and generally relating to wholesale supply contracts and electric cooperatives.

BY repealing and reenacting, with amendments,
 Article – Public Utility Companies
 Section 7-510(c)
 Annotated Code of Maryland
 (1998 Volume and 2006 Supplement)

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

House Bill 102 – Wicomico County Delegation ~~and Worcester County Delegation,~~
Worcester County Delegation, and Somerset County Delegation

SECOND PRINTING

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

FOR the purpose of establishing that the prohibition against open air burning at certain times and places does not apply to a burning conducted under the direct control and supervision of certain fire personnel; making a technical correction; making certain stylistic changes; altering a certain definition; and generally relating to the application of a ban on open air burning.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–720
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 136 – The Speaker (By Request – Administration) and Delegates Bohanan, Busch, James, Rudolph, Glassman, Dwyer, Frank, Frush, Griffith, Haynes, Howard, Jones, Malone, McComas, McConkey, Smigiel, Stifler, ~~and F. Turner~~ F. Turner, Beidle, Bobo, Boteler, Braveboy, Burns, Cane, V. Clagett, Davis, Feldman, Glenn, Haddaway, Harrison, Healey, Hecht, Holmes, Hucker, Impallaria, Jameson, J. King, Kirk, Krysiak, Lafferty, Lawton, Love, Manno, Mathias, McHale, McIntosh, Minnick, Niemann, Shewell, Sossi, Stein, Stull, Taylor, Vaughn, Walkup, Weir, Barkley, Bartlett, Benson, Branch, Bronrott, G. Clagett, Conaway, Elliott, Elmore, Gaines, Gutierrez, Guzzone, Kelly, Kipke, Kullen, Lee, Mizeur, Montgomery, Pena–Melnyk, Proctor, Ramirez, Robinson, Sophocleus, Vallario, and Weldon

AN ACT concerning

Base Realignment and Closure Subcabinet

FOR the purpose of establishing the Base Realignment and Closure Subcabinet in State government; providing for the membership, chair, and staffing of the Subcabinet; providing for the duties and responsibilities of the Subcabinet; requiring the Subcabinet to submit a certain annual report to the Governor and General Assembly; defining a certain term; providing for the termination of this Act; and generally relating to the Base Realignment and Closure Subcabinet.

BY adding to
Article – State Government
Section 9–802
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 184 – Delegates Krysiak, Kirk, and McHale

AN ACT concerning

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

FOR the purpose of increasing the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight to include a certain member; providing for the qualifications of an additional member; making certain stylistic changes; and generally relating to the membership of the Joint Committee on Workers' Compensation Benefit and Insurance Oversight.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–10A–03
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of altering the definition of an unpaid work–based learning experience for the purpose of requiring workers' compensation coverage for students placed in unpaid work–based learning experiences by certain private noncollegiate institutions; requiring a participating employer to reimburse a private noncollegiate institution for the cost of the workers' compensation coverage; allowing the participating employer to satisfy a certain obligation if a private noncollegiate institution secures certain workers' compensation; authorizing the private noncollegiate institution that places the student to obtain workers' compensation insurance for the student; providing that certain children with a disability placed by a private noncollegiate institution in an unpaid work assignment are covered employees; altering an employer's options for securing workers' compensation for covered employees of the employer; defining a certain term; making certain stylistic changes; and generally relating to workers' compensation coverage for students placed by certain private noncollegiate institutions in unpaid work–based learning experiences.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–114 and 8–402
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Education
Section 8–401(a)(1) and (2)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–228(a) and (c) and 9–402(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

House Bill 277 – Delegate Rosenberg

AN ACT concerning

Workers' Compensation – Covered Employee – Domestic Worker

FOR the purpose of altering the earnings level above which a domestic worker in a private home is a covered employee; and generally relating to the earnings threshold for a domestic worker under workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–209
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

House Bill 413 – Delegates Love and Krysiak

AN ACT concerning

State Board for Professional Engineers – Repeal of Authority to Issue Limited Licenses

FOR the purpose of repealing the authority of the State Board for Professional Engineers to issue limited licenses to practice engineering on a specific job; and generally relating to the State Board of Professional Engineers and the practice of engineering.

BY repealing

Article – Business Occupations and Professions
Section 14–316
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #5

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

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

AN ACT concerning

Base Realignment and Closure Subcabinet

(Amendment ID: SB0110/934833/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 110
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 15, strike “AND”; and in line 16, after “TRANSPORTATION” insert “;AND”

(10) THE STATE SUPERINTENDENT OF SCHOOLS”.

AMENDMENT NO. 2

On page 3, in line 12, after “OF” insert “;”

(I)”;

in line 13, strike the comma and substitute “;”

(II)”;

in line 14, strike the first comma and substitute “;”

(III)”;

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

(IV) HEALTH CARE FACILITIES, SERVICES, AND WORKFORCE
INFRASTRUCTURE;

(V)”;

in line 15, strike the first comma and substitute “;”

(VI)”;

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

(VII)”;

in line 16, strike the comma and substitute a semicolon; and in the same line, after “AND” insert:

“(VIII)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 254 – Senator Conway

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 273 – Senator Edwards

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Allegany County and Garrett County – Coal Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 366 – Senators Dyson, Conway, Frosh, and Gladden

AN ACT concerning

Mercury Switch Removal from Vehicles

(Amendment ID: SB0366/964836/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 366
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Gladden” and substitute “Gladden, and Lenett”.

The preceding amendment was read only.

Senator Exum moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Alfred Bailey	Senator Jones	340

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 262)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #6

CONSENT CALENDAR #1

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

Senate Bill 189 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Alcoholic Beverages Licensees – Age of Employees

(Amendment ID: SB0189/934930/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 189
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “bar;” insert “providing a certain exception to the prohibition;”.

AMENDMENT NO. 2

On page 2, in line 6, strike “EMPLOY” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, EMPLOY”; after line 8, insert:

“(3) A PERSON AT LEAST 18 YEARS OLD MAY ACT AS A BARTENDER OR SERVE ALCOHOLIC BEVERAGES AT A PERMANENT FULL-SERVICE BAR IF THE PERSON IS THE SON OR DAUGHTER OF THE OWNER OF THE ESTABLISHMENT.”;

and in line 9, 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.

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

Senate Bill 190 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 191 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Liquor Control Board – Salaries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

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

Senate Bill 154 – Senators Forehand, Brochin, Jacobs, Muse, and Raskin

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

(Amendment ID: SB0154/408076/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 154
(First Reading File Bill)

On page 3, in line 22, strike “ARTICLE 88A, § 50(B)(2) OF THE CODE” and substitute “§ 5-312(B)(2) OF THE HUMAN SERVICES ARTICLE”.

The preceding amendment was read only.

Senator Currie moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 160 – Senators Mooney, Colburn, Greenip, Haines, Harris, Hooper, Jacobs, Kittleman, Munson, Muse, Peters, Raskin, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Expanding Prohibitions and Protected Classes of People

(Amendment ID: SB0160/678773/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 160
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the third “the” in line 3 down through “buildings” in line 4 and substitute “certain prohibitions against committing certain crimes against certain persons, damaging certain property of certain persons, burning certain objects, and damaging certain buildings connected to certain persons or groups”; in line 5, after “persons” insert “or groups”; in the same line, after the semicolon insert “defining a certain term;”; in line 9, after “Section” insert “10-301,”; and in the same line, after “10-304” insert a comma.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“10-301.

(A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOMELESS” MEANS:

(1) LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(2) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

(C) “[sexual] SEXUAL orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.”.

AMENDMENT NO. 3

On page 1, in line 17, strike “ON THE BASIS OF THE INDIVIDUAL BEING” and substitute “BECAUSE ANOTHER IS”.

On page 2, in line 16, strike “NEED FOR HOUSING,”; in the same line, after “origin” insert “, OR BECAUSE A PERSON OR GROUP THAT IS HOMELESS,”; in line 20, strike “NEED FOR HOUSING OF” and substitute “BECAUSE”; and in the same line, after “GROUP” insert “IS HOMELESS”.

The preceding 3 amendments were read only.

Senator Kelley moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 374 – Senator Stoltzfus

AN ACT concerning

Worcester County – Sheriff’s Office – Personnel Policies

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 483 – Senator Forehand

AN ACT concerning

Professional Corporations – Physical Therapists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 172 – Delegate McIntosh and the Speaker (By Request – Administration) and Delegates Beidle, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, DeBoy, Doory, Frank, Glenn, Hammen, Harrison, Haynes, Jennings, Jones, Kirk, Krysiak, Lafferty, Love, Malone, McHale, Minnick, Morhaim, Nathan–Pulliam, Niemann, Oaks, Olszewski, Robinson, Rosenberg, Schuler, Stein, Stukes, Tarrant, and Weir

EMERGENCY BILL

AN ACT concerning

**Real Property – Ground Rents – Prohibition on Creation of ~~Ground Rent Leases for~~
Reversionary Interests in Residential Property**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 181 – Senator Middleton

AN ACT concerning

Oral Health Safety Net Program

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

(Amendment ID: SB0181/127677/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 181

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “solicit” insert “certain proposals;”; in the same line, strike “and” and substitute “requiring the Office to”; in the same line, after “grants” insert “and oversee the operation of the Program”; in line 6, after the first “to” insert “the limitations of”; strike beginning with “requiring” in line 6 down through “Program;” in line 7; in line 8, after the second “to” insert “the limitations of”; in line 10, after the first “to” insert “the limitations of”; in line 11, after “date” insert “each year”; in line 13, after “survey;” insert “requiring the Secretary of Health and Mental Hygiene to submit a certain report to the General Assembly under certain circumstances and on a certain date;”; and in line 17, strike “, inclusive,”.

AMENDMENT NO. 2

On page 2 in line 27, and on page 3 in line 18, in each instance, after “TO” insert “THE LIMITATIONS OF”.

On page 3, in lines 6 and 7, strike “OR ORGANIZATIONS”.

On page 4, in line 7, strike “PROGRAM” and substitute “PROGRAM”; in line 15, strike “ESTABLISHED UNDER THIS SUBTITLE”; and in line 22, strike “JULY 31, 2008” and substitute “JUNE 30, 2009”.

On page 5, in line 2, strike “OF HEALTH AND MENTAL HYGIENE”.

AMENDMENT NO. 3

On page 5, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) If the Governor does not provide the funding specified in § 13-2505(1) of the Health - General Article, as enacted by Section 1 of this Act, in the fiscal 2009 budget, the Secretary of Health and Mental Hygiene shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly the following:

(1) the annual cost to provide comprehensive oral health services in all programs funded by the Maryland Medical Assistance Program;

(2) the amount of State revenues spent on somatic health services related to the lack of comprehensive oral health care; and

(3) the number of dental providers in each jurisdiction in the State providing care to uninsured and under-insured residents, the number of residents served, and the dental providers’ capacity to provide additional services.

(b) The report required under subsection (a) of this section shall be submitted to the General Assembly on the date that the fiscal 2009 budget bill is introduced.”;

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

The preceding 3 amendments were read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 263)

ADJOURNMENT

At 10:59 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 1, 2007.

**Annapolis, Maryland
Thursday, March 1, 2007
10:00 A.M. Session**

The Senate met at 10:15 A.M.

Prayer by Reverend Ken Valentine, Wesley Grove United Methodist Church, guest of Senators DeGrange and Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of February 28, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 266)

INTRODUCTION OF BILLS

Senate Bill 968 – Senator Klausmeier

AN ACT concerning

Quality and Stability in the Personal Care Workforce Act

FOR the purpose of granting independent providers who provide services that are reimbursed under the State Medical Assistance Personal Care Program or the State Waiver for Older Adults Program the right to form, join, or assist a labor organization for the purpose of collective bargaining; establishing certain procedures for the election of the exclusive representative of independent providers; requiring the Department of Health and Mental Hygiene to issue a designation letter to the exclusive representative on receipt of the election results; requiring the Department to retain a copy of the designation letter and forward copies to certain persons; requiring the Department to meet with independent providers and their exclusive representative on certain matters with the purpose of entering into a certain binding agreement; establishing the membership of a certain committee; requiring the Department and the exclusive representative to conclude negotiations in a certain manner; requiring the Department and the exclusive

representative to submit a dispute to arbitration and jointly appoint an arbiter under certain circumstances; specifying that the findings of the arbiter are binding on both parties; requiring the Governor to include certain funds in the State budget to pay for certain costs; defining certain terms; providing for the construction of this Act; making the provisions of this Act severable; and generally relating to the organization of independent personal care providers.

BY adding to

Article – Health – General

Section 15–1A–01 through 15–1A–06 to be under the new subtitle “Subtitle 1A.
Organization of Personal Care Providers”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 969 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George’s County – Maryland Multicultural Youth Center Multi–Purpose Room

FOR the purpose of authorizing the creation of a State Debt not to exceed \$400,000, the proceeds to be used as a grant to the Board of Directors of the Latin American Youth 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.

Senate Bill 970 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Appropriation Permits – Penalties

FOR the purpose of altering permit requirements relating to the appropriation and use of State groundwater; exempting from permit requirements certain users that appropriate or use groundwater below a certain quantity; authorizing the Department of the Environment to seek civil penalties for certain violations relating to the misappropriation or misuse of State groundwater or otherwise

failing to comply with a water appropriation and use permit; providing for the issuance of orders or notices of violations and providing for certain hearings relating to orders; increasing certain criminal penalties and eliminating a certain cap on criminal penalties; requiring certain funds to be paid into the Maryland Clean Water Fund; altering the uses of the Maryland Clean Water Fund; defining certain terms; and generally relating to water appropriation permits.

BY repealing and reenacting, with amendments,
Article – Environment
Section 5–101, 5–502, 5–514, and 9–320
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY adding to
Article – Environment
Section 5–515 and 5–516
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 971 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Relocation Assistance Program – Reestablishment Expenses

FOR the purpose of altering the maximum amount of reestablishment expenses for certain persons displaced by a State agency; and generally relating to reestablishment expenses for displaced persons under the relocation assistance program.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 12–205
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Senate Bill 972 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Maryland Health Insurance Plan – Senior Prescription Drug Assistance Program – Extension of Sunset

FOR the purpose of extending the termination date of the Senior Prescription Drug Assistance Program until a certain date; altering certain references to a certain obsolete program to clarify that the program being extended under this Act and that is funded by a certain carrier is the Senior Prescription Drug Assistance Program; making certain conforming changes; and generally relating to the Senior Prescription Drug Assistance Program.

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 and Chapter 345 of the Acts of the General Assembly of 2006
Section 13

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

Senate Bill 973 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Permissible Methods of Service

FOR the purpose of altering the permissible methods of service of complaints, corrective orders, notices, or other instruments issued by the Department of the Environment to allow service in the same manner allowed by the Maryland Rules for service of a summons; and generally relating to permissible methods of service.

BY adding to
Article – Environment
Section 1–204
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–111, 4–210, 4–412(c), 6–421, 7–260, 8–504, 9–336, 9–414, 11–313,
13–311, and 16–503
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment
Section 4–412(d)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 974 – Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Disposal of Property – Holding Period

FOR the purpose of altering the period of time that certain property is required to be in the possession of the Department of State Police before the Department is required to give certain notice of the sale of the property to certain persons and certain lienholders; and generally relating to the disposal of property by the Department of State Police.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–311
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

Senate Bill 975 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Oil Pollution and Tank Management

FOR the purpose of altering the definition of oil to include ethanol and any edible oils intended to be used as a motor fuel or fuel source; requiring an underground storage facility to be in substantial compliance with Maryland law and regulations before selling oil to the facility or receiving oil at the facility; and generally relating to oil pollution and tank management.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–401(g) and 4–411.1
Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

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

Senate Bill 976 – Chair, Budget and Taxation Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Biotechnology Investment Incentive Act

FOR the purpose of altering certain eligibility criteria and requirements for claiming a certain State income tax credit for certain investments in certain technology businesses; limiting the aggregate credits that may be certified for investments in a single company for any fiscal year to a certain percentage of the total appropriation to a certain reserve fund for that fiscal year; altering the method of claiming the credit; defining certain terms; authorizing certain regulations; providing for the application of this Act; and generally relating to certain tax credits for investments in certain technology businesses in the State.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725(a), (b), (c), (d), (f), (g), and (i)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 977 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

**Maryland Transit Administration – Passenger Railroad Services Contracts –
Resolution of Contract Disputes**

FOR the purpose of exempting from certain provisions of law certain disputes arising from Maryland Transit Administration contracts for passenger railroad services under certain circumstances; making stylistic changes; and generally relating to contracts for passenger railroad services.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 15–202
Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–902
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 978 – Senator Jones

AN ACT concerning

**Creation of a State Debt – Baltimore City – Family Cultural Enrichment
Community Center**

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 Reclaiming Our Children and Community Project, 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.

Senate Bill 979 – Senator Brinkley

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

FOR the purpose of establishing certain ethics requirements that relate to planning and zoning proceedings and apply to members of the Frederick County Board of County Commissioners and certain other persons; prohibiting certain campaign contributions by certain persons under certain circumstances; prohibiting a Board member from participating in certain planning and zoning proceedings; requiring a Board member who communicates ex parte with an individual concerning a certain application to file a disclosure within a certain time; allowing a party of record in certain planning and zoning proceedings to submit certain affidavits; requiring the Frederick County Ethics Commission to direct and control the enforcement of this Act; requiring the County Manager to perform certain administrative functions and prepare certain reports; establishing certain

requirements and procedures for judicial review of certain planning and zoning proceedings; establishing certain penalties for a violation of this Act; requiring certain persons to retain and make available certain documents for inspection; defining certain terms; and generally relating to public ethics requirements in planning and zoning proceedings in Frederick County.

BY adding to

Article – Election Law
Section 13–504
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 1–101(a) and (d)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – State Government
Section 15–853 through 15–858 to be under the new part “Part VIII. Frederick County – Special Provisions”
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 980 – Senators Hooper, Colburn, Peters, and Stone

AN ACT concerning

Higher Education – Scholarship Program – Eagle Scout and Girl Scout Gold Award Recipients

FOR the purpose of establishing the Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program; providing for the qualifications of the recipients of a scholarship under this Act; providing for the amount and duration of a scholarship award; requiring the Office of Student Financial Assistance to approve a certain number of scholarships to certain individuals on a certain basis each year; requiring the Governor to include a certain appropriation in the annual budget beginning in a certain fiscal year; providing for the application of this Act; and generally relating to the establishment of the Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program.

BY adding to

Article – Education

Section 18–2801 to be under the new subtitle “Subtitle 28. The Eagle Scout and Girl Scout Gold Award Recipient Scholarship Program”

Annotated Code of Maryland
(2006 Replacement Volume)

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

Senate Bill 981 – Senator McFadden

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Personnel

FOR the purpose of altering the titles of the executive secretary and deputy executive secretary of the Board of Liquor License Commissioners for Baltimore City to be director and deputy director; prohibiting the Board from hiring permanent part–time inspectors on or after a certain date; requiring the Board to hire a certain number of permanent part–time field enforcement aides; requiring the Board to set a certain annual salary for the aides; making certain stylistic changes; and generally relating to personnel of the Board of Liquor License Commissioners for Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(d)(2), (3), (4), and (5) and 15–112(d)(9)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(d)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 982 – Senator McFadden

AN ACT concerning

Income Tax – Subtraction Modification – United States Coast Guard Auxiliary

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; altering the amount of the subtraction modification; 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 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–208(i–1)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 983 – Senator Dyson

AN ACT concerning

St. Mary’s County – Board of County Commissioners – Personal Service Contracts

FOR the purpose of authorizing the Board of County Commissioners of St. Mary’s County to enter into certain personal service contracts for certain nonmerit positions; providing that a certain personal service contract shall end within a certain period of time; requiring a certain personal service contract to include a certain provision; and generally relating to personal service contracts entered into by the Board of County Commissioners for St. Mary’s County.

BY adding to
The Public Local Laws of St. Mary’s County
Section 26–36
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)

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

Senate Bill 984 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

FOR the purpose of authorizing motor vehicle racing on a highway under the jurisdiction of the State Highway Administration or a local authority if the State Highway Administration or local authority approves the racing event, subject to certain conditions; authorizing the approval of a motor vehicle or bicycle racing event only if the sponsors of the event indemnify the State and local governments against certain loss and provide certain liability insurance, the county or other local jurisdiction in which the event is held provides written authorization for the event, and the highway on which the event is held is closed in a certain manner; authorizing the State Highway Administration or a local authority to exempt participants in an approved motor vehicle racing event from certain provisions of law; making this Act an emergency measure; and generally relating to approval of motor vehicle and bicycle racing events.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1116
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1211
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 985 – Senators Hooper and Harris

AN ACT concerning

Harford County Board of Education – Appeal of Decisions of the County Board

FOR the purpose of providing that a decision of the Harford County Board of Education may be appealed to the Harford County Council under certain circumstances; authorizing the County Council to determine whether to consider an appeal; providing that a final decision of the County Council may be appealed to the State Board of Education; providing for the termination of this Act; and generally relating to an appeal of a decision rendered by the Harford County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–205
Annotated Code of Maryland
(2006 Replacement Volume)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 413 – Delegates Love and Krysiak

AN ACT concerning

State Board for Professional Engineers – Repeal of Authority to Issue Limited Licenses

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 154 – Senators Forehand, Brochin, Jacobs, Muse, and Raskin

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

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

(Amendment ID: SB0154/408076/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 154

(First Reading File Bill)

On page 3, in line 22, strike “ARTICLE 88A, § 50(B)(2) OF THE CODE” and substitute “§ 5-312(B)(2) OF THE HUMAN SERVICES ARTICLE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 160 – Senators Mooney, Colburn, Greenip, Haines, Harris, Hooper, Jacobs, Kittleman, Munson, Muse, Peters, Raskin, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Expanding Prohibitions and Protected Classes of People

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

(Amendment ID: SB0160/678773/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 160

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the third “the” in line 3 down through “buildings” in line 4 and substitute “certain prohibitions against committing certain crimes against certain persons, damaging certain property of certain persons, burning certain objects, and damaging certain buildings connected to certain persons or groups”; in line 5, after “persons” insert “or groups”; in the same line, after the semicolon insert “defining a certain term;”; in line 9, after “Section” insert “10–301,”; and in the same line, after “10–304” insert a comma.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“10–301.”

(A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOMELESS” MEANS:

(1) LACKING A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE; OR

(2) HAVING A PRIMARY NIGHTTIME RESIDENCE THAT IS:

(I) A SUPERVISED PUBLICLY OR PRIVATELY OPERATED SHELTER DESIGNED TO PROVIDE TEMPORARY LIVING ACCOMMODATIONS; OR

(II) A PUBLIC OR PRIVATE PLACE NOT DESIGNED FOR OR ORDINARILY USED AS A REGULAR SLEEPING ACCOMMODATION FOR HUMAN BEINGS.

(C) “[sexual] SEXUAL orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, bisexuality, or gender-related identity.”.

AMENDMENT NO. 3

On page 1, in line 17, strike “ON THE BASIS OF THE INDIVIDUAL BEING” and substitute “BECAUSE ANOTHER IS”.

On page 2, in line 16, strike “NEED FOR HOUSING,”; in the same line, after “origin” insert “, OR BECAUSE A PERSON OR GROUP THAT IS HOMELESS,”; in line 20, strike “NEED FOR HOUSING OF” and substitute “BECAUSE”; and in the same line, after “GROUP” insert “IS HOMELESS”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0160/323921/1)

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 160, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 5, after “homeless” insert “or who have actual or perceived disabilities”; and in line 6, after “persons” insert “and persons who have actual or perceived disabilities”.

AMENDMENT NO. 2

On page 1 of the bill, in line 17, after “**HOMELESS**” insert “**OR HAS ACTUAL OR PERCEIVED DISABILITIES**”.

On page 2 of the Judicial Proceedings Committee Amendments (SB0160/678773/1), in lines 4 and 6 of Amendment No. 3, in each instance, after “**HOMELESS**” insert “**OR HAS ACTUAL OR PERCEIVED DISABILITIES**”.

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 2, 2007.

The motion was adopted.

Senate Bill 366 – Senators Dyson, Conway, Frosh, and Gladden

AN ACT concerning

Mercury Switch Removal from Vehicles

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

(Amendment ID: SB0366/964836/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 366
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Gladden” and substitute “Gladden, and Lenett”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Dr. Yonathan Zohar	Senator Stoltzfus	290

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 267)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #2

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

Senate Bill 102 – The President (By Request – Administration)

AN ACT concerning

State Agencies – StateStat

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 304 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0304/673721/1)

BY: Senator Kramer

AMENDMENT TO SENATE BILL 304
(First Reading File Bill)

On page 1, in the sponsor line, after “Pensions)” insert “and Senators Brinkley, Currie, Hogan, Kasemeyer, McFadden, Munson, Garagiola, and Peters”.

The preceding amendment was read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 320 – Senator Stone

AN ACT concerning

**Law Enforcement Officers’ Pension System – Membership – Martin State Airport
Law Enforcement Officers**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 412 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Compliance with the Federal Pension
Protection Act of 2006**

(Amendment ID: SB0412/739236/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “permitting” in line 7 down through the semicolon in line 10; in line 11, strike “providing for a delayed effective date of certain provisions of this Act;”; and in line 16, strike “; (c),”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 7 through 26, inclusive; and in line 27, strike “3.” and substitute “2.”.

On page 5, strike in their entirety lines 9 and 10; in line 11, strike “5.” and substitute “3.”; and strike beginning with the second comma in line 11 down through the comma in line 12.

The preceding 2 amendments were read only.

Senator Kelley moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 534 – Senators Klausmeier, Colburn, Jacobs, Munson, and Stone

AN ACT concerning

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

(Amendment ID: SB0534/529737/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 534
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 834 – Senator Rosapepe

AN ACT concerning

Education – Educational Excellence Awards – Eligibility Determination

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

QUORUM CALL

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

(See Roll Call No. 268)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 2 – Senators Middleton, Miller, Currie, Astle, Britt, Conway, DeGrange, Dyson, Forehand, Frosh, Garagiola, Gladden, Hogan, Jones, Kasemeyer, Kelley, Kramer, Lenett, Madaleno, McFadden, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

State Employees' Rights and Protections Act of 2007

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

Affirmative – 42 Negative – 5 (See Roll Call No. 269)

The Bill was then sent to the House of Delegates.

Senate Bill 50 – Senator Middleton

AN ACT concerning

Governor’s Appointments Office and Appointing Authorities – Duties

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

Affirmative – 33 Negative – 14 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

Senate Bill 335 – Senator Middleton

AN ACT concerning

Qualified State Long-Term Care Insurance Partnership – Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 271)

The Bill was then sent to the House of Delegates.

Senate Bill 383 – Senator Haines

AN ACT concerning

Motor Vehicle Administration – Driver’s License Provisions – Safe Driving Credit System

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

Affirmative – 47 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the House of Delegates.

Senate Bill 426 – Senators Middleton, Astle, and Forehand

AN ACT concerning

Maryland Tourism Development Board – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 273)

The Bill was then sent to the House of Delegates.

Senate Bill 444 – Senator Colburn

AN ACT concerning

Motor Vehicles – Special Registration Plates for Veterans – Use After Vehicle Transfer

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

Affirmative – 47 Negative – 0 (See Roll Call No. 274)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 275)

ADJOURNMENT

At 11:08 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 2, 2007.

Annapolis, Maryland
Friday, March 2, 2007
11:00 A.M. Session

The Senate met at 11:11 A.M.

Prayer by Reverend George Jakopac, Saint John's Catholic Prep., guest of Senator Mooney.

(For Prayer see Exhibit A of Appendix III)

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

QUORUM CALL

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

(See Roll Call No. 278)

INTRODUCTION OF BILLS

Senate Bill 986 – Senators DeGrange, Brinkley, Currie, Hogan, Kasemeyer, Kramer, and Munson

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

FOR the purpose of authorizing the creation of a State Debt in the amount of \$11,126,000, the proceeds to be used as a grant to the Interagency Committee on School Construction for certain development or improvement purposes; providing for disbursement of the loan proceeds and the allocation of funds to eligible school systems, subject to a requirement that the grantee document the provision of a required federal matching fund; authorizing the Board of Public Works to sell certain bonds at certain sales; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 987 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

FOR the purpose of requiring certain physicians to report certain information to the Secretary of Health and Mental Hygiene and to certain health officers; requiring certain laboratories to report certain information to the Secretary; requiring certain institutions to report certain information to certain health officers; providing that certain reports, proceedings, records, or files are not discoverable and are not admissible in evidence in any civil action; making certain reports confidential; repealing certain authority for compiling or distributing certain lists of names of patients in certain reports; requiring certain custodians of public records to deny access to certain reports; establishing certain penalties for certain violations relating to the disclosure or acquisition of certain information; providing that a person is liable for actual damages arising out of certain offenses under certain circumstances; providing certain immunity from liability; defining certain terms; making this Act an emergency measure; and generally relating to reporting of diseases.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–201.1, 18–205, 18–207, and 18–215
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Health – General
Section 18–202.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–617(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 988 – Senator Pugh

AN ACT concerning

Creation of a State Debt – Baltimore City – Alpha Phi Alpha Fraternity Corporate Headquarters

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 Directors of the Alpha Phi Alpha Fraternity, 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.

Senate Bill 989 – Senator Gladden

AN ACT concerning

Real Estate Investment Trusts – Share Information

FOR the purpose of establishing that the definition of “real estate investment trust” applies to an unincorporated business trust; 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; making a certain technical change; 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
(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 990 – Senator Gladden

AN ACT concerning

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

FOR the purpose of altering certain requirements for the execution of certain charter

documents by business trusts; extending to business trusts the requirements applicable to corporations and real estate business trusts for signing, acknowledging, witnessing, attesting, and verifying certain charter documents; and generally relating to requirements for the execution of charter documents by business trusts.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–301
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

Senate Bill 991 – Senator McFadden

AN ACT concerning

**Creation of a State Debt – Baltimore City – Historic East Baltimore Community
Action Coalition**

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 Board of Directors of the Historic East Baltimore Community Action Coalition, 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.

Senate Bill 992 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Aviation Administration – Airport Improvement Program Funds

FOR the purpose of repealing a provision of law prohibiting a political subdivision from submitting a project application under federal law unless the Secretary of Transportation approves the project; repealing the requirement that the Maryland Aviation Administration be designated as the agent for political subdivisions of the State for certain purposes related to the receipt of certain federal funds; and

generally relating to the repeal of a requirement that the Maryland Aviation Administration act as agent of political subdivisions with respect to certain federal funds.

BY repealing

Article – Transportation

Section 5–423

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

Senate Bill 993 – Senators Klausmeier and Hooper

AN ACT concerning

State Board of Massage Therapy Examiners – Licensure, Registration, and Regulation

FOR the purpose of creating the State Board of Massage Therapy Examiners in the Department of Health and Mental Hygiene; providing for the composition, appointment, terms, and expenses of the Board members; establishing certain powers and duties of the Board; authorizing the Board to appoint and establish the powers and duties of a Board executive director; authorizing the Board to set certain fees; requiring certain fees collected by the Board to be sent to the Comptroller; requiring the Comptroller to distribute certain fees to a certain special fund; requiring certain persons to be licensed or registered by the Board before an individual may practice massage therapy or nonmedical massage in the State; establishing certain education, experience, and examination requirements for licensed massage therapists and registered massage practitioners; establishing certain requirements for qualifying, renewing, reinstating, and surrendering a license or registration for massage therapists and massage practitioners; prohibiting a registered massage practitioner from practicing nonmedical massage in certain health care facilities; authorizing the Board to deny a license or registration to an applicant, refuse to renew a license or registration, reprimand a licensee or registered practitioner, suspend or revoke a license or registration, or impose certain penalties under certain circumstances; prohibiting a health care provider from referring patients to a person who is not a licensed massage therapist; providing that certain providers of health insurance are not required to reimburse a licensed massage therapist or registered massage practitioner for services rendered; establishing certain hearing and appeal procedures for massage therapists and massage practitioners; requiring the Board to adopt regulations to establish certain standards for advertising and soliciting of services by massage therapists and massage practitioners; providing for the use of a trade name by massage therapists and massage practitioners; providing civil immunity to certain

persons for reviewing certain fees and charges; prohibiting certain persons from misrepresenting an individual's status of licensure or registration as a massage therapist or massage practitioner by the Board; providing certain restrictions on the advertising of nonmedical massage services; providing for certain criminal penalties; 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; defining certain terms; specifying the terms of the initial members of the Board; providing for the transition from the Massage Therapy Advisory Committee and the State Board of Chiropractic Examiners to the State Board of Massage Therapy Examiners regarding the regulation and licensure and registration of massage therapists and massage practitioners; requiring the Board to submit a certain report to certain committees of the General Assembly on or before a certain date; making certain technical corrections; providing for a delayed effective date for certain provisions of this Act; and generally relating to the State Board of Massage Therapy Examiners and licensing, registration, and regulation of massage therapists and massage practitioners.

BY renumbering

Article – State Government
Section 8–403(b)(40) through (69), respectively
to be Section 8–403(b)(41) through (70), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health Occupations
Section 3–5A–01 through 3–5A–14 and the subtitle “Subtitle 5A. Certification of
Massage Therapists”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations
Section 6–101 through 6–504 to be under the new title “Title 6. Massage Therapy”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – State Government

Section 8-403(b)(40)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 994 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Mar–Va Theater Performing Arts 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 Mar–Va Theater Performing Arts 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; 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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #7

House Bill 63 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands

FOR the purpose of requiring in Dorchester County a holder of a certain special Class C license to distribute at the event for which the license is issued a wristband to each individual who is at least 21 years old; prohibiting a holder of a certain special Class C license from serving an alcoholic beverage to any individual who does not wear the wristband; making a certain stylistic change; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 7–101(b)(6) and (d)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 68 – Delegates Cane, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

Wicomico County – Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments

FOR the purpose of prohibiting a person in Wicomico County from serving or dispensing certain items or serving, dispensing, keeping, or allowing to be consumed alcoholic beverages or other component parts of mixed alcoholic drinks in certain places of public entertainment; prohibiting a person who operates a certain business establishment for profit in Wicomico County from knowingly allowing customers to bring alcoholic beverages for consumption into the establishment; defining certain terms; establishing a certain penalty; and generally relating to alcoholic beverages in places of public entertainment and unlicensed establishments in Wicomico County.

BY adding to

Article 2B – Alcoholic Beverages
Section 20–110
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 79 – Delegates Cane, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

Wicomico County – Board of License Commissioners – Attorney’s Salary

FOR the purpose of increasing the annual salary of the attorney for the Board of License Commissioners of Wicomico County; and generally relating to the Board of License Commissioners of Wicomico County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 15–112(x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(x)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 80 – Delegates Cane, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants

FOR the purpose of lowering the minimum seating capacity requirement for restaurants in Wicomico County for which a Class B beer, wine and liquor license is issued; and generally relating to alcoholic beverages licenses in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a)(1) and (x)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(x)(2)(iv)1.C.
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 103 – Delegates Rosenberg, Anderson, Bromwell, Cane, Cardin, Carter, Conaway, Dumais, Gutierrez, Howard, Hubbard, Jones, Morhaim, Ramirez, Shank, Smigiel, Waldstreicher, and Wood

AN ACT concerning

Public Safety – Eyewitness Identification – Written Policies

FOR the purpose of requiring each law enforcement agency in the State to adopt written policies relating to eyewitness identification that comply with certain standards by a certain date; requiring each law enforcement agency to file a copy of a certain policy with the Department of State Police by a certain date; requiring the Department to compile certain policies and allow public inspection of certain policies by a certain date; and generally relating to eyewitness identification in a criminal proceeding.

BY adding to

Article – Public Safety

Section 3–505

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 112 – Delegates Cane, Conway, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

Wicomico County – Liquor Control Board – Salaries

FOR the purpose of altering the annual salaries of the chairman and members of the Wicomico County Liquor Control Board; providing that this Act does not apply to the salary or compensation of the incumbent chairman or members of the Board; and generally relating to the Wicomico County Liquor Control Board.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 15–201(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 15–201(h)(6)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 121 – Delegate Elmore

AN ACT concerning

Somerset County – Alcoholic Beverages – License Fees

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

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

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

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

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

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 165 – Delegates Rosenberg, Anderson, and Carter

AN ACT concerning

Baltimore City – Local Government Tort Claims Act – Baltimore Public Markets Corporation and Lexington Market, Inc.

FOR the purpose of including the Baltimore Public Markets Corporation, in Baltimore City, in the definition of “local government” for the purposes of the Local Government Tort Claims Act; providing that Baltimore Public Markets Corporation and its employees may not raise as a defense a certain limitation on liability; providing for the application of this Act; providing that a certain notice requirement does not apply to a certain action for unliquidated damages; and generally relating to the Local Government Tort Claims Act and the Baltimore Public Markets Corporation and Lexington Market, Inc., in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d) ~~and 5–303(f)~~, 5–303(f), and 5–304(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–304(b)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 195 – Frederick County Delegation

Frederick County – Alcoholic Beverages – Special License

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

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

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 217 – St. Mary’s County Delegation

AN ACT concerning

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

FOR the purpose of altering the maximum fine that the Alcohol Beverage Board of St. Mary’s County may impose for a violation of the laws as to licensing the sale of alcoholic beverages; making certain stylistic and technical corrections; and generally relating to alcoholic beverages sales in St. Mary’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 252 – Frederick County Delegation

AN ACT concerning

Frederick County – Collective Bargaining – Representatives for Correctional Officers

FOR the purpose of authorizing the representatives of certain full–time correctional officers in the Frederick County Sheriff’s Office to collectively bargain with the Sheriff of Frederick County concerning wages and benefits; authorizing certain correctional officers to take certain actions or refrain from taking certain actions in connection with certain labor organizations and collective bargaining activities; requiring that any additional funding required as a result of a negotiated agreement be subject to the approval of the County Commissioners of Frederick County; providing for the procedures for certifying a labor organization as an exclusive representative and for collective bargaining negotiations; requiring a collective bargaining agreement to contain certain matters; and generally relating to collective bargaining with the Sheriff of Frederick County.

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(1)(6)
Annotated Code of Maryland
(2006 Replacement Volume)

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

House Bill 265 – Delegate Dumais

AN ACT concerning

Family Law – Child Support – Health Insurance

FOR the purpose of requiring that, in determining a child support obligation, any actual cost of providing health insurance coverage for a child for whom the parents are jointly and severally responsible be added to the basic child support obligation and divided by the parents in proportion to their adjusted actual incomes; adding health insurance expenses to the list of items that must be added together in determining each parent’s child support obligation, under certain circumstances; making certain conforming changes; altering a certain definition; and generally relating to child support.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 12–201(a), (b), (d), (e), and (f) and 12–204(a) and (g)

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 12–201(c) and 12–204(h), (l), and (m)

Annotated Code of Maryland

(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 284 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County –
Pyramid Atlantic**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to extend the deadline by which the Board of Directors of Pyramid Atlantic, Inc. may present evidence to the Board of Public Works that a matching fund will be provided; ~~and expanding the authorized uses of the loan proceeds and matching fund.~~

BY repealing and reenacting, with amendments,

Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA02 (AY)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 296 – Harford County Delegation

AN ACT concerning

Harford County – Liquor Control Board – Salaries

FOR the purpose of altering the annual salaries of the Chairman and regular members of the Harford County Liquor Control Board; providing that this Act does not apply to the salary or compensation of the incumbent Chairman or regular members of the Board; and generally relating to the Harford County Liquor Control Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–201(h)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 299 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions

FOR the purpose of repealing certain alcoholic beverage provisions for Harford County that are obsolete or no longer used; repealing certain provisions regarding a Class B–4 (seafood restaurant) license, the distance required between a school and a premises licensed for alcoholic beverages, the use of a neighborhood by the Liquor Control Board as a factor in deciding whether to issue a license, possession of alcoholic beverages brought on the premises of a racetrack in the county, a certain requirement regarding alcoholic beverages inspectors, licenses for racquet clubs and box lacrosse clubs, and the borrowing power of the Board for the benefit of dispensaries; and generally relating to alcoholic beverages in Harford County.

BY repealing
Article 2B – Alcoholic Beverages
Section 5–201(n)(6), 9–213(b)(4) and (7) and (g), 11–513(b)(2), and 12–213(d)(3)

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

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(n)(6), 10–202(a)(2), 15–112(n), and 15–202(b)(2) and (c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 323 – Delegates Mathias, Cane, and Conway

AN ACT concerning

Worcester County – Sheriff’s Office – Personnel Policies

FOR the purpose of establishing a certain minimum annual salary for the Sheriff of Worcester County; authorizing the Sheriff to appoint certain employees; requiring the County Commissioners of Worcester County to pay certain expenses of the Sheriff’s Office; providing that the chief deputy sheriff serves at the pleasure of the Sheriff; requiring that a certain person who serves as chief deputy sheriff revert to a certain status upon removal; providing that certain personnel rules and regulations of Worcester County apply to certain employees of the Sheriff’s Office, authorizing the Sheriff to adopt certain rules for employees of the Sheriff’s Office; providing that certain employees of the Sheriff’s Office may be disciplined or terminated for cause only in accordance with certain policies; requiring that certain employees of the Sheriff’s Office be reappointed at certain times; authorizing the County Commissioners to provide certain support to the Sheriff relating to personnel matters; granting the Sheriff control over the employees of the Sheriff’s Office, subject to certain limitations; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Worcester County; and generally relating to the personnel policies of the Sheriff’s Office of Worcester County.

BY repealing
Article – Courts and Judicial Proceedings
Section 2–309(y)

Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 2–309(y)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 331 – Chair, Appropriations Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Real Property – Electronic Recording Pilot Program

FOR the purpose of authorizing the Administrative Office of the Courts, in collaboration with the other members of the oversight committee of the Circuit Court Real Property Records Improvement Fund, to establish a pilot program for electronic filing of certain instruments relating to real property; requiring that the pilot program be governed by the Maryland Rules; authorizing the pilot program to waive ~~certain~~ or modify certain methods, procedures, and requirements for recording or indexing; requiring costs of the pilot program to be paid from the Circuit Court Real Property Records Improvement Fund; providing for the validity and effectiveness of certain instruments filed in accordance with the pilot program; providing for the termination of certain provisions of this Act; and generally relating to land records.

BY adding to
Article – Real Property
Section 3–502
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 335 – Delegates Minnick, Olszewski, and Weir

AN ACT concerning

Baltimore County – Todd’s Inheritance Loan of 2000

FOR the purpose of ~~extending the deadline by which the County Council and County~~

~~Executive of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided~~ amending Chapter 409 of the Acts of 2000 to require that certain loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date.

BY repealing and reenacting, without amendments,
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(5)

BY adding to
Chapter 409 of the Acts of the General Assembly of 2000
Section 1(6)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 356 – Washington County Delegation

AN ACT concerning

Washington County – Alcoholic Beverages Licenses – Administrative Proceedings

FOR the purpose of adding Washington County to the list of counties in which the granting of probation before judgment to an alcoholic beverages licensee for selling or furnishing alcoholic beverages to an underage individual does not bar the board of license commissioners from proceeding administratively against the licensee for the violation; and generally relating to alcoholic beverages licenses in Washington County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–108(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–108(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 373 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Protest Against License Renewal

FOR the purpose of requiring that in Charles County a protest against the renewal of an alcoholic beverages license must specify the basis on which the protest is made; requiring that the protest be filed under oath; authorizing the Board of License Commissioners to approve the renewal of the license without a hearing if the Board makes a finding that the basis of the protest lacks substance; and generally relating to the renewal of alcoholic beverages licenses in Charles County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 10–301(a)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–301(a)(1)(iii)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 379 – Charles County Delegation

AN ACT concerning

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

FOR the purpose of repealing the exemption for Charles County from a certain prohibition against drinking alcoholic beverages without authorization on public property and certain other areas; making certain stylistic changes; and generally relating to drinking alcoholic beverages in Charles County.

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

Section 19–201, 19–202, 19–203, and 19–204
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 381 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – Sales to Underage Persons

FOR the purpose of altering the maximum fine that the Board of License Commissioners of Charles County may impose on an employee of an alcoholic beverages licensee for the sale of alcoholic beverages to an underage person; and generally relating to alcoholic beverages sales in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(j)(2)(ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 397 – Delegates Haddaway, Cane, Conway, Eckardt, Elmore, Mathias, Smigiel, Sossi, and Walkup

AN ACT concerning

Eastern Shore Task Force on Foster Care

FOR the purpose of establishing the Eastern Shore Task Force on Foster Care; providing for the membership, chair, and staffing of the Task Force; specifying the duties of the Task Force; requiring the Task Force to submit certain reports to the Governor and the General Assembly on or before certain dates; prohibiting members of the Task Force from receiving certain compensation; authorizing members of the Task Force to receive reimbursement for certain expenses; providing for the termination of this Act; and generally relating to the Eastern Shore Task Force on Foster Care.

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

House Bill 403 – Allegany County Delegation

AN ACT concerning

Allegany County – Junkyard Ordinance – Appearances at Trial

FOR the purpose of providing that, in Allegany County, during a prosecution for a certain civil infraction related to junkyards, the presence of the State's Attorney is not required if a certain official who issued the citation for the infraction is present on behalf of the county; and generally relating to the enforcement of the junkyard ordinance in Allegany County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 122A
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25B – Home Rule for Code Counties
Section 13C(o)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 429 – Delegates Malone and DeBoy

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

FOR the purpose of extending the deadline by which the County Executive and County Council of Baltimore County must present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, without amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the Acts of the General Assembly of 2004
Section 1(1)

BY repealing and reenacting, with amendments,
Chapter 317 of the Acts of the General Assembly of 2000, as amended by Chapter 168 of the Acts of the General Assembly of 2002 and Chapter 149 of the

Acts of the General Assembly of 2004
Section 1(5)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 492 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Board of License Commissioners – Attorney
Compensation**

PG 306–07

FOR the purpose of requiring the County Council of Prince George’s County to pay the attorney for the Board of License Commissioners of Prince George’s County certain legal fees for representing the Board in court; requiring the Board to establish the rate for those fees; specifying that the salary of and certain additional compensation for the attorney for the Board be included in the annual budget; making certain stylistic changes; and generally relating to the Board of License Commissioners of Prince George’s County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(5) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and
Environmental Affairs.

House Bill 514 – Delegate Busch

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Anne Arundel County –
Maryland Hall for the Creative Arts**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to

authorize certain matching funds required to be provided by the Board of Directors of the Maryland Hall for the Creative Arts, Inc. to include in kind contributions.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA00 (Z) and ZA02 (O)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 616 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses

FOR the purpose of altering the hours of Sunday sales of alcoholic beverages for certain Class B and Class BLX licenses in Cecil County; and generally relating to alcoholic beverages licenses in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–508(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 618 – Montgomery County Delegation

AN ACT concerning

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

MC 708–07

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue a special Class C beer, wine and liquor license to a bona fide fire department in Damascus (12th election district); and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)

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

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 649 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – Caterer’s License

FOR the purpose of establishing a caterer’s license in Cecil County; providing for a license fee, qualifications of license holders, license privileges, and requirements for a caterer’s license; specifying that certain license holders need not have a caterer’s license for a certain purpose; and generally relating to alcoholic beverages licenses in Cecil County.

BY adding to

Article 2B – Alcoholic Beverages
Section 6–711
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 651 – Cecil County Delegation

AN ACT concerning

**Cecil County – Alcoholic Beverages – Board of License Commissioners –
Summons and Subpoenas**

FOR the purpose of authorizing inspectors employed by the Board of License Commissioners of Cecil County to serve summonses for witnesses; authorizing the Board to subpoena records or papers pertaining to a licensed business or establishment; and generally relating to the powers of the Board of License Commissioners of Cecil County and inspectors employed by the Board.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 16–410(b)(2)(i) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

(As enacted by Chapter 78 of the Acts of the General Assembly of 2003)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 658 – Cecil County Delegation

AN ACT concerning

Cecil County – Alcoholic Beverages – New Year’s Sales

FOR the purpose of altering the hours of sale of alcoholic beverages in Cecil County when December 31 falls on a Sunday; altering the hours of sale when January 1 falls on a Sunday; and generally relating to sales of alcoholic beverages in Cecil County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–402(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 693 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Bonds – Issuance and Advertising

MC/PG 111–07

FOR the purpose of authorizing the commissioners of the Washington Suburban Sanitary Commission to provide by resolution that certain loans authorized to be incurred and bonds authorized to be issued be consolidated for sale and issued as a single issuance of bonds; providing that a notice of sale or advertisement of the public sale of certain bonds be advertised in a newspaper of general circulation in the Washington Suburban Sanitary District; and generally relating to the Washington Suburban Sanitary Commission and bonds.

BY repealing and reenacting, with amendments,
Article 31 – Debt – Public
Section 2C

Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 763 – Montgomery County Delegation

AN ACT concerning

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

MC 702–07

FOR the purpose of altering the number and providing for the description of commercial areas in the Town of Kensington in Montgomery County in which the Board of License Commissioners may issue special B–K alcoholic beverages licenses for use on the premises of restaurants located in those areas; altering the percentage of overall average daily receipts from the sale of food for on–premises consumption that must be maintained by restaurants that hold special B–K alcoholic beverages licenses; prohibiting restaurants that are issued special B–K alcoholic beverages licenses only under this Act from serving alcoholic beverages after a certain hour; authorizing the Board of License Commissioners to approve in a certain manner applications for alcoholic beverages licenses for restaurants located within certain areas; and generally relating to alcoholic beverages in the Town of Kensington in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)(iv) and 9–216(b)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–216(b)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and
Environmental Affairs.

House Bill 915 – ~~Delegate Smigiel~~ Delegates Smigiel, James, Riley, Rudolph, Sossi, and
Walkup

AN ACT concerning

Cecil County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Cecil County, from time to time, to borrow not more than \$31,405,000 in order to finance the cost of the construction and improvement of certain public facilities in Cecil County and to effect that borrowing by the issuance and sale at public or private sale of its general obligation bonds in like 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; exempting the bonds and refunding bonds, and the interest thereon and any income derived therefrom, from all State, county, municipal, and other taxation in the State of Maryland; and relating generally to the issuance and sale of the bonds by Cecil County.

Read the first time and referred to the Committee on Budget and Taxation.

MESSAGE FROM THE HOUSE OF DELEGATES

YEAS AND NAYS #2

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 33 (Emergency Bill)	The President	Annual Curative Bill
SB 150 (Emergency Bill)	The President	Annual Corrective Bill

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

Read and ordered journalized.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 304 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR KRAMER.

FLOOR AMENDMENT

(Amendment ID: SB0304/673721/1)

BY: Senator Kramer

AMENDMENT TO SENATE BILL 304

(First Reading File Bill)

On page 1, in the sponsor line, after “Pensions)” insert “and Senators Brinkley, Currie, Hogan, Kasemeyer, McFadden, Munson, Garagiola, and Peters”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0304/113928/1)

BY: Senator Harris

AMENDMENT TO SENATE BILL 304, AS AMENDED

In Senator Kramer’s Amendment (SB0304/673721/1), in line 2, strike “and Peters” and substitute “Peters, Harris, Hooper, Jacobs, Edwards, Simonaire, Greenip, Mooney, Stoltzfus, Haines, Colburn, Kittleman, and Stone”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Read Across America Day	The President and All Members	305

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 279)

THE COMMITTEE ON RULES REPORT #4

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 384 – Senator Frosh

AN ACT concerning

General Assembly – Legislative Inquiries and Examinations

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 859 – Senator Raskin

AN ACT concerning

Medicare Part D “Donut Hole” Tax Assistance Act

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 860 – Senators Pugh and McFadden

AN ACT concerning

Education – Compulsory Attendance – Age

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

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

Senate Bill 861 – Senator Pugh

AN ACT concerning

Task Force – Urban Senior Care Communities

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 862 – Senator Pugh

AN ACT concerning

Procurement – Minority Business Enterprise Program – Policy Statements

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 863 – Senators Haines, Astle, Brinkley, Colburn, DeGrange, Della, Dyson, Edwards, Garagiola, Hooper, Jacobs, Kittleman, Kramer, Mooney, Munson, Pipkin, Stoltzfus, and Stone

AN ACT concerning

Vehicle Laws – Right-of-Way – Penalties for Failure to Yield

The bill was re-referred to the Committee on Judicial Proceedings.

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

Senate Bill 864 – Senator Middleton

AN ACT concerning

Voice Over Internet Protocol Service and Internet Protocol-Enabled Service

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 865 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Mount Washington Outdoor Classroom

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 866 – Senator Conway

AN ACT concerning

Professional Counselors and Therapists – Definition of Appraisal

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 867 – Senator Kasemeyer

AN ACT concerning

Interest Rate on Tax Deficiencies and Refunds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 868 – Senators Haines, Brinkley, and Kittleman

AN ACT concerning

Carroll County – Bingo and Gaming Events – Qualified Organizations

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 869 – Senator Gladden

AN ACT concerning

State Income Tax – Credit for Release of Ground Rent

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 870 – Senators Currie and Exum

AN ACT concerning

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

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 871 – Senator Currie

AN ACT concerning

**Prince George’s County – Property Tax Credit –
Kettering–Largo–Mitchellville Boys and Girls Club**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 872 – Senator Astle

AN ACT concerning

Courts – Service of Process – Fees Collected By Sheriff

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 873 – Senators Garagiola and Peters

AN ACT concerning

Task Force to Study State Assistance to Veterans

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 874 – Senator Pugh

AN ACT concerning

Baltimore City – New Shiloh Multipurpose Center Loan of 2001

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 876 – Senator Stone

AN ACT concerning

**Education – Suspected Child Abuse by Employee or Independent Contractor –
Notice to Nonpublic Schools**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 877 – Senator Stone

AN ACT concerning

**Income Tax – Subtraction Modification for Retirement Income – Rollovers to
Individual Retirement Accounts**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 878 – Senator Brochin

AN ACT concerning

Criminal Law – Lawful Interception of Communications – Additional Crimes

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 881 – Senators Harris and Zirkin

AN ACT concerning

No-Fault Cerebral Palsy Insurance Fund

The bill was re-referred to the Committee on Judicial Proceedings.

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

Senate Bill 882 – Senator Della

AN ACT concerning

Medical System Corporation – Board of Directors – Membership

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 883 – Senators Conway, Dyson, Exum, Frosh, Gladden, and Kelley

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 884 – Senator Mooney

AN ACT concerning

Vehicle Laws – Traffic Control Signal Monitoring Systems and Speed Monitoring Systems – Points and Insurance

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 885 – Senator Dyson

AN ACT concerning

State Ethics Commission – Regulated Lobbyist – Fees

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 886 – Senator Dyson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Calvert County – Old Wallville School

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 887 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Maryland Hall for the Creative Arts

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 888 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Light House Shelter

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 889 – Senator Astle

AN ACT concerning

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

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

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

Senate Bill 890 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 891 – Senator Astle

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2004 – Anne Arundel County –
Carrie Weedon Science Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 892 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Children’s Theatre of Annapolis

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 893 – Senator Astle

AN ACT concerning

Maryland Health Insurance Plan – Plan Independence, Board Composition, and Regulation

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 894 – Senator Pugh

AN ACT concerning

Creation of a State Debt – Baltimore City – The Trinity Family Life Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 895 – Senator DeGrange

AN ACT concerning

Public Safety Employees Killed in the Performance of Duties – Helicopter Pilots and Aviation Maintenance Technicians – Death Benefits

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 896 – Senator Britt

AN ACT concerning

Creation of a State Debt – Prince George’s County – Colmar Manor Municipal Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 897 – Senator Britt

AN ACT concerning

Creation of a State Debt – Prince George’s County – Safe Passage Emergency Shelter

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 898 – Senator Britt

AN ACT concerning

Maryland Commission for Autoimmune Disease Information and Research

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 899 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – Tudor Hall

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 900 – Senator Rosapepe

AN ACT concerning

Creation of a State Debt – Prince George’s County – Duvall Field Renovation

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation:

Senate Bill 901 – Senators Conway, Frosh, and Pinsky

AN ACT concerning

Chesapeake Bay Green Fund

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 902 – Senator Middleton

AN ACT concerning

Public Health – Mercury-Free Vaccines – Requirements

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 903 – Senator Currie

AN ACT concerning

Creation of a State Debt – Capital Area Food Bank

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 904 – Senator Dyson

AN ACT concerning

Consumer Protection – Personal Information Protection Act

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 905 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 906 – Senators Brinkley and Mooney

AN ACT concerning

Creation of a State Debt – Frederick County – Harry Grove Stadium Renovation

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 907 – Senators Currie, Hogan, and McFadden

AN ACT concerning

Budget Accountability – Master Plans – Submission

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 908 – Senator Astle

AN ACT concerning

Anne Arundel County – Tax on Short-Term Automobile Rentals

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 909 – Senators Garagiola, Astle, Brinkley, Conway, Currie, Forehand, Frosh, Hogan, Kittleman, McFadden, Middleton, Miller, and Peters

AN ACT concerning

Creation of a State Debt – Pentagon Memorial

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 911 – Senator Jones

AN ACT concerning

Higher Education – University of Maryland Medical System – Subject to State Access to Public Records Law

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 912 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George’s County – Marlton Gazebo

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 914 – Senator McFadden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Orphans' Court Judge – Degree of Juris Doctor or Its Equivalent

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 915 – Senator McFadden

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

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

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

Senate Bill 916 – Senators Rosapepe and Peters

AN ACT concerning

Labor and Employment – Scheduled Pay

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 917 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – St. Clement's Island Lighthouse

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 918 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – St. Mary’s College Amphitheater

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 919 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary’s County – Hospice House

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 920 – Senator Colburn

AN ACT concerning

Individuals with Developmental Disabilities Respite Care – Sunset Repeal

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 921 – Senators Jacobs, Hooper, and Harris

AN ACT concerning

Creation of a State Debt – Harford County – Havre de Grace Maritime Museum

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 922 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Blandair Regional Park**Ho. Co. 3–07**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 923 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Robinson Nature Center**Ho. Co. 1–07**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 924 – Howard County Senators

AN ACT concerning

**Creation of a State Debt – Howard County – Historic Main Street Ellicott City
Parking Garage****Ho. Co. 4–07**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 925 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – North Laurel Community Center**Ho. Co. 2–07**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 927 – Senator DeGrange

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Opportunity Builders

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 928 – Senators Peters, Britt, Currie, Miller, Muse, Pinsky, and Rosapepe

AN ACT concerning

Creation of a State Debt – Prince George’s County – Reid Community Business Development Center

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 929 – Senator Kittleman

AN ACT concerning

Workers’ Compensation Insurance – Subrogation Rights of Insurers

The bill was re-referred to the Committee on Finance.

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

Senate Bill 930 – Senator Kittleman

AN ACT concerning

Workers’ Compensation Insurance – Adjustments to Experience Rating Plans

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 931 – Senator Forehand

AN ACT concerning

Creation of a State Debt – Montgomery County – Metropolitan Center for the Visual Arts

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 932 – Senator Forehand

AN ACT concerning

Criminal Procedure – Prostitution and Pandering – Seizure and Forfeiture

The bill was re-referred to the Committee on Judicial Proceedings.

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

Senate Bill 933 – Senators Astle, Della, Edwards, Exum, Garagiola, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Insurance – Public Health Plans – Education and Disclosure Requirements

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 935 – Senators Robey, DeGrange, Hogan, Kasemeyer, Lenett, Madaleno, Muse, Peters, Pugh, Raskin, and Stoltzfus

AN ACT concerning

Vehicle Laws – Traffic Control Signals – Exit Ramps

The bill was re-referred to the Committee on Judicial Proceedings.

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

Senate Bill 936 – Senators Klausmeier, Astle, Edwards, Garagiola, Kittleman, Middleton, and Pugh

AN ACT concerning

Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 937 – Senator Kelley

AN ACT concerning

State Board for Certification of Residential Child Care Program Administrators – Fees

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

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

Senate Bill 938 – Senators Hooper, Colburn, Harris, Jones, and Middleton

AN ACT concerning

Public Health – Injury Reports – Statewide Applicability

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 939 – Senators Hooper, Colburn, Dyson, Exum, Haines, and Munson

AN ACT concerning

Controlled Dangerous Substances – Dextromethorphan Products

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 940 – Senators Hooper, Colburn, Garagiola, Harris, Jacobs, and Kittleman

AN ACT concerning

Motor Vehicles – Registration – Show Class Vehicles

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 941 – Senator Hooper

AN ACT concerning

Creation of a State Debt – Harford County – Harford County 4-H Club Camp

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 942 – Senator Hooper

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Taxpayers' Bill of Rights

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 943 – Senators Hooper, Colburn, Greenip, Harris, and Mooney

AN ACT concerning

English Language – Formal Recognition

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

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

Senate Bill 944 – Senators Madaleno, Forehand, Lenett, and Raskin

AN ACT concerning

Health Insurance – Habilitative Services – Covered Persons

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 945 – Senators Madaleno, Della, and Pinsky

AN ACT concerning

Income Tax – Captive Real Estate Investment Trusts

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 946 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Oakley Cabin Restoration

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 947 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Talbot County – Easton Memorial Walk

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 948 – Senators Mooney and Brinkley

AN ACT concerning

Creation of a State Debt – Frederick County – Maryland Museum of Civil War History at Landon House

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 949 – Senator Miller

AN ACT concerning

Transportation Funding Act of 2007

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 950 – Senator Miller

AN ACT concerning

Education Funding Act of 2007

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 951 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George’s County – Melwood Horticultural Training Center

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 952 – Senator Middleton

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

The bill was re-referred to the Committee on Finance.

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

Senate Bill 953 – Senator Middleton (By Request)

AN ACT concerning

Department of Health and Mental Hygiene – Maryland Medical Assistance Program – Information from and Liability of Health Insurance Carriers

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 954 – Senator Edwards

AN ACT concerning

Garrett County – Property Tax Credit – Society for the Preservation of St. Ann Mission

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 955 – Senator Edwards

AN ACT concerning

State Personnel – Appointments in Skilled and Professional Services – Veterans

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 956 – Senator Haines

AN ACT concerning

Natural Resources – Hunting on Private Land – Verbal Permission

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 957 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Public Facilities Bonds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 958 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 959 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County Board of Elections – Salary Increase

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 960 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 961 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Employees’ Pension System – Alternate Contributory Pension Selection

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 962 – Senator Brinkley

AN ACT concerning

Agricultural Ownership Entities – Homestead Tax Credit

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 963 – Senators Jones, Conway, Gladden, and McFadden

AN ACT concerning

Creation of a State Debt – The Martin Luther King, Jr., National Memorial Project

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 964 – Senator Raskin

AN ACT concerning

Department of the Environment – Licensing and Regulation of Tanning Facilities

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 965 – Senators Raskin, Lenett, Madaleno, Pugh, Robey, Stone, and Zirkin

AN ACT concerning

Protective Orders and Stalking – Cruelty Toward a Pet

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 966 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Sports Legends Museum at Camden Yards

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 967 – Senator Muse

AN ACT concerning

Income Tax – Subtraction Modification – Military Retirement Income

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Joint Resolution 7 – Senator Astle

A Senate Joint Resolution concerning

Financial Literacy Education for Students in Maryland Public Schools

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re-referred to the Committee on Finance:

Senate Joint Resolution 8 – Senators Klausmeier, Astle, Brochin, Dyson, and Middleton

A Senate Joint Resolution concerning

Federal Legislation Regarding Medicare Part D

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re-referred to the Committee on Finance:

Senate Joint Resolution 9 – Senator Forehand (Chair, Joint Committee on Federal Relations)

A Senate Joint Resolution concerning

Protection for Maryland Consumers from Abusive Credit Practices

The bill was re-referred to the Committee on Finance.

THE COMMITTEE ON RULES REPORT #5

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

Senate Bill 968 – Senator Klausmeier

AN ACT concerning

Quality and Stability in the Personal Care Workforce Act

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 969 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George’s County – Maryland Multicultural Youth Center Multi-Purpose Room

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 970 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Water Appropriation Permits – Penalties

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 971 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Relocation Assistance Program – Reestablishment Expenses

The bill was re-referred to the Committee on Judicial Proceedings.

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

Senate Bill 972 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Maryland Health Insurance Plan – Senior Prescription Drug Assistance Program – Extension of Sunset

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 973 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Permissible Methods of Service

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 974 – Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)

AN ACT concerning

Department of State Police – Disposal of Property – Holding Period

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 975 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Oil Pollution and Tank Management

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 976 – Chair, Budget and Taxation Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Biotechnology Investment Incentive Act

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 977 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Transit Administration – Passenger Railroad Services Contracts – Resolution of Contract Disputes

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 978 – Senator Jones

AN ACT concerning

**Creation of a State Debt – Baltimore City – Family Cultural Enrichment
Community Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 979 – Senator Brinkley

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 980 – Senators Hooper, Colburn, Peters, and Stone

AN ACT concerning

**Higher Education – Scholarship Program – Eagle Scout and Girl Scout Gold Award
Recipients**

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 981 – Senator McFadden

AN ACT concerning

Baltimore City – Board of Liquor License Commissioners – Personnel

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 982 – Senator McFadden

AN ACT concerning

Income Tax – Subtraction Modification – United States Coast Guard Auxiliary

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 983 – Senator Dyson

AN ACT concerning

St. Mary's County – Board of County Commissioners – Personal Service Contracts

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 984 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Approval

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 985 – Senators Hooper and Harris

AN ACT concerning

Harford County Board of Education – Appeal of Decisions of the County Board

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 412 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with the Federal Pension Protection Act of 2006

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

(Amendment ID: SB0412/739236/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 412
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “permitting” in line 7 down through the semicolon in line 10; in line 11, strike “providing for a delayed effective date of certain provisions of this Act;”; and in line 16, strike “, (c).”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 7 through 26, inclusive; and in line 27, strike “3.” and substitute “2.”.

On page 5, strike in their entirety lines 9 and 10; in line 11, strike “5.” and substitute “3.”; and strike beginning with the second comma in line 11 down through the comma in line 12.

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:

Senate Bill 160 – Senators Mooney, Colburn, Greenip, Haines, Harris, Hooper, Jacobs, Kittleman, Munson, Muse, Peters, Raskin, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Expanding Prohibitions and Protected Classes of People

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS OFFERED FROM THE FLOOR BY SENATOR KELLEY.

FLOOR AMENDMENT

(Amendment ID: SB0160/323921/1)

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 160, AS AMENDED (First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 5, after “homeless” insert “or who have actual or perceived disabilities”; and in line 6, after “persons” insert “and persons who have actual or perceived disabilities”.

AMENDMENT NO. 2

On page 1 of the bill, in line 17, after “**HOMELESS**” insert “**OR HAS ACTUAL OR PERCEIVED DISABILITIES**”.

On page 2 of the Judicial Proceedings Committee Amendments (SB0160/678773/1), in lines 4 and 6 of Amendment No. 3, in each instance, after “**HOMELESS**” insert “**OR HAS ACTUAL OR PERCEIVED DISABILITIES**”.

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

Affirmative – 14 Negative – 33 (See Roll Call No. 280)

FLOOR AMENDMENT

(Amendment ID: SB0160/203228/1)

BY: Senator Britt

AMENDMENTS TO SENATE BILL 160
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “homeless” insert “and actions against certain persons or groups based on economic class”; and in lines 5 and 6, strike “against homeless persons”.

AMENDMENT NO. 2

On page 1 in line 16, and on page 2 in lines 16 and 19, in each instance, after “orientation,” insert “ECONOMIC CLASS,”.

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 281)

THIRD READING FILE #17

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #17

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

AN ACT concerning

Base Realignment and Closure Subcabinet

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

Affirmative – 47 Negative – 0 (See Roll Call No. 282)

The Bill was then sent to the House of Delegates.

Senate Bill 189 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Alcoholic Beverages Licensees – Age of Employees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 283)

The Bill was then sent to the House of Delegates.

Senate Bill 190 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Alcoholic Beverages – Repeal of Obsolete and Unused Provisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 284)

The Bill was then sent to the House of Delegates.

Senate Bill 191 – Senators Jacobs, Harris, and Hooper

AN ACT concerning

Harford County – Liquor Control Board – Salaries

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

Affirmative – 47 Negative – 0 (See Roll Call No. 285)

The Bill was then sent to the House of Delegates.

Senate Bill 254 – Senator Conway

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 286)

The Bill was then sent to the House of Delegates.

Senate Bill 273 – Senator Edwards

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Allegany County and Garrett County – Coal Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

Senate Bill 374 – Senator Stoltzfus

AN ACT concerning

Worcester County – Sheriff’s Office – Personnel Policies

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

Affirmative – 47 Negative – 0 (See Roll Call No. 288)

The Bill was then sent to the House of Delegates.

Senate Bill 483 – Senator Forehand

AN ACT concerning

Professional Corporations – Physical Therapists

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

Affirmative – 47 Negative – 0 (See Roll Call No. 289)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 172 – Delegate McIntosh and the Speaker (By Request – Administration) and Delegates Beidle, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, DeBoy, Doory, Frank, Glenn, Hammen, Harrison, Haynes, Jennings, Jones, Kirk, Krysiak, Lafferty, Love, Malone, McHale, Minnick, Morhaim, Nathan–Pulliam, Niemann, Oaks, Olszewski, Robinson, Rosenberg, Schuler, Stein, Stukes, Tarrant, and Weir

EMERGENCY BILL

AN ACT concerning

**Real Property – Ground Rents – Prohibition on Creation of ~~Ground Rent Leases for~~
Reversionary Interests in Residential Property**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 290)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 291)

ADJOURNMENT

At 11:40 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 5, 2007.

**Annapolis, Maryland
Monday, March 5, 2007
8:00 P.M. Session**

The Senate met at 8:13 P.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of Senator Greenip.

The Journal of March 2, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 294)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Kappa Alpha Psi Fraternity, Inc.	Senator McFadden	383

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 295)

Recipient	Sponsor	Resolution No.
Ginny Meerman	Senator Greenip	339

Affirmative – 46 Negative – 0 (See Roll Call No. 296)

Recipient	Sponsor	Resolution No.
Paula Johnson Branch	Senator McFadden	344

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 297)

INTRODUCTION OF BILLS

Senate Bill 995 – Senators Mooney, Colburn, Jacobs, and Kittleman

AN ACT concerning

Maryland Funding Accountability and Transparency Act of 2007

FOR the purpose of requiring the Department of Budget and Management to develop and operate a specified website that includes specified information for certain State financial assistance and expenditures; specifying certain parameters of the website; authorizing the Secretary of Budget and Management to designate certain agencies to participate in the development, operation, or support of the website; authorizing the Secretary to determine the best and most appropriate data sources for the website; defining certain terms; providing that certain provisions of law may not be construed to require the disclosure of certain confidential information; and generally relating to a searchable website to be developed and operated by the Department of Budget and Management to provide information to the public on State financial assistance and expenditures.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3–101
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Finance and Procurement
Section 3–207
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 996 – Senators Stone, Brochin, DeGrange, Della, Klausmeier, McFadden, Simonaire, and Zirkin

EMERGENCY BILL

AN ACT concerning

Critical Area – Construction of a Facility – Prohibition

FOR the purpose of prohibiting a certain facility from being located or constructed on certain lands in certain counties; defining certain terms; providing for the application of this Act; making this Act an emergency measure; and generally relating to construction of facilities on lands in the Chesapeake Bay and Atlantic Coastal Bays Critical Area.

BY repealing and reenacting, without amendments,
Article – Environment
Section 14–501(e)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY adding to
Article – Natural Resources
Section 8–1808.10
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

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

Senate Bill 997 – Senators Stone, DeGrange, Della, Kasemeyer, Klausmeier, McFadden, and Zirkin

AN ACT concerning

Liquefied Natural Gas and Liquefied Petroleum Gas – Liability

FOR the purpose of establishing the liability for a person that stores, transports, or converts liquefied natural gas or liquefied petroleum gas in the State; providing that a person's liability may not be limited by certain actions or conditions; providing for immunity for a person that is called to assist or advise during a certain emergency under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to storing, transporting, or converting liquefied natural gas and liquefied petroleum gas in the State.

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 11–101(a) and (b)
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

BY adding to
Article – Public Utility Companies

Section 11–103
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

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

Senate Bill 998 – Senator Stone (By Request – Baltimore County Administration) and Senators Brochin, Kasemeyer, Kelley, and Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

FOR the purpose of increasing the number of certain Class B licenses for hotels and restaurants in Baltimore County that a single person may obtain under certain circumstances; providing that a person may have a direct or indirect interest in a license; specifying certain circumstances that evidence an indirect interest; authorizing the issuance of an additional license to a license holder under certain circumstances; increasing the number of licenses that a single person may obtain for hotels and restaurants in the Liberty Road Commercial Revitalization District in the county; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(b–3B) and (b–3C)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senate Bill 999 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Oversight

FOR the purpose of authorizing the Board of Trustees to determine the qualifications, appointment, and compensation of the Chief Investment Officer of the State Retirement Agency after the Board of Trustees receives certain recommendations; authorizing the Board of Trustees to provide certain financial incentives for the Chief Investment Officer; requiring the Board of Trustees to base certain financial incentives on certain criteria; requiring the Board of Trustees to submit certain reports to the Joint Committee on Pensions on or before a certain date; providing

that the compensation and financial incentives awarded to the Chief Investment Officer shall be in accordance with certain limitations; providing that the Chief Investment Officer is a State employee and entitled to certain benefits; requiring the Executive Director of the State Retirement Agency to terminate the appointment of the Chief Investment Officer under certain circumstances; authorizing the Chief Investment Officer to hire certain investment managers; authorizing the Chief Investment Officer to terminate the appointment of the certain investment managers; requiring the Chief Investment Officer to provide certain written documentation to the Board of Trustees and Investment Committee under certain circumstances; and generally relating to the investment oversight of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–108(c) and 21–122
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 21–118.1
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–315(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

Senate Bill 1000 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Mount Olive Community Life Center

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 Mount Olive Community 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; 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.

Senate Bill 1001 – Senator Gladden

AN ACT concerning

Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999

FOR the purpose of amending the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999 to require that the loan proceeds be encumbered by the Board of Public Works or expended for certain purposes by a certain date; and generally relating to the Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of 1999.

BY repealing and reenacting, with amendments,

Chapter 292 of the Acts of the General Assembly of 1999, as amended by Chapter 333 of the Acts of the General Assembly of 2001
Section 1

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

Senate Bill 1002 – Senator Dyson

AN ACT concerning

Creation of a State Debt – Charles County – Camp Winona

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 Girl Scout Council of the Nation's Capital, 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.

Senate Bill 1003 – Senator Stone

AN ACT concerning

Criminal Law – Possession of Child Pornography – Enhanced Penalties

FOR the purpose of increasing the age of an individual who is depicted in a film, videotape, photograph, or other visual representation for purposes of knowingly possessing the type of depictions; 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; creating a mandatory minimum penalty for possession of child pornography; prohibiting a court from imposing less than certain mandatory minimum penalties; prohibiting a court from suspending part of a certain minimum sentence for a person convicted of possessing certain visual representations unless certain conditions are met; prohibiting a court from suspending part of a certain minimum sentence for each subsequent conviction of a person for possessing certain visual representations; providing that a person convicted of a certain felony or a subsequent conviction of a certain felony is not eligible for parole for a certain period of time; providing that each individual visual representation may be charged in a separate count; providing an affirmative defense to a charge of possession of child pornography under certain circumstances; 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; altering the definition of “offender” to require registration as an offender for a conviction of the possession of child pornography; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–201(f) and 11–208
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(d)
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

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

Senate Bill 1004 – Senator Stone

AN ACT concerning

Vehicle Laws – Penalty for Failure to Pay Electronic Toll – Limitation

FOR the purpose of limiting the total amount of civil penalties and administrative fees

that may be imposed by the Maryland Transportation Authority in connection with a single failure to pay an electronic toll; providing for the retroactive application of this Act; and generally relating to penalties for failure to pay an electronic toll.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1414
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senate Bill 1005 – Senator Kelley

AN ACT concerning

Residential Child Care Programs – Behavior Management Interventions

FOR the purpose of prohibiting the use of certain behavior management interventions on children in certain residential child care programs; providing a certain exception under certain circumstances; requiring the staff of a certain residential child care program to determine if a certain behavior management intervention may be used on a child; requiring the staff to consider certain factors before deciding to include a certain behavior management intervention in a child’s individual service plan; requiring a staff that needs to use a certain behavior management intervention on a child whose individual service plan does not include that intervention to consider including its use in the child’s plan; requiring the staff to document, in certain detail, an incident in which the staff uses physical restraint as a behavior management intervention; requiring the program to notify the parents or legal guardian of a child, within a certain period of time, when physical restraint is used on the child; requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor’s Office for Children jointly to adopt regulations to implement this Act; requiring these departments and the Office to seek input from certain groups in writing the regulations; requiring these departments and the Office jointly to develop standards for physical restraint training, develop an application and approval process for individuals who want to provide certain training, and establish a list of approved trainers to provide certain training; requiring a residential child care program to develop certain policies and procedures concerning its behavior management interventions; providing for the application of this Act; defining certain terms; and generally relating to behavior management interventions in residential child care programs.

BY repealing and reenacting, without amendments,
Article – Health – General

Section 19–301(a) and (p)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–101(a) and (k)
Annotated Code of Maryland
(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to
Article – Human Services
Section 8–1001 through 8–1006 to be under the new subtitle “Subtitle 10.
Residential Child Care Programs – Behavior Management Interventions”
Annotated Code of Maryland
(As enacted by Chapter ____ (S.B. 6) of the Acts of the General Assembly of 2007)

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

Senate Bill 1006 – Senator Klausmeier

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

FOR the purpose of amending the Redhouse Run Stormwater Systems Loan of 1984 to extend the date by which the loan proceeds must be encumbered by the Board of Public Works or expended.

BY repealing and reenacting, with amendments,
Chapter 389 of the Acts of the General Assembly of 1984, as amended by Chapter 138 of the Acts of the General Assembly of 1985, Chapter 28 of the Acts of the General Assembly of 2004, and Chapter 533 of the Acts of the General Assembly of 2006
Section 1

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

Senate Bill 1007 – Senator Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Public Safety Memorial

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 Arts and Humanities Council 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.

Senate Bill 1008 – Senator Colburn

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Brookview, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Brookview by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Brookview in Dorchester County.

BY adding to

Chapter 16 – Charter of the Town of Brookview

Section A1-101 through A1-114 and the heading “Appendix I
– Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

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

Senate Bill 1009 – Senator Colburn

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Eldorado, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Eldorado by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Eldorado in Dorchester County.

BY adding to

Chapter 48 – Charter of the Town of Eldorado

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

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

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Galestown, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Galestown by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a

certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Galestown in Dorchester County.

BY adding to

Chapter 61 – Charter of the Town of Galestown

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

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

Senate Bill 1011 – Senator Colburn

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

FOR the purpose of authorizing the Town of Hurlock, Dorchester County, to undertake and carry out certain urban renewal projects for slum clearance and redevelopment; prohibiting certain land or property from being taken for certain purposes without just compensation first being paid to the party entitled to the compensation; declaring that certain land or property taken in connection with certain urban renewal powers is needed for public uses or purposes; authorizing the legislative body of the Town of Hurlock by ordinance to elect to have certain urban renewal powers exercised by a certain public body; imposing certain requirements for the initiation and approval of an urban renewal area; providing for the disposal of property in an urban renewal area; authorizing the municipal corporation to issue certain bonds under certain circumstances; clarifying that a certain appendix may be amended or repealed only by the General Assembly of Maryland; defining certain terms; and generally relating to urban renewal authority for slum clearance for the Town of Hurlock in Dorchester County.

BY adding to

Chapter 77 – Charter of the Town of Hurlock

Section A1–101 through A1–114 and the heading “Appendix I – Urban Renewal Authority for Slum Clearance”

Public Local Laws of Maryland – Compilation of Municipal Charters
(1990 Replacement Edition and 2005 Supplement)

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

Senate Bill 1012 – Senator Astle

AN ACT concerning

Natural Resources – Fishery Management Reform Act

FOR the purpose of altering the fees for certain fishing licenses for tidal and nontidal waters; requiring the Governor to include a certain appropriation in the budget bill beginning with a certain year and each year thereafter for the State Fisheries Management and Protection Fund and the Fisheries Research and Development Fund; requiring the appropriation to be based on a certain percentage of the increase in license fees beginning with a certain fiscal year; stating the findings and intent of the General Assembly relating to fishing resources; establishing the Task Force on Fishery Management; providing for the membership and staffing of the Task Force; requiring the Task Force to review and evaluate the processes for fishery management and make certain recommendations to the Governor and the General Assembly by a certain date; requiring the Task Force to assist the Department of Natural Resources in developing regulations, policies, and suggested legislation to implement certain recommendations; prohibiting a member of the Task Force from receiving certain compensation, but authorizing certain expenses; authorizing the Governor to include certain money for certain funds in a certain supplemental budget; urging the Department to follow a certain provision of law; stating the intent of the General Assembly relating to the increase in fishing license fees; providing for the termination of this Act; and generally relating to fisheries and fishing resources managed by the Department of Natural Resources.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–208, 4–209, 4–604(g)(1)(i) and (2)(i), and 4–745(a)(2) and (d)(2)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–745(b)(5)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Natural Resources

Section 4–215.2 and 4–215.3

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS # 8

House Bill 35 – Delegate Hixson

AN ACT concerning

Income Tax – Expensing of Section 179 Property

FOR the purpose of clarifying a certain modification under the Maryland income tax relating to certain federal tax changes; providing for the application of this Act; and generally relating to clarification of a certain income tax modification relating to certain federal tax changes.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–210.1(b)(3)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 62 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

FOR the purpose of authorizing the Board of License Commissioners of Dorchester County to issue a Class D (on-sale) beer, wine and liquor license; specifying a license fee; specifying that the license is for a certain period; requiring that alcoholic beverages sold under the license be consumed only on the licensed premises; prohibiting an individual under a certain age from being on the licensed premises; providing that only the Board may decide the number of Class D licenses to be issued; requiring the Board to determine whether the premises for which a Class D license is issued meets certain requirements; requiring the Board to adopt certain regulations; and generally relating to alcoholic beverages licenses in Dorchester County.

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

Section 6–401(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–210
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 72 – Delegates McIntosh and Glassman

AN ACT concerning

Environment – Groundwater Contamination – Notification and Reimbursement of Costs

FOR the purpose of altering certain procedures for notification of certain property owners of certain groundwater contamination findings by the Department of the Environment and the local health department; altering certain reimbursement requirements for certain responsible persons; and generally relating to groundwater contamination.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–411.2
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 138 – The Speaker (By Request – Administration) and Delegates Barnes, Busch, Haynes, and Morhaim

AN ACT concerning

Task Force on Health Care Access and Reimbursement

FOR the purpose of establishing the Task Force on Health Care Access and Reimbursement; providing for the membership of the Task Force; authorizing the Task Force to consult with certain individuals and entities in performing the duties

of the Task Force; requiring the Secretary of Health and Mental Hygiene to chair the Task Force and establish certain subcommittees; providing for the duties of the Task Force; requiring the Task Force to make certain recommendations; requiring the Department of Health and Mental Hygiene to provide staff support to the Task Force; requiring the Task Force to make certain reports to the Governor and General Assembly on or before certain dates; providing that members of the Task Force are entitled to a certain reimbursement; providing for the termination of this Act; and generally relating to the Task Force on Health Care Access and Reimbursement.

BY adding to

Article – Health – General
Section 19–710.3
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of expanding certain duties of the Statewide Advisory Commission on Immunizations; including a representative from a health insurance carrier on the Commission; extending the termination date of the Commission; requiring the Commission to make certain recommendations in a certain annual report by a certain date; providing for the termination of a certain provision of this Act; and generally relating to the Statewide Advisory Commission on Immunizations.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 18–214
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 337 of the Acts of the General Assembly of 2002, as amended by Chapter 200 of the Acts of the General Assembly of 2005
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 164 – Delegates N. King, Ali, Barkley, Barve, Bronrott, Dumais, Elmore, Feldman, Gilchrist, Hixson, Ivey, Jennings, Kaiser, Kramer, Lawton, Love, Montgomery, Olszewski, Rice, Ross, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Cardin, George, Howard, Krebs, McKee, Murphy, Stukes, and F. Turner

AN ACT concerning

Education – Relocatable Classrooms – Indoor Air Quality Standards

FOR the purpose of requiring the Board of Public Works, in consultation with the Department of General Services, to adopt regulations to establish certain standards and specifications to enhance the indoor air quality of certain relocatable classrooms; and generally relating to regulations governing the indoor air quality of relocatable classrooms.

BY repealing and reenacting, without amendments,
Article – Education
Section 5–301(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–301(b)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 198 – Howard County Delegation

AN ACT concerning

Howard County – Annual Financial Report – Filing Date

Ho. Co. 7–07

FOR the purpose of altering the date by which Howard County must file its annual financial report for the fiscal year with the Department of Legislative Services.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller

Section 37
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 303 – Delegates Cane, Conway, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

**Tri-County Council for the Lower Eastern Shore of Maryland – Membership –
Immunity**

FOR the purpose of altering the membership of the Tri-County Council for the Lower Eastern Shore of Maryland; and providing that the Tri-County Council for the Lower Eastern Shore of Maryland is immune from being sued.

BY repealing and reenacting, with amendments,
Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
Section 2-101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 20B – Tri-County Council for the Lower Eastern Shore of Maryland
Section 2-102
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 5-506.1
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 345 – Delegate Feldman

AN ACT concerning

**Workers' Compensation Commission – Governmental Self-Insurance Groups –
Investment**

FOR the purpose of requiring the Workers' Compensation Commission to adopt

regulations that establish certain guidelines to authorize a certain type of investment of surplus funds by governmental self-insurance groups; providing certain conditions for the investment of surplus funds by governmental self-insurance groups; and generally relating to regulations by the Workers' Compensation Commission.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9-404(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9-404(b), (c), (i), (j), and (k)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

House Bill 367 – Delegates Nathan-Pulliam, Benson, Bromwell, Costa, Donoghue, Dwyer, Hubbard, Morhaim, and Oaks

AN ACT concerning

**Maryland Medical Assistance Program – Primary Adult Care
Program – ~~Selection of~~ Enrollment in a Managed Care Organization**

FOR the purpose of requiring certain enrollees in the Primary Adult Care Program who become eligible for the HealthChoice Program to be enrolled automatically in a certain managed care organization under certain circumstances; requiring the Department of Health and Mental Hygiene to adopt certain regulations relating to the ~~selection of~~ enrollment of an individual in a managed care organization in the Primary Adult Care Program; making certain technical corrections; and generally relating to managed care organizations and the Maryland Medical Assistance Program.

BY repealing and reenacting, without amendments,
Article – Health – General

Section 15–103(b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(b)(23) and 15–140
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

House Bill 416 – Delegates Stein, Cane, Cardin, V. Clagett, Lafferty, Morhaim, and Weir

AN ACT concerning

Maryland Agricultural Commission – Biofuel Industry Member

FOR the purpose of altering the membership of the Maryland Agricultural Commission by requiring the Governor to appoint a member from a list of a certain number of nominees representing the biofuel industry; and generally relating to the Maryland Agricultural Commission.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–203(a)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)
(As enacted by Chapter 350 of the Acts of the General Assembly of 2005)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 483 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages Licenses – Advisory Commission to Study Luxury Type Restaurants

PG 313–07

FOR the purpose of establishing an Advisory Commission to Study Luxury Type Restaurants in Prince George’s County; providing for the membership, chair, compensation, staff, and duties of the Advisory Commission; requiring the

Advisory Commission to issue a certain report with recommendations by a certain date to certain legislative delegations and the Prince George's County Executive; providing for the termination of this Act; and generally relating to the establishment of an Advisory Commission to Study Luxury Type Restaurants in Prince George's County.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 503 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class B–DD (Development District) License

PG 304–07

FOR the purpose of creating in Prince George's County a Class B–DD (Development District) 7–day beer, wine and liquor license for on–sale consumption; specifying a certain annual license fee; specifying that a Class B–DD license be issued only for restaurants within certain areas; specifying certain restrictions on the transfer of a Class B–DD license; requiring the Board of License Commissioners to determine the number of Class B–DD licenses to be issued, the persons to whom Class B–DD licenses are to be issued, and the number of licenses each recipient may hold; authorizing a holder of a Class B–DD license to hold any other alcoholic beverages license; limiting the number of Class B–DD licenses that may be issued in a certain area; repealing the provisions that establish a Class B–RD license; exempting holders of Class B–DD licenses from certain qualifications for licensees and restrictions on holding multiple licenses; specifying certain areas, including in the Capital Plaza commercial area, in which Class B–DD licenses may be issued; repealing certain provisions allowing the holding of certain multiple Class B licenses under certain circumstances; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i) and 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(r)(15)

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

BY repealing

Article 2B – Alcoholic Beverages

Section 8–1001

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9–101(d)(6), 9–102(a), and 9–217(d), (e)(5), and (f)(1)(i), (2), and (5)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

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

AN ACT concerning

Washington Suburban Sanitary Commission – Reciprocal Plumber/Gasfitter Licenses

MC/PG 109–07

FOR the purpose of authorizing the Washington Suburban Sanitary Commission to issue a plumber/gasfitter license to a plumber/gasfitter who lives outside the sanitary district who holds a certain plumber/gasfitter license issued by the State Plumbing Board; and generally relating to the issuing of plumber/gasfitter licenses by the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,

Article 29 – Washington Suburban Sanitary District

Section 8–104

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 670 – Delegates McComas, Aumann, Bartlett, Beitzel, Benson, Braveboy, Bronrott, Dwyer, Eckardt, Elliott, Frank, George, Glassman, Haddaway, Impallaria,

Krebs, McConkey, McDonough, Montgomery, Myers, Shank, Shewell, Sossi, Stocksdale, Stull, Walkup, and Weldon

AN ACT concerning

Alcohol Without Liquid Machines

FOR the purpose of prohibiting the use of Alcohol Without Liquid (AWOL) machines to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; prohibiting the possession, purchase, transfer, or offering for sale or use, with a certain intent, of Alcohol Without Liquid machines; providing a certain penalty; defining a certain term; and generally relating to Alcohol Without Liquid machines.

BY adding to

Article 2B – Alcoholic Beverages

Section 16–505.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

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

AN ACT concerning

Health Occupations – Supervised Practice – Dental Hygienist

FOR the purpose of altering the requirements for certain dental facilities that employ certain dental hygienists who are authorized to practice dental hygiene under certain supervision; and generally relating to dental hygienists and general supervision practice requirements.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 4–308(h)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 - FISCAL YEAR 2008

(See Exhibit E of Appendix III)

Supplemental Budget No. 1 was read and referred to the Committee on Budget and Taxation.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #7

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

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

(Amendment ID: SB0029/404939/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; in line 5, strike “determination” and substitute “determinations”; in the same line, strike “a program” and substitute “certain programs”; strike beginning with “after” in line 5 down through “date” in line 6 and substitute “during or after certain dates”; in line 6, after “circumstances;” insert “requiring the Commission to include certain findings as part of certain determinations; authorizing the Commission to take certain actions as a result of certain determinations;”; in line 7, after “concerning” insert “certain”; and in line 9, after “Act;” insert “providing that this Act shall be construed to require the Commission to review certain determinations regarding certain duplication of academic programs;”.

AMENDMENT NO. 2

On page 3, in line 25, strike the brackets; strike beginning with “EXCEPT” in line 25 down through “THE” in line 26; in line 28, strike “SUCH A”; in line 30, after “(5)” insert “(I) THIS PARAGRAPH APPLIES ONLY TO A PROGRAM THAT:

1. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2005, BUT BEFORE DECEMBER 1, 2005, AND ABOUT WHICH AN OBJECTION WAS FILED WITH THE COMMISSION UNDER PARAGRAPH (4) OF THIS SUBSECTION BY MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE; OR

2. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2007.

(II)”;

and strike beginning with “FOR” in line 30 down through “THE” in line 31 and substitute “THE”.

AMENDMENT NO. 3

On page 4, in line 1, strike “A” and substitute “AN UNNECESSARY”; and strike beginning with “ANY” in line 2 down through “EDUCATION” in line 3 and substitute “MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE.”

(III) IF THE COMMISSION DETERMINES THAT AN UNNECESSARY DUPLICATION OF PROGRAMS EXISTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE THAT THE UNNECESSARY DUPLICATION IS UNJUSTIFIED IF THE PROGRAM VIOLATES THE STATE’S AGREEMENT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS OR THE STATE’S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE OR FEDERAL LAW.

(IV) A DETERMINATION OF THE COMMISSION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL INCLUDE THE CRITERIA USED BY THE COMMISSION IN MAKING A DETERMINATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH”.

On page 4, in line 6, after “(4)” insert “OR (5)”; in line 12, after “unreasonable” insert “OR UNNECESSARY”; and in lines 15 and 28, in each instance, after “unreasonably” insert “OR UNNECESSARILY”.

On page 7, in line 13, strike “or”; after line 13, insert:

“(4) UNNECESSARY PROGRAM DUPLICATION AS DETERMINED BY THE COMMISSION UNDER § 11-206(E)(5) OF THIS SUBTITLE; OR”;

in line 14, strike “(4)” and substitute “(5)”; and in line 32, strike “(E)(3)” and substitute “(E)(4) OR (5)”.

AMENDMENT NO. 4

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to require the Maryland Higher Education Commission to review any determinations regarding unreasonable or unnecessary duplication for programs approved or implemented after July 1, 2005, but before December 1, 2005, under § 11-206 or § 11-206.1 of the Education Article as enacted by this Act.”;

and in line 28, strike “2.” and substitute “3.”.

The preceding 4 amendments were read only.

Senator Conway moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 298)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 102 – The President (By Request – Administration)

AN ACT concerning

State Agencies – StateStat

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

Affirmative – 46 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the House of Delegates.

Senate Bill 154 – Senators Forehand, Brochin, Jacobs, Muse, and Raskin

AN ACT concerning

Child Support Enforcement – Child Support Payment Incentive Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 300)

The Bill was then sent to the House of Delegates.

Senate Bill 320 – Senator Stone

AN ACT concerning

**Law Enforcement Officers’ Pension System – Membership – Martin State Airport
Law Enforcement Officers**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 301)

The Bill was then sent to the House of Delegates.

Senate Bill 366 – Senators Dyson, Conway, Frosh, ~~and Gladden~~ Gladden, and Lenett

AN ACT concerning

Mercury Switch Removal from Vehicles

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

Affirmative – 35 Negative – 10 (See Roll Call No. 302)

The Bill was then sent to the House of Delegates.

Senate Bill 534 – Senators Klausmeier, Colburn, Jacobs, Munson, and Stone

AN ACT concerning

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

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

Affirmative – 34 Negative – 12 (See Roll Call No. 303)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 304)

ADJOURNMENT

At 8:40 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 6, 2007.

Annapolis, Maryland
Tuesday, March 6, 2007
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Reverend Adam B. Snell, Calvary United Methodist Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 5, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 306)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Dr. John C. Mather	The President and All Members	384

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 307)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0029/404939/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; in line 5, strike “determination” and substitute “determinations”; in the same line, strike “a program” and substitute “certain programs”; strike beginning with “after” in line 5 down through “date” in line 6 and substitute “during or after certain dates”; in line 6, after “circumstances;” insert “requiring the Commission to include certain findings as part of certain determinations; authorizing the Commission to take certain actions as a result of certain determinations;”; in line 7, after “concerning” insert “certain”; and in line 9, after “Act;” insert “providing that this Act shall be construed to require the Commission to review certain determinations regarding certain duplication of academic programs;”.

AMENDMENT NO. 2

On page 3, in line 25, strike the brackets; strike beginning with “**EXCEPT**” in line 25 down through “**THE**” in line 26; in line 28, strike “**SUCH A**”; in line 30, after “**(5)**” insert “**(I) THIS PARAGRAPH APPLIES ONLY TO A PROGRAM THAT:**”

1. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2005, BUT BEFORE DECEMBER 1, 2005, AND ABOUT WHICH AN OBJECTION WAS FILED WITH THE COMMISSION UNDER PARAGRAPH (4) OF THIS SUBSECTION BY MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE; OR

2. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2007.

(II)”;

and strike beginning with “**FOR**” in line 30 down through “**THE**” in line 31 and substitute “**THE**”.

AMENDMENT NO. 3

On page 4, in line 1, strike “A” and substitute “AN UNNECESSARY”; and strike beginning with “ANY” in line 2 down through “EDUCATION” in line 3 and substitute “MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE.”

(III) IF THE COMMISSION DETERMINES THAT AN UNNECESSARY DUPLICATION OF PROGRAMS EXISTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE THAT THE UNNECESSARY DUPLICATION IS UNJUSTIFIED IF THE PROGRAM VIOLATES THE STATE’S AGREEMENT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS OR THE STATE’S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE OR FEDERAL LAW.

(IV) A DETERMINATION OF THE COMMISSION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL INCLUDE THE CRITERIA USED BY THE COMMISSION IN MAKING A DETERMINATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH”.

On page 4, in line 6, after “(4)” insert “OR (5)”; in line 12, after “unreasonable” insert “OR UNNECESSARY”; and in lines 15 and 28, in each instance, after “unreasonably” insert “OR UNNECESSARILY”.

On page 7, in line 13, strike “or”; after line 13, insert:

“(4) UNNECESSARY PROGRAM DUPLICATION AS DETERMINED BY THE COMMISSION UNDER § 11-206(E)(5) OF THIS SUBTITLE; OR”;

in line 14, strike “(4)” and substitute “(5)”; and in line 32, strike “(E)(3)” and substitute “(E)(4) OR (5)”.

AMENDMENT NO. 4

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to require the Maryland Higher Education Commission to review any determinations regarding unreasonable or unnecessary duplication for programs approved or implemented after July 1, 2005, but before December 1, 2005, under § 11-206 or § 11-206.1 of the Education Article as enacted by this Act.”;

and in line 28, strike “2.” and substitute “3.”.

The preceding 4 amendments were read only.

Senator Brochin moved, duly seconded, to make the Bill and Amendments a Special Order for March 8, 2007.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #3

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

Senate Bill 230 – Senators Brinkley, Astle, Colburn, Dyson, Garagiola, Haines, Hogan, Hooper, Jacobs, Kasemeyer, Kittleman, Kramer, Middleton, Miller, Mooney, Munson, Pugh, Robey, Simonaire, and Stoltzfus

AN ACT concerning

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

(Amendment ID: SB0230/989432/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 230 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert “defining a certain term;”; and in line 11, after “Section” insert “4-101 and”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“4-101.

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

(b) (1) “Admissions and amusement charge”, unless expressly provided otherwise, means a charge for:

(i) admission to a place, including any additional separate charge for admission within an enclosure;

(ii) use of a game of entertainment;

(iii) use of a recreational or sports facility;

(iv) use or rental of recreational or sports equipment; and

(v) merchandise, refreshments, or a service sold or served in connection with entertainment at a nightclub or room in a hotel, restaurant, hall, or other place where dancing privileges, music, or other entertainment is provided.

(2) “Admissions and amusement charge” does not include a charge for admission to a political fundraising event.

(c) “AGRICULTURAL TOURISM” MEANS ANY AGRICULTURAL OR HORTICULTURAL ACTIVITY CONDUCTED ON A FARM, VINEYARD, WINERY, OR ORCHARD FOR THE PURPOSE OF ENTERTAINMENT OR EDUCATION.

(D) “Game of entertainment” includes, in Anne Arundel County or Calvert County, the game of instant bingo permitted under a commercial bingo license.

[(d)] (E) “Person” includes:

(1) this State or a political subdivision, unit, or instrumentality of this State;

(2) another state or a political subdivision, unit, or instrumentality of that state; and

(3) a unit or instrumentality of a political subdivision of this State or of another state.

[(e)] (F) “Stadium Authority” means the Maryland Stadium Authority, created under § 13–702 of the Financial Institutions Article.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 680 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 682 – Cecil County Senators

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

(Amendment ID: SB0682/189833/1)

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 682
(First Reading File Bill)

On page 1 in line 10, on page 2 in lines 5, 19, and 34, on page 3 in line 24, and on page 4 in line 14, in each instance, strike “transfer”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #8

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

Senate Bill 107 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Hogan, Kasemeyer, Klausmeier, Middleton, Miller, Peters, and Rosapepe

AN ACT concerning

Task Force on Health Care Access and Reimbursement

(Amendment ID: SB0107/427472/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 107
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Astle, Kelley, and Pugh”.

AMENDMENT NO. 2

On page 3, in line 12, strike “AND”; after line 12, insert:

“(6) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY’S DESIGNEE; AND”;

in line 13, strike “(6)” and substitute “(7)”; and in line 25, strike “THIS” and substitute “THE”.

On page 4, in line 1, strike “IT” and substitute “ITS”; in lines 8, 10, and 24, in each instance, after “AND” insert “OTHER”; in lines 10 and 15, in each instance, strike “PAID”; in line 11, strike “AND HEALTH BENEFIT PLANS”; in line 12, after the second “AND” insert “OTHER”; in line 16, strike “MARYLAND”; and in line 28, strike “EMERGENCY DEPARTMENT” and substitute “EMERGENCY DEPARTMENT”.

On page 5, in line 6, after “PURCHASERS” insert “OF HEALTH CARE”; in line 11, after “PHYSICIAN” insert “AND OTHER HEALTH CARE PROVIDER”; in line 14, after “PHYSICIANS” insert “AND OTHER HEALTH CARE PROVIDERS”; in lines 18 and 19, strike “BY INSURANCE COMPANIES” and substitute “OF HEALTH INSURANCE CARRIERS”; in line 22, after “AND” insert “OTHER HEALTH CARE”; in line 23, strike “PRIVATE HEALTH PLANS” and substitute “HEALTH INSURANCE CARRIERS”; in line 24, strike “PLANS” and substitute “CARRIERS”; in the same line, strike “PHYSICIAN” and substitute “PROVIDER”; and in line 26, after “AND” insert “OTHER”.

On page 6, in line 11, strike “JULY 1,” and substitute “JUNE 30,”; and in line 17, strike the second “July 1” and substitute “June 30”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 181 – Senator Middleton

AN ACT concerning

Oral Health Safety Net Program

(Amendment ID: SB0181/647876/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 181
(First Reading File Bill)AMENDMENT NO. 1

On page 1, in line 5, after “solicit” insert “certain proposals”; in the same line, strike “and” and substitute “requiring the Office to”; in the same line, after “grants” insert “and oversee the operation of the Program”; in line 6, after the first “to” insert “the limitations of”; strike beginning with “requiring” in line 6 down through “Program;” in line 7; in line 8, after the second “to” insert “the limitations of”; in line 10, after the first “to” insert “the limitations of”; in line 11, after “date” insert “each year”; in line 13, after “survey;” insert “requiring the Secretary of Health and Mental Hygiene to submit a certain report to the General Assembly on a certain date;”; and in line 17, strike “, inclusive.”.

AMENDMENT NO. 2

On page 2 in line 27, and on page 3 in line 18, in each instance, after “TO” insert “THE LIMITATIONS OF”.

On page 3, in line 4, after “THAT” insert “:

(1) ARE TARGETED TO REGIONS OF THE STATE WHERE ORAL HEALTH SERVICES ARE MOST SCARCE FOR LOW-INCOME, DISABLED, AND MEDICAID POPULATIONS; AND

(2);

in the same line, strike “OUTLINE” and substitute “**OUTLINE**”; in lines 6 and 7, strike “OR ORGANIZATIONS”; and in lines 6, 8, 10, 11, 12, 13, 14, and 15, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively.

On page 4, in line 7, strike “PROGRAM” and substitute “**PROGRAM**”; in line 15, strike “ESTABLISHED UNDER THIS SUBTITLE”; strike beginning with “THAT” in line 18

down through “(2)” in line 21; in line 22, strike “**JULY 31, 2008**” and substitute “**JUNE 30, 2009**”; and in line 23, strike “(3)” and substitute “(2)”.

On page 5, in line 2, strike “**OF HEALTH AND MENTAL HYGIENE**”.

AMENDMENT NO. 3

On page 5, after line 4, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Secretary of Health and Mental Hygiene shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly the following:

(1) the annual cost to provide comprehensive oral health services in all programs funded by the Maryland Medical Assistance Program;

(2) the amount of State revenues spent on somatic health services related to the lack of comprehensive oral health care; and

(3) the number of dental providers in each jurisdiction in the State providing care to uninsured and under-insured residents, the number of residents served, and the dental providers’ capacity to provide additional services.

(b) The report required under subsection (a) of this section shall be submitted to the General Assembly on or before December 1, 2007.”;

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

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 433 – Senator Klausmeier

AN ACT concerning

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

(Amendment ID: SB0433/397873/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 433
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the second “Names” insert “, Trademarks, Service Marks”; in line 4, after “of” insert “clarifying the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in the State;”; in line 5, after the second “name” insert “, trademark, service mark”; strike beginning with the first “that” in line 5 down through “bank” in line 6 and substitute “or a term or design that is similar to the name, trade name, trademark, service mark, logo, or tagline of a certain bank”; in line 7, strike “a certain term” and substitute “certain terms”; and in line 8, after the second “name” insert “, trademark, service mark”.

AMENDMENT NO. 2

On page 1, in line 19, strike “or”; and in the same line, after the second “bank” insert “, OR SAVINGS AND LOAN ASSOCIATION”.

On page 2, in line 1, after “(1)” insert “(I)”; in the same line, strike the first comma and substitute “THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.”

(II)”;

in the same line, strike ““BANK”” and substitute ““BANK””; strike beginning with “INCORPORATED” in line 2 down through “DEPOSITS” in line 4 and substitute “THAT IS AUTHORIZED TO DO BUSINESS”; after line 5, insert:

“(III) “NAME” MEANS THE NAME, TRADE NAME, TRADEMARK, SERVICE MARK, LOGO, OR TAGLINE USED BY A BANK TO IDENTIFY ITSELF.”;

in line 7, strike “, TRADE NAME, LOGO, OR TAGLINE”; strike beginning with “OR THE” in line 7 down through “TAGLINE” in line 8 and substitute “OR ANY TERM OR DESIGN”; in line 8, strike “THAT WHICH IS USED BY” and substitute “THE NAME OF”; in line 9, strike “THE” and substitute “A”; strike beginning with “IF” in line 10 down through “TAGLINE” in line 11 and substitute “IN A MANNER THAT”; in line 11, strike “BELIEVE” and substitute “BE CONFUSED, MISTAKEN, OR DECEIVED”; in line 14, after “(II)” insert “ORIGINATED FROM SOMEONE AFFILIATED, CONNECTED, OR ASSOCIATED WITH THE BANK;”

(III)”;

in line 14, strike “ENDORSED” and substitute “APPROVED OR SPONSORED”; in line 15, strike “(III)” and substitute “(IV)”; in line 22, after “(2)” insert “EITHER:”

(I) ALL PROFITS ATTRIBUTABLE TO THE VIOLATION; OR

(II)”;

in line 23, strike “**REASONABLE**” and substitute “**COURT COSTS AND REASONABLE**”; and in the same line, strike “**AND COURT COSTS**”.

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, strike “**(E)**” and substitute “**(D)**”.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 438 – Senator Pugh (By Request) and Senators Conway, Della, Jones, Kasemeyer, and McFadden

AN ACT concerning

Maryland Transit Administration – Continuation of Passenger Railroad Service on Amtrak and CSX Lines

(Amendment ID: SB0438/407073/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 438
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and McFadden” and substitute “**McFadden, and Garagiola**”.

AMENDMENT NO. 2

On page 5, in line 26, strike “GENERAL DAILY” and substitute “WIDE”; and in line 27, strike “EACH COUNTY THROUGH WHICH A ROUTE TRAVELS” and substitute “THE ADMINISTRATION’S COMMUTER RAIL SERVICE AREA”.

On page 6, in line 2, strike “VEHICLES AND” and substitute “COMMUTER RAIL”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 621 – Senator Gladden

AN ACT concerning

State Personnel – Compensatory Time for Mentoring Youth

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 625 – Senator Garagiola

AN ACT concerning

**Workers’ Compensation Commission – Governmental Self–Insurance
Groups – Investment**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #10

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

Senate Bill 588 – Senator Garagiola

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

(Amendment ID: SB0588/267271/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 588
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “insurance;” insert “altering certain notice requirements for cancellation of a certain binder or policy for nonpayment of premium;”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 2 down through the first “or” in line 4 and substitute “PERSONAL INSURANCE,”; in line 4, after the first “insurance” insert a comma; in the same line, strike “or liability” and substitute “AND COMMERCIAL LIABILITY”; strike beginning with the semicolon in line 4 down through “INSURANCE” in line 5; in line 13, after “(F)” insert “(1)”; in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; in lines 14, 15, and 16, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and after line 17, insert:

“(2) A NOTICE OF CANCELLATION UNDER THIS SECTION FOR NONPAYMENT OF PREMIUM SHALL:

(I) BE IN WRITING;

(II) HAVE AN EFFECTIVE DATE OF NOT LESS THAN 10 DAYS AFTER MAILING;

(III) STATE THE INSURER’S INTENT TO CANCEL FOR NONPAYMENT OF PREMIUM; AND

(IV) BE SENT BY CERTIFICATE OF MAIL.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 720 – Senators Middleton, Exum, and Kelley (Unemployment Insurance Oversight Committee)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 308)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 160 – Senators Mooney, Colburn, Greenip, Haines, Harris, Hooper, Jacobs, Kittleman, Munson, Muse, Peters, Raskin, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Expanding Prohibitions and Protected Classes of People

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

Affirmative – 38 Negative – 9 (See Roll Call No. 309)

The Bill was then sent to the House of Delegates.

Senate Bill 304 – Senator Kramer (Chair, Joint Committee on Pensions) and Senators Brinkley, Currie, Hogan, Kasemeyer, McFadden, Munson, Garagiola, and Peters ~~Peters, Harris, Hooper, Jacobs, Edwards, Simonaire, Greenip, Mooney, Stoltzfus, Haines, Colburn, Kittleman, and Stone~~

AN ACT concerning

State Retirement and Pension System – Military Service that Interrupts State Service – Calculation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 310)

The Bill was then sent to the House of Delegates.

Senate Bill 412 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with the Federal Pension Protection Act of 2006

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

Affirmative – 47 Negative – 0 (See Roll Call No. 311)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1013 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Job Classifications and Grades for Staff

FOR the purpose of providing that staff hired after a certain date are in certain services or are certain special appointments in the State Personnel Management System; requiring the State Board of Pharmacy, in consultation with the Secretary of Health and Mental Hygiene, to determine certain job classifications and grades for certain staff; and generally relating to job classification and grades for staff of the State Board of Pharmacy.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–204(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senator Conway moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1014 – Senator Conway

AN ACT concerning

Higher Education – Morgan State University – Board of Regents – Student Member

FOR the purpose of altering the qualifications of the student member of the Morgan State University Board of Regents; repealing certain provisions relating to the residency of the student member of the Board of Regents; and generally relating to the student member of the Morgan State University Board of Regents.

BY repealing and reenacting, with amendments,
Article – Education
Section 14–102
Annotated Code of Maryland
(2006 Replacement Volume)

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

Senator Raskin moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1015 – Senator Raskin

AN ACT concerning

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

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to permit the Board of Directors of Maryland Community Baseball, Inc. to include funds expended on or after a certain date in the matching fund.

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

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

Senator Britt moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1016 – Senator Britt

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi-Service Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2005 to change the name of the Victory Youth Center to the Langley Park Multi-Service Center and change the name of a certain grantee from the Board of Directors of the Victory Youth Centers, Inc. to the Catholic Archdiocese of Washington; expanding the authorized uses of the loan proceeds and matching fund; and generally relating to the Langley Park Multi-Service Center.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00 (AH)

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

QUORUM CALL

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

(See Roll Call No. 312)

ADJOURNMENT

At 11:01 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 7, 2007.

Annapolis, Maryland
Wednesday, March 7, 2007
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Pastor Charles Beekley, Bush Creek Church, guest of Senator Mooney.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 6, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 315)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 433 – Senator Klausmeier

AN ACT concerning

**Banking Institutions – Deceptive Use of Names, Trade Names, Logos, or Taglines –
Penalties**

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

(Amendment ID: SB0433/397873/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 433
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after the second “Names” insert “, Trademarks, Service Marks”; in line 4, after “of” insert “clarifying the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in the State;”; in line 5, after the second “name” insert “, trademark, service mark”; strike beginning with the first “that” in line 5 down through “bank” in line 6 and substitute “or a term or design that is similar to the name, trade name, trademark, service mark, logo, or tagline of a certain bank”; in line 7, strike “a certain term” and substitute “certain terms”; and in line 8, after the second “name” insert “, trademark, service mark”.

AMENDMENT NO. 2

On page 1, in line 19, strike “or”; and in the same line, after the second “bank” insert “, OR SAVINGS AND LOAN ASSOCIATION”.

On page 2, in line 1, after “(1)” insert “(I)”; in the same line, strike the first comma and substitute “THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.”

(II)”;

in the same line, strike ““BANK”” and substitute ““BANK””; strike beginning with “INCORPORATED” in line 2 down through “DEPOSITS” in line 4 and substitute “THAT IS AUTHORIZED TO DO BUSINESS”; after line 5, insert:

“(III) “NAME” MEANS THE NAME, TRADE NAME, TRADEMARK, SERVICE MARK, LOGO, OR TAGLINE USED BY A BANK TO IDENTIFY ITSELF.”;

in line 7, strike “, TRADE NAME, LOGO, OR TAGLINE”; strike beginning with “OR THE” in line 7 down through “TAGLINE” in line 8 and substitute “OR ANY TERM OR DESIGN”; in line 8, strike “THAT WHICH IS USED BY” and substitute “THE NAME OF”; in line 9, strike “THE” and substitute “A”; strike beginning with “IF” in line 10 down through “TAGLINE” in line 11 and substitute “IN A MANNER THAT”; in line 11, strike “BELIEVE” and substitute “BE CONFUSED, MISTAKEN, OR DECEIVED”; in line 14, after “(II)” insert “ORIGINATED FROM SOMEONE AFFILIATED, CONNECTED, OR ASSOCIATED WITH THE BANK;”

(III)”;

in line 14, strike “ENDORSED” and substitute “APPROVED OR SPONSORED”; in line 15, strike “(III)” and substitute “(IV)”; in line 22, after “(2)” insert “EITHER:”

(I) ALL PROFITS ATTRIBUTABLE TO THE VIOLATION; OR

(II)”;

in line 23, strike “REASONABLE” and substitute “COURT COSTS AND REASONABLE”; and in the same line, strike “AND COURT COSTS”.

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 8, strike “(E)” and substitute “(D)”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0433/383229/1)

BY: Senator Edwards

AMENDMENT TO SENATE BILL 433, AS AMENDED (First Reading File Bill)

On page 1 of the Finance Committee Amendments (SB0433/397873/1), in line 5 of Amendment No. 2, after “(II)” insert “1.”.

On page 2 of the bill, in line 5, after “ENTITY.” insert:

“2. **“BANK” INCLUDES ANY FARM CREDIT SYSTEM INSTITUTION IN THIS STATE.**”

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #9

House Bill 10 – Delegate Haynes

AN ACT concerning

Criminal Procedure – Expungement of Police Records – Arrest Without Charge – Automatic

FOR the purpose of altering a provision of law so as to make certain procedures relating to expungement of certain police records applicable only to certain arrests, detentions, or confinements occurring before a certain date; requiring the

expungement of certain police records if certain procedures are met; repealing certain provisions relating to a request for expungement of a certain police record that require written notice to be provided to a law enforcement unit; repealing certain provisions prohibiting a person from giving a certain notice before a certain statute of limitations expires; making a certain conforming change; repealing certain provisions that allow for a certain expungement to occur before a certain date if a certain waiver is filed; establishing that for certain arrests, ~~detentions,~~ or confinements occurring on or after a certain date, the person arrested, ~~detained,~~ or confined is entitled to expungement of certain police records; requiring a certain law enforcement unit to take certain actions within a certain amount of time after release of a certain person entitled to expungement of a certain police record; requiring certain entities to take certain actions within a certain amount of time after receipt of a certain notice of expungement; establishing that a police record that is expunged under certain circumstances may not be expunged by obliteration for a certain period of time; providing the method by which certain records are to be expunged for a certain period of time and the circumstances under which the records can be accessed; authorizing a certain person to use a certain legal remedy and recover certain ~~fees and~~ costs under certain circumstances; prohibiting a person who is entitled to expungement of certain police records under certain circumstances from being required to pay a certain fee or costs; and generally relating to expungement of police records.

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 10–101(e)

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 10–102(a) and (b)(3) and 10–103

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

BY adding to

Article – Criminal Procedure

Section 10–103.1

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 16 – ~~Delegate Hixson~~ Delegates Hixson, Cardin, Howard, Ivey, N. King, Manno, Rice, Stukes, and F. Turner

AN ACT concerning

**Election Law – Absentee Ballot Applications and Voter Registration – Deadlines
– Deadline**

FOR the purpose of altering the ~~deadlines for voter registration and~~ deadline for absentee ballot applications; and generally relating to absentee ballot applications ~~and voter registration.~~

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~3–302(a) and~~ 9–305(b)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

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

Senate Bill 198 – Senators Forehand, Garagiola, Jacobs, and Rosapepe

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

(Amendment ID: SB0198/188971/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 198
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “Force;” insert “requiring the Governor to request that a certain representative participate in the Task Force;”.

AMENDMENT NO. 2

On page 1, in line 17, strike “three members” and substitute “one member”; and in line 19, strike “three members” and substitute “one member”.

On page 2, strike in their entirety lines 3 through 8, inclusive; strike beginning with the first “the” in line 15 down through “Maryland” in line 20 and substitute “one member of the Judiciary.”; and in lines 9, 11, 13, 15, 21, 23, 25, and 27, strike “(9)”, “(10)”, “(11)”, “(12)”, “(15)”, “(16)”, “(17)”, and “(18)”, respectively, and substitute “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively.

On page 3, in lines 1 and 3, strike “(19)” and “(20)”, respectively, and substitute “(13)” and “(14)”, respectively; in lines 4, 6, and 8, in each instance, strike “three representatives” and substitute “one representative”; in line 7, strike “and”; in line 8, after “industry” insert “;

(iv) one member of the general public; and

(v) two representatives of citizen-based traffic safety advocacy groups.

(c) The Governor shall request that a representative from the National Transportation Safety Board participate in the Task Force”;

and in lines 9, 11, 16, and 20, strike “(c)”, “(d)”, “(e)”, and “(f)”, respectively, and substitute “(d)”, “(e)”, “(f)”, and “(g)”, respectively.

On page 4, in line 6, strike “populations” and substitute “all impaired driving populations, including those”; in line 7, strike “including” and substitute “such as”; 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.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

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

Senate Bill 220 – Senator Frosh

AN ACT concerning

Real Property – Release of Mortgage, Security Instrument, or Deed of Trust

(Amendment ID: SB0220/358371/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 220
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Security Instrument, or”; in the same line, after “Deed of Trust” insert “, or Lien Instrument”; strike beginning with the first “a” in line 3 down through “affidavit” in line 10 and substitute “certain persons to prepare and record a statutory release affidavit when the debt secured by a mortgage, deed of trust, or lien instrument is paid fully or satisfied and the party satisfied fails to provide a release suitable for recording; providing for the effect of a statutory release affidavit; requiring a person to send a certain notice in a certain manner to the party satisfied and allow a certain waiting period before recording a statutory release affidavit; requiring a statutory release affidavit to be in a certain form and be accompanied by certain evidence of payment; making a certain technical correction; defining a certain term”; in line 11, strike “security instruments, and”; in the same line, after “deeds of trust” insert “, and lien instruments”; in line 14, strike “(d)(3)” and substitute “(i)”; and after line 16, insert:

“BY adding to

Article – Real Property

Section 3–105.2

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 1, strike “, SECURITY INSTRUMENT,”; and in line 2, after “section” insert “OR § 3–105.2 OF THIS SUBTITLE”.

AMENDMENT NO. 3

On page 2, after line 2, insert:

“(i) Unless otherwise expressly provided in the release, a full or partial release that is recorded for a mortgage or deed of trust, or for any re–recording, amendment, modification, or supplemental instrument to the mortgage or deed of trust shall terminate or partially release any related [financial] FINANCING statements, but only to the extent that the financing statements describe fixtures that are part of the collateral described in the full or partial release.”.

AMENDMENT NO. 4

On page 2, before line 3, insert:

“3–105.2.”

(A) IN THIS SECTION, "LIEN INSTRUMENT" MEANS:

(1) A LIEN CREATED UNDER THE MARYLAND CONTRACT LIEN ACT;

(2) AN INSTRUMENT CREATING OR AUTHORIZING THE CREATION OF A LIEN IN FAVOR OF A HOMEOWNERS' ASSOCIATION, A CONDOMINIUM COUNCIL OF UNIT OWNERS, A PROPERTY OWNERS ASSOCIATION, OR A COMMUNITY ASSOCIATION;

(3) A SECURITY AGREEMENT; OR

(4) A VENDOR'S LIEN.

(B) A MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT MAY BE RELEASED VALIDLY IN ACCORDANCE WITH THIS SECTION.

(C) WHEN THE DEBT SECURED BY A MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS PAID FULLY OR SATISFIED BY A SETTLEMENT AGENT LICENSED BY THE MARYLAND INSURANCE ADMINISTRATION AS A TITLE INSURANCE PRODUCER UNDER TITLE 10, SUBTITLE 1 OF THE INSURANCE ARTICLE, A TITLE INSURER, OR A LAWYER ADMITTED TO THE MARYLAND BAR, AND THE PARTY SATISFIED FAILS TO PROVIDE A RELEASE SUITABLE FOR RECORDING, THE SETTLEMENT AGENT, TITLE INSURER, OR LAWYER MAY PREPARE AND RECORD A STATUTORY RELEASE AFFIDAVIT THAT:

(1) MAY BE RECEIVED BY THE CLERK AND INDEXED AND RECORDED AS ANY OTHER INSTRUMENT IN THE NATURE OF A RELEASE OR CERTIFICATE OF SATISFACTION; AND

(2) HAS THE SAME EFFECT AS A RELEASE OF THE PROPERTY FOR WHICH THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS THE SECURITY, AS IF A RELEASE WERE EXECUTED BY THE MORTGAGEE, NAMED TRUSTEES, OR SECURED PARTY.

(D) BEFORE THE SETTLEMENT AGENT, TITLE INSURER, OR LAWYER MAY RECORD A STATUTORY RELEASE AFFIDAVIT UNDER THIS SECTION, THAT PERSON SHALL:

(1) ALLOW AT LEAST A 60-DAY WAITING PERIOD FROM THE DATE THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT IS PAID FULLY OR SATISFIED FOR THE PARTY SATISFIED TO PROVIDE A RELEASE SUITABLE FOR RECORDING;

(2) SEND BY CERTIFIED MAIL, WITH OR WITHOUT A RETURN RECEIPT, TO THE PARTY SATISFIED:

(I) A COPY OF THIS SECTION;

(II) A COPY OF THE PROPOSED STATUTORY RELEASE AFFIDAVIT THAT THE PERSON INTENDS TO RECORD; AND

(III) A NOTICE THAT UNLESS A RELEASE SUITABLE FOR RECORDING IS PROVIDED WITHIN 30 DAYS, THE PERSON WILL OBTAIN A RELEASE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(3) AFTER THE MAILING OF THE NOTICE UNDER ITEM (2) OF THIS SUBSECTION, ALLOW AN ADDITIONAL WAITING PERIOD OF AT LEAST 30 DAYS FOR THE PARTY SATISFIED TO PROVIDE A RELEASE SUITABLE FOR RECORDING.

(E) A STATUTORY RELEASE AFFIDAVIT RECORDED UNDER THIS SECTION SHALL:

(1) BE IN SUBSTANTIALLY THE FOLLOWING FORM:

“STATUTORY RELEASE AFFIDAVIT

I HEREBY DECLARE OR AFFIRM, UNDER THE PENALTIES OF PERJURY, THAT:

(1) ON (INSERT DATE), I CAUSED TO BE PAID OFF THE DEBT SECURED BY THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT, FOUND IN LIBER/BOOK _____, AT FOLIO/PAGE, IN THE LAND RECORDS OF COUNTY/BALTIMORE CITY, MARYLAND.

(2) I OBTAINED A WRITTEN PAYOFF STATEMENT FROM THE PERSON TO WHOM THE DEBT WAS OWED OR THE PERSON’S AGENT, THE FUNDS PAID TO THE PERSON OR THE PERSON’S AGENT WERE SUFFICIENT TO PAY OFF THE DEBT IN FULL, AND, AS AUTHORIZED BY THE OBLIGOR ON THE ACCOUNT, I INSTRUCTED THE PERSON OR THE PERSON’S AGENT TO CLOSE THE ACCOUNT.

(3) ON (INSERT DATE), I SENT THE NOTICE REQUIRED UNDER § 3-105.2(D)(2) OF THE REAL PROPERTY ARTICLE TO THE PERSON SATISFIED BY CERTIFIED MAIL.

(4) THE PERSON SATISFIED HAS FAILED TO PROVIDE A RELEASE SUITABLE FOR RECORDING.

(5) I AM:

_____ A SETTLEMENT AGENT WHO HOLDS A TITLE INSURANCE PRODUCER LICENSE IN GOOD STANDING FROM THE MARYLAND INSURANCE ADMINISTRATION;

_____ AN OFFICER OF A TITLE INSURER; OR

_____ A MEMBER OF THE MARYLAND BAR.

(6) THE PAYOFF OF THE DEBT WAS ACCOMPLISHED BY:

THE ORIGINAL CHECK, WRITTEN ON AN ESCROW ACCOUNT CONTROLLED BY THE UNDERSIGNED INDIVIDUAL, WHICH IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE;

A CHECK, WRITTEN ON AN ESCROW ACCOUNT CONTROLLED BY THE UNDERSIGNED INDIVIDUAL, A CHECK FACSIMILE OF WHICH IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE, AND WHICH HAS BEEN CERTIFIED AS A TRUE COPY OF THE ORIGINAL CHECK BY THE ISSUING BANK; OR

A WIRE TRANSFER, THE WIRE TRANSFER REMITTANCE ADVICE FOR WHICH CONTAINS THE INFORMATION REQUIRED UNDER § 3-105.2(E)(2)(III)2 OF THE REAL PROPERTY ARTICLE AND IS ATTACHED TO THIS AFFIDAVIT AND INCORPORATED BY REFERENCE.

(SIGNATURE)

(PRINTED OR TYPED NAME)

(DATE)

; AND

(2) BE ACCOMPANIED BY:

(I) THE CANCELED CHECK EVIDENCING FINAL PAYMENT, WHICH SHALL CONTAIN THE NAME OF THE PARTY WHOSE DEBT IS BEING SATISFIED, THE DEBT ACCOUNT NUMBER, IF ANY, AND WORDS INDICATING THAT THE CHECK IS INTENDED AS PAYMENT IN FULL OF THE DEBT BEING SATISFIED;

(II) IF THE CANCELED CHECK IS UNAVAILABLE, A CHECK FACSIMILE, AS DEFINED IN § 5-513 OF THE FINANCIAL INSTITUTIONS ARTICLE, THAT CONTAINS THE INFORMATION REQUIRED UNDER ITEM (I) OF THIS ITEM, ACCOMPANIED BY A CERTIFICATION FROM AN AUTHORIZED AGENT OF THE INSTITUTION ON WHICH THE CHECK WAS DRAWN STATING THE CHECK FACSIMILE IS A TRUE AND GENUINE IMAGE OF THE ORIGINAL CHECK; OR

(III) IF THE DEBT SECURING THE MORTGAGE, DEED OF TRUST, OR LIEN INSTRUMENT WAS PAID OFF BY A WIRE TRANSFER, THE WIRE TRANSFER REMITTANCE ADVICE, WHICH SHALL:

1. BE ACCOMPANIED BY A CERTIFICATION FROM AN AUTHORIZED AGENT OF THE INSTITUTION FROM WHICH THE WIRE TRANSFER WAS INITIATED STATING THAT THE DOCUMENT IS A TRUE AND GENUINE IMAGE OF THE ORIGINAL WIRE TRANSFER CONFIRMATION ORDER ISSUED BY THE INSTITUTION; AND

2. CONTAIN THE NAME OF THE PERSON FOR WHOM THE PAYOFF WAS MADE, THE NAME OF THE INSTITUTION THAT WAS PAID THE MONEY, A TRUNCATED VERSION OF THE NUMBER OF THE ACCOUNT FROM WHICH THE FUNDS WERE TRANSFERRED, A TRUNCATED VERSION OF THE NUMBER OF THE ACCOUNT TO WHICH THE FUNDS WERE TRANSFERRED, THE FEDERAL RESERVE BANK'S REFERENCE NUMBERS FOR THE WIRE TRANSFER, THE LOAN NUMBER FOR THE NOTE THAT WAS PAID OFF, THE AMOUNT OF THE PAYOFF MADE BY THE WIRE TRANSFER, AND THE DATE AND TIME OF THE WIRE TRANSFER."

On pages 2 through 5, strike in their entirety the lines beginning with line 3 on page 2 through line 4 on page 5, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 321 – Senators Kelley and Currie

AN ACT concerning

State Citizens Review Board for Children – Child Abuse or Neglect

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 503 – Senators Forehand, Britt, Conway, Jones, and Stone

AN ACT concerning

Family Law – Child Support – Health Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 635 – Senator Raskin

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Notice Requirements

(Amendment ID: SB0635/758570/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 635
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 3 down through “residency” in line 6 and substitute “if a certain offer of the right to purchase rental property being converted to a condominium is not given to a tenant concurrently with the required notice of intent to create a condominium, the period in which the tenant is entitled to remain in the tenant’s residence”; in line 7, strike “a certain” and substitute “the”; in line 8, after “notice” insert “of conversion”; in the same line, strike the first “certain”; in line 9, strike “frame a” and substitute “period during which the”; in the same line, strike “in a” and substitute “in the tenant’s”; in line 10, strike “a” and substitute “the”; in the same line, after the semicolon insert “providing that a purchase offer shall be considered to have been given to a tenant if delivered or mailed in a certain manner;”; in line 14, after “11-102.1(a)” insert “, (b).”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 2, in line 23, after “notice” insert “AND THE PURCHASE OFFER”.

AMENDMENT NO. 3

On page 7, in line 16, after “PERIOD” insert “DURING WHICH THE TENANT IS ENTITLED TO REMAIN IN THE TENANT’S RESIDENCE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 686 – Senators Pugh and Kelley

AN ACT concerning

Drug–Exposed Infants – Methamphetamine

(Amendment ID: SB0686/308176/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 686

(First Reading File Bill)

On page 1, strike beginning with “expanding” in line 3 down through “infants” in line 4 and substitute “altering the conditions that establish a certain presumption that a child is in need of assistance by adding methamphetamine to certain provisions relating to drugs to which a child was born exposed or for which a mother tested positive upon admission to a hospital for delivery of a child; including methamphetamine within the definition of the term “drug” for purposes of certain factors a juvenile court is required to consider in determining whether termination of a parent’s rights is in a child’s best interests; and generally relating to children in need of assistance and termination of parental rights”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 348 – Senator McFadden

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

(Amendment ID: SB0348/677478/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing a certain local team to investigate certain information and records;”; in line 5, strike “convicted of a crime” and substitute “adjudicated as having committed a delinquent act”; in the same line, after “fatality;” insert “requiring that a certain local team be immediately provided access to all information and records maintained by any State or local government agency that provided services to a certain child or family;”; in line 6, strike “convicted of a crime” and substitute “adjudicated as having committed a delinquent act”; in line 7, after “meetings;” insert “prohibiting the disclosure of information regarding the involvement of any agency with certain individuals during certain public meetings;”; and in line 11, strike “5-707” and substitute “5-706, 5-707,”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“5-706.

(a) The purpose of the local team is to prevent child deaths by:

(1) Promoting cooperation and coordination among agencies involved in investigations of child deaths or in providing services to surviving family members;

(2) Developing an understanding of the causes and incidence of child deaths in the county;

(3) Developing plans for and recommending changes within the agencies the members represent to prevent child deaths; and

(4) Advising the State Team on changes to law, policy, or practice to prevent child deaths.

(b) To achieve its purpose, the local team shall:

(1) In consultation with the State Team, establish and implement a protocol for the local team;

(2) Set as its goal the investigation of child deaths in accordance with national standards;

(3) Meet at least quarterly to review the status of child fatality cases, recommend actions to improve coordination of services and investigations among member agencies, and recommend actions within the member agencies to prevent child deaths;

(4) Collect and maintain data as required by the State Team;

(5) Provide requested reports to the State Team, including discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths; and

(6) In consultation with the State Team:

(i) Define “near fatality”; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(C) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (B) OF THIS SECTION, A LOCAL TEAM MAY INVESTIGATE THE INFORMATION AND RECORDS OF A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY DESCRIBED IN § 5-707 OF THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 2, in line 9, strike “CONVICTED OF A CRIME” and substitute “**ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT**”; in the same line, strike “THE” and substitute “**A**”; in line 10, strike “BEING REVIEWED BY THE LOCAL TEAM”; and in line 15, strike “the child or family” and substitute “:

(I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM;

(II) A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY; OR

(III) THE FAMILY OF A CHILD DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH”.

AMENDMENT NO. 4

On page 3, in line 5, strike “CONVICTED OF A CRIME” and substitute “**ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT**”; in the same line, strike “THE” and substitute “**A**”; in line 6, strike “OF ANOTHER CHILD”; and strike in their entirety lines 7 and 8 and substitute:

“(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

(I) A DECEASED CHILD;

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED CHILD;

(III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD; OR

(IV) A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY.”

The preceding 4 amendments were read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 485 – Senators Middleton and Hogan

AN ACT concerning

**Task Force on the Structural Under–Funding of Community Services for
Individuals with Developmental Disabilities**

(Amendment ID: SB0485/897076/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 485
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Middleton and Hogan” and substitute “Middleton, Hogan, Garagiola, Kelley, Klausmeier, and Pugh”; strike beginning with “on” in line 2 down through “Disabilities” in line 3 and substitute “to Study the Developmental Disabilities Administration Rate Payment Systems”; strike beginning with “establishing” in line 4 down through “Disabilities” in line 5 and substitute “requiring the Department of Health and Mental Hygiene to establish the Task Force to

Study the Developmental Disabilities Administration Rate Payment Systems”; in line 6, strike “Task Force to elect” and substitute “Secretary of Health and Mental Hygiene to appoint”; and strike beginning with “on” in line 15 down through “Disabilities” in line 16 and substitute “to Study the Developmental Disabilities Administration Rate Payment Systems”.

AMENDMENT NO. 2

On page 2, strike beginning with “There” in line 12 down through “Disabilities” in line 13 and substitute “The Department of Health and Mental Hygiene shall establish a Task Force to Study the Developmental Disabilities Administration Rate Payment Systems”; and in line 14, strike “consists” and substitute “shall consist”.

AMENDMENT NO. 3

On page 3, in line 4, strike “and”; strike beginning with “One” in line 5 down through “states” in line 6 and substitute “One individual familiar with rate systems for community services in Maryland and in other states; and

(11) One representative from the Developmental Disabilities Council”;

and in line 9, strike “Task Force members shall elect a chair” and substitute “Secretary of Health and Mental Hygiene shall appoint the chair of the Task Force”.

AMENDMENT NO. 4

On page 3, after line 22, insert:

“(3) Consider costs as reported in the Developmental Disabilities Administration’s cost report;”;

in lines 23, 25, and 28, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively; and in line 25, strike “Identify” and substitute “Consider”.

On page 4, in line 1, strike “(6)” and substitute “(7)”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 596 – Senator Klausmeier

AN ACT concerning

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

(Amendment ID: SB0596/837072/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 596
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “that” in line 17 down through “cards” in line 19 and substitute “each discount medical plan organization and each discount drug plan organization to provide to a plan member a discount card that includes, at a minimum, certain data elements; requiring a discount medical plan organization or discount drug plan organization to reissue a discount card under certain circumstances”.

On pages 1 and 2, strike beginning with “requiring” in line 26 on page 1 down through “date;” in line 2 on page 2.

AMENDMENT NO. 2

On page 3, in line 27, after “INCLUDE” insert “:

(I)”.

On page 4, in line 1, strike “(I)” and substitute “1.”; in line 5, strike “(II)” and substitute “2.”; and in line 7, after “MEMBERS” insert “;OR

(II) A PATIENT ASSISTANCE PROGRAM THAT:

1. IS SPONSORED, OFFERED, OR PROVIDED FOR BY A PHARMACEUTICAL MANUFACTURER; AND

2. IS NOT PROVIDED IN EXCHANGE FOR FEES, DUES, CHARGES, OR OTHER FINANCIAL CONSIDERATION”.

On page 6, in line 5, after “PERSONS” insert “, OTHER THAN LICENSED INSURANCE PRODUCERS, WHO ARE”.

On page 11, in line 7, after “TO” insert “AN APPLICATION OR CONTRACT FOR”.

On page 12, in line 5, strike “(I)”; in the same line, strike “A DISCOUNT MEDICAL PLAN OFFERS” and substitute “THE MARKETING MATERIALS OR BROCHURES REFER TO”; in line 6, strike “IN OTHER STATES”; in line 7, strike “AND MAY NOT BY LAW”; in

line 8, strike “OR” and substitute “AND”; and strike in their entirety lines 9 through 11, inclusive.

On page 14, in line 8, strike “RELATING TO” and substitute “TO PROMOTE INTEREST IN OR THE DESIRE TO INQUIRE FURTHER ABOUT”; in line 24, strike “(I)”; in the same line, strike “A DISCOUNT MEDICAL PLAN OFFERS” and substitute “THE ADVERTISEMENT REFERS TO”; in line 25, strike “IN OTHER STATES”; and in line 26, strike “AND MAY NOT BY LAW”.

On pages 14 and 15, strike beginning with “; OR” in line 27 on page 14 down through “SERVICES” in line 3 on page 15.

On page 15, in line 5, strike “RELATING TO” and substitute “TO PROMOTE INTEREST IN OR THE DESIRE TO INQUIRE ABOUT”.

AMENDMENT NO. 3

On page 17, strike in their entirety lines 14 through 20, inclusive.

On pages 19 and 20, strike in their entirety the lines beginning with line 26 on page 19 through line 3 on page 20, inclusive.

On page 20, in line 4, strike “3.” and substitute “2.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 651 – Senator Edwards

AN ACT concerning

**Medical Malpractice Liability Insurance – Garrett County Memorial Hospital –
Subsidy for Family Practitioners Who Also Perform Obstetrical Services**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1017 – Senators Muse and Miller

EMERGENCY BILL

AN ACT concerning

Crimes – Tobacco Paraphernalia – Distribution to and Possession by Minors

FOR the purpose of prohibiting the distribution of tobacco paraphernalia to a minor; prohibiting a minor from distributing, possessing, or purchasing tobacco paraphernalia unless the minor is acting as an agent of the minor's employer within the scope of employment; prohibiting a minor from using false identification to obtain or attempt to obtain tobacco paraphernalia; defining a certain term; making this Act an emergency measure; and generally relating to prohibiting persons from distributing tobacco paraphernalia to minors and minors from possessing tobacco paraphernalia.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–101, 10–107(b) and (c), and 10–108(b) and (c)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

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

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1018 – Senator Muse

AN ACT concerning

Task Force to Study Rent Stabilization for the Elderly in Prince George's County

FOR the purpose of creating a Task Force to Study Rent Stabilization for the Elderly in Prince George's County; providing for the composition of the Task Force; requiring the county executive to choose a chair from among the members of the Task Force; requiring Prince George's County to provide staffing for the Task Force; prohibiting a Task Force member from receiving compensation but

authorizing a member to be reimbursed for certain expenses; establishing the duties of the Task Force; requiring the Task Force to report to the County Council by a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Rent Stabilization for the Elderly in Prince George's County.

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

Senator Raskin moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1019 – Senator Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Maryland Youth Ballet

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 Maryland Youth Ballet, 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.

QUORUM CALL

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

(See Roll Call No. 316)

ADJOURNMENT

At 10:56 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 8, 2007.

**Annapolis, Maryland
Thursday, March 8, 2007
10:00 A.M. Session**

The Senate met at 10:17 A.M.

Prayer by Pastor John Odean, Vineyard Community Church, guest of Senator Greenip.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 7, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 319)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 348 – Senator McFadden

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

STATUS OF BILL: QUESTION IS ON THE COMMITTEE AMENDMENTS (4)
AND THE FAVORABLE REPORT.

(Amendment ID: SB0348/677478/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “authorizing a certain local team to investigate certain information and records;”; in line 5, strike “convicted of a crime” and substitute “adjudicated as having committed a delinquent act”; in the same line, after “fatality;” insert “requiring that a certain local team be immediately provided access to all information and records maintained by any State or local government agency that provided services to a certain child or family;”; in line 6, strike “convicted of a crime” and substitute “adjudicated as having committed a delinquent act”; in line 7, after “meetings;” insert “prohibiting the disclosure of information regarding the involvement of any agency with certain individuals during certain public meetings;”; and in line 11, strike “5-707” and substitute “5-706, 5-707.”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

“5-706.

(a) The purpose of the local team is to prevent child deaths by:

(1) Promoting cooperation and coordination among agencies involved in investigations of child deaths or in providing services to surviving family members;

(2) Developing an understanding of the causes and incidence of child deaths in the county;

(3) Developing plans for and recommending changes within the agencies the members represent to prevent child deaths; and

(4) Advising the State Team on changes to law, policy, or practice to prevent child deaths.

(b) To achieve its purpose, the local team shall:

(1) In consultation with the State Team, establish and implement a protocol for the local team;

(2) Set as its goal the investigation of child deaths in accordance with national standards;

(3) Meet at least quarterly to review the status of child fatality cases, recommend actions to improve coordination of services and investigations among member agencies, and recommend actions within the member agencies to prevent child deaths;

(4) Collect and maintain data as required by the State Team;

(5) Provide requested reports to the State Team, including discussion of individual cases, steps taken to improve coordination of services and investigations, steps taken to implement changes recommended by the local team within member agencies, and recommendations on needed changes to State and local law, policy, and practice to prevent child deaths; and

(6) In consultation with the State Team:

(i) Define “near fatality”; and

(ii) Develop procedures and protocols that local teams and the State Team may use to review cases of near fatality.

(C) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (B) OF THIS SECTION, A LOCAL TEAM MAY INVESTIGATE THE INFORMATION AND RECORDS OF A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY DESCRIBED IN § 5-707 OF THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 2, in line 9, strike “CONVICTED OF A CRIME” and substitute “ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT”; in the same line, strike “THE” and substitute “A”; in line 10, strike “BEING REVIEWED BY THE LOCAL TEAM”; and in line 15, strike “the child or family” and substitute “:

(I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM;

(II) A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY; OR

(III) THE FAMILY OF A CHILD DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH”.

AMENDMENT NO. 4

On page 3, in line 5, strike “CONVICTED OF A CRIME” and substitute “ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT”; in the same line, strike “THE” and substitute “A”; in line 6, strike “OF ANOTHER CHILD”; and strike in their entirety lines 7 and 8 and substitute:

“(2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE DISCLOSED REGARDING THE INVOLVEMENT OF ANY AGENCY WITH:

(I) A DECEASED CHILD;

(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A DECEASED CHILD;

(III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD; OR

(IV) A CHILD ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0029/404939/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 29

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “a”; in line 5, strike “determination” and substitute “determinations”; in the same line, strike “a program” and substitute “certain programs”; strike beginning with “after” in line 5 down through “date” in line 6 and substitute “during or after certain dates”; in line 6, after “circumstances;” insert “requiring the Commission to include certain findings as part of certain determinations; authorizing the Commission to take certain actions as a result of certain determinations;”; in line 7, after “concerning” insert “certain”; and in line 9, after “Act;” insert “providing that this Act”

shall be construed to require the Commission to review certain determinations regarding certain duplication of academic programs;”.

AMENDMENT NO. 2

On page 3, in line 25, strike the brackets; strike beginning with “EXCEPT” in line 25 down through “THE” in line 26; in line 28, strike “SUCH A”; in line 30, after “(5)” insert “(I) THIS PARAGRAPH APPLIES ONLY TO A PROGRAM THAT:

1. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2005, BUT BEFORE DECEMBER 1, 2005, AND ABOUT WHICH AN OBJECTION WAS FILED WITH THE COMMISSION UNDER PARAGRAPH (4) OF THIS SUBSECTION BY MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE; OR

2. HAS BEEN APPROVED OR IMPLEMENTED AFTER JULY 1, 2007.

(II)”;

and strike beginning with “FOR” in line 30 down through “THE” in line 31 and substitute “THE”.

AMENDMENT NO. 3

On page 4, in line 1, strike “A” and substitute “AN UNNECESSARY”; and strike beginning with “ANY” in line 2 down through “EDUCATION” in line 3 and substitute “MORGAN STATE UNIVERSITY, COPPIN STATE UNIVERSITY, BOWIE STATE UNIVERSITY, OR THE UNIVERSITY OF MARYLAND EASTERN SHORE.

(III) IF THE COMMISSION DETERMINES THAT AN UNNECESSARY DUPLICATION OF PROGRAMS EXISTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION SHALL DETERMINE THAT THE UNNECESSARY DUPLICATION IS UNJUSTIFIED IF THE PROGRAM VIOLATES THE STATE’S AGREEMENT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS OR THE STATE’S EQUAL EDUCATIONAL OPPORTUNITY OBLIGATIONS UNDER STATE OR FEDERAL LAW.

(IV) A DETERMINATION OF THE COMMISSION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH SHALL INCLUDE THE CRITERIA USED BY THE COMMISSION IN MAKING A DETERMINATION UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH”.

On page 4, in line 6, after “(4)” insert “OR (5)”; in line 12, after “unreasonable” insert “OR UNNECESSARY”; and in lines 15 and 28, in each instance, after “unreasonably” insert “OR UNNECESSARILY”.

On page 7, in line 13, strike “or”; after line 13, insert:

“(4) UNNECESSARY PROGRAM DUPLICATION AS DETERMINED BY THE COMMISSION UNDER § 11-206(E)(5) OF THIS SUBTITLE; OR”;

in line 14, strike “(4)” and substitute “**(5)**”; and in line 32, strike “(E)(3)” and substitute “**(E)(4) OR (5)**”.

AMENDMENT NO. 4

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to require the Maryland Higher Education Commission to review any determinations regarding unreasonable or unnecessary duplication for programs approved or implemented after July 1, 2005, but before December 1, 2005, under § 11-206 or § 11-206.1 of the Education Article as enacted by this Act.”;

and in line 28, strike “2.” and substitute “3.”.

The preceding 4 amendments were read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 21 (See Roll Call No. 320)

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0029/133529/1)

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 29, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0029/404939/1), in line 4 of Amendment No. 1, strike “during or after certain dates” and substitute “after a certain date”.

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike beginning with “:” in line 3 down through “HAS” in line 10 and substitute “HAS”.

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

Affirmative – 24 Negative – 23 (See Roll Call No. 321)

FLOOR AMENDMENT

(Amendment ID: SB0029/183820/1)

BY: Senator Conway

AMENDMENTS TO SENATE BILL 29, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, after “Act” insert “; authorizing an institution that proposes a program that is the subject of a Commission decision under judicial review to offer the program pending a final decision of the court and exhaustion of all appeals”; and in the same line, before “and” insert “; providing that, if the Commission reverses a certain decision regarding a program, an institution may continue to offer the program for certain periods under certain circumstances”.

AMENDMENT NO. 2

On page 4 of the bill, in line 29, after “(7)” insert “(I)”; and after line 32, insert:

“(II) IF JUDICIAL REVIEW IS SOUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INSTITUTION THAT PROPOSED THE PROGRAM THAT IS THE SUBJECT OF THE DECISION BEING REVIEWED MAY OFFER THE PROGRAM PENDING A FINAL DECISION OF THE COURT AND THE EXHAUSTION OF ANY APPEALS AUTHORIZED BY LAW.”

On page 7 of the bill, in line 31, after “(6)” insert “(I)”.

On page 8 of the bill, after line 2, insert:

“(II) IF JUDICIAL REVIEW IS SOUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INSTITUTION THAT PROPOSED THE PROGRAM THAT IS THE SUBJECT OF THE DECISION BEING REVIEWED MAY OFFER THE PROGRAM PENDING A FINAL DECISION OF THE COURT AND THE EXHAUSTION OF ANY APPEALS AUTHORIZED BY LAW.”

AMENDMENT NO. 3

On page 8, before line 28, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That if a decision of the Maryland Higher Education Commission under Section 2 of this Act reverses a prior decision of the Commission regarding unreasonable or unnecessary duplication of

programs, an institution offering the program that is the subject of the decision may continue to offer the program:

(1) until the end of the current academic year, or until the end of the upcoming academic year if the decision is not made during the academic year, if a petition for judicial review is not filed in accordance with Section 1 of this Act within 60 days of the Commission's decision under Section 2 of this Act; or

(2) if a petition for judicial review is filed in accordance with Section 1 of this Act within 60 days of the Commission's decision under Section 2 of this Act, until a final decision of the Court and the exhaustion of any appeals authorized by law."

AMENDMENT NO. 4

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0029/404939/1), in the last line of Amendment No. 4, strike "3." and substitute "4.".

The preceding 4 amendments were read only.

Senator Conway moved, duly seconded, that the Bill and Amendments be laid over 1 hour under the Rule.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #8

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

Senate Bill 237 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

(Amendment ID: SB0237/344135/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 237

(First Reading File Bill)

On page 2, strike beginning with "**QUALIFIED**" in line 23 down through "**CENTER**" in line 24 and substitute "**A QUALIFIED FIRE INSTRUCTOR**"; in line 25, strike

“IN WICOMICO COUNTY, A” and substitute “A”; and in line 26, after “OFFICER” insert “IN CHARGE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 271 – Senator Edwards

AN ACT concerning

Hunting – Exemptions from License and Stamp Requirement

(Amendment ID: SB0271/254837/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 271
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Edwards” and substitute “Senators Edwards and Colburn”; and in line 4, after “certain” insert “spouses and certain”.

AMENDMENT NO. 2

On page 2, in line 20, strike “and” and substitute a comma; in the same line, after “child” insert “, AND CHILD’S SPOUSE”; in line 21, strike the second “and” and substitute a comma; in the same line, after “child” insert “, AND CHILD’S SPOUSE”; in line 25, strike “and” and substitute a comma; and in the same line, after “child” insert “, AND CHILD’S SPOUSE”.

AMENDMENT NO. 3

On page 3, strike beginning with “LIVES” in line 13 down through “FARMLAND” in line 14 and substitute “:

- 1. LIVES ON THE FARMLAND;**
- 2. WORKED ON THE FARMLAND FOR 30 OR MORE DAYS DURING THE PRIOR 12-MONTH PERIOD; OR**
- 3. MANAGES THE FARMLAND”.**

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0271/813422/1)

BY: Senator Colburn

AMENDMENT TO SENATE BILL 271, AS AMENDED

In the Education, Health, and Environmental Affairs Committee Amendments (SB0271/254837/1), in line 2 of Amendment No. 1, strike “and Colburn” and substitute “, Colburn, Middleton, and Stoltzfus”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 282 – Senators Middleton and Dyson

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

(Amendment ID: SB0282/664834/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 282
(First Reading File Bill)

On page 2, strike beginning with “and” in line 19 down through “Congress” in line 20; and strike beginning with “and” in line 21 down through “Congress” in line 22.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 333 – Senators Frosh and Forehand

AN ACT concerning

Commission on Maryland’s Energy Future

(Amendment ID: SB0333/104638/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 333
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Forehand” and substitute “, Forehand, Conway, Dyson, Britt, Colburn, Lenett, Pinsky, Rosapepe, and Zirkin”.

AMENDMENT NO. 2

On page 3, in line 22, strike “and”; and in line 23, after the semicolon insert “and
(v) energy efficiency as a supply resource to stem demand
growth:”.

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 352 – Senators Conway, Britt, Kasemeyer, Lenett, Muse, and Pinsky

AN ACT concerning

Environment – Golf Course Redevelopment – Environmental Assessment

(Amendment ID: SB0352/864937/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 352
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Redevelopment –” insert “Report on Need for”; in line 3, after “requiring” insert “the Department of the Environment to submit a certain report to the General Assembly on or before a certain date with a certain recommendation regarding whether or not there is a need for a program to review and approve development plans before new construction begins on a golf course; requiring the report to include a description of a certain process and a certain summary; requiring the Department to take certain actions in developing a certain recommendation;”; and strike beginning with “a” in line 3 down through the second “circumstances;” in line 21.

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 2 on page 2, inclusive.

On page 2, in line 4, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On page 2, after line 4, insert:

“(a) (1) On or before December 31, 2007, the Department of the Environment shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, with a recommendation regarding whether or not there is a need for a program to review and approve development plans before new construction begins on a golf course.

(2) The report shall include:

(i) a description of the appropriate process to review and approve development plans, including the required information to be reviewed, the type of investigation to be conducted, and any specific standards that would need to be met before granting approval for a development plan for new construction on a golf course; and

(ii) a summary of any opposing views from business, environmental, or community groups and an explanation of the reasons why those opposing views were not adopted by the Department.

(b) In developing the recommendation for the report under subsection (a) of this section, the Department shall:

(1) solicit input from stakeholders, including environmental scientists and engineers, environmental organizations, community groups, owners and operators of

golf courses, professional groundskeepers, homebuilders, and representatives from local, State, and federal environmental agencies;

(2) conduct a review of existing scientific literature concerning the redevelopment of golf courses;

(3) determine whether federal law or a law of another state in the region requires a special review of former golf course property before approving a development project;

(4) review all available sampling results and environmental analyses for golf courses in the State;

(5) estimate the cost to the State to prepare, review, and approve development plans for new construction on golf courses;

(6) consider potential impacts on human health or the environment from the redevelopment of golf courses for residential and public uses;

(7) consider the potential impacts on the availability of land for redevelopment and on the willingness of land owners to develop land as a golf course if a program to review development plans is implemented; and

(8) consider the costs to owners, operators, and developers, as well as residential and commercial buyers of former golf course property, if a program to review development plans is implemented.”

AMENDMENT NO. 3

On pages 2 through 6, strike in their entirety the lines beginning with line 5 on page 2 through line 3 on page 6, inclusive.

AMENDMENT NO. 4

On page 6, in line 5, strike “October 1, 2007” and substitute “July 1, 2007”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 414 – Senators Stoltzfus, Colburn, Dyson, Middleton, Pipkin, and Stone

AN ACT concerning

Working Waterfront Commission

(Amendment ID: SB0414/454838/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 414
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Hooper, Harris, and Greenip”.

AMENDMENT NO. 2

On page 3, strike beginning with the first “the” in line 1 down through “(9)” in line 3; and in lines 6, 8, 10, 11, 14, and 16, strike “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, and “(15)”, respectively, and substitute “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, and “(14)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

Senator Jacobs moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2007.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #6

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 821 – Senator Britt

AN ACT concerning

Agriculture – Confinement of Pigs During Pregnancy

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

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

Senate Bill 879 – Senator Pinsky

AN ACT concerning

Hospitals – Safe Patient Lifting

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 910 – Senator Jones

AN ACT concerning

University of Maryland Medical System – Minority Business Enterprise Procurement Activities

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

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

Senate Bill 913 – Senators Klausmeier and Brochin

AN ACT concerning

Credit Regulation – Prepayment Charge or Penalty – Prohibition

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 926 – Senator Harris

AN ACT concerning

Harford County – Gaming – Political Fundraising

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 986 – Senators DeGrange, Brinkley, Currie, Hogan, Kasemeyer, Kramer, and Munson

AN ACT concerning

Creation of a State Debt – Aging School Program – Qualified Zone Academy Bonds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 987 – Senator Conway

EMERGENCY BILL

AN ACT concerning

Maryland HIV/AIDS Reporting Act

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 988 – Senator Pugh

AN ACT concerning

Creation of a State Debt – Baltimore City – Alpha Phi Alpha Fraternity Corporate Headquarters

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 989 – Senator Gladden

AN ACT concerning

Real Estate Investment Trusts – Share Information

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 990 – Senator Gladden

AN ACT concerning

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

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 991 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Historic East Baltimore Community Action Coalition

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 992 – Chair, Finance Committee (By Request – Departmental – Transportation)

AN ACT concerning

Maryland Aviation Administration – Airport Improvement Program Funds

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 993 – Senators Klausmeier and Hooper

AN ACT concerning

State Board of Massage Therapy Examiners – Licensure, Registration, and Regulation

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 994 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Worcester County – Mar-Va Theater Performing Arts Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 996 – Senators Stone, Brochin, DeGrange, Della, Klausmeier, McFadden, Simonaire, and Zirkin

EMERGENCY BILL

AN ACT concerning

Critical Area – Construction of a Facility – Prohibition

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings and the Committee on Finance:

Senate Bill 997 – Senators Stone, DeGrange, Della, Kasemeyer, Klausmeier, McFadden, and Zirkin

AN ACT concerning

Liquefied Natural Gas and Liquefied Petroleum Gas – Liability

The bill was re-referred to the Committee on Judicial Proceedings and the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 998 – Senator Stone (By Request – Baltimore County Administration) and Senators Brochin, Kasemeyer, Kelley, and Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1000 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Mount Olive Community Life Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1001 – Senator Gladden

AN ACT concerning

**Baltimore City – West Arlington Planetarium and Multipurpose Center Loan of
1999**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1002 – Senator Dyson

AN ACT concerning

Creation of a State Debt – Charles County – Camp Winona

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1003 – Senator Stone

AN ACT concerning

Criminal Law – Possession of Child Pornography – Enhanced Penalties

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1004 – Senator Stone

AN ACT concerning

Vehicle Laws – Penalty for Failure to Pay Electronic Toll – Limitation

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1005 – Senator Kelley

AN ACT concerning

Residential Child Care Programs – Behavior Management Interventions

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1006 – Senator Klausmeier

AN ACT concerning

Redhouse Run Stormwater Systems Loan of 1984

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1007 – Senator Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Public Safety Memorial

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1008 – Senator Colburn

AN ACT concerning

Town of Brookview (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1009 – Senator Colburn

AN ACT concerning

Town of Eldorado (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Town of Galestown (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1011 – Senator Colburn

AN ACT concerning

Town of Hurlock (Dorchester County) – Urban Renewal Authority for Slum Clearance

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1012 – Senator Astle

AN ACT concerning

Natural Resources – Fishery Management Reform Act

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

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

Senate Bill 1013 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Job Classifications and Grades for Staff

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1014 – Senator Conway

AN ACT concerning

Higher Education – Morgan State University – Board of Regents – Student Member

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1015 – Senator Raskin

AN ACT concerning

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

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1016 – Senator Britt

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Prince George’s County –
Langley Park Multi–Service Center**

The bill was re–referred to the Committee on Budget and Taxation.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2008

(See Exhibit F of Appendix III)

Supplemental Budget No. 2 read and referred to the Committee on Budget and Taxation.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #3

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #3
March 8, 2007

District Court, Anne Arundel County (District 7)

1. The Honorable Robert C. Wilcox

Judge of the District Court of Maryland, District Seven for Anne Arundel County; reappointed to serve a term of ten years from February 7, 2007

District Court, Charles County (District 4)

2. The Honorable Richard A. Cooper

Judge of the District Court of Maryland, District Four for Charles County; reappointed to serve a term of ten years from February 7, 2007

Airport Zoning Appeals Board

3. Andrea M. Jones Horton
7715 East Classic Court
Severn, Maryland 21061

Member of the Airport Zoning Appeals Board; appointed to serve a remainder of a term of four years from July 1, 2003 and reappointed to serve a term of four years from July 1, 2007

Archaeology, Advisory Committee on

4. Marian C. Creveling
1707 Forestville Road
Edgewater, Maryland 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2007

5. Robert D. Wall, Ph.D.
1602 Beechwood Avenue
Catonsville, Maryland 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2007

Arts Council, Maryland State

6. Abigail S. Hoffman, Esquire
1005 Fallscroft Way
Lutherville, Maryland 21093

Member of the Maryland State Arts Council; appointed to serve a remainder of a term of three years from July 1, 2006

Correctional Standards, Commission on

7. Maria-Triva Elmo
5606 Greenspring Avenue
Baltimore, Maryland 21209

Member of the Commission on Correctional Standards; appointed to serve a term to expire June 30, 2007

Engineers, State Board of Stationary

8. George E. Maloney
1914 Old New Windsor Road
New Windsor, Maryland 21776

Member of the State Board of Stationary Engineers; appointed to serve a term of three years from July 1, 2007

Historical Trust Board of Trustees

9. Brien J. Poffenberger
P.O. Box 633
Sharpsburg, Maryland 21782

Member of the Maryland Historical Trust Board of Trustees; appointed to serve a term of four years from July 1, 2007

10. Randall F. Vega
805 Glen Allen Drive
Baltimore, Maryland 21229

Member of the Maryland Historical Trust Board of Trustees; appointed to serve a remainder of a term of four years from July 1, 2006

Indian Affairs, Commission on

11. Virginia R. Busby
3174 Freestone Court
Abingdon, Maryland 21009

Member of the Commission on Indian Affairs; appointed to serve a remainder of a term of three years from July 1, 2006

12. Cornelius Allen Red Deer
3058 Mayfield Avenue

Baltimore, Maryland 21213

Member of the Commission on Indian Affairs; appointed to serve a remainder of a term of three years from July 1, 2005

13. Guy G. Wells
201 South 6th Street
Denton, Maryland 21629

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2007

Police Training Commission

14. The Honorable David A. Goad
519 Louisiana Avenue
Cumberland, Maryland 21502

Member of the Police Training Commission; appointed to serve a remainder of a term of three years from June 1, 2006

Public Service Commission

15. Susanne Brogan, Esquire
125 Archwood Avenue
Annapolis, Maryland 21401

Member of the Maryland Public Service Commission; appointed to serve a remainder of a term of five years from July 1, 2006

16. Steven B. Larsen, Esquire
10111 Parkwood Drive
Bethesda, Maryland 20814

Member of the Maryland Public Service Commission; appointed to serve a remainder of a term of five years from July 1, 2003

Seafood Marketing Advisory Commission

17. Scott D. Fritze
1 South Washington Street, 3rd Floor
Easton, Maryland 21601

Member of the Seafood Marketing Advisory Council; appointed to serve a term of four years from July 1, 2007

Social Work Examiners, State Board of

18. Judith Mayer Levy
6939 Copperbend Lane
Baltimore, Maryland 21209

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2007

19. Thomas Patrick Smith
6712 Patterson Street
Riverdale, Maryland 20737

Member of the State Board of Social Work Examiners; appointed to serve a remainder of a term of four years from July 1, 2006

20. Loretta Y. Wall
11073 Swansfield Road
Columbia, Maryland 21044

Member of the State Board of Social Work Examiners; appointed to serve a remainder of a term of four years from July 1, 2003 and for a term of four years from July 1, 2007

Stadium Authority, Maryland

21. Frederick W. Puddester
20 Baldrige Road
Annapolis, Maryland 21401

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2007

University System of Maryland Board of Regents

22. Barry P. Gossett
490 South River Landing
Edgewater, Maryland 21037

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2006

Workers' Compensation Commission, State

23. Patricia G. Adams, Esquire
1741 Point No Point Drive
Annapolis, Maryland 21401

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from February 1, 2006

24. Kimberly Smith Ward, Esquire
12 Brucetown Court
Catonsville, Maryland 21228

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from February 1, 2004

25. Jeffrey T. Weinberg, Esquire
7115 Pheasant Cross Drive
Baltimore, Maryland 21209

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from July 1, 2006

Youth Camp Safety, Advisory Council on

26. Sharon I. Pawlowski
1214 Hampton Road
Annapolis, Maryland 21409

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2007

27. Helen J. Robinson
7800 Hanover Parkway, #102
Greenbelt, Maryland 20770

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2007

Statewide Nominees*
Nominees Need Not Appear

Contract Appeals, Maryland State Board of

- S-1. Michael J. Collins
608 Seena Road

Baltimore, MD 21221

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of 3 years from October 1, 2007

Historical Trust Board of Trustees

- S-2. Harrison B. Wetherill, Jr., Esquire
159 Owensville Road
West River, Maryland 20778

Member of the Maryland Historical Trust Board of Trustees; reappointed to serve a term of four years from July 1, 2007

Public Service Commission

- S-3. Harold D. Williams
3 Falls Glen Road
Parkton, Maryland 21120

Member of the Maryland Public Service Commission; reappointed to serve a term of five years from July 1, 2007

Seafood Marketing Advisory Commission

- S-4. Susan L. Bringen
450 Knottwood Court
Arnold, Maryland 21012

Member of the Seafood Marketing Advisory Council; reappointed to serve a term of four years from July 1, 2007

- S-5. Roy P. Todd
2 Sunset Lane
Cambridge, Maryland 21613

Member of the Seafood Marketing Advisory Council; reappointed to serve a term of four years from July 1, 2007

Social Work Examiners, State Board of

- S-6. Cherie Cannon
7821 Emily's Way
Greenbelt, Maryland 20770

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2006

- S-7. Yvonne M. Perret
1116 Bedford Street
Cumberland, Maryland 21502

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2007

Local Nominees**
Nominees Need Not Appear

Allegany County Board of Elections

- L-1. Lionel F. Baker
15011 Paradise Street
Midland, Maryland 21542

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

- L-2. Patricia E. Malloy
706 Washington Street
Cumberland, Maryland 21502

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

- L-3. Georgia M. Martin
148 N. Mechanic Street
Cumberland, Maryland 21502

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Anne Arundel Community College Board of Trustees

- L-4. Courtney Lynn Tipton
5968 1st Street
Deale, Maryland 20751

Member of the Anne Arundel County Community College Board of Trustees; appointed to serve a term of 1 year from July 1, 2007

Anne Arundel County Board of Elections

L-5. K. Jill Barr
639 Sean Drive
Annapolis, Maryland 21401

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

L-6. Barbara L. Fisher
1455 Pleasantville Drive
Glen Burnie, Maryland 21061

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

L-7. David M. Shade
1762 Belle Court
Millersville, Maryland 21108

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Baltimore City Board of Elections

L-8. Armstead B. Crawley Jones, Sr.
2407 Lake Avenue
Baltimore, Maryland 21213

Member of the Baltimore City Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

L-9. Eleanor K. Wang
5405 Falls Road Terrace
Baltimore, Maryland 21210

Member of the Baltimore City Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

Carroll County Board of Elections

L-10. Griffith Manahan
1694 Stone Chapel Road
New Windsor, Maryland 21776

Member of the Carroll County Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

- L-11. David R. Peloquin
1038 Pinch Valley Road
Westminster, Maryland 21157

Member of the Carroll County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Cecil County Board of Elections

- L-12. Nelson K. Bolender
22 Highland Avenue
Elkton, Maryland 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-13. Joan C. Byerly
P.O. Box 190
Warwick, Maryland 21912

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-14. Ulysses G. Demond, III
102 Mill Lane
North East, Maryland 21901

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-15. Margaret McMahon Gagnon
42 Carpenter's Point Loop
Perryville, Maryland 21903

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-16. Carolyn M. McDowell
328 Smith Road
Rising Sun, Maryland 21911

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Frederick County Board of Elections

L-17. Raymond E. Bentz
125 Cody Drive, #33
Thurmont, Maryland 21788

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-18. Mary Lou Green
3602 Petersville Road
Knoxville, Maryland 21758

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-19. Garold R. Hays
201 Cobble Way
Walkersville, Maryland 21793

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-20. Mark P. Jeffers, Jr.
4908 Ed McClain Road
Monrovia, Maryland 21770

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-21. Earlene Hairston Thornton, Ed.D.
5503 Hines Road
Frederick, Maryland 21701

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Garrett County Board of Elections

L-22. Paul L. Kolb
242 Sale Barn Road
Accident, Maryland 21520

Member of the Garrett County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-23. Lois A. Martin
9605 Garrett Highway
Oakland, Maryland 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Howard County Board of Elections

- L-24. Ann M. Balcerzak, Esquire
7303 Meadow Wood Way
Clarksville, Maryland 21029

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-25. Ethel B. Hill, Esquire
5129 West Running Brook Road
Columbia, Maryland 21044

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-26. Raymond M. Rankin
8333 Painted Rock Road
Columbia, Maryland 21045

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Montgomery Community College Board of Trustees

- L-27. Reginald M. Felton
5610 Wisconsin Avenue, Unit 1103
Chevy Chase, Maryland 20815

Member of the Montgomery College Board of Trustees; appointed to serve a term of six years from July 1, 2007

- L-28. Steven Z. Kaufman, Esquire
19225 Dimona Drive

Brookeville, Maryland 20833

Member of the Montgomery College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Montgomery County Board of Elections

L-29. Mary M. Carter-Williams, Ph.D.
6511 Eastern Avenue
Takoma Park, Maryland 20912

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-30. Samuel L. Statland
3500 Saul Road
Kensington, Maryland 20895

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-31. John J. Sullivan, Esquire
5404 Greystone Street
Chevy Chase, Maryland 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Prince George's Community College Board of Trustees

L-32. John Steinecke
704 Main Street
Laurel, Maryland 20707

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2007

L-33. Felix Yeoman
11000 Forestgate Place
Glenn Dale, Maryland 20769

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2007

Prince George's County Board of Elections

L-34. E. Kenneth Barksdale, Jr.
3414 Aberdeen Street
Suitland, Maryland 20746

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-35. Francis J. DiSalvo, Sr.
9011 Rosaryville Road
Upper Marlboro, Maryland 20772

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-36. Kenneth Fox
14102 Guardian Court
Bowie, Maryland 20715

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-37. Linda M. Houston, Esquire
8705 Grasmere Court
Ft. Washington, Maryland 20744

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-38. Patricia A. King, Esquire
5900 Forest Rd.
Cheverly, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-39. Theresa Bournes Roebuck
6601 Oak Street
Cheverly, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-40. Carl R. Ruble
6002 Brooke Jane Drive

Clinton, Maryland 20735

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-41. Olivia D. Vaughns
1200 Fiji Avenue
Highland Park, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Prince George's County Board of License Commissioners

- L-42. Earl J. Howard
3706 Bakersville Drive
Mitchellville, Maryland 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2007

- L-43. Shaihi Mwalimu
9544 Victoria Drive
Upper Marlboro, Maryland 20772

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2007

Queen Anne's County Board of Elections

- L-44. William J. Rankin, Jr.
306 Cove Road
Queenstown, Maryland 21658

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-45. Jane G. Sparks
1731 Harbor Drive
Chester, Maryland 21619

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Somerset County Board of Elections

L-46. Emily B. Ent
11378 Hayman Drive
Princess Anne, Maryland 21853

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-47. Mary Lee Thomas Handy
28152 Holland Crossing Road
Marion Station, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-48. Elton P. Maddox, Sr.
6626 Crisfield Highway
Marion, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-49. Sonja L. Paul
5790 Cedar Landing Drive
Marion Station, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-50. Milton William Ward
26348 Silver Lane
Crisfield, Maryland 21817

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Somerset County Board of License Commissioners

L-51. James E. East
33123 Costen Road
Pocomoke, Maryland 21851

Member of the Somerset County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2007

L-52. John Wade
12304 Somerset Avenue
Princess Anne, Maryland 21853

Member of the Somerset County Board of License Commissioners; appointed to serve a term of two years from June 1, 2007

St. Mary's County Board of Elections

L-53. Rose V. Frederick
P.O. Box 22
Loveville, Maryland 20656

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-54. Robert H. Goldsmith, Ph. D.
43745 Stephenson Drive
Leonardtown, Maryland 20650

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-55. Donald Lee O'Neal
P.O. Box 236
Great Mills, Maryland 20634

Member of the St. Mary's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-56. Rebecca J. Owens Wathen
P.O. Box 67
St. Inigoes, Maryland 20684

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-57. Noel T. Wood
P.O. Box 14
Tall Timbers, Maryland 20690

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Southern Maryland, Board of Trustees of the College of

L-58. Charles R. Bailey, Jr., Esquire
3165 Hickory Ridge Road
Dunkirk, Maryland 20754

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2005

L-59. MacArthur Jones
155 MacArthur Drive
Huntingtown, Maryland 20639

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2005

L-60. Mary Maddox Krug, Esquire
P.O. Box 133
Dunkirk, Maryland 20754

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2006

L-61. Michael L. Middleton
P.O. Box 2505
La Plata, Maryland 20646

Member of the College of Southern Maryland Board of Trustees; appointed to serve a term of five years from July 1, 2007

L-62. James K. Raley, Jr.
P.O. Box 582
Hollywood, Maryland, 20636

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2003

L-63. Dorothea Holt Smith
3365 Forest Road
Waldorf, Maryland 20601

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2003

L-64. Janice T. Walthour
20493 Partins Lane

Lexington Park, Maryland 20653

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2005

Talbot County Board of Elections

L-65. Walter Weldon Black, Jr.
8672 Misty Brook Way
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-66. Mary-Beth S. Goll
814 Applewood Court
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-67. Susan J. MacKinnon
105 Willows Avenue
Oxford, Maryland 21654

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-68. Kathryne Kendall Middleton
17 Plum Street
Easton, Maryland 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-69. Venita L. Southworth
707 Lomax Street
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Washington County Board of Elections

L-70. John R. Benchoff

20201 American Way
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-71. Carroll H. Earp
20315 Ayoub Lane
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-72. Colonel Clyde J. Tate, USA
1101 Shalom Lane
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-73. Sharon L. Washington
125 Clarkson Avenue
Hagerstown, Maryland 21740

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-74. Eileen W. Wiggins
18534 Kent Avenue
Hagerstown, Maryland 21740

Member of the Washington County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Washington County Board of License Commissioners

L-75. Charles F. Mades
17223 Cloverleaf Road
Hagerstown, Maryland 21740

Member of the Washington County Board of License Commissioners; appointed to serve a term of six years from June 1, 2007

Wicomico County Board of Elections

L-76. Robert L. Gladden, Sr.
112 Glen Avenue
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-77. Leonard S. Jett
7061 Cromwell Avenue
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-78. Katrina A. Purnell
5762 Cairn Court
Salisbury, Maryland 21801

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-79. Darlene S. White
26908 Nanticoke Road
Salisbury, Maryland 21801

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-80. Woodland B. Willing
31986 Shavex Road
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Wor-Wic Community College Board of Trustees

L-81. William H. Kerbin
610 Homewood Drive
Pocomoke City, Maryland 21851

Member of the Wor-Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Worcester County Board of Elections

L-82. Hinson F. Finney
2317 Oak Hill Road
Pocomoke City, Maryland 21851

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

L-83. Kay Ann Hickman
#7-136th Street, Seaside 902 North
Ocean City, Maryland 21842

Member of the Worcester County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 9, 2007.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 322)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 107 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Hogan, Kasemeyer, Klausmeier, Middleton, Miller, Peters, ~~and Rosapepe~~ Rosapepe, Astle, Kelley, and Pugh

AN ACT concerning

Task Force on Health Care Access and Reimbursement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the House of Delegates.

Senate Bill 181 – Senator Middleton

AN ACT concerning

Oral Health Safety Net Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 324)

The Bill was then sent to the House of Delegates.

Senate Bill 230 – Senators Brinkley, Astle, Colburn, Dyson, Garagiola, Haines, Hogan, Hooper, Jacobs, Kasemeyer, Kittleman, Kramer, Middleton, Miller, Mooney, Munson, Pugh, Robey, Simonaire, and Stoltzfus

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 325)

The Bill was then sent to the House of Delegates.

Senate Bill 438 – Senator Pugh (By Request) and Senators Conway, Della, Jones, Kasemeyer, ~~and McFadden~~ McFadden, and Garagiola

AN ACT concerning

**Maryland Transit Administration – Continuation of Passenger Railroad Service
on Amtrak and CSX Lines**

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

Affirmative – 46 Negative – 1 (See Roll Call No. 326)

The Bill was then sent to the House of Delegates.

Senate Bill 588 – Senator Garagiola

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

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

Affirmative – 47 Negative – 0 (See Roll Call No. 327)

The Bill was then sent to the House of Delegates.

Senate Bill 621 – Senator Gladden

AN ACT concerning

State Personnel – Compensatory Time for Mentoring Youth

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

Affirmative – 47 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the House of Delegates.

Senate Bill 625 – Senator Garagiola

AN ACT concerning

**Workers' Compensation Commission – Governmental Self-Insurance
Groups – Investment**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 329)

The Bill was then sent to the House of Delegates.

Senate Bill 680 – Cecil County Senators

AN ACT concerning

Cecil County – Public Facilities Bonds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 330)

The Bill was then sent to the House of Delegates.

Senate Bill 682 – Cecil County Senators

AN ACT concerning

**Cecil County – Purchase of Development Rights Program – General Obligation
Installment Purchase Agreements**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 331)

The Bill was then sent to the House of Delegates.

Senate Bill 720 – Senators Middleton, Exum, and Kelley (Unemployment Insurance Oversight Committee)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight

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

Affirmative – 47 Negative – 0 (See Roll Call No. 332)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

**Maryland Higher Education Commission – Review of Duplicative Academic
Programs**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(4) OFFERED FROM THE FLOOR BY SENATOR CONWAY

FLOOR AMENDMENT

(Amendment ID: SB0029/183820/1)

BY: Senator Conway

AMENDMENTS TO SENATE BILL 29, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, after “Act” insert “; authorizing an institution that proposes a program that is the subject of a Commission decision under judicial review to offer the program pending a final decision of the court and exhaustion of all appeals”; and in the same line, before “and” insert “; providing that, if the Commission reverses a certain decision regarding a program, an institution may continue to offer the program for certain periods under certain circumstances”.

AMENDMENT NO. 2

On page 4 of the bill, in line 29, after “(7)” insert “(I)”; and after line 32, insert:

“(II) IF JUDICIAL REVIEW IS SOUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INSTITUTION THAT PROPOSED THE PROGRAM THAT IS THE SUBJECT OF THE DECISION BEING REVIEWED MAY OFFER THE PROGRAM PENDING A FINAL DECISION OF THE COURT AND THE EXHAUSTION OF ANY APPEALS AUTHORIZED BY LAW.”

On page 7 of the bill, in line 31, after “(6)” insert “(I)”.

On page 8 of the bill, after line 2, insert:

“(II) IF JUDICIAL REVIEW IS SOUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INSTITUTION THAT PROPOSED THE PROGRAM THAT IS THE SUBJECT OF THE DECISION BEING REVIEWED MAY OFFER THE PROGRAM PENDING A FINAL DECISION OF THE COURT AND THE EXHAUSTION OF ANY APPEALS AUTHORIZED BY LAW.”

AMENDMENT NO. 3

On page 8, before line 28, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That if a decision of the Maryland Higher Education Commission under Section 2 of this Act reverses a prior decision of the Commission regarding unreasonable or unnecessary duplication of programs, an institution offering the program that is the subject of the decision may continue to offer the program:

(1) until the end of the current academic year, or until the end of the upcoming academic year if the decision is not made during the academic year, if a petition for judicial review is not filed in accordance with Section 1 of this Act within 60 days of the Commission's decision under Section 2 of this Act; or

(2) if a petition for judicial review is filed in accordance with Section 1 of this Act within 60 days of the Commission's decision under Section 2 of this Act, until a final decision of the Court and the exhaustion of any appeals authorized by law."

AMENDMENT NO. 4

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0029/404939/1), in the last line of Amendment No. 4, strike "3." and substitute "4.".

The preceding 4 amendments were withdrawn.

Senator Brochin moved, duly seconded, to make the Bill a Special Order for March 13, 2007.

The motion was rejected by a roll call vote as follows:

Affirmative – 16 Negative – 28 (See Roll Call No. 333)

Senator Garagiola moved, duly seconded, to reconsider the vote by which the floor amendments offered by Senator Brochin were adopted.

Read and adopted by roll call vote as follows:

Affirmative -27 Negative -20 (See Roll Call No. 334)

FLOOR AMENDMENT

(Amendment ID: SB0029/133529/1)

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 29, AS AMENDED (First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0029/404939/1), in line 4 of Amendment No. 1, strike "during or after certain dates" and substitute "after a certain date".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike beginning with “:” in line 3 down through “HAS” in line 10 and substitute “HAS”.

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

Affirmative – 22 Negative – 25 (See Roll Call No. 335)

FLOOR AMENDMENT

(Amendment ID: SB0029/183926/2)

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “the” and substitute “a”.

AMENDMENT NO. 2

On page 4, in line 31, after “COURT” insert “IN A JURISDICTION IN WHICH NEITHER INSTITUTION IS LOCATED”.

AMENDMENT NO. 3

On page 8, in line 1, after “COURT” insert “IN A JURISDICTION IN WHICH NEITHER INSTITUTION IS LOCATED”.

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0029/183222/2)

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 29
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, before “and” insert “authorizing a certain institution to continue operating a certain program for no less than a certain period of time if a certain court enters a certain judgment:”.

AMENDMENT NO. 2

On page 4, in line 29, after “(7)” insert “(I)”; and after line 32, insert:

“(II) IF A COMMISSION DECISION IS SUBJECT TO JUDICIAL REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND A COURT ENTERS A JUDGMENT ORDERING AN INSTITUTION TO CEASE OPERATING A PROGRAM, THE INSTITUTION SHALL HAVE NO LESS THAN 4 YEARS FROM THE DATE THE JUDGMENT IS FINAL AND ALL APPEALS HAVE BEEN EXHAUSTED TO WIND UP THE PROGRAM.”

AMENDMENT NO. 3

On page 7, in line 31, after “(6)” insert “(I)”.

On page 8, after line 2, insert:

“(II) IF A COMMISSION DECISION IS SUBJECT TO JUDICIAL REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND A COURT ENTERS A JUDGMENT ORDERING AN INSTITUTION TO CEASE OPERATING A PROGRAM, THE INSTITUTION SHALL HAVE NO LESS THAN 4 YEARS FROM THE DATE THE JUDGMENT IS FINAL AND ALL APPEALS HAVE BEEN EXHAUSTED TO WIND UP THE PROGRAM.”

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2007.

The motion was rejected by a roll call vote as follows:

Affirmative – 23 Negative – 24 (See Roll Call No. 336)

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

Affirmative – 24 Negative – 23 (See Roll Call No. 337)

Senator Brochin moved, duly seconded, to make the Bill a Special Order for March 13, 2007.

The motion was rejected by a roll call vote as follows:

Affirmative – 23 Negative – 24 (See Roll Call No. 338)

Senator Currie moved, duly seconded, to reconsider the vote by which the floor amendments offered by Senator Brochin were adopted.

Read and adopted by roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 339)

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

Affirmative – 24 Negative – 23 (See Roll Call No. 340)

FLOOR AMENDMENT

(Amendment ID: SB0029/753625/1)

BY: Senator Conway

AMENDMENTS TO SENATE BILL 29, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 9, before “and” insert “requiring Morgan State University or the University of Baltimore to accept certain students enrolled in a certain program at Towson University that has been discontinued under a certain order of the Commission or a court;”.

AMENDMENT NO. 2

On page 8 of the bill, before line 28, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Morgan State University or the University of Baltimore shall accept students in good standing enrolled in a program at Towson University that has been discontinued under an order of the Maryland Higher Education Commission or a court.”.

AMENDMENT NO. 3

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0029/404939/1), in the last line of Amendment No. 4, strike “3.” and substitute “4.”.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 341)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF SENATE SIMPLE RESOLUTIONS

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Simple Resolution 1 – Senator Muse

A Senate Simple Resolution concerning

**Department of Juvenile Services – Allegations of Discrimination and Harassment –
Legislative Investigating Committee**

FOR the purpose of creating a legislative investigating committee in accordance with Title 2, Subtitle 16 of the State Government Article, the purpose of which is to investigate allegations of discrimination against and harassment of employees in the Department of Juvenile Services; and generally relating to a legislative investigating committee to investigate allegations of discrimination against and harassment of employees in the Department of Juvenile Services.

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

INTRODUCTION OF BILLS

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1020 – Senator Muse

AN ACT concerning

Credit Regulation – Inquiries About Consumer Reports – Credit Score Calculation

FOR the purpose of prohibiting a consumer reporting agency from considering any inquiries made about a consumer's consumer report in the calculation of a consumer's credit score; and generally relating to consumer reporting agencies and consumer credit scores.

BY adding to

Article – Commercial Law

Section 14–1203.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 342)

ADJOURNMENT

At 12:25 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 9, 2007.

**Annapolis, Maryland
Friday, March 9, 2007
11:00 A.M. Session**

The Senate met at 11:20 A.M.

Prayer by Pastor Robert Myers, Arundel Baptist Church, guest of Senator Greenip.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 8, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 344)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Patricia Ross Hawkins	The President and All Members	422

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 345)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 333 – Senators Frosh and Forehand

AN ACT concerning

Commission on Maryland's Energy Future

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

(Amendment ID: SB0333/104638/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 333
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Forehand” and substitute “, Forehand, Conway, Dyson, Britt, Colburn, Lenett, Pinsky, Rosapepe, and Zirkin”.

AMENDMENT NO. 2

On page 3, in line 22, strike “and”; and in line 23, after the semicolon insert “and
(v) energy efficiency as a supply resource to stem demand
growth;”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0333/947976/1)

BY: Finance Committee

AMENDMENT TO SENATE BILL 333
(First Reading File Bill)

On page 2, in line 21, strike “and”; and in line 23, after the second “Development” insert “; and

(7) a representative from the Public Service Commission, appointed by the Chairman of the Public Service Commission”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0333/103126/1)

BY: Senator Forehand

AMENDMENT TO SENATE BILL 333
(First Reading File Bill)

On page 2, in line 21, strike “and”; after line 21, insert:

“(6) a representative from the University of Maryland Biotechnology Institute, appointed by the President of the University of Maryland Biotechnology Institute; and”;

and in line 22, strike “(6)” and substitute “(7)”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES #10

FIRST READING OF HOUSE BILLS

House Bill 45 – Calvert County Delegation

AN ACT concerning

Calvert County Board of Education – Compensation

FOR the purpose of altering the compensation received by certain members of the Calvert County Board of Education; providing that this Act does not apply to the salary or compensation of the incumbent members of the Board; and generally relating to the compensation received by members of the Calvert County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–303
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 167 – Howard County Delegation

AN ACT concerning

Howard County – Property Tax Credit – Residence Jointly Owned by an Individual and the Howard County Housing Commission

Ho. Co. 6–07

FOR the purpose of authorizing the governing body of Howard County to grant, by law, a tax credit against the county property tax imposed on certain owner-occupied residential real property; authorizing the governing body of Howard County to specify the amount and duration of the credit; authorizing the governing body to provide for implementation and administration of the credit; providing for the application of this Act; and generally relating to the property tax in Howard County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–315(a) and (b)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 179 – Frederick County Delegation

AN ACT concerning

Frederick County – Board of Education – Nonvoting Student Member

FOR the purpose of adding a nonvoting student member to the Frederick County Board of Education; requiring the student member to meet certain qualifications; specifying the term of the student member; requiring that the student member advise the County Board on certain matters; prohibiting the student member from attending an executive session of the Board; providing that only voting members of the Board may receive certain compensation; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–5B–01 and 3–5B–04(a)

Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 204 – Delegates Rice, Ali, Barkley, Barnes, Bronrott, Cardin, Dumais, Feldman, Gutierrez, Hixson, Hucker, Ivey, N. King, Kipke, Kramer, Lawton, Manno, Mizeur, Olszewski, Pena–Melnyk, Ross, Schuler, Stukes, Tarrant, Taylor, Valderrama, Vaughn, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Barve, Elmore, George, Gilchrist, Howard, Jennings, Kaiser, Krebs, McKee, Murphy, and F. Turner

AN ACT concerning

~~**Tax Credit – Student Textbooks**~~
Task Force to Study the Cost of Textbooks for Higher Education

~~FOR the purpose of allowing certain individuals to claim a credit against the State income tax up to a certain amount for textbooks purchased for use at institutions of higher education; providing that the credit may not exceed the State income tax for that taxable year and that any unused credit for a taxable year may not be carried over to any other taxable year; defining certain terms; providing for application of this Act; and generally relating to a credit against the State income tax credit for certain textbooks.~~

FOR the purpose of establishing a Task Force to Study the Cost of Textbooks for Higher Education; providing for the composition of the Task Force; requiring the Maryland Higher Education Commission to provide staff for the Task Force; prohibiting a member of the Task Force from receiving compensation; providing that a member of the Task Force is entitled to reimbursement for certain expenses; requiring the Task Force to submit 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 the establishment of a Task Force to Study the Cost of Textbooks for Higher Education.

~~BY adding to
Article Tax General
Section 10-726
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 251 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Kirk, Krysiak, McHale, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

FOR the purpose of altering the termination date applicable to certain provisions authorizing the Mayor and City Council of Baltimore City to grant, by law, a property tax credit against the local property tax imposed on certain newly constructed dwellings under certain circumstances; and generally relating to property tax credits for newly constructed dwellings in Baltimore City.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–304(d)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 318 – Delegates McHale and Hammen

AN ACT concerning

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

FOR the purpose of altering the eligibility requirements for the Edward T. Conroy Memorial Scholarship Program to include a certain student who is a son, daughter, or surviving spouse of a State or local public safety employee killed in the line of duty to specify that the student may be a resident of any state; 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 eligibility for the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, without amendments,

Article – Education

Section 18–601(a)(1) and (4), (b), and (c)

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Education

Section 18–601(d)

Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(d)
Annotated Code of Maryland
(2006 Replacement Volume)
(As enacted by Chapter 418 of the Acts of the General Assembly of 2004)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 387 – Delegates Smigiel, Anderson, Carter, Dumais, Elmore, Kelly, Lee, Manno, Schuler, and Simmons

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

FOR the purpose of altering the period during which a release of a claim for certain damages signed by an injured individual is voidable; altering the period during which a certain power of attorney or employment contract signed by an injured individual is voidable; clarifying when a certain time period begins; requiring a certain notice that a certain release is voided to be in writing and accompanied by the return of certain money; providing that a certain release is void from the date that a certain notice is mailed; providing for the application of this Act; and generally relating to certain documents signed by injured individuals.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401.1
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 392 – Delegates Kaiser and Taylor

AN ACT concerning

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

FOR the purpose of altering a certain subtraction modification under the State income tax

for certain military retirement income to include certain individuals; defining certain terms; providing for the application of this Act; and generally relating to the State income ~~tax~~ taxation of certain retirement income.

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

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

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 426 – Frederick County Delegation

AN ACT concerning

Frederick County – Board of Education – Repeal of Spousal Exclusion

FOR the purpose of repealing a certain prohibition that bars an individual who is married to an administrator or teacher of the Frederick County Board of Education from being elected or serving on the County Board; repealing a certain prohibition that bars an individual who is married to a member of the County Board from being hired as an administrator or teacher by the County Board unless the individual's spouse first resigns from the County Board; and generally relating to the Frederick County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–5B–01(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing
Article – Education
Section 3–5B–02
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

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

AN ACT concerning

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

FOR the purpose of ~~exempting certain broadcasters and their agents from civil liability~~ establishing that certain broadcasters and commercial mobile radio service providers and their employees, officers, directors, members, managers, and agents are not liable for damages for broadcasting or disseminating an AMBER alert after receiving a certain notification under certain circumstances; providing for the application of this Act; defining certain terms; and generally relating to the dissemination of an AMBER alert.

BY adding to

Article – Courts and Judicial Proceedings

Section ~~5-427~~ 5-642

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1-301(d) and (e)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 496 – Delegates Anderson, Cane, Conaway, Glenn, Harrison, Howard, Jones, Kirk, Krysiak, Oaks, Ramirez, Robinson, Rosenberg, Stukes, Tarrant, Taylor, and Vallario

AN ACT concerning

Courts – Service of Process – Motor Vehicle Administration as Agent for Nonresident Driver

FOR the purpose of designating the Motor Vehicle Administration as the agent for a certain nonresident driver with regard to a subpoena, summons, or other process issued in a certain action related to a certain motor vehicle accident under certain

circumstances; requiring the Administration to take certain action, provide copies of certain documents on request, and keep certain records; authorizing the Administration to establish and collect a certain fee; authorizing the Administration to serve as an agent for service of certain papers in certain circumstances; requiring a certain party seeking service of process on a nonresident driver to provide a copy of a certain affidavit to the nonresident's insurer; defining certain terms; providing for the application of this Act; and generally relating to service of process on nonresident drivers under certain circumstances.

BY adding to

Article – Courts and Judicial Proceedings
Section 6–313
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 11–135, 11–139, 11–140, and 12–104(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Transportation
Section 12–104(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 513 – Howard County Delegation

AN ACT concerning

Howard County – Board of Education – Qualifications and Election of Student Member

Ho. Co. 12–07

FOR the purpose of providing for a student member on the Howard County Board of Education; specifying qualifications for the student member; specifying the term of office for the student member; providing for the election of the student member by certain Howard County students and requiring that the process for the election be approved by the County Board; specifying certain rights and privileges of the student member; prohibiting the student member from voting on certain matters;

specifying that the student member is not entitled to compensation but may be reimbursed for certain expenses; specifying the number of votes required for passage of certain motions by the County Board; and generally relating to a student member for the Howard County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–701

Annotated Code of Maryland

(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

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

AN ACT concerning

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

FOR the purpose of providing that ~~the admissions and amusement tax may not be imposed by a county on~~ may exempt from the admissions and amusement tax gross receipts derived from any admissions and amusement charge for any activities related to agricultural tourism; ~~making a technical change~~; and generally relating to exemptions from the admissions and amusement tax.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section ~~4–103(a)~~ 4–104

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #9**

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

Senate Bill 105 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Klausmeier, Miller, and Rosapepe

AN ACT concerning

Statewide Advisory Commission on Immunization – Universal Vaccine Purchasing System

(Amendment ID: SB0105/364130/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 105
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Immunization” and substitute “Immunizations”; strike beginning with “Universal” in line 2 down through “System” in line 3 and substitute “Duties and Sunset Extension”; in line 5, after “Immunizations;” insert “including a representative from a health insurance carrier on the Commission; extending the termination date of the Commission;”; and after line 13, insert:

“BY repealing and reenacting, with amendments, Chapter 337 of the Acts of the General Assembly of 2002, as amended by Chapter 200 of the Acts of the General Assembly of 2005 Section 2”.

AMENDMENT NO. 2

On page 2, in line 21, strike “and”; and in line 22, after “practitioner” insert “; AND”

(13) ONE REPRESENTATIVE FROM A HEALTH INSURANCE CARRIER”.

AMENDMENT NO. 3

On page 3, after line 23, insert:

“(III) AN UPDATE ON THE STATUS OF THE USE OF THIMEROSAL IN VACCINES, INCLUDING THE AVAILABILITY AND AFFORDABILITY OF THIMEROSAL-FREE VACCINES, AND ANY OTHER ISSUE RELATED TO THE USE OF THIMEROSAL IN VACCINES THAT IS IDENTIFIED BY THE COMMISSION;”;

and in lines 24, 25, and 27, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(IV)”, “(V)”, and “(VI)”, respectively.

AMENDMENT NO. 4

On page 4, in line 1, strike “(vi)” and substitute “(VII)”; and after line 8, insert:

“Chapter 337 of the Acts of 2002, as amended by Chapter 200 of the Acts of 2005

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2002. It shall remain effective for a period of [6] 8 years and, at the end of May 31, [2008,] 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 5

On page 4, in line 20, strike “and”; and in line 22, after “program” insert “;

(5) consider the feasibility and advisability of requiring the Department of Health and Mental Hygiene to reimburse for vaccine administration on a per-antigen basis as an alternative to reimbursing on a per-dosage basis; and

(6) (i) consider all available options for requiring carriers to reimburse providers adequately for the full cost of immunizations including acquisition and overhead costs; and

(ii) consider the feasibility of publicizing a list of wholesale vendors and the prices charged by each vendor for vaccines”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 116 – Senators Brochin and Kittleman

AN ACT concerning

Education – Special Education Services – Children in a Home School Setting

(Amendment ID: SB0116/974730/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 116
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after the first “of” insert “passing through federal funds for”.

AMENDMENT NO. 2

On page 2, in line 6, after the first “OF” insert “PASSING THROUGH FEDERAL FUNDS FOR”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 118 – Senator Conway

AN ACT concerning

State Board of Nursing – Licensing, Certification, and Reinstatement Requirements

(Amendment ID: SB0118/694838/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 118

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “repealing certain authorization for” and substitute “altering certain supervision provisions concerning the authority of”; and in line 5, strike “to perform” and substitute “performing”.

AMENDMENT NO. 2

On page 2, in line 23, strike “OR”; in line 26, strike the bracket; in line 30, strike “medicine, dentistry,”; and in the same line, strike the third comma.

On page 3, in line 3, strike the bracket.

AMENDMENT NO. 3

On page 6, in line 20, strike “200” and substitute “100”.

On page 7, in line 6, strike “200” and substitute “100”.

On page 8, in line 28, strike “SUBTITLE” and substitute “TITLE”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 132 – Senators Pugh, Britt, Conway, Forehand, Garagiola, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Zirkin

AN ACT concerning

Education – Guidelines Governing Student Discipline

(Amendment ID: SB0132/804433/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 132 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Guidelines Governing”; in the same line, after “Discipline” insert “– Review of Local Policies and Procedures”; strike beginning with “adopt” in line 3 down through “schools” in line 8 and substitute “review certain policies and procedures relating to student discipline, student suspension, and student expulsion in public schools; requiring the review to include certain information; requiring the Department to compile certain information and to report to the Governor and the General Assembly on or before a certain date; and generally relating to local policies and procedures regarding student discipline”; and strike in their entirety lines 9 through 13, inclusive.

AMENDMENT NO. 2

On page 1, in line 15, strike “the Laws of Maryland read as follows:” and substitute “the State Department of Education shall review the policies and procedures of each county board of education relating to student discipline, student suspension, and student expulsion in public schools. The review shall include the suspension rate in the county, the reasons for suspensions in the county, and the efficacy of positive behavioral interventions and support programs if utilized in the county. On or before December 31, 2007, the Department shall compile the information obtained through the review and

shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, to the General Assembly, regarding the results of the review.”.

On pages 1 through 7, strike in their entirety the lines beginning with line 16 on page 1 through line 28 on page 7, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 378 – Senators Dyson, Conway, and Middleton

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 604 – Senator Forehand

AN ACT concerning

Higher Education – Senatorial Scholarships

(Amendment ID: SB0604/354031/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 604
(First Reading File Bill)

On page 3, strike beginning with “TUITION” in line 14 down through “YEAR” in line 17 and substitute “EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF AN UNDERGRADUATE PROGRAM AT THE 4–YEAR PUBLIC INSTITUTION OF HIGHER

EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE".

The preceding amendment was read only.

Senator Pinsky moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 9, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401-1991

Dear Mr. President:

It is a pleasure to submit the following nominations for confirmation by the Maryland State Senate. I trust you will find the individuals to be well qualified and highly deserving of your support for the offices in which they will serve.

Biographical information has been provided and we will be pleased to furnish any additional information helpful to your review. Your favorable consideration of these nominations is appreciated.

Sincerely,

Martin O'Malley
Governor

STATEWIDE BOARDS

APPRENTICESHIP AND TRAINING COUNCIL

Larry R. Greenhill, Sr. 7903 Hastings Lane Clinton, Maryland 20735 27	Appointment Employee/Employee Organization 4 years from July 1, 2007
ARCHITECTS, STATE BOARD OF	
Diane E. Cho 1926 Club Road Stevenson, Maryland 21153 11	Reappointment Architect 5 years from July 1, 2007
CHESAPEAKE AND ATLANTIC COASTAL BAYS, CRITICAL AREA COMMISSION FOR	
The Honorable Reuben B. Collins II 11309B Golden Eagle Place Waldorf, Maryland 20603 28	Appointment Charles County Appointed/Elected Official Remainder of a term of 4 years from July 1, 2003 and a term of 4 years from July 1, 2007
Caroline D. Gabel 113 Hoffman Lane Chestertown, Maryland 21620 36	Appointment Queen Anne's County Interest Remainder of a term of 4 years from July 1, 2004
Rafael Regales 3216 Barclay Street Baltimore, Maryland 21218 43	Appointment Baltimore City Appointed/Elected Official Remainder of a term of 4 years from July 1, 2003 and a term of 4 years from July 1, 2007
CONSUMER COUNCIL	
Blanca Picazo, Esquire 1308 Brixton Road Baltimore, Maryland 21239 42	Reappointment Consumer Group 6 years from July 1, 2006
ELECTIONS, STATE BOARD OF	
Robert L. Walker 302 Dega Lane Pasadena, Maryland 21122 31	Appointment Majority Party Remainder of a term of 4 years from July 1, 2005
David J. McManus, Jr., Esquire 6730 Charles Street Avenue Towson, Maryland 21204 42	Appointment Minority Party 4 years from July 1, 2007
Colonel Charles E. Thomann, USA (Ret.) 1606 Laurel Lane Annapolis, Maryland 21409 30	Appointment Minority Party 4 years from July 1, 2007

INDIAN AFFAIRS, COMMISSION ON	
Wanda Y. Lee 1702 Bayard Avenue Baltimore, Maryland 21222 06	Appointment Indian Term to expire June 30, 2009
LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL	
Daniel P. Lavelle 9791 Chestnut Oak Court Frederick, Maryland 21701 03	Reappointment Land Surveyor 5 years from July 1, 2007
Charles E. Maloy, Ed.D. 521 Brook Road Towson, Maryland 21286 42	Reappointment Consumer 5 years from July 1, 2007
MORTICIANS, STATE BOARD OF	
Reverend W. Henry Green 585 Kevins Drive Arnold, Maryland 21012 30	Appointment Consumer Remainder of a term of 4 years from July 1, 2006
PROFESSIONAL ENGINEERS, STATE BOARD FOR	
Sallye E. Perrin 225 West Lanvale Street Baltimore, Maryland 21217 40	Reappointment Civil Engineer 5 years from July 1, 2007
Rosalind L. Yee 945 Tidewater Grove Court Annapolis, Maryland 21401 33	Reappointment Consumer 5 years from July 1, 2007
RACING COMMISSION, MARYLAND	
Frank F. Favazza, Jr. 12240 Roundwood Road, Unit 509 Lutherville-Timonium, Maryland 21093 05	Appointment Knowledge of Thoroughbred Racing 4 years from July 1, 2007
Louis J. Ulman, Esquire 4240 Blue Barrow Ride Ellicott City, Maryland 21042 09	Appointment Knowledge of Thoroughbred Racing 4 years from July 1, 2007
TECHNOLOGY DEVELOPMENT CORPORATION BOARD OF DIRECTORS, MARYLAND	

W.W. Winston Chan, Ph.D. 6308 Wood Pointe Drive Glenn Dale, Maryland 20769 23	Appointment Venture Capital Financing Expertise Remainder of a term of 4 years from July 1, 2005
Eugene M. DeLoatch, Ph.D. P.O. Box 177 Suitland, Maryland 20752 24	Reappointment College or University Remainder of a term of 4 years from July 1, 2006
C. Warren Mullins 1204 Technology Drive Aberdeen, Maryland 21001 35	Appointment Non-Profit Research Sector Remainder of a term of 4 years from July 1, 2006
Jay A. Steinmetz 1828 Thames Street Baltimore, Maryland 21231 46	Appointment Technology-Based Business Remainder of a term of 4 years from July 1, 2006
UNIVERSITY SYSTEM OF MARYLAND, BOARD OF REGENTS OF THE	
Thomas G. Slater, Esquire 2229 Lamp Post Lane Frederick, Maryland 21701 03	Appointment Member Term of 5 years from July 1, 2007
WASHINGTON SUBURBAN TRANSIT COMMISSION	
The Honorable Peter Benjamin P.O. Box 486 Garrett Park, Maryland 20896 17	Appointment Montgomery County Remainder of a term of 3 years from June 1, 2004 and a term of 3 years from June 1, 2007
Elizabeth M. Hewlett, Esquire 7303 Quartz Terrace Bowie, Maryland 20720 23	Appointment Prince George's County 3 years from June 1, 2007
COUNTY BOARDS	
ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS	
Melvin Hyatt 19 Williams Drive Annapolis, Maryland 21401 30	Reappointment Democrat 2 years from the first Monday in May, 2007
John G. Warner 2027 Poplar Ridge Road Pasadena, Maryland 21122 31	Reappointment Republican 2 years from the first Monday in May, 2007

Thomas E. Riggin 8000 Nolcrest Road Glen Burnie, Maryland 21061 32	Appointment Democrat 2 years from the first Monday in May, 2007
BALTIMORE COUNTY BOARD OF ELECTIONS	
Marjorie J. Neuman 19 Juliet Lane, Unit 201 Baltimore, Maryland 21236 08	Reappointment Republican Member 4 years from the first Monday in June, 2007
Bruce L. Robinson 215 Leslie Avenue Baltimore, Maryland 21236 08	Reappointment Republican Substitute 4 years from the first Monday in June, 2007
CHARLES COUNTY BOARD OF ELECTIONS	
James R. Anderson 5420 Well Spring Road LaPlata, Maryland 20646 28	Appointment Republican Member 4 years from the first Monday in June, 2007
Katherine M. O'Malley-Simpson P.O. Box 775 LaPlata, Maryland 20646 28	Appointment Republican Substitute 4 years from the first Monday in June, 2007
HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES	
Margaret E. W. Hetzer 13431 Little Antietam Road Hagerstown, Maryland 21742 02	Reappointment Member 6 years from July 1, 2007
Gregory I. Snook 16025 Cloverton Lane Williamsport, Maryland 21795 02	Appointment Member 6 years from July 1, 2007
HARFORD COUNTY BOARD OF ELECTIONS	
Maureen O. Neal 2517 Putnam Road Forest Hill, Maryland 21050 35	Appointment Democratic Member 4 years from the first Monday in June, 2007
Leonard D. Wheeler, Ed.D. 607 Carloway Place Bel Air, Maryland 21015 35	Appointment Democratic Member 4 years from the first Monday in June, 2007

Russell D. Stansbury 1511 Westminster Court Bel Air, Maryland 21014 35	Appointment Democratic Substitute 4 years from the first Monday in June, 2007
MONTGOMERY COUNTY BOARD OF ELECTIONS	
Nancy H. Dacek 15113 Grey Pebble Drive Germantown, Maryland 20874 15	Reappointment Republican Member 4 years from the first Monday in June, 2007
Lucia Nazarian 2435 Hidden Valley Lane Silver Sping, Maryland 20904 14	Appointment Republican Substitute 4 years from the first Monday in June, 2007
ST. MARY'S COUNTY ALCOHOL BEVERAGE BOARD	
Max Patrick Thomas Sacks, Sr. 21091 Jenns Way Leonardtwn, Maryland 20650 29	Appointment 1 st Commissioner District Remainder of a term of 4 years from January 1, 2004
Moses P. Saldana, Jr. 27910 Queentree Road Mechanicsville, Maryland 20659 29	Appointment 2 nd Commissioner District Remainder of a term of 4 years from January 1, 2006
Anne Cullins Bailey 46150 East Sunrise Drive Lexington Park, Maryland 20653 29	Appointment 4 th Commissioner District Remainder of a term of 4 years from January 1, 2006
Charles P. Miedzinski, Sr. P.O. Box 44 Hollywood, Maryland 20636 29	Appointment At Large Remainder of a term of 4 years from January 1, 2004
SOMERSET COUNTY BOARD OF LICENSE COMMISSIONERS	
Van B. Muir, Jr. 30742 Perry Road Princess Anne, Maryland 21853 38	Reappointment Republican 2 years from June 1, 2007
WORCESTER COUNTY BOARD OF ELECTIONS	
Wilton R. May 313 Bayshore Drive Ocean City, Maryland 21842 38	Reappointment Republican Member 4 years from the first Monday in June, 2007

Isabelle N. Redden 2632 Sandy Ridge Lane Girdletree, Maryland 21829 38	Reappointment Republican Substitute 4 years from the first Monday in June, 2007
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The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

SPECIAL ORDERS

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

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0532/493521/1)

BY: Senator Greenip

AMENDMENTS TO SENATE BILL 532 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing that the provisions of this Act do not apply to a certain aquaculture operation;”.

AMENDMENT NO. 2

On page 4, after line 4, insert:

“(C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN AQUACULTURE OPERATION FOR WHICH THE DEPARTMENT HAS ISSUED A PERMIT UNDER SUBTITLE 11A OF THIS TITLE.”

The preceding 2 amendments were read only.

Senator Dyson moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2007.

The motion was adopted.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #3

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #3
March 8, 2007

District Court, Anne Arundel County (District 7)

1. The Honorable Robert C. Wilcox

Judge of the District Court of Maryland, District Seven for Anne Arundel County; reappointed to serve a term of ten years from February 7, 2007

District Court, Charles County (District 4)

2. The Honorable Richard A. Cooper

Judge of the District Court of Maryland, District Four for Charles County; reappointed to serve a term of ten years from February 7, 2007

Airport Zoning Appeals Board

3. Andrea M. Jones Horton
7715 East Classic Court
Severn, Maryland 21061

Member of the Airport Zoning Appeals Board; appointed to serve a remainder of a term of four years from July 1, 2003 and reappointed to serve a term of four years from July 1, 2007

Archaeology, Advisory Committee on

4. Marian C. Creveling
1707 Forestville Road
Edgewater, Maryland 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2007

5. Robert D. Wall, Ph.D.
1602 Beechwood Avenue
Catonsville, Maryland 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2007

Arts Council, Maryland State

6. Abigail S. Hoffman, Esquire
1005 Fallscroft Way
Lutherville, Maryland 21093

Member of the Maryland State Arts Council; appointed to serve a remainder of a term of three years from July 1, 2006

Correctional Standards, Commission on

7. Maria-Triva Elmo
5606 Greenspring Avenue
Baltimore, Maryland 21209

Member of the Commission on Correctional Standards; appointed to serve a term to expire June 30, 2007

Engineers, State Board of Stationary

8. George E. Maloney
1914 Old New Windsor Road
New Windsor, Maryland 21776

Member of the State Board of Stationary Engineers; appointed to serve a term of three years from July 1, 2007

Historical Trust Board of Trustees

9. Brien J. Poffenberger
P.O. Box 633
Sharpsburg, Maryland 21782

Member of the Maryland Historical Trust Board of Trustees; appointed to serve a term of four years from July 1, 2007

10. Randall F. Vega
805 Glen Allen Drive
Baltimore, Maryland 21229

Member of the Maryland Historical Trust Board of Trustees; appointed to serve a remainder of a term of four years from July 1, 2006

Indian Affairs, Commission on

11. Virginia R. Busby
3174 Freestone Court
Abingdon, Maryland 21009

Member of the Commission on Indian Affairs; appointed to serve a remainder of a term of three years from July 1, 2006

12. Cornelius Allen Red Deer
3058 Mayfield Avenue
Baltimore, Maryland 21213

Member of the Commission on Indian Affairs; appointed to serve a remainder of a term of three years from July 1, 2005

13. Guy G. Wells
201 South 6th Street
Denton, Maryland 21629

Member of the Commission on Indian Affairs; reappointed to serve a term of three years from July 1, 2007

Police Training Commission

14. The Honorable David A. Goad

519 Louisiana Avenue
Cumberland, Maryland 21502

Member of the Police Training Commission; appointed to serve a remainder of a term of three years from June 1, 2006

Public Service Commission

15. Susanne Brogan, Esquire
125 Archwood Avenue
Annapolis, Maryland 21401

Member of the Maryland Public Service Commission; appointed to serve a remainder of a term of five years from July 1, 2006

16. Steven B. Larsen, Esquire
10111 Parkwood Drive
Bethesda, Maryland 20814

Member of the Maryland Public Service Commission; appointed to serve a remainder of a term of five years from July 1, 2003

Seafood Marketing Advisory Commission

17. Scott D. Fritze
1 South Washington Street, 3rd Floor
Easton, Maryland 21601

Member of the Seafood Marketing Advisory Council; appointed to serve a term of four years from July 1, 2007

Social Work Examiners, State Board of

18. Judith Mayer Levy
6939 Copperbend Lane
Baltimore, Maryland 21209

Member of the State Board of Social Work Examiners; appointed to serve a term of four years from July 1, 2007

19. Thomas Patrick Smith
6712 Patterson Street
Riverdale, Maryland 20737

Member of the State Board of Social Work Examiners; appointed to serve a remainder of a term of four years from July 1, 2006

20. Loretta Y. Wall
11073 Swansfield Road
Columbia, Maryland 21044

Member of the State Board of Social Work Examiners; appointed to serve a remainder of a term of four years from July 1, 2003 and for a term of four years from July 1, 2007

Stadium Authority, Maryland

21. Frederick W. Puddester
20 Baldrige Road
Annapolis, Maryland 21401

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2007

University System of Maryland Board of Regents

22. Barry P. Gossett
490 South River Landing
Edgewater, Maryland 21037

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2006

Workers' Compensation Commission, State

23. Patricia G. Adams, Esquire
1741 Point No Point Drive
Annapolis, Maryland 21401

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from February 1, 2006

24. Kimberly Smith Ward, Esquire
12 Brucetown Court
Catonsville, Maryland 21228

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from February 1, 2004

25. Jeffrey T. Weinberg, Esquire
7115 Pheasant Cross Drive
Baltimore, Maryland 21209

Member of the State Workers' Compensation Commission; appointed to serve a remainder of a term of twelve years from July 1, 2006

Youth Camp Safety, Advisory Council on

26. Sharon I. Pawlowski
1214 Hampton Road
Annapolis, Maryland 21409

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2007

27. Helen J. Robinson
7800 Hanover Parkway, #102
Greenbelt, Maryland 20770

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2007

Statewide Nominees* Nominees Need Not Appear

Contract Appeals, Maryland State Board of

- S-1. Michael J. Collins
608 Seena Road
Baltimore, Maryland 21221

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of 3 years from October 1, 2007

Historical Trust Board of Trustees

- S-2. Harrison B. Wetherill, Jr., Esquire
159 Owensville Road
West River, Maryland 20778

Member of the Maryland Historical Trust Board of Trustees; reappointed to serve a term of four years from July 1, 2007

Public Service Commission

S-3. Harold D. Williams
3 Falls Glen Road
Parkton, Maryland 21120

Member of the Maryland Public Service Commission; reappointed to serve a term of five years from July 1, 2007

Seafood Marketing Advisory Commission

S-4. Susan L. Bringen
450 Knottwood Court
Arnold, Maryland 21012

Member of the Seafood Marketing Advisory Council; reappointed to serve a term of four years from July 1, 2007

S-5. Roy P. Todd
2 Sunset Lane
Cambridge, Maryland 21613

Member of the Seafood Marketing Advisory Council; reappointed to serve a term of four years from July 1, 2007

Social Work Examiners, State Board of

S-6. Cherie Cannon
7821 Emily's Way
Greenbelt, Maryland 20770

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2006

S-7. Yvonne M. Perret
1116 Bedford Street
Cumberland, Maryland 21502

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2007

Local Nominees**
Nominees Need Not Appear

Allegany County Board of Elections

L-1. Lionel F. Baker

15011 Paradise Street
Midland, Maryland 21542

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

- L-2. Patricia E. Malloy
706 Washington Street
Cumberland, Maryland 21502

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

- L-3. Georgia M. Martin
148 N. Mechanic Street
Cumberland, Maryland 21502

Member of the Allegany County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Anne Arundel Community College Board of Trustees

- L-4. Courtney Lynn Tipton
5968 1st Street
Deale, Maryland 20751

Member of the Anne Arundel County Community College Board of Trustees; appointed to serve a term of 1 year from July 1, 2007

Anne Arundel County Board of Elections

- L-5. K. Jill Barr
639 Sean Drive
Annapolis, Maryland 21401

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

- L-6. Barbara L. Fisher
1455 Pleasantville Drive
Glen Burnie, Maryland 21061

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

L-7. David M. Shade
1762 Belle Court
Millersville, Maryland 21108

Member of the Anne Arundel County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Baltimore City Board of Elections

L-8. Armstead B. Crawley Jones, Sr.
2407 Lake Avenue
Baltimore, Maryland 21213

Member of the Baltimore City Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

L-9. Eleanor K. Wang
5405 Falls Road Terrace
Baltimore, Maryland 21210

Member of the Baltimore City Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

Carroll County Board of Elections

L-10. Griffith Manahan
1694 Stone Chapel Road
New Windsor, Maryland 21776

Member of the Carroll County Board of Elections; reappointed to serve a term of 4 years from the first Monday in June, 2007

L-11. David R. Peloquin
1038 Pinch Valley Road
Westminster, Maryland 21157

Member of the Carroll County Board of Elections; appointed to serve a term of 4 years from the first Monday in June, 2007

Cecil County Board of Elections

L-12. Nelson K. Bolender
22 Highland Avenue
Elkton, Maryland 21921

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-13. Joan C. Byerly
P.O. Box 190
Warwick, Maryland 21912

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-14. Ulysses G. Demond, III
102 Mill Lane
North East, Maryland 21901

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-15. Margaret McMahon Gagnon
42 Carpenter's Point Loop
Perryville, Maryland 21903

Member of the Cecil County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-16. Carolyn M. McDowell
328 Smith Road
Rising Sun, Maryland 21911

Member of the Cecil County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Frederick County Board of Elections

- L-17. Raymond E. Bentz
125 Cody Drive, #33
Thurmont, Maryland 21788

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-18. Mary Lou Green
3602 Petersville Road
Knoxville, Maryland 21758

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-19. Garold R. Hays
201 Cobble Way
Walkersville, Maryland 21793

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-20. Mark P. Jeffers, Jr.
4908 Ed McClain Road
Monrovia, Maryland 21770

Member of the Frederick County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-21. Earlene Hairston Thornton, Ed.D.
5503 Hines Road
Frederick, Maryland 21701

Member of the Frederick County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Garrett County Board of Elections

- L-22. Paul L. Kolb
242 Sale Barn Road
Accident, Maryland 21520

Member of the Garrett County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-23. Lois A. Martin
9605 Garrett Highway
Oakland, Maryland 21550

Member of the Garrett County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Howard County Board of Elections

- L-24. Ann M. Balcerzak, Esquire
7303 Meadow Wood Way
Clarksville, Maryland 21029

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-25. Ethel B. Hill, Esquire
5129 West Running Brook Road
Columbia, Maryland 21044

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-26. Raymond M. Rankin
8333 Painted Rock Road
Columbia, Maryland 21045

Member of the Howard County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Montgomery Community College Board of Trustees

- L-27. Reginald M. Felton
5610 Wisconsin Avenue, Unit 1103
Chevy Chase, Maryland 20815

Member of the Montgomery College Board of Trustees; appointed to serve a term of six years from July 1, 2007

- L-28. Steven Z. Kaufman, Esquire
19225 Dimona Drive
Brookeville, Maryland 20833

Member of the Montgomery College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Montgomery County Board of Elections

- L-29. Mary M. Carter-Williams, Ph.D.
6511 Eastern Avenue
Takoma Park, Maryland 20912

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-30. Samuel L. Statland
3500 Saul Road

Kensington, Maryland 20895

Member of the Montgomery County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-31. John J. Sullivan, Esquire
5404 Greystone Street
Chevy Chase, Maryland 20815

Member of the Montgomery County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Prince George's Community College Board of Trustees

- L-32. John Steinecke
704 Main Street
Laurel, Maryland 20707

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2007

- L-33. Felix Yeoman
11000 Forestgate Place
Glenn Dale, Maryland 20769

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2007

Prince George's County Board of Elections

- L-34. E. Kenneth Barksdale, Jr.
3414 Aberdeen Street
Suitland, Maryland 20746

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-35. Francis J. DiSalvo, Sr.
9011 Rosaryville Road
Upper Marlboro, Maryland 20772

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-36. Kenneth Fox
14102 Guardian Court

Bowie, Maryland 20715

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-37. Linda M. Houston, Esquire
8705 Grasmere Court
Ft. Washington, Maryland 20744

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-38. Patricia A. King, Esquire
5900 Forest Rd.
Cheverly, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-39. Theresa Bournes Roebuck
6601 Oak Street
Cheverly, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-40. Carl R. Ruble
6002 Brooke Jane Drive
Clinton, Maryland 20735

Member of the Prince George's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-41. Olivia D. Vaughns
1200 Fiji Avenue
Highland Park, Maryland 20785

Member of the Prince George's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Prince George's County Board of License Commissioners

- L-42. Earl J. Howard
3706 Bakersville Drive
Mitchellville, Maryland 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2007

- L-43. Shaihi Mwalimu
9544 Victoria Drive
Upper Marlboro, Maryland 20772

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2007

Queen Anne's County Board of Elections

- L-44. William J. Rankin, Jr.
306 Cove Road
Queenstown, Maryland 21658

Member of the Queen Anne's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-45. Jane G. Sparks
1731 Harbor Drive
Chester, Maryland 21619

Member of the Queen Anne's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Somerset County Board of Elections

- L-46. Emily B. Ent
11378 Hayman Drive
Princess Anne, Maryland 21853

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-47. Mary Lee Thomas Handy
28152 Holland Crossing Road
Marion Station, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-48. Elton P. Maddox, Sr.
6626 Crisfield Highway

Marion, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-49. Sonja L. Paul
5790 Cedar Landing Drive
Marion Station, Maryland 21838

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-50. Milton William Ward
26348 Silver Lane
Crisfield, Maryland 21817

Member of the Somerset County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Somerset County Board of License Commissioners

L-51. James E. East
33123 Costen Road
Pocomoke, Maryland 21851

Member of the Somerset County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2007

L-52. John Wade
12304 Somerset Avenue
Princess Anne, Maryland 21853

Member of the Somerset County Board of License Commissioners; appointed to serve a term of two years from June 1, 2007

St. Mary's County Board of Elections

L-53. Rose V. Frederick
P.O. Box 22
Loveville, Maryland 20656

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-54. Robert H. Goldsmith, Ph.D.

43745 Stephenson Drive
Leonardtown, Maryland 20650

Member of the St.Mary's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-55. Donald Lee O'Neal
P.O. Box 236
Great Mills, Maryland 20634

Member of the St.Mary's County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-56. Rebecca J. Owens Wathen
P.O. Box 67
St. Inigoes, Maryland 20684

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-57. Noel T. Wood
P.O. Box 14
Tall Timbers, Maryland 20690

Member of the St. Mary's County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Southern Maryland, Board of Trustees of the College of

- L-58. Charles R. Bailey, Jr., Esquire
3165 Hickory Ridge Road
Dunkirk, Maryland 20754

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2005

- L-59. MacArthur Jones
155 MacArthur Drive
Huntingtown, Maryland 20639

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2005

- L-60. Mary Maddox Krug, Esquire
P.O. Box 133

Dunkirk, Maryland 20754

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2006

L-61. Michael L. Middleton
P.O. Box 2505
La Plata, Maryland 20646

Member of the College of Southern Maryland Board of Trustees; appointed to serve a term of five years from July 1, 2007

L-62. James K. Raley, Jr.
P.O. Box 582
Hollywood, Maryland 20636

Member of the College of Southern Maryland Board of Trustees; reappointed to serve a term of five years from July 1, 2003

L-63. Dorothea Holt Smith
3365 Forest Road
Waldorf, Maryland 20601

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2003

L-64. Janice T. Walthour
20493 Partins Lane
Lexington Park, Maryland 20653

Member of the College of Southern Maryland Board of Trustees; appointed to serve a remainder of a term of five years from July 1, 2005

Talbot County Board of Elections

L-65. Walter Weldon Black, Jr.
8672 Misty Brook Way
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

L-66. Mary-Beth S. Goll
814 Applewood Court
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-67. Susan J. MacKinnon
105 Willows Avenue
Oxford, Maryland 21654

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-68. Kathryne Kendall Middleton
17 Plum Street
Easton, Maryland 21601

Member of the Talbot County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-69. Venita L. Southworth
707 Lomax Street
Easton, Maryland 21601

Member of the Talbot County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

Washington County Board of Elections

- L-70. John R. Benchoff
20201 American Way
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-71. Carroll H. Earp
20315 Ayoub Lane
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-72. Colonel Clyde J. Tate, USA
1101 Shalom Lane
Hagerstown, Maryland 21742

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-73. Sharon L. Washington
125 Clarkson Avenue
Hagerstown, Maryland 21740

Member of the Washington County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-74. Eileen W. Wiggins
18534 Kent Avenue
Hagerstown, Maryland 21740

Member of the Washington County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Washington County Board of License Commissioners

- L-75. Charles F. Mades
17223 Cloverleaf Road
Hagerstown, Maryland 21740

Member of the Washington County Board of License Commissioners; appointed to serve a term of six years from June 1, 2007

Wicomico County Board of Elections

- L-76. Robert L. Gladden, Sr.
112 Glen Avenue
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-77. Leonard S. Jett
7061 Cromwell Avenue
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-78. Katrina A. Purnell
5762 Cairn Court
Salisbury, Maryland 21801

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-79. Darlene S. White
26908 Nanticoke Road
Salisbury, Maryland 21801

Member of the Wicomico County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

- L-80. Woodland B. Willing
31986 Shavex Road
Salisbury, Maryland 21804

Member of the Wicomico County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

Wor-Wic Community College Board of Trustees

- L-81. William H. Kerbin
610 Homewood Drive
Pocomoke City, Maryland 21851

Member of the Wor-Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2007

Worcester County Board of Elections

- L-82. Hinson F. Finney
2317 Oak Hill Road
Pocomoke City, Maryland 21851

Member of the Worcester County Board of Elections; reappointed to serve a term of four years from the first Monday in June, 2007

- L-83. Kay Ann Hickman
#7-136th Street, Seaside 902 North
Ocean City, Maryland 21842

Member of the Worcester County Board of Elections; appointed to serve a term of four years from the first Monday in June, 2007

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: “Will the Senate advise and consent to the above nominations of the Executive?”

The above nominations of the Executive (with the exception of Nominee No. S-1) were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 346)

Nominee No. S-1, Michael J. Collins, to be a member of Maryland Board of Contract Appeals was confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 347)

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 348)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 198 – Senators Forehand, Garagiola, Jacobs, and Rosapepe

AN ACT concerning

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

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

Affirmative – 46 Negative – 0 (See Roll Call No. 349)

The Bill was then sent to the House of Delegates.

Senate Bill 220 – Senator Frosh

AN ACT concerning

**Real Property – Release of Mortgage, ~~Security Instrument, or~~ Deed of Trust, or
Lien Instrument**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 350)

The Bill was then sent to the House of Delegates.

Senate Bill 321 – Senators Kelley and Currie

AN ACT concerning

State Citizens Review Board for Children – Child Abuse or Neglect

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

Affirmative – 46 Negative – 0 (See Roll Call No. 351)

The Bill was then sent to the House of Delegates.

Senate Bill 433 – Senator Klausmeier

AN ACT concerning

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

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

Affirmative – 44 Negative – 1 (See Roll Call No. 352)

The Bill was then sent to the House of Delegates.

Senate Bill 485 – Senators ~~Middleton and Hogan~~ Middleton, Hogan, Garagiola, Kelley,
Klausmeier, and Pugh

AN ACT concerning

**~~Task Force on the Structural Under-Funding of Community Services for
Individuals with Developmental Disabilities~~ to Study the Developmental Disabilities
Administration Rate Payment Systems**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 353)

The Bill was then sent to the House of Delegates.

Senate Bill 503 – Senators Forehand, Britt, Conway, Jones, and Stone

AN ACT concerning

Family Law – Child Support – Health Insurance

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

Affirmative – 46 Negative – 0 (See Roll Call No. 354)

The Bill was then sent to the House of Delegates.

Senate Bill 596 – Senator Klausmeier

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 355)

The Bill was then sent to the House of Delegates.

Senate Bill 635 – Senator Raskin

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Notice Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the House of Delegates.

Senate Bill 651 – Senator Edwards

AN ACT concerning

**Medical Malpractice Liability Insurance – Garrett County Memorial Hospital –
Subsidy for Family Practitioners Who Also Perform Obstetrical Services**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the House of Delegates.

Senate Bill 686 – Senators Pugh and Kelley

AN ACT concerning

Drug–Exposed Infants – Methamphetamine

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

Affirmative – 46 Negative – 0 (See Roll Call No. 358)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Stoltzfus moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 359)

Senate Bill 1021 – Senator Stoltzfus

AN ACT concerning

Budget Reconciliation Act of 2007

FOR the purpose of altering certain provisions relating to State aid to certain local governments; altering certain provisions requiring the Governor to include certain appropriations in the annual Budget Bill; altering the calculation of certain State aid for public elementary and secondary education; altering the calculation of certain State funding for community colleges, the Baltimore City Community College, and certain nonpublic institutions of higher education; altering the calculation of certain State funding for local health services; requiring the

Department of Health and Mental Hygiene to establish a premium plan for Maryland Medical Assistance Program recipients as authorized by and subject to the restrictions under a certain federal act; repealing certain obsolete provisions; and generally relating to the financing of State government.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1101(a)(1) and 9–1102(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 41 – Governor – Executive and Administrative Departments
Section 13–513(c)(5)(i)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 4–208(g)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(13), 16–305(c)(1)(i), 16–512(a)(1), and 17–104(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–302(b) and 15–103(a)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1022 – Senator Middleton

AN ACT concerning

Group Life Insurance – Additional Insureds – Domestic Partners

FOR the purpose of authorizing insurers that issue certain policies of group life insurance to extend coverage to the domestic partner of the employee or member who is covered under a policy of group life insurance; providing that the term “domestic partner” has the meaning stated in the policy; prohibiting the insurance on the life of the domestic partner from exceeding the amount of insurance on the life of the insured employee or member; requiring the policyholder to pay the premium for the insurance on the domestic partner from certain funds; providing that the domestic partner insured under the policy is entitled to certain rights of conversion under certain circumstances; and generally relating to coverage for domestic partners under policies of group life insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 17–209
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

Senator Jones moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1023 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Seton Keough High School Science Lab

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 Seton Keough 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.

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the

Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1024 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Get Involved Community Rehabilitation Center

FOR the purpose of authorizing the creation of a State Debt in the amount of \$350,000, the proceeds to be used as a grant to the Board of Directors of the New Miracle Community Church of Christ, 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.

Senator Klausmeier moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1025 – The President (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

FOR the purpose of altering the date of the statewide primary election in the year in which the President of the United States is elected; and generally relating to the statewide presidential primary election.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 8–201
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 360)

ADJOURNMENT

At 12:14 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 12, 2007.

**Annapolis, Maryland
Monday, March 12, 2007
8:00 P.M. Session**

The Senate met at 8:15 P.M.

Prayer by Pastor Roger J. Carlson, Cape St. Claire United Methodist Church, guest of Senator Forehand and Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 9, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Jacobs and Lenett be excused from today's session.

QUORUM CALL

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

(See Roll Call No. 363)

MESSAGE FROM THE HOUSE OF DELEGATES

YEAS AND NAYS #3

SENATE BILLS PASSED IN THE HOUSE

<u>NUMBER</u>	<u>SPONSOR</u>	<u>CONTENT</u>
SB 106 (Emergency Bill)	Sen. Della	Real Property – Ground Rents – Prohib on Creation of Reversionary Interests in Residential Property

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #11

House Bill 36 – Delegates McConkey, Boteler, Lawton, ~~and Niemann~~ Niemann, Glenn, and Shewell

AN ACT concerning

Home Financial Accountability Act of 2007

FOR the purpose of clarifying the availability of certain books and records kept by or on behalf of certain common ownership communities for certain purposes and to certain persons; requiring the governing body of certain common ownership communities, on request of a member, to compile and mail certain information within a certain time; making a stylistic change; ~~repealing protection from public inspection for~~ altering certain limitations concerning public inspection of certain records; ~~repealing the authority of~~ prohibiting certain common ownership communities ~~to impose~~ from imposing certain fees other than a reasonable charge imposed on a person desiring to ~~review~~ copy certain books and records; providing that a charge for copying certain records may not exceed a certain amount; and generally relating to access to the books and records of cooperative housing associations, condominiums, and homeowners associations.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–18.5
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–116(c) and (d) and 11B–112(a) and (b)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 95 – Delegates Hixson, Hucker, and Mizeur

AN ACT concerning

Condominiums – Conversion of Rental Facilities – Notice Requirements

FOR the purpose of providing that, in a conversion of rental facilities to condominiums, if a tenant who is entitled to receive a purchase offer does not receive the purchase offer at the same time as the tenant receives the notice of conversion, then a

certain time period of continued residency does not begin until the tenant receives the purchase offer; requiring that a certain written notice given to a certain tenant include certain language relating to the time frame a tenant may remain in a residence if a purchase offer is not included with a notice of conversion; and generally relating to notice requirements for the conversion of rental facilities to condominiums.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–102.1(a), (b), and (f) and 11–136(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–102.1(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 119 – Delegates Eckardt and Haddaway

AN ACT concerning

Health – Laboratory Examination Reports – Invasive Diseases

FOR the purpose of adding certain invasive diseases to the list of invasive diseases that a medical laboratory director must report to a certain county health officer; 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; providing for the termination of this Act; and generally relating to reportable invasive diseases by laboratories.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 18–205(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–205(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 135 – The Speaker (By Request – Administration) and Delegates Barve, Busch, Feldman, Haynes, N. King, Lawton, ~~and Morhaim~~ Morhaim, Braveboy, Burns, Davis, Haddaway, Harrison, Hecht, Impallaria, Jameson, J. King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Rudolph, Stifler, Taylor, Vaughn, Walkup, and Lee

AN ACT concerning

Maryland Life Sciences Advisory Board

FOR the purpose of establishing the Maryland Life Sciences Advisory Board in the Department of Business and Economic Development; providing for the membership, terms, and chair of the Advisory Board; providing for the duties of the Advisory Board; requiring certain reports by the Advisory Board; and generally relating to the Maryland Life Sciences Advisory Board.

BY adding to

Article 83A – Department of Business and Economic Development
Section 5–2C–01 through 5–2C–03 to be under the new subtitle “Subtitle 2C.
Maryland Life Sciences Advisory Board”
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

House Bill 158 – Calvert County Delegation

AN ACT concerning

Business Regulation – Licenses – ~~Application~~ – Calvert County

FOR the purpose of prohibiting the clerk of the circuit court for Calvert County from issuing a certain license for the first time to a business that will be located in Calvert County unless the applicant submits to the clerk a certain certification that the location of the business is zoned for the type of business for which the applicant is seeking the license; requiring that the certification be issued by a certain department or municipal corporation under certain circumstances; prohibiting the clerk of the circuit court for Calvert County from endorsing a certain change in a place of business until the licensee meets certain zoning requirements; and generally relating to the issuance of licenses in Calvert County.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–302 and 17–307
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 183 – Delegates McConkey, Beidle, Cane, and Weir

AN ACT concerning

Real Property – Maryland Homeowners Association Act – Enforcement Authority of Division of Consumer Protection

FOR the purpose of providing that violation of any provision of the Maryland Homeowners Association Act is within the scope of the enforcement duties and powers of the Division of Consumer Protection of the Office of the Attorney General; authorizing a county or municipal corporation to adopt a law, ordinance, or regulation for a certain purpose in a certain manner; requiring a county or municipal corporation to forward a copy of a certain law, ordinance, or regulation to a certain depository; defining a certain term; and generally relating to the authority of the Division of Consumer Protection to enforce the Maryland Homeowners Association Act.

BY renumbering
Article – Real Property
Section 11B–115
to be Section 11B–116
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 11B–115
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 186 – Delegates Rosenberg and Niemann

AN ACT concerning

Real Property – Assigns, Successors, Heirs, Legatees, and Personal Representatives

FOR the purpose of clarifying that a certain statute providing that an obligation imposed on or right granted to a person binds or inures to the benefit of certain other persons applies only to statutory obligations and rights in the Real Property Article; making stylistic changes; and generally relating to certain obligations and rights of assigns, successors, heirs, legatees, and personal representatives under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 1–103
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

FOR the purpose of authorizing certain regulatory boards to investigate certain claims; continuing the State Board of Physicians in accordance with the provisions of the Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; repealing a provision of law requiring the Board to elect a secretary–treasurer; authorizing the Board’s executive director or other duly authorized agent or investigator of the Board to enter certain premises under certain circumstances; ~~requiring applicants for licensure by the Board to submit to a certain criminal history records check; prohibiting a certain applicant who has a certain disciplinary order in another state from qualifying for a license under certain circumstances; requiring certain applicants to submit certain fingerprints and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services under certain circumstances; requiring the Central Repository to forward certain information to the Board and to certain applicants; providing that certain information is confidential and may be used only for certain purposes; authorizing certain subjects to contest certain contents of certain printed statements; requiring certain applicants for licensure to submit certain evidence to the Board; prohibiting the Board from issuing certain licenses if certain criminal history record information has not been received;~~ authorizing the Board to impose

a certain civil penalty for a licensee's failure to obtain the required continuing medical education credits under certain circumstances; ~~requiring the Board to develop a pilot program for continuing competency for licensed physicians that addresses a physician's ability to practice medicine; authorizing a certain pilot program to be implemented in a certain teaching hospital; authorizing the Board to provide technical assistance and financial support to a certain teaching hospital for a continuing competency pilot program; requiring the Board to issue a certain report on or before a certain date including certain information; altering the persons with which the Board must contract for peer review services; requiring the Board to obtain a certain number of peer review reports for certain allegations; altering certain qualifications a peer reviewer must meet; authorizing the Board to consult with certain societies to establish a list of physicians qualified to provide peer review services; authorizing the Board to use sole source procurement under certain circumstances; repealing a provision requiring the Physician Rehabilitation Committee to report certain noncompliance by a physician to the Board; requiring the Board to provide services for physician rehabilitation or contract with an entity or entities for physician rehabilitation; requiring the Board to issue a request for proposals and enter into a certain contract with a nonprofit entity to provide certain rehabilitation services on or before a certain date; requiring the Board to directly provide certain rehabilitation services under certain circumstances; altering certain requirements that the Board contract with an entity or entities for further investigation and physician peer review investigatory, mediation, and related services; repealing provisions of law requiring the Board to assess certain applicants a fee for physician rehabilitation and peer review activities; establishing separate grounds for disciplinary action for immoral conduct and unprofessional conduct; authorizing the Board to disclose certain licensee information to the National Practitioner Data Bank under certain circumstances; modifying the criteria for the reporting of medical malpractice claims and settlement information on the individual licensee profiles; requiring proceedings of the Board or the hearing officer to be open to the public under certain circumstances; authorizing the Board or hearing officer to close proceedings under certain circumstances; requiring the Board to adopt certain regulations; requiring the Administrative Office of the Courts and the Chief Judge of the District Court, in collaboration with the Board, to develop a certain procedure for required reporting; altering certain confidentiality requirements so as to require that certain records and other information relating to the records of a proceeding or transaction before an entity or entities individual that contract contracts with the Board are confidential; authorizing the Board to impose a certain civil penalty for failure to file certain reports with the Board; prohibiting certain entities from employing certain individuals without a certificate; authorizing the Board to impose a certain civil penalty for employing certain uncertified individuals; requiring the Comptroller to distribute certain funds for certain programs administered by the Maryland Higher Education Commission under certain circumstances; repealing provisions of law requiring the Comptroller to distribute certain fees received from the Board to the General Fund; providing that the Insurance Commissioner, instead of certain~~

~~regulatory boards, determines if certain payments were provided as a result of a prohibited referral;~~ extending to a certain date the termination provision relating to the statutory and regulatory authority of the Polysomnography Professional Standards Committee; altering certain definitions; defining a certain term; making technical changes; repealing certain provisions requiring the Board to establish or designate a training program for certain physicians on or before a certain date; repealing certain provisions requiring the Board to inform physicians about the availability of certain training and experience; authorizing the Board to adopt certain regulations to qualify certain physicians to practice certain opioid addiction therapy; repealing certain provisions of law relating to the use of peer reviewers by a certain entity or entities and the Board; requiring the Board to make certain regulatory changes on or before a certain date; requiring the Secretary of Health and Mental Hygiene to standardize investigator job classifications within the Board on or before a certain date; requiring the Department of Health and Mental Hygiene and the Office of the Attorney General to review a certain process for investigating self-referral cases and make certain recommendations on or before a certain date; exempting the Board from certain provisions of law requiring a certain preliminary evaluation; and generally relating to the State Board of Physicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~1-306~~, 14-101, 14-203(a), 14-206(d)(1), 14-207, ~~14-307(a) and (f), 14-309(a), 14-313,~~ 14-316(d), 14-401, 14-402, ~~14-404(a)(3),~~ 14-405, 14-411(b) and (c), 14-411.1(b)(4), ~~14-413(b), 14-414(b),~~ 14-506, 14-5B-08, 14-5C-25, 14-702, and 15-206

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 14-316(e), 14-411(a), 14-411.1(b)(3), 14-5A-18(a), 14-5B-15(a), and 14-5C-18(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health Occupations

Section ~~14-307.1, 14-322, 14-411.2,~~ 14-5A-18(g), 14-5B-15(g), and 14-5C-18(g)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

~~Article – Insurance~~

~~Section 15-110
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 8-403(b)(49) and (53)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 220 of the Acts of the General Assembly of 2003
Section 1

BY repealing
Chapter 252 of the Acts of the General Assembly of 2003
Section 8

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 305 – Delegates Frush and Hubbard

AN ACT concerning

Task Force to Study the Boating Industry in Maryland

FOR the purpose of establishing a Task Force to Study the Boating Industry in Maryland; establishing the membership and staffing of the Task Force; requiring the President of the Senate and the Speaker of the House to designate the chair of the Task Force; authorizing the Task Force to establish certain subcommittees; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a preliminary report and a final report to the Governor and General Assembly and its committees regarding its recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force to Study the Boating Industry in Maryland.

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

House Bill 320 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

FOR the purpose of allowing in Frederick County a holder of a limited winery license to provide tables and chairs on the premises of the licensed facility for the sale, by the glass, of wine and pomace brandy made at the facility to a person who participates in a guided tour of the facility or attends a certain activity at the licensed premises; and generally relating to alcoholic beverages in Frederick County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 8–211(a)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 8–211(f)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 334 – Delegates Weir, Myers, Aumann, Beitzel, Boteler, G. Clagett, DeBoy, Donoghue, Eckardt, Frank, Impallaria, Jennings, Kach, Kelly, Lafferty, Levy, McDonough, Minnick, Nathan–Pulliam, O’Donnell, Olszewski, Shank, ~~and Stull~~ Stull, Ali, Frush, Holmes, Hucker, Malone, Niemann, Sossi, Cane, Healey, Shewell, Beidle, Stein, Glenn, Glassman, Lawton, and V. Clagett

AN ACT concerning

~~Complimentary Chesapeake Bay Sport Fishing License~~ **Lifetime Complimentary Fishing Licenses – POWs and Disabled Veterans**

FOR the purpose of authorizing the Department of Natural Resources to issue a lifetime complimentary Chesapeake Bay sport fishing license to certain veterans; providing that there is no fee for the complimentary Chesapeake Bay license; establishing that the complimentary Chesapeake Bay license is not transferable; providing for certain procedures for the issuance of the complimentary Chesapeake Bay license; altering the duration of a complimentary nontidal fishing license for certain veterans; and generally relating to the lifetime complimentary ~~Chesapeake Bay sport fishing license~~ fishing licenses for veterans.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section ~~4–607~~ and 4–745(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Natural Resources
Section 4–745(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 339 – Delegates Costa, Boteler, Bromwell, Impallaria, Kach, Kaiser, J. King, Kipke, McDonough, Oaks, Pena–Melnik, ~~and Weldon~~ Weldon, Beitzel, Benson, Donoghue, Elliott, Hammen, Hubbard, Kullen, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Riley, and Tarrant

AN ACT concerning

Health Insurance – Small Group Market – Health Benefit Plans – Rates

FOR the purpose of ~~altering the factors a carrier may use to adjust the community rate for certain health benefit plans offered in the small group market;~~ altering a certain limit on the rate a carrier may charge based on adjustments to the community rate for certain health benefit plans offered in the small group market; authorizing a carrier to offer a ~~discounted rate~~ discount to a small employer for ~~eligible employees of the small employer who are nonsmokers or participate~~ participation in a certain wellness program; requiring the discount to be applied to reduce a certain rate, actuarially justified, offered uniformly to all small employers, and approved by the Maryland Insurance Commissioner; requiring the Maryland Health Care Commission, on or before a certain date, to adopt regulations to require carriers to collect and report certain participation data; requiring the Commission, on or before a certain date, to report to the Governor and certain legislative committees regarding the effect of a certain rate adjustment on participation in certain health benefit plans; providing for the termination of this Act; defining a certain term; ~~providing for the application of this Act;~~ and generally relating to rates for health benefit plans offered in the small group market.

BY repealing and reenacting, without amendments,

Article – Insurance
Section 15–1201(a) and (d)
Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance

Section 15–1201(r)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–1205

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

House Bill 449 – Delegate Feldman

AN ACT concerning

Commercial Law – Consumer Protection – Vehicle Protection Products Act

FOR the purpose of prohibiting a vehicle protection product from being sold or offered for sale in the State unless the seller and the warrantor of the vehicle protection product, and the warrantor’s administrator, comply with the provisions of this Act; providing that a seller, warrantor, or administrator that complies with this Act is not required to comply with certain provisions of law; requiring a warrantor of a vehicle protection product that is sold or offered for sale in the State to register with the ~~Division of Consumer Protection of the Office of the Attorney General~~ Department of Labor, Licensing, and Regulation; requiring a registration form to include certain information; requiring a warrantor that registers with the ~~Division~~ Department to pay a certain registration fee and renewal fee; providing that certain information shall be made available to the public under certain circumstances; requiring a certain warrantor to maintain certain accounts, books, and records for a certain period of time and to make the accounts, books, and records available for inspection by the ~~Division~~ Department; requiring a certain warrantor to be insured under a certain warranty reimbursement insurance policy or to maintain a certain amount of net worth or stockholders’ equity; requiring a warranty reimbursement insurance policy to contain certain provisions; specifying certain contents of a vehicle protection product warranty; authorizing a vehicle protection product warranty to provide for the reimbursement of certain incidental costs; requiring a seller or warrantor of a vehicle protection product to provide a written copy of a vehicle protection product warranty to a purchaser at a certain time; providing that a certain warrantor may negotiate the purchase price of a vehicle protection product warranty; prohibiting a vehicle protection product warrantor from using

certain terms in its name, contracts, or literature; authorizing a vehicle protection product warrantor to use a certain term in its name; prohibiting a vehicle protection product seller or warrantor from requiring, as a condition of the sale or financing of a vehicle, that the purchaser of the vehicle buy a vehicle protection product; providing for the resolution of disputes between a vehicle protection product warrantor and a warranty holder; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing a certain short title; defining certain terms; providing for the application of this Act; prohibiting this Act from being interpreted in a certain manner; providing for a delayed effective date; and generally relating to the Vehicle Protection Products Act.

BY adding to

Article – Commercial Law

Section 14-4A-01 through 14-4A-14 to be under the new subtitle “Subtitle 4A. Vehicle Protection Products Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of ~~providing that certain licensing requirements for practicing mortuary science do not limit the Maryland State Board of Morticians from issuing a permit to certain designees to handle, transport, and work with a dead human body in performing certain religious services without a mortician’s license; subjecting certain designees to conditions and limitations the Board may specify; requiring the Board to adopt certain regulations; requiring the Board to submit a certain report on or before a certain date; exempting certain apprentices from assisting with embalming if a certain affidavit is submitted to the Board; providing for the termination of certain provisions of this Act; and generally relating to exceptions to the Maryland Morticians Act~~ renaming the State Board of Morticians to be the State Board of Morticians and Funeral Directors; requiring that an individual be licensed by the Board before the individual may practice funeral direction in this State; requiring the Board to establish certain qualifications, examinations, and

experience requirements for licensing funeral directors; requiring that certain practical examinations, competency demonstrations, and practical experience do not include embalming; requiring that applicants for certain apprentice licenses have certain sponsors; repealing certain renewal provisions for funeral directors licensed before a certain date; altering certain definitions; establishing certain legislative intent; and generally relating to funeral directors.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section ~~7-301 and 7-306~~ 7-101, 7-201, 7-206(a) and (c)(2), 7-301 through 7-306, 7-308(e), 7-308.1, 7-401, 7-402, 7-408, and 7-409

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing

Article – Health Occupations

Section 7-307

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 515 – Delegate Bromwell

AN ACT concerning

Health Insurance – Credentialing Intermediaries – ~~Exemptions~~ and Uniform Credentialing Form

FOR the purpose of providing that certain carriers are exempt from providing certain information within a certain time frame to a provider under certain circumstances; exempting certain credentialing intermediaries from certain requirements regarding the uniform credentialing form; repealing a requirement that the Insurance Commissioner designate the uniform credentialing form through regulation; authorizing, rather than requiring, the Commissioner to adopt regulations to implement provisions of law relating to credentialing; altering a certain definition; defining a certain term; and generally relating to credentialing intermediaries ~~for health insurance carriers~~ and the uniform credentialing form.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15-112(a) and (d) and 15-112.1

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance

Section 15–112(o)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

Health Insurance – Carrier Provider Panels – Nonphysician Specialists

FOR the purpose of requiring a health insurance carrier to establish and implement a certain procedure for requesting a referral to a nonphysician specialist who is not part of the carrier’s provider panel; providing that a certain decision by a health insurance carrier constitutes an adverse decision under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to health insurance carrier provider panels and nonphysician specialists.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–830

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

House Bill 551 – Anne Arundel County Delegation

AN ACT concerning

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

FOR the purpose of altering the name of the Radium Pilot Grant Program; repealing a certain termination provision relating to the ~~Radium Pilot Grant~~ Program; and generally relating to the Radium Pilot Grant Program.

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–1301 and 4–1302

Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section ~~4–1301~~ 4–1303 through 4–1308
Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, without amendments,
Chapter 116 of the Acts of the General Assembly of 2003
Section 2

BY repealing and reenacting, with amendments,
Chapter 116 of the Acts of the General Assembly of 2003
Section 3

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 614 – Montgomery County Delegation

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of authorizing in Montgomery County a holder of a Class 6 limited wine wholesaler’s license or a nonresident winery permit to sell or deliver wine directly to a restaurant, county dispensary, or other retail dealer; authorizing a restaurant, county dispensary, or other retail dealer to purchase wine directly from a holder of a Class 6 limited wine wholesaler’s license or a nonresident winery permit; making certain technical and stylistic changes; making this Act an emergency measure; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~2–101(i)(6)~~ and 15–204
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 631 – Delegates Feldman, Ali, Bronrott, Dumais, Gilchrist, Gutierrez, Hucker, Kramer, Krysiak, Kullen, Lawton, Lee, Manno, Mizeur, Montgomery, Pena–Melnik, Rice, Taylor, and Waldstreicher

AN ACT concerning

Electric Companies – Energy Efficiency and Conservation Measures and Services

FOR the purpose of ~~requiring~~ authorizing each electric company to develop and implement certain programs and services to encourage and promote the efficient use and conservation of energy by certain persons as part of a certain procurement process or separately from a certain procurement process; requiring that, by a certain date and after a certain evidentiary hearing, the Public Service Commission shall adopt regulations or issue orders requiring each electric company to procure or provide to certain customers certain energy efficiency and conservation measures and services that are designed to achieve certain savings by a certain year; requiring the Commission, ~~by regulation or order, to adopt certain standards, remove certain disincentives for an electric company to invest in certain measures, and create certain shareholder incentives~~ when adopting certain regulations, to review and consider certain standards; and generally relating to energy conservation efficiency measures and services.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–211 and 7–510(c)(4)(ii)2.C.
Annotated Code of Maryland
(1998 Volume and 2006 Supplement)

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

House Bill 634 – Delegate Feldman

AN ACT concerning

Insurance – Binders or Policies – Personal Insurance

FOR the purpose of providing that certain provisions of law regarding binders or policies are applicable to personal insurance; altering certain notice requirements for cancellation of a certain binder or policy for nonpayment of premium; defining a certain term; providing for the application of this Act; and generally relating to binders and policies of personal insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 12–106
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

House Bill 788 – Delegates Nathan–Pulliam, Benson, Cane, Conaway, Gaines, Glenn, Gutierrez, Kipke, Lee, Montgomery, Oaks, Pena–Melnyk, and Tarrant

AN ACT concerning

Health Insurance – Collection of Racial and Ethnic Data – Nondiscrimination

FOR the purpose of authorizing certain entities that provide health insurance to make an inquiry about race and ethnicity under certain circumstances, and subject to certain limitations; prohibiting the use of certain racial or ethnic information to deny or otherwise affect a health insurance policy or contract; ~~providing that the provisions of certain insurance laws apply~~ making certain provisions of law applicable to health maintenance organizations; and generally relating to the collection and use of racial and ethnic data by ~~health insurers~~ insurers that provide health insurance.

BY adding to
Article – Health – General
Section 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–501(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY adding to
Article – Insurance
Section 27–914

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

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

House Bill 797 – Delegate Frush

AN ACT concerning

Study of Health Care Services for Children with Life–Threatening Medical Conditions

FOR the purpose of requiring the State Advisory Council on Quality Care at the End of Life and the Maryland Health Care Commission to jointly undertake a certain study relating to services for children with life–threatening medical conditions; requiring the Council and the Commission to report the effect of certain programs that provide assistance for children with life–threatening medical conditions, analyze the impact of certain programs in other states, consult with certain persons, and make certain recommendations; requiring the Council and the Commission to report to the Governor and the General Assembly on or before a certain date; and generally relating to the study of health care services for children with life–threatening medical conditions.

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

House Bill 844 – Chair, Health and Government Operations Committee

AN ACT concerning

Health Services Cost Review Commission – Sunset Extension and Program Evaluation

FOR the purpose of requiring the Health Services Cost Review Commission to include certain items in its annual report to the Governor and the General Assembly; authorizing the Secretary of Health and Mental Hygiene to assess a certain administrative charge; authorizing the Commission to use money from certain user fees to pay certain administrative costs; increasing the total amount of user fees that the Commission may assess; requiring the Board of the Maryland Health Insurance Plan to submit a certain report on or before a certain date each year; requiring that an evaluation under the Maryland Program Evaluation Act of the State Health Services Cost Review Commission be prepared on or before a certain date; requiring the Department of Health and Mental Hygiene, in consultation with the Commission, to conduct a certain assessment of Medicaid hospital day limits and report on its findings to certain committees of the General Assembly on or before a certain date; requiring the Commission, in consultation with the Maryland

Hospital Association, to study certain alternatives to the annual update factor as a restriction on the budget of the Commission and report on its findings to certain committees of the General Assembly on or before a certain date; requiring the Commission to submit certain reports to certain committees of the General Assembly on or before certain dates; requiring the Commission, the Maryland Health Care Commission, and the Community Health Resources Commission to study certain items and report on their findings to certain committees of the General Assembly on or before a certain date; and generally relating to the Health Services Cost Review Commission and hospital financing.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–207(b)(6), 19–208(b), and 19–213(c)(1) and (3) and (d)(8)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–213(d)(1)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 14–503(1)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 8–403(a)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 8–403(b)(28)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

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

House Bill 1009 – Delegates ~~Hubbard and Hammen~~ Hubbard, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Mizeur,

Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Riley, Tarrant, and Weldon

AN ACT concerning

Task Force on the Structural Under Funding of Community Services for Individuals with Developmental Disabilities to Study the Developmental Disabilities Administration Rate Payment Systems

FOR the purpose of ~~establishing the Task Force on the Structural Under Funding of Community Services for Individuals with Disabilities~~ requiring the Department of Health and Mental Hygiene to establish the Task Force to Study the Developmental Disabilities Administration Rate Payment Systems; providing for the membership of the Task Force; requiring the ~~Task Force to elect~~ Secretary of Health and Mental Hygiene to appoint a chair; requiring the Department of Health and Mental Hygiene to provide staff for the Task Force; providing for the duties of the Task Force; prohibiting members of the Task Force from receiving certain compensation; authorizing members of the Task Force to receive certain assistance upon approval of the Secretary of Health and Mental Hygiene; requiring the Task Force to report to the Governor, the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee; providing for the termination of this Act; and generally relating to the Task Force ~~on the Structural Under Funding of Community Services for Individuals with Disabilities~~ to Study the Developmental Disabilities Administration Rate Payment Systems.

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 604 – Senator Forehand

AN ACT concerning

Higher Education – Senatorial Scholarships

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

(Amendment ID: SB0604/354031/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 604
(First Reading File Bill)

On page 3, strike beginning with “TUITION” in line 14 down through “YEAR” in line 17 and substitute “EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF AN UNDERGRADUATE PROGRAM AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE”.

The preceding amendment was read only.

Senator Pinsky moved, duly seconded, to make the Bill and Amendments a Special Order for March 15, 2007.

The motion was adopted.

THE COMMITTEE ON RULES REPORT #7

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 999 – Senator Kramer (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Oversight

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1017 – Senators Muse and Miller

EMERGENCY BILL

AN ACT concerning

Crimes – Tobacco Paraphernalia – Distribution to and Possession by Minors

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1018 – Senator Muse

AN ACT concerning

Task Force to Study Rent Stabilization for the Elderly in Prince George's County

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1019 – Senator Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Maryland Youth Ballet

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 1020 – Senator Muse

AN ACT concerning

Credit Regulation – Inquiries About Consumer Reports – Credit Score Calculation

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1021 – Senator Stoltzfus

AN ACT concerning

Budget Reconciliation Act of 2007

The bill was re-referred to the Committee on Budget and Taxation.

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

Senate Bill 1022 – Senator Middleton

AN ACT concerning

Group Life Insurance – Additional Insureds – Domestic Partners

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1023 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Seton Keough High School Science Lab

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1024 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Get Involved Community Rehabilitation Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1025 – The President (By Request – Administration)

AN ACT concerning

Election Law – Presidential Primary Election Date

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

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
George Washington Elementary School	The President and All Members	390
Red House Run Elementary School	The President and All Members	391
Hereford Middle School	The President and All Members	392
Burleigh Manor Middle School	The President and All Members	393
River Hill High School	The President and All Members	394
Winston Churchill High School	The President and All Members	395
Heather Hills Elementary School	The President and All Members	396

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 364)

QUORUM CALL

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

(See Roll Call No. 365)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

Senator Conway moved, duly seconded, to make the Bill a Special Order for March 13, 2007.

The motion was adopted.

Senate Bill 237 – Senators Stoltzfus and Colburn

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

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

Affirmative – 45 Negative – 0 (See Roll Call No. 366)

The Bill was then sent to the House of Delegates.

Senate Bill 271 – ~~Senator Edwards~~ Senators Edwards and Colburn, Colburn, Middleton, and Stoltzfus

AN ACT concerning

Hunting – Exemptions from License and Stamp Requirement

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

Affirmative – 45 Negative – 0 (See Roll Call No. 367)

The Bill was then sent to the House of Delegates.

Senate Bill 282 – Senators Middleton and Dyson

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 368)

The Bill was then sent to the House of Delegates.

Senate Bill 348 – Senator McFadden

AN ACT concerning

Child Fatality Review Teams – Access and Disclosure of Information

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

Affirmative – 45 Negative – 0 (See Roll Call No. 369)

The Bill was then sent to the House of Delegates.

Senate Bill 352 – Senators Conway, Britt, Kasemeyer, Lenett, Muse, and Pinsky

AN ACT concerning

Environment – Golf Course Redevelopment – Report on Need for Environmental Assessment

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

Affirmative – 44 Negative – 0 (See Roll Call No. 370)

The Bill was then sent to the House of Delegates.

Senate Bill 414 – Senators Stoltzfus, Colburn, Dyson, Middleton, Pipkin, ~~and Stone~~
Stone, Hooper, Harris, and Greenip

AN ACT concerning

Working Waterfront Commission

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

Affirmative – 45 Negative – 0 (See Roll Call No. 371)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Currie moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the

Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1026 – Senator Currie

AN ACT concerning

Prince George’s County – Property Tax – Credit for Property Used as a Business Incubator

FOR the purpose of authorizing the governing body of Prince George’s County to grant, by law, a tax credit against the county property tax imposed on certain property that is used as a business incubator; defining a certain term; providing for the application of this Act; and generally relating to a county tax credit in Prince George’s County for certain property that is used as a business incubator.

BY adding to

Article – Tax – Property

Section 9–318(e)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 372)

ADJOURNMENT

At 8:41 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 13, 2007.

Annapolis, Maryland
Tuesday, March 13, 2007
10:00 A.M. Session

The Senate met at 10:19 A.M.

Prayer by Reverend John Crestwell, Davis Memorial Unitarian Universalist Church, guest of Senator Madaleno.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 12, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 375)

SPECIAL ORDERS

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

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(2) OFFERED FROM THE FLOOR BY SENATOR GREENIP.

FLOOR AMENDMENT

(Amendment ID: SB0532/493521/1)

BY: Senator Greenip

AMENDMENTS TO SENATE BILL 532
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purposes;” insert “providing that the provisions of this Act do not apply to a certain aquaculture operation;”.

AMENDMENT NO. 2

On page 4, after line 4, insert:

“(C) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN AQUACULTURE OPERATION FOR WHICH THE DEPARTMENT HAS ISSUED A PERMIT UNDER SUBTITLE 11A OF THIS TITLE.”

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senate Bill 29 – Senators Conway, Exum, Gladden, Jones, Kelley, McFadden, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 27 Negative – 19 (See Roll Call No. 376)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 377)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 105 – The President (By Request – Administration) and Senators DeGrange, Garagiola, Klausmeier, Miller, and Rosapepe

AN ACT concerning

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

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

Affirmative – 45 Negative – 1 (See Roll Call No. 378)

The Bill was then sent to the House of Delegates.

Senate Bill 116 – Senators Brochin and Kittleman

AN ACT concerning

Education – Special Education Services – Children in a Home School Setting

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

Affirmative – 46 Negative – 0 (See Roll Call No. 379)

The Bill was then sent to the House of Delegates.

Senate Bill 118 – Senator Conway

AN ACT concerning

State Board of Nursing – Licensing, Certification, and Reinstatement Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 380)

The Bill was then sent to the House of Delegates.

Senate Bill 132 – Senators Pugh, Britt, Conway, Forehand, Garagiola, Madaleno, McFadden, Muse, Peters, Raskin, Robey, and Zirkin

AN ACT concerning

Education – ~~Guidelines Governing~~ Student Discipline – Review of Local Policies and Procedures

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

Affirmative – 38 Negative – 8 (See Roll Call No. 381)

The Bill was then sent to the House of Delegates.

Senate Bill 333 – Senators Frosh ~~and Forehand~~, Forehand, Conway, Dyson, Britt, Colburn, Lenett, Pinsky, Rosapepe, and Zirkin

AN ACT concerning

Commission on Maryland’s Energy Future

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

Affirmative – 25 Negative – 21 (See Roll Call No. 382)

The Bill was then sent to the House of Delegates.

Senate Bill 378 – Senators Dyson, Conway, and Middleton

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

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

Affirmative – 45 Negative – 1 (See Roll Call No. 383)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #10

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

Senate Bill 192 – Senators Conway, Britt, Currie, Exum, Gladden, Jones, Kelley, McFadden, Muse, and Pugh

AN ACT concerning

Procurement – Commercial Nondiscrimination Policy – Modifications

(Amendment ID: SB0192/734731/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 192
(First Reading File Bill)

On page 5, in line 5, strike the brackets.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 423 – Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe

AN ACT concerning

Local Government – Street Lighting Equipment

(Amendment ID: SB0423/464536/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 423
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, and Hogan”; strike beginning with “providing” in line 14 down through “circumstances” in line 16, and substitute “requiring that certain disputes between an electric company and a local government be submitted to the Public Service Commission for resolution; providing that certain requirements applicable to a person performing certain activities in proximity to a high voltage line do not apply to a local government performing maintenance on street lighting equipment owned by the local government; requiring”

certain maintenance activities to be performed and certain persons to be qualified in accordance with the National Electric Safety Code”.

On page 2, in line 3, after “6-102” insert “and 6-107”.

AMENDMENT NO. 2

On page 2 strike beginning with “SAME” in line 11 down through “PROVIDED” in line 12 and substitute “MEANING STATED”.

On page 3, after line 8, insert:

“(3) ANY DISPUTE BETWEEN AN ELECTRIC COMPANY AND A LOCAL GOVERNMENT ARISING UNDER THIS SUBSECTION SHALL BE SUBMITTED TO THE PUBLIC SERVICE COMMISSION FOR RESOLUTION.”;

in line 14, strike the brackets; strike beginning with “; OR” in line 17 down through “EQUIPMENT” in line 19; and after line 19, insert:

“6-107.

(A) [Whenever] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHENEVER an activity listed under § 6-106 of this title is to be performed within 10 feet of a high voltage line, the person responsible for performing the activity shall:

(1) promptly notify the owner or operator of the high voltage line of the activity to be performed;

(2) make any appropriate arrangements with the owner or operator of the high voltage line to carry out any safety measures required by item (3) of this section; and

(3) with any necessary cooperation from and subject to any necessary agreement with the owner or operator of the high voltage line, ensure that the high voltage line has been effectively guarded against accidental contact by:

(i) installing physical barriers to prevent physical contact with the high voltage line;

(ii) relocating the high voltage line; or

(iii) de-energizing and grounding the high voltage line.

(B) IF A LOCAL GOVERNMENT THAT OWNS STREET LIGHTING EQUIPMENT PERFORMS MAINTENANCE THAT INVOLVES AN ACTIVITY LISTED IN § 6-106 OF THIS

TITLE WITHIN 10 FEET OF A HIGH VOLTAGE LINE, THE PERSON RESPONSIBLE FOR PERFORMING THE ACTIVITY SHALL:

(1) COMPLY WITH THE NATIONAL ELECTRIC SAFETY CODE; AND

(2) BE QUALIFIED IN ACCORDANCE WITH THE QUALIFICATION STANDARDS DEFINED IN THE NATIONAL ELECTRIC SAFETY CODE.”.

AMENDMENT NO. 3

On page 3, in line 21, strike “October” and substitute “June”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 766 – Senator Frosh

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

(Amendment ID: SB0766/104239/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 766

(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

On page 3, in line 4, strike “**DECEMBER 1, 2008**” and substitute “**JULY 1, 2009**”; in line 6, strike “**USED**” and substitute “**FOR USE**”; in the same line, after “A” insert “**HOUSEHOLD**”; strike beginning with “**, WHETHER**” in line 6 down through “**HOUSEHOLD,**” in line 7; after line 8, insert:

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

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

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

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 777 – Senator Stoltzfus

AN ACT concerning

Delmarva Advisory Council – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

(Amendment ID: SB0739/694436/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 739
(First Reading File Bill)

On page 3, in line 20, after “TO” insert “A RELATIVE OF”; in line 21, strike “SENATOR’S RELATIVE” and substitute “SENATOR”; and in line 22, strike “THE RELATIVE OF A” and substitute “A”.

On page 5, in line 10, after “TO” insert “A RELATIVE OF”; in line 11, strike “MEMBER’S RELATIVE” and substitute “MEMBER”; in the same line, strike “OR”; in line 12, strike “A RELATIVE OF ANOTHER” and substitute “ANOTHER”; in the same line, strike “OR THE SENATOR”; and in line 13, after “MEMBER” insert “; OR”.

(3) THE SENATOR WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE MEMBER”.

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #11**

CONSENT CALENDAR #2

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

Senate Bill 164 – Senators Miller and Dyson

AN ACT concerning

Business Regulation – Licenses – Application – Calvert County

(Amendment ID: SB0164/314436/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 164
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Application –”; in line 4, after “license” insert “for the first time”; in line 8, after “circumstances;” insert “prohibiting the clerk of the circuit court for Calvert County from endorsing a certain change in a place of business until the licensee meets certain zoning requirements;”; and in line 12, after “17-302” insert “and 17-307”.

AMENDMENT NO. 2

On page 3, in line 4, strike “SECTION” and substitute “TITLE FOR THE FIRST TIME”; and after line 14, insert:

“17-307.

(a) (1) If a specific place for doing business is stated in a license, the licensee may change the place of business only if the clerk endorses the change on the license.

(2) Subject to subsections [(b) and (c)] (B), (C), AND (D) of this section, on application of the licensee, the clerk shall endorse the change on the license.

(b) In Baltimore County, the clerk may not endorse a change in the place of business until the zoning commissioner approves the new place.

(c) In Washington County, the clerk may not endorse a change in the place of business until the licensee meets the zoning requirements of § 17-302(d) of this subtitle for a license issued for the first time.

(D) IN CALVERT COUNTY, THE CLERK MAY NOT ENDORSE A CHANGE IN THE PLACE OF BUSINESS UNTIL THE LICENSEE MEETS THE ZONING REQUIREMENTS OF § 17-302(E) OF THIS SUBTITLE FOR A LICENSE ISSUED FOR THE FIRST TIME.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 356 – Senators Miller and Dyson

AN ACT concerning

Calvert County Board of Education – Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 376 – Senator Klausmeier

AN ACT concerning

Baltimore County – Election Law – Assistant Chief Election Judge

(Amendment ID: SB0376/714035/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 376
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Assistant Chief Election Judge” and substitute “Compensation for Election Judges”; strike beginning with “creating” in line 3 down through “judges;” in line 5; and in line 10, strike “10–203 and”.

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 16 on page 1 through line 16 on page 2, inclusive.

On page 2, in line 20, strike the second set of brackets; and strike beginning with “**\$200**” in line 21 down through “**\$150**” in line 23 and substitute “**\$162.50**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #11

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

Senate Bill 214 – Senators Colburn, Harris, Jacobs, Jones, Middleton, Munson, Pugh, and Stone

AN ACT concerning

Crimes – Unauthorized Possession of Contraband – Place of Confinement

(Amendment ID: SB0214/618979/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 214
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “of Contraband”; strike beginning with “to” in line 4 down through “device” in line 5; in line 6, after “official;” insert “prohibiting a person from knowingly possessing certain contraband to effect an escape, a weapon, or a telecommunication device in a certain place of confinement; prohibiting a person from knowingly receiving or possessing an alcoholic beverage or a controlled dangerous substance in a certain place of confinement; prohibiting a person from delivering a telecommunication device to a certain person in a certain place of confinement;”; in line 8, strike “contraband” and substitute “certain items”; strike beginning with “9-411,” in line 11 down through “9-416” in line 12 and substitute “and 9-411”; in line 17, strike “and 9-412” and substitute “, 9-412, 9-413, 9-414, 9-415, 9-416, and 9-417”; and in line 22, after “9-410(g)” insert “and 9-417”.

AMENDMENT NO. 2

On page 3, strike beginning with “TO” in line 25 down through “DEVICE” in line 27.

On page 4, in line 13, after “receive” insert “OR KNOWINGLY POSSESS”; and in line 25, after “receive” insert “OR KNOWINGLY POSSESS”.

On page 5, after line 7, insert:

“(C) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT RECEIVE OR KNOWINGLY POSSESS AN ALCOHOLIC BEVERAGE.”;

in line 8, strike “(c)” and substitute “(D)”; after line 16, insert:

“(B) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT RECEIVE OR KNOWINGLY POSSESS A CONTROLLED DANGEROUS SUBSTANCE.”;

in line 17, strike “(b)” and substitute “(C)”; and after line 19, insert:

“9-417.

(A) A PERSON MAY NOT DELIVER A TELECOMMUNICATION DEVICE TO A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT WITH SIGNS POSTED INDICATING THAT SUCH CONDUCT IS PROHIBITED.

(B) A PERSON DETAINED OR CONFINED IN A PLACE OF CONFINEMENT MAY NOT RECEIVE OR KNOWINGLY POSSESS A TELECOMMUNICATION DEVICE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH; AND

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

[9-417.] 9-418.

A sentence imposed under this part may be separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the crime under this part.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 587 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

District Court – Citations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 606 – Senators Forehand, Conway, Kelley, Kramer, Pugh, Raskin, and Rosapepe

AN ACT concerning

Human Trafficking and Involuntary Servitude

(Amendment ID: SB0606/348272/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 606
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Brochin, Gladden, Haines, Jacobs, Mooney, Muse, Simonaire, and Stone”.

The preceding amendment was read only.

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

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

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

Senate Bill 243 – Senator Britt

AN ACT concerning

Employees’ Pension System – Transfer of Service Credit

(Amendment ID: SB0243/679630/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 243
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Employees” and substitute “State Retirement and”; in line 3, after “providing” insert “that certain members of the State Retirement and Pension System may request the Executive Director of the State Retirement Agency to take a certain action with regard to certain claims; authorizing the Executive Director of the State Retirement Agency to accept or deny certain requests by certain members; requiring the Board of Trustees of the State Retirement and Pension System to review certain claims that have been denied by the Executive Director of the State Retirement Agency; authorizing the Board of Trustees to overturn certain denials made by the Executive Director of the State Retirement Agency; requiring the Board of Trustees to submit certain reports to the Joint Committee on Pensions on or before a certain date; requiring the Board of Trustees to adopt certain regulations; providing”; in line 9, after “of” insert “certain provisions of”; in line 11, strike “Employees’ Pension System” and substitute “State Retirement and Pension System”; and after line 11, insert:

“BY adding to

Article – State Personnel and Pensions

Section 37–203.2

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, in line 13, after “That” insert “the Laws of Maryland read as follows”; after line 13, insert:

“Article – State Personnel and Pensions

37–203.2.

(A) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO:

(1) HAS ACCRUED SERVICE CREDIT IN A STATE OR LOCAL RETIREMENT OR PENSION SYSTEM;

(2) HAS ACCEPTED NEW EMPLOYMENT IN A POSITION REQUIRING MEMBERSHIP IN ONE OF THE SEVERAL SYSTEMS; AND

(3) DID NOT MAKE A CLAIM UNDER § 37–203 OR § 37–203.1 OF THIS SUBTITLE TO TRANSFER THE PREVIOUS SERVICE CREDIT WITHIN 1 YEAR OF TRANSFERRING INTO ONE OF THE SEVERAL SYSTEMS.

(B) (1) AN INDIVIDUAL DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION MAY REQUEST THE EXECUTIVE DIRECTOR TO ACCEPT THE INDIVIDUAL’S CLAIM TO TRANSFER SERVICE CREDIT ACCRUED IN THE PREVIOUS SYSTEM.

(2) IF THE EXECUTIVE DIRECTOR DENIES A REQUEST FOR A WAIVER, THE DENIAL SHALL BE PRESENTED TO THE BOARD OF TRUSTEES FOR REVIEW.

(3) THE BOARD OF TRUSTEES MAY OVERTURN THE EXECUTIVE DIRECTOR’S DECISION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT TO THE JOINT COMMITTEE ON PENSIONS IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT PROVIDES:

(1) THE NUMBER OF REQUESTS MADE BY INDIVIDUALS TO THE EXECUTIVE DIRECTOR REQUESTING A WAIVER OF THE 1-YEAR REQUIREMENT TO CLAIM TRANSFERRED SERVICE CREDIT;

(2) THE NUMBER OF REQUESTS GRANTED AND DENIED BY THE EXECUTIVE DIRECTOR; AND

(3) THE NUMBER OF REQUESTS GRANTED BY THE BOARD OF TRUSTEES FOLLOWING A DENIAL BY THE EXECUTIVE DIRECTOR.

(D) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:”.

AMENDMENT NO. 3

On page 2, in line 20, strike “2.” and substitute “3.”; in line 21, strike “It” and substitute “Section 2 of this Act”; and in line 22, after “Assembly,” insert “Section 2 of”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 390 – Senators Currie, Britt, Exum, Peters, and Rosapepe

AN ACT concerning

Prince George’s County – Special Taxing Districts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 419 – Senator Madaleno

AN ACT concerning

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

(Amendment ID: SB0419/959738/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 419
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Madaleno” and substitute “Senators Madaleno, Brinkley, Currie, DeGrange, Hogan, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Stoltzfus”.

AMENDMENT NO. 2

On page 1, in line 7, strike “tax” and substitute “taxation”.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 442 – Senator Colburn

AN ACT concerning

Property Tax – Agricultural Use Assessment – Migrant Labor Camps

(Amendment ID: SB0442/619338/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “used” insert “exclusively”.

AMENDMENT NO. 2

On page 3, in line 9, after “USED” insert “EXCLUSIVELY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

(Amendment ID: SB0515/329532/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 515
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “certain” insert “eligible”; strike beginning with “of” in line 13 down through “System” in line 14; in line 16, after the semicolon insert “repealing certain provisions of the State Personnel and Pensions Article that set age restrictions for membership in the State Retirement and Pension System for certain individuals; providing for the delayed effective date of a certain provision of this Act;”; in line 21, strike “23-206,”; and in line 23, strike “and 29-302(c)” and substitute “29-302(c), 30-302, 30-303, and 30-305”.

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

“BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions

Section 6-306Annotated Code of Maryland(2004 Replacement Volume and 2006 Supplement)(As enacted by Chapter (S.B. 6) of the Acts of the General Assembly of 2007)”.AMENDMENT NO. 2

On page 6, strike in their entirety lines 1 through 11, inclusive.

On pages 10 through 12, strike in their entirety the lines beginning with line 1 on page 10 through line 5 on page 12, inclusive.

AMENDMENT NO. 3

On page 17, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

6–306.

[(a)] Any individual 70 years old or older is eligible for appointment to any nontemporary position in the State Personnel Management System for which the individual qualifies, and the appointment is subject to the provisions of the State Personnel and Pensions Article.

[(b) Any individual who is first appointed to a nontemporary position governed by the State Personnel Management System at the age of 70 or older is not eligible for membership in the pension systems of the State.]

30–302.

(A) An election to participate in the program shall be made [as provided in this subtitle] BY AN ELIGIBLE EMPLOYEE WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.

(B) AN ELIGIBLE EMPLOYEE’S ELECTION TO PARTICIPATE IN THE PROGRAM IS IRREVOCABLE.

30–303.

(a) An eligible employee shall elect to:

(1) join a pension OR RETIREMENT system in accordance with the provisions of this Division II applicable to that system; or

(2) participate in the program.

(b) An eligible employee shall:

(1) make an election under this section in writing; and

(2) file the election with the Board of Trustees and the employing institution **WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.**

(c) **AN ELIGIBLE EMPLOYEE MAY NOT PARTICIPATE IN THE PROGRAM IF BOTH THE BOARD OF TRUSTEES AND THE EMPLOYING INSTITUTION HAVE NOT RECEIVED THE ELIGIBLE EMPLOYEE'S WRITTEN ELECTION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, WITHIN 1 YEAR OF THE ELIGIBLE EMPLOYEE ACCEPTING EMPLOYMENT WITH AN EMPLOYING INSTITUTION.**

(d) The effective date of the election shall be the first day of the month after the election.

30-305.

(a) This section applies only to a State employee who becomes eligible to elect participation in the program if the employee is appointed, promoted, transferred, or reclassified to a [professional staff] position **AS AN ELIGIBLE EMPLOYEE.**

(b) A State employee described in subsection (a) of this section may elect to participate in the program.

(c) An eligible employee shall:

(1) make an election under this section in writing; and

(2) file the election with the Board of Trustees and the employing institution **WITHIN 1 YEAR OF BECOMING AN ELIGIBLE EMPLOYEE OF AN EMPLOYING INSTITUTION.**

(d) **AN ELIGIBLE EMPLOYEE MAY NOT PARTICIPATE IN THE PROGRAM IF BOTH THE BOARD OF TRUSTEES AND THE EMPLOYING INSTITUTION HAVE NOT RECEIVED THE ELIGIBLE EMPLOYEE'S WRITTEN ELECTION REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, WITHIN 1 YEAR OF THE ELIGIBLE EMPLOYEE ACCEPTING EMPLOYMENT WITH AN EMPLOYING INSTITUTION.**

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2007.”;

in line 18, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, except as provided in Section 3 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.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

CONSENT CALENDAR #3

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

Senate Bill 274 – Senator Edwards

AN ACT concerning

Garrett County – Property Tax Credit – New or Expanding Businesses

(Amendment ID: SB0274/369339/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 274

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “County” insert “to specify, by law, certain criteria for qualification for the credit and”; in the same line, after “provide” insert “, by law,”; and in line 8, strike “qualifications and”.

AMENDMENT NO. 2

On page 2, in line 8, strike “AT LEAST 12”; in line 9, after “EMPLOYEES” insert “IN THE COUNTY”; strike beginning with “, WHICH” in line 14 down through “COUNTY” in line 18; strike beginning with “IN” in line 19 down through “THE” in line 20 and substitute “THE”; in line 20, after “COUNTY” insert “, BY LAW, MAY”; strike in their entirety lines 21 and 22 and substitute:

“1. SPECIFY THE MINIMUM INVESTMENT OR JOB CREATION REQUIREMENTS FOR QUALIFICATION FOR THE CREDIT;”;

in line 23, strike “SHALL”; in line 25, strike “MAY”; and in line 27, strike “THE QUALIFICATIONS AND”.

On page 3, in line 1, after “ANY” insert “ADDITIONAL CRITERIA FOR ELIGIBILITY OR ANY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 649 – Senator Edwards

AN ACT concerning

Garrett County – Special Property Tax – Volunteer Fire Departments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 224 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

Senator Della moved, duly seconded, to make the Bill a Special Order for March 14, 2007.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #11

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

Senate Bill 283 – Senators Middleton and Dyson

AN ACT concerning

Southern Maryland Prostate Cancer Pilot Program

(Amendment ID: SB0283/707370/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 283
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dyson” and substitute “, Dyson, and Colburn”; in lines 2, 3, 11, and 16, in each instance, strike “Southern Maryland” and substitute “Charles County”; and in line 10, after “date;” insert “authorizing a certain local health officer to establish an advisory committee to oversee a certain grant process and community education and outreach effort;”.

On page 2, in line 8, strike “Southern Maryland” and substitute “Charles County”; and in line 9, strike “and deaths”.

AMENDMENT NO. 2

On page 2, in lines 24 and 28, in each instance, strike “**SOUTHERN MARYLAND**” and substitute “**CHARLES COUNTY**”.

On page 3, in lines 2, 6, and 10, in each instance, strike “**SOUTHERN MARYLAND**” and substitute “**CHARLES COUNTY**”; in lines 13 and 16, in each instance, after “**MEN**” insert “**OR ECONOMICALLY CHALLENGED MEN**”; in line 16, strike “**40**” and substitute “**35**”; and in line 19, strike “**PILOT**”.

AMENDMENT NO. 3

On page 4, in line 2, after “**MEN**” insert “**AND ECONOMICALLY CHALLENGED MEN**”; in line 6, after “**TO**” insert “**ADMINISTER THE PROGRAM TO:**”

(1) THE”;

in line 7, strike “**DEPARTMENTS IN SOUTHERN MARYLAND**” and substitute “**DEPARTMENT IN CHARLES COUNTY; OR**”

(2) A FEDERALLY QUALIFIED HEALTH CENTER IN CHARLES COUNTY.”;

in line 7, strike “**TO ADMINISTER THE PROGRAM.**”; in line 16, strike “**ANY**” and substitute “**TO THE EXTENT POSSIBLE, ANY**”; after line 17, insert:

“**SECTION 2. AND BE IT FURTHER ENACTED, That the local health officer in Charles County may establish an advisory committee to oversee the grant process and**”

community education and outreach effort under the Charles County Prostate Pilot Program established under Section 1 of this Act.”;

and in line 18, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 557 – Senator Garagiola

AN ACT concerning

Health Insurance – Credentialing Intermediaries – Exemptions

(Amendment ID: SB0557/247478/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 557

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Exemptions” and substitute “and Uniform Credentialing Form”; in line 6, after “form;” insert “repealing a requirement that the Insurance Commissioner designate the uniform credentialing form through regulation; authorizing, rather than requiring, the Commissioner to adopt regulations to implement provisions of law relating to credentialing; altering a certain definition.”; and in lines 7 and 8, strike “for health insurance carriers” and substitute “and the uniform credentialing form”.

AMENDMENT NO. 2

On page 4, in line 25, strike “**HEALTH**” and substitute “**MEDICAL**”.

AMENDMENT NO. 3

On page 5, in line 19, strike “through regulation”.

On page 6, in line 13, strike “shall” and substitute “**MAY**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 646 – Senator Exum

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

(Amendment ID: SB0646/277578/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 646
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 5 down through “fees” in line 11 and substitute “providing that a certain requirement does not prohibit a certain action; requiring certain facilities to have a written policy specifying a certain method; requiring certain facilities to ensure that certain staff are trained in the method”; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with “IS” in line 26 down through “AND” in line 27.

On page 3, in line 12, after “COMMUNICATE” insert “DISTRESS”; and after line 14, insert:

“(D) SUBSECTION (C)(4) OF THIS SECTION DOES NOT PROHIBIT PLACING AN INDIVIDUAL MOMENTARILY FACE DOWN TO TRANSITION THE INDIVIDUAL TO A RESTRAINT POSITION.

(E) A FACILITY SHALL:

(1) HAVE A WRITTEN POLICY SPECIFYING THE METHOD USED TO ENSURE THAT AN INDIVIDUAL WHOSE PRIMARY LANGUAGE OR METHOD OF COMMUNICATION IS NONVERBAL IS ABLE TO EFFECTIVELY COMMUNICATE DISTRESS DURING A PHYSICAL RESTRAINT OR HOLD; AND

(2) ENSURE THAT ALL STAFF AT THE FACILITY WHO ARE AUTHORIZED TO PARTICIPATE IN A PHYSICAL RESTRAINT OR HOLD OF INDIVIDUALS

ARE TRAINED IN THE METHOD SPECIFIED IN THE WRITTEN POLICY REQUIRED UNDER ITEM (1) THIS SUBSECTION.”;

in line 15, strike “(d)” and substitute “(F)”; and in line 17, strike “(e)” and substitute “(G)”.

On page 4, in line 14, strike “(f)” and substitute “(H)”; and in line 20, strike “(g)” and substitute “(I)”.

AMENDMENT NO. 3

On pages 4 through 7, strike in their entirety the lines beginning with line 22 on page 4 through line 2 on page 7, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 714 – Senator Astle

AN ACT concerning

Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions

(Amendment ID: SB0714/127771/2)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 714
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “or”; in line 6, after “organization” insert “, or dental plan organization”; in the same line, after the second “to” insert “an individual who is”; in line 8, strike “or”; and in line 9, after “organization” insert “, or dental plan organization”.

AMENDMENT NO. 2

On page 3, in line 20, strike “OR”; in line 21, after “ORGANIZATION” insert “; OR”

4. A DENTAL PLAN ORGANIZATION”;

and in line 23, after “AN” insert “INDIVIDUAL WHO IS AN”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 750 – Senators Pipkin, Della, Edwards, Hogan, Jacobs, and Kittleman

EMERGENCY BILL

AN ACT concerning

**Queen Anne’s County – Health Care Facilities Regulation – Licensing of
Freestanding Medical Facilities**

(Amendment ID: SB0750/737877/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 750

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 4 down through “term;” in line 6 and substitute “establishing a freestanding medical facility pilot project in Queen Anne’s County; requiring the Department of Health and Mental Hygiene to issue a freestanding medical facility license to a certain freestanding medical facility pilot project under certain circumstances; requiring that a certain freestanding medical facility pilot project meet certain requirements; requiring a certain freestanding medical facility pilot project to provide certain information to the Maryland Health Care Commission; requiring certain claims submitted by a certain freestanding medical facility pilot project to be paid at certain rates; requiring certain provisions of law to apply to a certain freestanding medical facility pilot project;”; in line 11, strike “19–3A–01” and substitute “19–131, 19–3A–01, and 19–3A–03”; and in line 16, strike “19–131 and 19–3A–03” and substitute “19–3A–07”.

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “(E)” in line 27 on page 2 down through “**LOCATED.**” in line 9 on page 3.

On page 4, strike in their entirety lines 4 through 16, inclusive.

AMENDMENT NO. 3

On page 4, after line 16, insert:

“19-3A-07.

(a) There [is a] **ARE TWO** freestanding medical facility pilot [project] **PROJECTS THAT SHALL OPERATE IN TWO JURISDICTIONS IN THE STATE.**

(b) The Department shall issue a freestanding medical facility license to:

(1) [one] **ONE** freestanding medical facility pilot project if:

[(1)] **(I)** The freestanding medical facility pilot project is established by, and will operate administratively as part of, an acute care general hospital;

[(2)] **(II)** The acute care general hospital is part of a merged asset system with all of its existing Maryland acute care general hospitals located in a single jurisdiction;

[(3)] **(III)** There are not more than 5 acute care general hospitals in the jurisdiction;

[(4)] **(IV)** One or more of the existing acute care general hospitals in the merged asset system has an emergency department volume of 75,000 or more visits for the 12 months ending June 30, 2004;

[(5)] **(V)** The freestanding medical facility pilot project will operate in Montgomery County;

[(6)] **(VI)** The capital expenditure to implement the freestanding medical facility pilot project otherwise meets the requirements of § 19-120(k)(6)(viii) of this title; and

[(7)] **(VII)** The freestanding medical facility pilot project meets the requirements under § 19-3A-02(b) of this subtitle; **AND**

(2) **ONE FREESTANDING MEDICAL FACILITY PILOT PROJECT IF:**

(i) **THE FREESTANDING MEDICAL FACILITY PILOT PROJECT IS ESTABLISHED BY, AND WILL OPERATE ADMINISTRATIVELY AS PART OF, AN ACUTE CARE GENERAL HOSPITAL LOCATED IN TALBOT COUNTY;**

(II) THE FREESTANDING MEDICAL FACILITY PILOT PROJECT WILL OPERATE IN QUEEN ANNE’S COUNTY;

(III) THE CAPITAL EXPENDITURE TO IMPLEMENT THE FREESTANDING MEDICAL FACILITY PILOT PROJECT OTHERWISE MEETS THE REQUIREMENTS OF § 19–120(K)(6)(VIII) OF THIS TITLE; AND

(IV) THE FREESTANDING MEDICAL FACILITY PILOT PROJECT MEETS THE REQUIREMENTS UNDER § 19–3A–02(B) OF THIS SUBTITLE.

(c) (1) A freestanding medical facility pilot project shall provide to the Maryland Health Care Commission information, as specified by the Commission, on the configuration, location, operation, and utilization, including patient–level utilization, of the pilot project.

(2) A certificate of need is not required for a freestanding medical facility pilot project.

(d) (1) This subsection applies to:

(i) Individual, group, or blanket health insurance policies and contracts delivered or issued for delivery in the State by insurers, nonprofit health service plans, health maintenance organizations; and

(ii) Medicaid managed care organizations.

(2) An entity subject to this subsection shall pay the claim for covered services submitted by a freestanding medical facility pilot project at rates consistent with the contract between the entity and the freestanding medical facility pilot project.

(e) The Maryland Medical Assistance Program shall pay a fee–for–service claim submitted by a freestanding medical facility pilot project at a rate at least equal to the rate paid by Medicare.

(f) The provisions of §§ 19–3A–01 through 19–3A–06 shall apply to a freestanding medical facility pilot project.

SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall:

(1) exempt a health care facility in Talbot County from the provisions of §§ 19–114 through 19–131 of the Health – General Article; or

(2) authorize a health care facility or service to be relocated from Talbot County to Queen Anne’s County.”;

and in line 17, strike “2.” and substitute “3.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 810 – Senator Astle

AN ACT concerning

Public Service Commission – Authorization of Stock and Debt Transactions

(Amendment ID: SB0810/307379/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 810
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “that” insert “, under certain circumstances.”.

AMENDMENT NO. 2

On page 2, in line 22, after “YEAR” insert “, IF THE GAS COMPANY, ELECTRIC COMPANY, OR TELEPHONE COMPANY:

(I) PROVIDES PRIOR WRITTEN NOTICE TO THE COMMISSION OF THE TRANSACTION; AND

(II) OBTAINS APPROVAL OF THE TRANSACTION FROM THE ENTITY IN ANOTHER STATE THAT REGULATES THE GAS COMPANY, ELECTRIC COMPANY, OR TELEPHONE COMPANY”.

On page 3, in line 16, after “YEAR” insert “, IF THE GAS COMPANY, ELECTRIC COMPANY, OR TELEPHONE COMPANY:

(I) PROVIDES PRIOR WRITTEN NOTICE TO THE COMMISSION OF THE TRANSACTION; AND

(II) OBTAINS APPROVAL OF THE TRANSACTION FROM THE ENTITY IN ANOTHER STATE THAT REGULATES THE GAS COMPANY, ELECTRIC COMPANY, OR TELEPHONE COMPANY”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 60 – Southern Maryland Delegation

EMERGENCY BILL

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 606 – Senators Forehand, Conway, Kelley, Kramer, Pugh, Raskin, and Rosapepe

AN ACT concerning

Human Trafficking and Involuntary Servitude

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

(Amendment ID: SB0606/348272/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 606
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, Brochin, Gladden, Haines, Jacobs, Mooney, Muse, Simonaire, and Stone”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0606/473321/1)

BY: Senator Jones

AMENDMENT TO SENATE BILL 606, AS AMENDED

In line 2 of the Judicial Proceedings Committee Amendment (SB0606/348272/1), strike “and Stone” and substitute “Stone, and Jones”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0606/963322/1)

BY: Senator Peters

AMENDMENT TO SENATE BILL 606, AS AMENDED

In line 2 of the Judicial Proceedings Committee Amendment (SB0606/348272/1), strike “and Stone” and substitute “Stone, and Peters”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1027 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race–Based Traffic Stops – Sunset Extension and Reporting Requirements

FOR the purpose of extending the termination date for certain provisions of law concerning the collection, analysis, and reporting of certain information relating to traffic stops; extending the period of time during which law enforcement officers must record and report to the Maryland Justice Analysis Center certain information relating to traffic stops; extending the period of time during which the Maryland Justice Analysis Center must analyze and report on information relating to certain traffic stops; extending the deadline for the Maryland Justice Analysis Center to issue a final report; and generally relating to information relating to traffic stops.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 25–113
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 343 of the Acts of the General Assembly of 2001, as amended by Chapter
25 of the Acts of the General Assembly of 2006
Section 3 and 4

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 384)

ADJOURNMENT

At 11:54 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 14, 2007.

**Annapolis, Maryland
Wednesday, March 14, 2007
10:00 A.M. Session**

The Senate met at 10:15 A.M.

Prayer by His Excellency Donald W. Wuerl, Archbishop of Washington, guest of Senator Miller.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 13, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 387)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

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

(Amendment ID: SB0739/694436/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 739
(First Reading File Bill)

On page 3, in line 20, after “TO” insert “A RELATIVE OF”; in line 21, strike “SENATOR’S RELATIVE” and substitute “SENATOR”; and in line 22, strike “THE RELATIVE OF A” and substitute “A”.

On page 5, in line 10, after “TO” insert “A RELATIVE OF”; in line 11, strike “MEMBER’S RELATIVE” and substitute “MEMBER”; in the same line, strike “OR”; in line 12, strike “A RELATIVE OF ANOTHER” and substitute “ANOTHER”; in the same line, strike “OR THE SENATOR”; and in line 13, after “MEMBER” insert “; OR”.

(3) THE SENATOR WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE MEMBER”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0739/793422/2)

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 739
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “persons;” insert “permitting the Maryland Higher Education Commission to award certain scholarships to certain persons in certain circumstances;”; and in line 9, strike “and 18-501” and substitute “, 18-407, 18-501, and 18-507”.

AMENDMENT NO. 2

On page 2, in line 5, after “SECTION” insert a comma.

On page 3, after line 23, insert:

“(4) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO SCHOLARSHIPS AWARDED BY THE COMMISSION UNDER § 18-407 OF THIS SUBTITLE.”;

and after line 25, insert:

“18-407.

(a) Each Senator shall award all of his senatorial scholarships on or before September 1 of each year.

(b) If any Senator fails to award all of his scholarships on or before September 1 of each year, the Commission shall make the remaining awards to applicants from the Senator’s legislative district who:

(1) Scored highest on the competitive examination; or

(2) Are attending an eligible institution and have completed at least 1 year in good academic standing.

(c) The Office shall:

(1) Notify each Senator of the applicants to whom it awards the Senator’s scholarships; and

(2) Announce publicly the names of all recipients.

(d) To the extent a scholarship awarded under § 18-404 of this subtitle is not used by a student, moneys appropriated to the Commission for that award not used by the end of the fiscal year shall be retained by the Commission for use by the awarding Senator in the Senatorial Scholarship Program during subsequent fiscal years.”.

AMENDMENT NO. 3

On page 5, before line 14, insert:

“(D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO SCHOLARSHIPS AWARDED BY THE OFFICE OF STUDENT FINANCIAL ASSISTANCE UNDER § 18-507 OF THIS SUBTITLE.

18-507.

(a) Beginning in fiscal year 1996, each Delegate may authorize the Office of Student Financial Assistance to award all or a portion of the funds authorized under this subtitle to eligible recipients of an Educational Excellence Award who reside in the Delegate’s legislative district.

(b) In the event that the total number of eligible recipients of an Educational Excellence Award who reside in the Delegate’s legislative district is insufficient to utilize the total amount of funds available to the Delegate for any fiscal year, the Office of

Student Financial Assistance may, with the consent of the Delegate, award the unused funds to other eligible recipients throughout the State.”.

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 15, 2007.

The motion was adopted.

Senate Bill 419 – Senator Madaleno

AN ACT concerning

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

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

(Amendment ID: SB0419/959738/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 419
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Madaleno” and substitute “Senators Madaleno, Brinkley, Currie, DeGrange, Hogan, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Stoltzfus”.

AMENDMENT NO. 2

On page 1, in line 7, strike “tax” and substitute “taxation”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0419/873326/1)

BY: Senator Harris

AMENDMENTS TO SENATE BILL 419

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “for Commissioned Officers”; and in line 5, after “individuals;” insert “altering the maximum amount of the subtraction modification;”.

AMENDMENT NO. 2

On page 2, in line 21, after “(2)” insert “(I)”; in the same line, strike “The” and substitute “SUBJECT TO THE LIMITATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; in line 22, strike “first \$5,000 of”; and after line 23, insert:

“(II) THE SUBTRACTION UNDER THIS SUBSECTION MAY NOT EXCEED:

1. \$5,000 FOR A TAXABLE YEAR BEGINNING BEFORE JANUARY 1, 2009; OR
2. \$7,500 FOR A TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 2009.”.

The preceding 2 amendments were read only.

Senator Currie moved, duly seconded, to make the Bill and Amendments a Special Order for March 16, 2007.

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS #12**

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

AN ACT concerning

State Agencies – StateStat

FOR the purpose of establishing a StateStat accountability process to enhance the managing for results process; authorizing the Governor to require certain agencies to participate in the StateStat process; requiring certain agencies to submit certain strategic plans and performance measurement reports to the Secretary of Budget and Management ~~by a certain date~~ as part of a certain budget submission;

requiring the performance measurement reports to contain certain information; requiring the budget books to contain certain limited information from the StateStat agency strategic plan of certain units of State government; authorizing the Office of Legislative Audits to include in certain performance audits a review of certain performance measures; defining certain terms; and generally relating to a StateStat accountability process and the managing for results process.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–1001 through 3–1003 and 7–121(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1221(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1221(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 152 – Delegates Weir, Aumann, Boteler, Cardin, Frank, McDonough, Minnick, Olszewski, and Schuler

AN ACT concerning

**Law Enforcement Officers' Pension System – Membership – Martin State Airport
Law Enforcement Officers**

FOR the purpose of providing membership in the Law Enforcement Officers' Pension System to certain law enforcement officers at the Martin State Airport who are employed by the Military Department; and generally relating to membership in the Law Enforcement Officers' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201 and 26–202
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 311 – Delegate Niemann

AN ACT concerning

~~Employees'~~ **State Retirement and Pension System – Transfer of Service Credit**

FOR the purpose of providing that certain members of the State Retirement and Pension System may request the Executive Director of the State Retirement Agency to take a certain action with regard to certain claims; authorizing the Executive Director of the State Retirement Agency to accept or deny certain requests by certain members; requiring the Board of Trustees of the State Retirement and Pension System to review certain claims that have been denied by the Executive Director of the State Retirement Agency; authorizing the Board of Trustees to overturn certain denials made by the Executive Director of the State Retirement Agency; requiring the Board of Trustees to submit certain reports to the Joint Committee on Pensions on or before a certain date; requiring the Board of Trustees to adopt certain regulations; providing that certain members of the Employees' Pension System may transfer certain service credit from the State Contributory Employees' Pension System in a certain manner; requiring that certain members of the Employees' Pension System who transfer certain service credit from the State Contributory Employees' Pension System complete and file certain forms with the Board of Trustees of the State Retirement and Pension System by a certain date; defining a certain term; providing for the termination of certain provisions of this Act; and generally relating to the transfer of service credit for members of the ~~Employees' Pension System~~ State Retirement and Pension System.

BY adding to

Article – State Personnel and Pensions

Section 37–203.2

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

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

Senate Bill 431 – Senator Kelley

AN ACT concerning

Children – Out-of-Home Placement Review Boards – Case Reviews

(Amendment ID: SB0431/218773/3)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 431

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Placement” and substitute “Care”; in line 9, strike “review” and substitute “consideration”; in line 14, after “Assembly” insert “and the Secretary of Human Resources”; in line 20, after “counties” insert “under certain circumstances”; in line 22, after the semicolon insert “prohibiting members of certain local panels from receiving compensation; subjecting members of certain local panels to certain standards of confidentiality;”; in line 25, after the semicolon insert “requiring certain regulations to provide for the frequency of certain reviews;”; and in line 26, after the semicolon insert “authorizing certain case reviews to include certain questions;”.

On page 2, in line 1, after the first semicolon insert “altering a certain definition;”; in the same line, strike “the”; and in line 2, strike “Out-of-Home Placement Review Boards” and substitute “State and local review boards”.

AMENDMENT NO. 2

On page 3, in line 14, strike “of foster care”; in line 15, after “children” insert “IN OUT-OF-HOME CARE”; and in line 16, after “MEANS” insert “:”.

(1) OUT-OF-HOME PLACEMENT; AND

(2)”.

AMENDMENT NO. 3

On page 6, in line 26, strike “placement” and substitute “CARE”; in the same line, after “policies” insert a comma; in the same line, strike the first “and”; and in the same line, after “procedures” insert “, AND PRACTICES”.

On page 7 in line 24, and on page 16 in line 2, in each instance, strike “**REVIEW**” and substitute “CONSIDERATION”.

AMENDMENT NO. 4

On page 7, in line 2, after “Assembly” insert “AND THE SECRETARY”.

On page 8, in line 21, after “**ASSEMBLY**” insert “AND THE SECRETARY”.

AMENDMENT NO. 5

On page 8, strike beginning with “RESULTS” in line 1 down through “TITLE” in line 2 and substitute “FINDINGS AND RECOMMENDATIONS OF THE STATE BOARD, THE LOCAL CITIZEN REVIEW PANEL, IF ANY, AND THE LOCAL BOARDS”.

AMENDMENT NO. 6

On page 13, in line 4, after “(a)” insert “(1)”; and after line 6 insert:

“(2) THE REGULATIONS ADOPTED BY THE STATE BOARD AND THE SECRETARY SHALL REQUIRE:

(I) AT LEAST ONE REVIEW WITHIN THE FIRST 12 MONTHS AFTER A CHILD ENTERS OUT-OF-HOME PLACEMENT; AND

(II) SUBSEQUENT REVIEWS WHEN THE COURT, THE LOCAL DEPARTMENT, AN INTERESTED PERSON, OR THE LOCAL BOARD RAISES A CONCERN THAT THE LOCAL BOARD MAY ADDRESS THROUGH THE FINDINGS AND RECOMMENDATIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.”

AMENDMENT NO. 7

On page 12, strike beginning with the colon in line 19 down through “(II)” in line 22.

On page 14, in line 6, strike “THE ADEQUACY OF” and substitute “ANY REASONABLE”; in the same line, after “EFFORTS” insert “MADE”; in line 17, strike “QUALITY OF” and substitute “APPROPRIATENESS OF EFFORTS TO MEET”; in the same line, after “CARE” insert “NEEDS”; in line 18, strike “(I)”; and strike beginning with the comma in line 20 down through “1.” in line 25 and substitute “AND THE CHILD IS NOT PLACED IN THE JURISDICTION OF ORIGIN, THE LOCAL BOARD SHALL”.

On page 14 in line 27, and on page 15 in lines 1, 3, and 5, respectively, strike “A.”, “B.”, “C.”, and “D.”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively.

On page 15, strike beginning with the semicolon in line 6 down through “ARRANGEMENT” in line 8; strike beginning with the comma in line 10 down through “BECAUSE” in line 15 and substitute “AND”; in line 16, strike “MAKE FINDINGS” and substitute “THE LOCAL BOARD SHALL EXPLAIN WHY THE PLAN IS INAPPROPRIATE, INCLUDING”; and in lines 17, 19, 21, and 23, respectively, strike “1.”, “2.”, “3.”, and “4.”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively.

AMENDMENT NO. 8

On page 15, in line 25, strike “SHALL” and substitute “MAY”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 533 – Senators Gladden, Britt, Brochin, Frosh, Garagiola, and Jacobs

AN ACT concerning

Divorce and Annulment – Removal of Religious Barriers to Remarriage

(Amendment ID: SB0533/388673/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 533
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Jacobs” and substitute “Jacobs, and Forehand”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Religious”; in line 3, after “files” insert “or does not contest”; in lines 6 and 10, in each instance, strike “religious”; and in line 8, after “filed” insert “or if the court determines that the affidavit was filed with the knowledge of the affiant that it was false; defining a certain term”.

AMENDMENT NO. 3

On page 1, after line 19, insert:

“(A) IN THIS SECTION, “BARRIER TO REMARRIAGE” INCLUDES ANY SECULAR, RELIGIOUS, OR CONSCIENTIOUS RESTRAINT OR INHIBITION THAT IS IMPOSED ON A PARTY TO A MARRIAGE, UNDER THE PRINCIPLES HELD BY THE OFFICIAL OF THE RELIGIOUS BODY WHO PERFORMED THE MARRIAGE CEREMONY, BECAUSE OF THE COMMISSION OR WITHHOLDING OF ANY VOLUNTARY ACT BY THE OTHER PARTY TO THE MARRIAGE.”;

and in line 20, strike “(A)” and substitute “(B)”.

On page 2, in line 2, strike “**RELIGIOUS**”; and in lines 4 and 7, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(E)”, respectively.

AMENDMENT NO. 4

On page 1, in line 20, after “FILES” insert “OR DOES NOT CONTEST”.

On page 2, in line 1, after “STATING” insert “, UNDER PENALTY OF PERJURY,”; after line 6, insert:

“(D) THE COURT MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE OR ANNULMENT IF THE COURT DETERMINES THAT THE INDIVIDUAL WHO SUBMITTED THE AFFIDAVIT UNDER SUBSECTION (B) OF THIS SECTION DID SO WITH KNOWLEDGE THAT THE AFFIDAVIT WAS FALSE.”;

strike in their entirety lines 8 through 12, inclusive; and in lines 13, 15, and 19, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(1)”, “(2)”, and “(3)”, respectively.

The preceding 4 amendments were read and adopted.

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

Affirmative – 35 Negative – 10 (See Roll Call No. 388)

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 679 – Senators Raskin, Forehand, Jacobs, Kittleman, Lenett, Madaleno, McFadden, Peters, Robey, and Simonaire

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

(Amendment ID: SB0679/638279/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Simonaire” and substitute “Simonaire, Brochin, Haines, Mooney, and Stone”.

AMENDMENT NO. 2

On page 1, strike beginning with “authorizing” in line 6 down through “circumstances;” in line 7.

AMENDMENT NO. 3

On page 2 in line 25, on page 4 in line 14, on page 5 in line 25, and on page 6 in line 31, in each instance, strike “AT THE TIME” and substitute “AS A RESULT”.

AMENDMENT NO. 4

On page 3, strike in their entirety lines 4 through 7, inclusive; in line 8, strike “(D)” and substitute “(C)”; and in line 16, strike “§ 5-306(D)(2)” and substitute “§ 5-306(C)(2)”.

On page 4, strike in their entirety lines 19 through 22, inclusive; and in line 23, strike “(D)” and substitute “(C)”.

On page 6, strike in their entirety lines 1 through 4, inclusive; and in line 5, strike “(D)” and substitute “(C)”.

The preceding 4 amendments were read only.

Senator Della moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #13

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

Senate Bill 382 – Senators Raskin, Forehand, Haines, Jacobs, and Muse

AN ACT concerning

Civil Liability – AMBER Alert Dissemination – Immunity for Media

(Amendment ID: SB0382/808579/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 382

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Media” insert “and Commercial Mobile Radio Service Providers”; and strike beginning with “exempting” in line 3 down through “liability” in line 4 and substitute “establishing that certain broadcasters and commercial mobile radio”.

service providers and their employees, officers, directors, members, managers, and agents are not liable for damages”.

AMENDMENT NO. 2

On page 1, after line 12, insert:

“BY repealing and reenacting, without amendments,

Article – Public Safety

Section 1–301(d) and (e)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)”.

AMENDMENT NO. 3

On page 2, after line 9, insert:

“(4) “CMRS PROVIDER” HAS THE MEANING STATED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.”;

and in lines 10 and 11, in each instance, after “BROADCASTER” insert “OR CMRS PROVIDER”.

AMENDMENT NO. 4

On page 2, after line 19, insert:

“Article – Public Safety

1–301.

(d) “Commercial mobile radio service” or “CMRS” means mobile telecommunications service that is:

(1) provided for profit with the intent of receiving compensation or monetary gain;

(2) an interconnected, two–way voice service; and

(3) available to the public.

(e) “Commercial mobile radio service provider” or “CMRS provider” means a person authorized by the Federal Communications Commission to provide CMRS in the State.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 434 – Senator Frosh

AN ACT concerning

Estates and Trusts – Disclaimers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 435 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 6 – Senators Exum, Britt, Conway, Frosh, Gladden, Jones, Madaleno, McFadden, Muse, and Pugh

A Senate Joint Resolution concerning

Slavery in Maryland

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #12

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

Senate Bill 194 – Senators Kelley, Astle, Garagiola, Klausmeier, and Middleton

AN ACT concerning

Consumer Protection – Personal Information Protection Act

(Amendment ID: SB0194/547476/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 194
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 2, after “NUMBER;” insert “OR”; and strike beginning with “; OR” in line 6 down through “TITLE” in line 8.

AMENDMENT NO. 2

On page 7, strike beginning with the first “NOTICE” in line 1 down through “7001” in line 3 and substitute “MAIL TO THE MOST RECENT ELECTRONIC MAIL ADDRESS OF THE INDIVIDUAL IN THE RECORDS OF THE BUSINESS”; in line 23, strike “A” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A”; in line 25, strike “BECOMES AWARE” and substitute “DISCOVERS OR IS NOTIFIED”; and after line 25, insert:

“(2) (I) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE DELAYED IF A LAW ENFORCEMENT AGENCY DETERMINES THAT THE NOTIFICATION WILL IMPEDE A CRIMINAL INVESTIGATION OR JEOPARDIZE HOMELAND OR NATIONAL SECURITY.

“(II) IF NOTIFICATION IS DELAYED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NOTIFICATION SHALL BE GIVEN AS SOON AS REASONABLY PRACTICABLE AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT IT WILL NOT IMPEDE A CRIMINAL INVESTIGATION AND WILL NOT JEOPARDIZE HOMELAND OR NATIONAL SECURITY.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 261 – Senators Garagiola, Brinkley, Colburn, Conway, Forehand, Hogan, Hooper, Jacobs, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Pugh, and Raskin

AN ACT concerning

Biodiesel Renewable Fuel Act

(Amendment ID: SB0261/797272/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 261 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Biodiesel Renewable Fuel Act” and substitute “Task Force on Renewable Alternative Fuels”; and strike beginning with “requiring” in line 3 down through “State” in line 13 and substitute “establishing a Task Force on Renewable Alternative Fuels; providing for the membership of the Task Force; requiring the Secretary of Agriculture to chair the Task Force; requiring the Department of Agriculture to provide staff for the Task Force; prohibiting members of the Task Force from receiving certain compensation; providing for the duties of the Task Force; requiring the Task Force to report to the Governor, the Senate Finance Committee, and the House Economic Matters Committee; providing for the termination of this Act; and generally relating to the Task Force on Renewable Alternative Fuels”.

On pages 1 and 2, strike in their entirety the lines beginning with line 14 on page 1 through line 6 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, in line 8, strike “the Laws of Maryland read as follows”.

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 25 on page 3, inclusive, and substitute:

“(a) There is a Task Force on Renewable Alternative Fuels.

(b) The Task Force consists of the following members:

(1) One member of the Senate of Maryland, appointed by the President of the Senate;

(2) One member of the House of Delegates, appointed by the Speaker of the House;

- (3) The State Comptroller, or the Comptroller's designee;
 - (4) The Secretary of Agriculture, or the Secretary's designee;
 - (5) The Secretary of the Environment, or the Secretary's designee;
 - (6) The Executive Director of the Maryland Energy Administration, or the Executive Director's designee;
 - (7) One representative from the Mid-Atlantic Petroleum Distributors' Association;
 - (8) One representative from the Maryland Motor Truck Association;
 - (9) One representative from the Maryland Petroleum Council;
 - (10) One representative from the Washington, Maryland, Delaware Service Station and Automotive Repair Association;
 - (11) One representative of the Maryland Farm Bureau; and
 - (12) One representative from groups that advocate for the environment.
- (c) The Secretary of Agriculture shall appoint the nondesignated members of the Task Force.
- (d) The Secretary of Agriculture shall chair the Task Force.
- (e) The Department of Agriculture shall provide staff for the Task Force.
- (f) A member of the Task Force may not receive compensation as a member of the Task Force but is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (g) The Task Force shall:
- (1) Study ways to integrate biodiesel and other renewable fuels into motor fuels used in State and local public fleets;
 - (2) Study incentives or mandates to integrate biodiesel and other renewable fuels in the private and public sector;
 - (3) Study home heating issues;

(4) Determine the economic and environmental impact on Maryland, including Maryland agriculture, regarding the use of biodiesel and other renewable fuels;

(5) Determine how the use of biodiesel and other renewable fuels affects agricultural supplies and fuel supplies in Maryland; and

(6) Examine Maryland energy policy in terms of the following factors:

(i) Improving domestic (Maryland) energy supply and security as it pertains to liquid fuels;

(ii) Currently available sources of renewable alternative fuels to the Maryland market and the quantities available;

(iii) Sources, types, and quantities of renewable alternative fuels potentially available to the Maryland market in the next 3 years;

(iv) Infrastructure improvements needed;

(v) Investment needed and potential return on investment;

(vi) Opportunities for the petroleum industry;

(vii) Relevant policies in other states and federal policies; and

(viii) A timeline for future review.

(h) The Task Force shall report its findings and recommendations on or before December 31, 2007, to the Governor, and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Economic Matters Committee.”.

AMENDMENT NO. 3

On page 3, in line 27, strike “October 1, 2007” and substitute “July 1, 2007. It shall remain effective for a period of 1 year and, at the end of June 30, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0261/763122/1)

BY: Senator Garagiola

AMENDMENT TO SENATE BILL 261, AS AMENDED

On page 2 of the Finance Committee Amendments (SB0261/797272/1), in lines 6 and 7 of Amendment No. 2, in each instance, strike “Executive”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 318 – Senators Exum, Britt, Conway, Currie, Della, Garagiola, Gladden, Jones, Kelley, Klausmeier, McFadden, Middleton, Muse, and Pugh

AN ACT concerning

Maryland Small Business Development Financing Authority – Financing Limitations

(Amendment ID: SB0318/527079/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 318
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “loan” insert “guarantee”; in line 11, after “Program” insert “and certain limitations”; in line 16, after “Authority;” insert “requiring that certain reports include a certain evaluation; requiring that the Authority submit certain reports to certain committees of the General Assembly; providing for the effective date of certain provisions of this Act;”; and after line 22, insert:

“BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1035(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)
(As enacted by Section 1 of this Act)”.”

AMENDMENT NO. 2

On page 2, in line 11, strike “part of the loan to be guaranteed” and substitute “MAXIMUM AMOUNT PAYABLE BY THE AUTHORITY UNDER ITS GUARANTEE”.

On page 4, in line 7, strike “\$1,350,000” and substitute “\$5,000,000”; in line 11, strike “COMMERCIAL ENTERPRISE” and substitute “PRIVATE ENTITY”; in lines 15 and 16, strike “COMMERCIAL ENTERPRISE” and substitute “PRIVATE ENTITY”; in line 20, strike “or”; and in the same line, after the second “business,” insert “OR BY ANY OTHER TYPE OF BUSINESS,”.

On page 5, in lines 4, 7, 9, 11, 16, and 20, in each instance, strike “50” and substitute “49”.

On page 6, in line 18, after “[an” insert “] THE”; in the same line, after “enterprise” insert “OR ITS PRINCIPALS”; in the same line, strike “have” and substitute “MEET”; strike beginning with the colon in line 19 down through the first “and” in line 24; in line 24, strike “, totaling at least \$75,000” and substitute “EQUAL TO AT LEAST 5 PERCENT OF THE TOTAL COST OF THE ACQUISITION”; and in line 25, strike “[THE”.

On page 8, after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 83A – Department of Business and Economic Development

5–1035.

(a) Subject to the restrictions of this Part VI, the Authority, on application, may guarantee any surety up to the lesser of 90 percent or [\$5,000,000] \$1,350,000 of its losses incurred under a bid bond, a payment bond, or a performance bond on any 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.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of the termination provision specified in Section 4 of Chapter 299 of the Acts of the General Assembly of 2006. This Act may not be interpreted to have any effect on that termination provision.”

AMENDMENT NO. 3

On page 8, before line 11, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland Small Business Development Financing Authority shall:

(1) include in the annual reports required to be made by December 31, 2007, and December 31, 2008, under Article 83A, § 5-1011 of the Code an evaluation of the impact of the changes enacted by Section 1 of this Act in the levels of assistance the Authority may provide, on:

(i) the number and amounts of loans and guarantees made by the Authority during the periods covered by the reports; and

(ii) the ability of the Authority to adequately assist eligible businesses under each financing program administered by the Authority; and

(2) provide the annual reports to the Senate Finance Committee and the House Economic Matters Committee.”;

in line 11, strike “2.” and substitute “5.”; in the same line, after “That” insert “, subject to the provisions of Section 3 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.

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

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

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

(Amendment ID: SB0427/357473/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 427
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Discounts” insert “and Study”; strike beginning with “making” in line 4 down through “specialists;” in line 8 and substitute “providing that the Maryland Insurance Commissioner may authorize certain health insurance carriers to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the health insurance carrier meets certain requirements;” in

lines 9 and 10, in each instance, after “insurers” insert “and nonprofit health service plans”; strike beginning with “providing” in line 13 down through “circumstances;” in line 16 and substitute “requiring certain carriers that use a provider panel and offer a certain preferred provider insurance policy to adhere to certain standards;”; strike beginning with “providing” in line 18 down through “exclude” in line 20 and substitute “providing that a limited benefit group health insurance contract may be issued only by an insurer or nonprofit health service plan to an employer to provide health coverage only for certain employees; authorizing certain health insurance carriers to condition the sale of certain contracts on an employer taking certain actions”; in line 20, strike “a carrier” and substitute “certain health insurance carriers”; and in line 21, after “circumstances;” insert “requiring the Maryland Health Care Commission to conduct a certain study and report to certain committees of the General Assembly on or before a certain date;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 3 on page 2, inclusive.

On page 2, in line 11, strike “14–205, 15–1202, 15–1204,” and substitute “15–112(b)(1)”; and strike beginning with “14–205.1” in line 16 down through “Employees” in line 18 and substitute “14–205.1 and 15–1104”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 26, inclusive.

On pages 4 and 5, strike beginning with line 14 on page 4 through line 19 on page 5, inclusive.

On page 5, after line 20, insert:

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

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

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

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

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

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

in line 21, strike “(A)” and substitute “(B)””; and in lines 23 and 29, in each instance, after “INSURER” insert “OR NONPROFIT HEALTH SERVICE PLAN”.

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

“15-112.

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

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

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

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

(ii) establish procedures to:

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

2. notify an enrollee of:

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

B. the right of the enrollee, on request, to continue to receive health care services from the enrollee’s primary care provider for up to 90 days after the date of the notice of termination of the enrollee’s primary care provider from the

carrier's provider panel, if the termination was for reasons unrelated to fraud, patient abuse, incompetency, or loss of licensure status;

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

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

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

15-1104.

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

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

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

(II) OFFERS COVERAGE FOR HEALTH BENEFITS; AND

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

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

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

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

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

(II) WORKS:

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

AND

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

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

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

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

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

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

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

(E) AN INSURER OR NONPROFIT HEALTH SERVICE PLAN SHALL DISCLOSE IN THE GROUP CERTIFICATE AND IN ENROLLMENT MATERIAL PROVIDED TO EACH

SPECIAL ELIGIBLE EMPLOYEE THAT THE LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT DOES NOT PROVIDE COMPREHENSIVE HEALTH COVERAGE.”.

AMENDMENT NO. 3

On pages 6 through 8, strike in their entirety the lines beginning with line 8 on page 6 through line 22 on page 8, inclusive.

AMENDMENT NO. 4

On page 9, strike beginning with “ADDITIONAL” in line 25 down through “THROUGH” in line 26 and substitute “**, FOR ITS EMPLOYEES, AN ANNUITY, DENTAL INSURANCE, DISABILITY INSURANCE, LIFE INSURANCE, LONG TERM CARE INSURANCE, VISION INSURANCE, OR, WITH THE APPROVAL OF THE COMMISSIONER, ANY OTHER INSURANCE SOLD BY**”.

On pages 10 and 11, strike in their entirety the lines beginning with line 1 on page 10 through line 18 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 18, insert:

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

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

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

and in line 19, strike “2.” and substitute “3.”.

The preceding 5 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 461 – Senators Pugh, Britt, Brochin, Jones, Kelley, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, and Robey

AN ACT concerning

Labor and Employment – Maryland Workforce Investment Act – Transit Service for Low-Income Individuals

(Amendment ID: SB0461/287878/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 461
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “provide” in line 4 down through “individuals” in line 8 and substitute “issue certain transit passes in a certain form to certain training organizations; requiring training organizations to provide certain transit passes to certain individuals; requiring transit organizations to include a certain travel reimbursement provision in a certain contract for certain eligibility purposes; defining a certain term”; and after line 20, insert:

“BY adding to

Article – Labor and Employment

Section 11-503(n)

Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)”.

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

AMENDMENT NO. 2

On page 4, after line 4, insert:

“(N) “TRAINING ORGANIZATION” MEANS AN ENTITY THAT PROVIDES TRAINING AND EMPLOYMENT SERVICES TO INDIVIDUALS DESCRIBED IN § 11-504(B) OF THIS SUBTITLE.”;

in line 14, strike “THE” and substitute “SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, THE”; and strike in their entirety lines 15 through 23, inclusive, and substitute “ISSUE TO TRAINING ORGANIZATIONS WEEKLY TRANSIT PASSES, IN THE

FORM OF MAGNETIC PASSES OR LOADED SMART CARDS, FOR LOCAL BUS, LIGHT RAIL, OR METRO SUBWAY SERVICE PROVIDED BY THE MARYLAND TRANSIT ADMINISTRATION.

(II) THE TRAINING ORGANIZATIONS SHALL PROVIDE THE WEEKLY TRANSIT PASSES ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO INDIVIDUALS RECEIVING EMPLOYMENT AND TRAINING SERVICES UNDER THE PROGRAM ESTABLISHED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

(III) A TRAINING ORGANIZATION SHALL REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE COST OF TRANSIT PASSES PROVIDED TO THE TRAINING ORGANIZATION UNDER THIS PARAGRAPH.

(IV) TO BE ELIGIBLE TO RECEIVE TRANSIT PASSES UNDER THIS PARAGRAPH, A TRAINING ORGANIZATION SHALL INCLUDE IN ITS CONTRACT WITH THE LOCAL WORKFORCE INVESTMENT BOARD OR LOCAL WORKFORCE INVESTMENT AGENCY A PROVISION REQUIRING REIMBURSEMENT OF THE TRAINING ORGANIZATION FOR ITS COSTS UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.”.

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 12 on page 5, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 572 – Senator Della

AN ACT concerning

State Personnel – Collective Bargaining – Use of Employee Information

(Amendment ID: SB0572/847173/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 572
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “amount;” in line 5; in line 9, after “time;” insert “authorizing certain employees to give a certain notice to an employer that the employee does not want the employer to provide certain information to an exclusive representative; requiring that certain notices remain in effect until further notice;”; and in line 20, strike “3-208(a) and (f)” and substitute “3-208(d)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 24, inclusive; and after line 24, insert:

“3-208.

(d) (1) Thirty days before providing an employee’s name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer’s notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee’s name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee’s name, addresses, telephone numbers, or work information.

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

AMENDMENT NO. 3

On page 3, in line 1, strike “(1)”; in lines 7, 8, 9, 10, and 12, strike “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively; and strike in their entirety lines 13 through 15, inclusive.

On page 4, after line 6, insert:

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

AMENDMENT NO. 4

On page 4, in line 11, strike “(1)”; strike beginning with “FOR” in line 12 down through “DATABASE” in line 13 and substitute “NOT TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES’ NAMES, ADDRESSES, TELEPHONE NUMBERS, AND

WORK INFORMATION TO THE EXCLUSIVE REPRESENTATIVE”; and strike in their entirety lines 14 through 18, inclusive.

The preceding 4 amendments were read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 712 – Senator Kittleman

AN ACT concerning

Workers’ Compensation – Covered Employees – Benefits

(Amendment ID: SB0712/197177/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 712
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “are” insert “not”; in the same line, after “certain” insert “vocational rehabilitation”; in line 4, strike “only under certain circumstances”; in line 9, strike “9–202” and substitute “9–672”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 6 on page 3 through line 22 on page 4, inclusive, and substitute:

“9–672.”

(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A disabled covered employee is entitled to vocational rehabilitation services.

(B) AN UNDOCUMENTED WORKER IS NOT ENTITLED TO VOCATIONAL REHABILITATION SERVICES, INCLUDING ANY BENEFITS PROVIDED UNDER § 9–674 OF THIS SUBTITLE.”.

The preceding 2 amendments were read only.

Senator Raskin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 824 – Senator Middleton

AN ACT concerning

Senior Prescription Drug Assistance Program – Sunset Extension

(Amendment ID: SB0824/537374/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 824
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Program –” insert “Modifications and”; in line 3, after the first “of” insert “prohibiting the subsidy required under the Senior Prescription Drug Assistance Program from exceeding a certain amount in certain fiscal years; authorizing the Program to limit payments of certain subsidies under certain circumstances;”; in line 4, after “date;” insert “altering certain references to a certain obsolete program to clarify that the program being extended under this Act and that is funded by a certain carrier is the Senior Prescription Drug Assistance Program; making certain conforming changes;”; and after line 5, insert:

“BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–106(e) and 14–512
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“14–106.

(e) The subsidy required under the Senior Prescription Drug Assistance Program may not exceed:

- (1) for the period of January 1, 2006 through June 30, 2006, \$8,000,000;
- (2) [for fiscal year 2007, \$14,000,000;
- (3)] for fiscal [year] YEARS 2008 THROUGH 2010, \$14,000,000; and

[(4)] (3) for any year, the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article."

AMENDMENT NO. 3

On page 2, after line 10, insert:

"14-512.

(a) The Program shall:

(1) provide a prescription drug benefit subsidy, as determined by the Board, that may pay all or some of the deductibles, coinsurance payments, premiums, and copayments under the federal Medicare Part D Pharmaceutical Assistance Program for enrollees of the Program; and

(2) provide the subsidy to the maximum number of individuals eligible for enrollment in the Program, subject to the moneys available in the segregated account under § 14-504 of this subtitle.

(B) THE PROGRAM MAY LIMIT PAYMENT OF ANY SUBSIDY BY PAYING THE SUBSIDY ONLY ON BEHALF OF ELIGIBLE INDIVIDUALS ENROLLED IN A MEDICARE PART D PRESCRIPTION DRUG PLAN OR MEDICARE ADVANTAGE PLAN THAT COORDINATES WITH THE PROGRAM IN ACCORDANCE WITH FEDERAL REQUIREMENTS.

[(b)] (C) The Program may annually provide an additional subsidy, up to the full amount of the Medicare Part D Prescription Drug Plan premium, for individuals who qualify for a partial federal low-income subsidy.

[(c)] (D) The Program shall maintain a waiting list of individuals who meet the eligibility requirements for the Program but who are not served by the Program due to funding limitations.

[(d)] (E) The Board shall determine annually:

- (1) the number of individuals to be enrolled in the Program;
- (2) the amount of subsidy to be provided under subsection (a) of this section; and

(3) the amount of any additional subsidy provided under subsection (b) of this section.

[(e)] (F) On or before January 1 of each year, the Board, in accordance with § 2-1246 of the State Government Article, shall report to the General Assembly on:

(1) the number of individuals on the waiting list for the Program; and

(2) to the extent that the Board is able to collect the information:

(i) the number of enrollees with out-of-pocket prescription drug costs that exceed \$2,250, broken down for each fiscal quarter; and

(ii) the total annual out-of-pocket prescription drug costs for enrollees.”.

AMENDMENT NO. 4

On page 2, in line 29, strike “Benefits” and substitute “SUBSIDIES”; in line 30, after “Drug” insert “ASSISTANCE”; and in line 31, strike “July 1, 2003” and substitute “JANUARY 1, 2006”.

On page 3, in line 1, after “Drug” insert “ASSISTANCE”; in line 5, after “Drug” insert “ASSISTANCE”; and in line 6, strike “July 1, 2003” and substitute “JANUARY 1, 2006”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0824/803327/1)

BY: Senator Middleton

AMENDMENT TO SENATE BILL 824, AS AMENDED

On page 3 of the Finance Committee Amendments (SB0824/537374/1), in line 11 of Amendment No. 3, strike “(b)” and substitute “(C)”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 224 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

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

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0224/183027/2)

BY: Senator Della

AMENDMENTS TO SENATE BILL 224
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “providing that the credit may not be granted for a newly constructed dwelling if the assessment of the dwelling for a certain taxable year exceeds a certain amount;”.

AMENDMENT NO. 2

On page 2, in line 10, after “(2)” insert “(I)”; in the same line, strike “The” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; and after line 12, insert:

“(II) THE CREDIT UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR A NEWLY CONSTRUCTED DWELLING IF THE ASSESSMENT OF THE NEWLY CONSTRUCTED DWELLING FOR THE FIRST TAXABLE YEAR AFTER ITS CONSTRUCTION OR REHABILITATION IS GREATER THAN \$500,000.”.

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Robey moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1028 – Senator Robey

AN ACT concerning

Veterinarians – Licenses – Waiver of Requirements

FOR the purpose of authorizing the State Board of Veterinary Medical Examiners to waive a certain license requirement of continuous practice for an applicant who had been relocated outside the United States under certain circumstances; requiring an applicant to submit certain proof to the Board; and generally relating to the licensing of veterinarians in the State.

BY adding to

Article – Agriculture

Section 2–307.1

Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)

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

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1029 – Senator Gladden

AN ACT concerning

Maryland General Corporation Law – Altering Corporate Procedures

FOR the purpose of repealing certain provisions requiring a corporation to give uniform written notice of a call for payment on subscriptions; clarifying that stockholders only have preemptive rights, for a corporation formed on or after a certain date, if the charter expressly provides for them; repealing a certain provision requiring a corporation to send certain information to a stockholder at a certain time; requiring a corporation to send certain information to a stockholder on request; clarifying that notice shall be sent without charge to the stockholder; clarifying that a certain

resignation is enforceable; authorizing the board of directors of a corporation to delegate power to a certain committee to recommend the election of directors to stockholders; authorizing the board of directors of a corporation to authorize a certain committee to establish a method or procedure for determining the maximum aggregate offering price of shares to be issued; adding limited liability companies and managers of limited liability companies to a certain definition; repealing certain requirements imposed on making payments of expenses for indemnification of a director; expanding a certain notice provision to a broader class of stockholders; establishing that the presence of a certain number of votes at a meeting of stockholders of a certain type of corporation constitutes a quorum; authorizing a corporation to hold its annual meeting at any time provided in the bylaws; making certain stylistic changes; and generally relating to the law of corporations and associations.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 2–202, 2–205, 2–210(c), 2–406, 2–411(a), 2–418(a)(1), (e), and (f),
2–501(c), 2–505(b), and 2–506
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY adding to
Article – Corporations and Associations
Section 3–109(e)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 389)

ADJOURNMENT

At 11:45 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 15, 2007 in memory of Army Specialist Tommy Lee Latham.

**Annapolis, Maryland
Thursday, March 15, 2007
10:00 A.M. Session**

The Senate met at 10:22 A.M.

Prayer by Reverend Dr. Dante’ King, Greater Mount Zion, guest of Senator Miller.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 14, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Jacobs be excused from today’s session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 392)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
New Town High School Boys’ Varsity Basketball Team	Senator Bobby A. Zirkin	434

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 393)

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 15, 2007

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401-1991

Dear Mr. President:

It is a pleasure to submit the following nomination for confirmation by the Maryland State Senate. I trust you will find the nominee to be well qualified and highly deserving of your support for the office in which he will serve.

Public Service Commission

The Honorable Lawrence Brenner
12512 Deoudes Road
Boyd's, Maryland 20841

For the remainder of a term of 5 years from July 1, 2005

Biographical information has been provided and we will be pleased to furnish any additional information helpful to your review. Your favorable consideration of this nomination is appreciated.

Sincerely,

Martin O'Malley
Governor

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 679 – Senators Raskin, Forehand, Jacobs, Kittleman, Lenett, Madaleno, McFadden, Peters, Robey, and Simonaire

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0679/638279/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 679
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Simonaire” and substitute “Simonaire, Brochin, Haines, Mooney, and Stone”.

AMENDMENT NO. 3

On page 2 in line 25, on page 4 in line 14, on page 5 in line 25, and on page 6 in line 31, in each instance, strike “AT THE TIME” and substitute “AS A RESULT”.

The preceding 2 amendments were read and adopted.

AMENDMENT NO. 2

On page 1, strike beginning with “authorizing” in line 6 down through “circumstances;” in line 7.

AMENDMENT NO. 4

On page 3, strike in their entirety lines 4 through 7, inclusive; in line 8, strike “(D)” and substitute “(C)”; and in line 16, strike “§ 5-306(D)(2)” and substitute “§ 5-306(C)(2)”.

On page 4, strike in their entirety lines 19 through 22, inclusive; and in line 23, strike “(D)” and substitute “(C)”.

On page 6, strike in their entirety lines 1 through 4, inclusive; and in line 5, strike “(D)” and substitute “(C)”.

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 16, 2007.

The motion was adopted.

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

(Amendment ID: SB0427/357473/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 427
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “Discounts” insert “and Study”; strike beginning with “making” in line 4 down through “specialists;” in line 8 and substitute “providing that the Maryland Insurance Commissioner may authorize certain health insurance carriers to offer a preferred provider insurance policy that conditions the payment of benefits on the use of preferred providers if the health insurance carrier meets certain requirements;”; in lines 9 and 10, in each instance, after “insurers” insert “and nonprofit health service plans”; strike beginning with “providing” in line 13 down through “circumstances;” in line 16 and substitute “requiring certain carriers that use a provider panel and offer a certain preferred provider insurance policy to adhere to certain standards;”; strike beginning with “providing” in line 18 down through “exclude” in line 20 and substitute “providing that a limited benefit group health insurance contract may be issued only by an insurer or nonprofit health service plan to an employer to provide health coverage only for certain employees; authorizing certain health insurance carriers to condition the sale of certain contracts on an employer taking certain actions”; in line 20, strike “a carrier” and substitute “certain health insurance carriers”; and in line 21, after “circumstances;” insert “requiring the Maryland Health Care Commission to conduct a certain study and report to certain committees of the General Assembly on or before a certain date;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 3 on page 2, inclusive.

On page 2, in line 11, strike “14–205, 15–1202, 15–1204,” and substitute “15–112(b)(1)”; and strike beginning with “14–205.1” in line 16 down through “Employees” in line 18 and substitute “14–205.1 and 15–1104”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 26, inclusive.

On pages 4 and 5, strike beginning with line 14 on page 4 through line 19 on page 5, inclusive.

On page 5, after line 20, insert:

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

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

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

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

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

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

in line 21, strike “(A)” and substitute “(B)”; and in lines 23 and 29, in each instance, after “INSURER” insert “OR NONPROFIT HEALTH SERVICE PLAN”.

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

“15-112.

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

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

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

3. IF THE CARRIER IS AN INSURER OR NONPROFIT HEALTH SERVICE PLAN THAT OFFERS A PREFERRED PROVIDER INSURANCE POLICY THAT CONDITIONS THE PAYMENT OF BENEFITS ON THE USE OF PREFERRED PROVIDERS, ADHERE TO THE STANDARDS FOR ACCESSIBILITY OF COVERED SERVICES

IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 19-705.1(B)(1)(II) OF THE HEALTH – GENERAL ARTICLE AND AS ENFORCED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

(ii) establish procedures to:

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

2. notify an enrollee of:

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

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

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

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

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

15-1104.

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

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

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

(II) OFFERS COVERAGE FOR HEALTH BENEFITS; AND

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

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

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

(5) “SPECIAL ELIGIBLE EMPLOYEE” MEANS AN EMPLOYEE WHO IS:

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

(II) WORKS:

1. ON A TEMPORARY OR SUBSTITUTE BASIS; OR

2. LESS THAN 30 HOURS IN A NORMAL WORKWEEK;

AND

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

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

(1) SPECIAL ELIGIBLE EMPLOYEES; OR

(2) SPECIAL ELIGIBLE EMPLOYEES AND THEIR DEPENDENTS.

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

(1) COLLECT PAYMENT FOR PREMIUMS DUE UNDER THE LIMITED BENEFIT GROUP HEALTH INSURANCE CONTRACT THROUGH PAYROLL DEDUCTION;

(2) CONTRIBUTE TO THE PREMIUM PAYMENTS APPLICABLE TO THE COVERAGE OF A SPECIAL ELIGIBLE EMPLOYEE; AND

(3) OFFER COVERAGE TO ANY DEPENDENT OF A SPECIAL ELIGIBLE EMPLOYEE.

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

(1) TITLE 15 OF THIS ARTICLE, EXCEPT SUBTITLES 7 AND 8; AND

(2) NOTWITHSTANDING ITEM (1) OF THIS SUBSECTION, §§ 15-802, 15-812, 15-815, 15-830, 15-831, 15-832, AND 15-833 OF THIS ARTICLE.

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

AMENDMENT NO. 3

On pages 6 through 8, strike in their entirety the lines beginning with line 8 on page 6 through line 22 on page 8, inclusive.

AMENDMENT NO. 4

On page 9, strike beginning with “ADDITIONAL” in line 25 down through “THROUGH” in line 26 and substitute “, FOR ITS EMPLOYEES, AN ANNUITY, DENTAL INSURANCE, DISABILITY INSURANCE, LIFE INSURANCE, LONG TERM CARE INSURANCE, VISION INSURANCE, OR, WITH THE APPROVAL OF THE COMMISSIONER, ANY OTHER INSURANCE SOLD BY”.

On pages 10 and 11, strike in their entirety the lines beginning with line 1 on page 10 through line 18 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 18, insert:

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

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

(2) on or before December 1, 2007, report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance

with § 2-1246 of the State Government Article, on options available, including modifying the comprehensive standard health benefit plan to specify a separate in-network deductible, out-of-network deductible, in-network out-of-pocket maximum, and out-of-network out-of-pocket maximum, to reform the comprehensive standard health benefit plan in a manner that will encourage more employers to enter the small group market.”;

and in line 19, strike “2.” and substitute “3.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0427/503323/1)

BY: Senator Middleton

AMENDMENT TO SENATE BILL 427, AS AMENDED

On page 5 of the Finance Committee Amendments (SB0427/357473/1), in line 15 of Amendment No. 2, strike “IS”; and in line 16, after “(I)” insert “IS”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 572 – Senator Della

AN ACT concerning

State Personnel – Collective Bargaining – Use of Employee Information

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0572/847173/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 572
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “amount;” in line 5; in line 9, after “time;” insert “authorizing certain employees to give a certain notice to an employer that the employee does not want the employer to provide certain information to an exclusive representative; requiring that certain notices remain in effect until further notice;”; and in line 20, strike “3-208(a) and (f)” and substitute “3-208(d)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 24, inclusive; and after line 24, insert:

“3-208.

(d) (1) Thirty days before providing an employee’s name, addresses, telephone numbers, and work information to an exclusive representative, the employer shall notify the employee of the provisions of this section.

(2) The employee may, within 15 days of the employer’s notice under paragraph (1) of this subsection, notify the employer that the employee does not want the employee’s name, addresses, telephone numbers, or work information to be provided to an exclusive representative.

(3) If an employee provides timely notification to the employer under paragraph (2) of this subsection, the employer may not provide the employee’s name, addresses, telephone numbers, or work information.

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

AMENDMENT NO. 3

On page 3, in line 1, strike “(1)”; in lines 7, 8, 9, 10, and 12, strike “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively; and strike in their entirety lines 13 through 15, inclusive.

On page 4, after line 6, insert:

(4) THE NOTIFICATION OF AN EMPLOYEE TO THE EMPLOYER UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL REMAIN IN EFFECT UNTIL THE EMPLOYEE OTHERWISE NOTIFIES THE EMPLOYER.”

AMENDMENT NO. 4

On page 4, in line 11, strike “(1)”; strike beginning with “FOR” in line 12 down through “DATABASE” in line 13 and substitute “NOT TO EXCEED THE ACTUAL COST OF PROVIDING A LIST OF EMPLOYEES’ NAMES, ADDRESSES, TELEPHONE NUMBERS, AND

WORK INFORMATION TO THE EXCLUSIVE REPRESENTATIVE”; and strike in their entirety lines 14 through 18, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 712 – Senator Kittleman

AN ACT concerning

Workers’ Compensation – Covered Employees – Benefits

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

(Amendment ID: SB0712/197177/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 712
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “are” insert “not”; in the same line, after “certain” insert “vocational rehabilitation”; in line 4, strike “only under certain circumstances”; in line 9, strike “9–202” and substitute “9–672”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 6 on page 3 through line 22 on page 4, inclusive, and substitute:

“9–672.

(A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A disabled covered employee is entitled to vocational rehabilitation services.

(B) AN UNDOCUMENTED WORKER IS NOT ENTITLED TO VOCATIONAL REHABILITATION SERVICES, INCLUDING ANY BENEFITS PROVIDED UNDER § 9–674 OF THIS SUBTITLE.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 224 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(2) OFFERED FROM THE FLOOR BY SENATOR DELLA.

FLOOR AMENDMENT

(Amendment ID: SB0224/183027/2)

BY: Senator Della

AMENDMENTS TO SENATE BILL 224
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “providing that the credit may not be granted for a newly constructed dwelling if the assessment of the dwelling for a certain taxable year exceeds a certain amount;”.

AMENDMENT NO. 2

On page 2, in line 10, after “(2)” insert “(I)”; in the same line, strike “The” and substitute “EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; and after line 12, insert:

“(II) THE CREDIT UNDER THIS SUBSECTION MAY NOT BE GRANTED FOR A NEWLY CONSTRUCTED DWELLING IF THE ASSESSMENT OF THE NEWLY CONSTRUCTED DWELLING FOR THE FIRST TAXABLE YEAR AFTER ITS CONSTRUCTION OR REHABILITATION IS GREATER THAN \$500,000.”.

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

Affirmative – 10 Negative – 36 (See Roll Call No. 394)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 395)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 192 – Senators Conway, Britt, Currie, Exum, Gladden, Jones, Kelley, McFadden, Muse, and Pugh

AN ACT concerning

Procurement – Commercial Nondiscrimination Policy – Modifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 396)

The Bill was then sent to the House of Delegates.

Senate Bill 214 – Senators Colburn, Harris, Jacobs, Jones, Middleton, Munson, Pugh, and Stone

AN ACT concerning

Crimes – Unauthorized Possession of Contraband – Place of Confinement

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

Affirmative – 46 Negative – 0 (See Roll Call No. 397)

The Bill was then sent to the House of Delegates.

Senate Bill 243 – Senator Britt

AN ACT concerning

~~Employees'~~ State Retirement and Pension System – Transfer of Service Credit

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

Affirmative – 45 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the House of Delegates.

Senate Bill 283 – Senators Middleton ~~and Dyson~~, Dyson, and Colburn

AN ACT concerning

~~Southern Maryland~~ **Charles County Prostate Cancer Pilot Program**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 399)

The Bill was then sent to the House of Delegates.

Senate Bill 390 – Senators Currie, Britt, Exum, Peters, and Rosapepe

AN ACT concerning

Prince George’s County – Special Taxing Districts

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

Affirmative – 45 Negative – 1 (See Roll Call No. 400)

The Bill was then sent to the House of Delegates.

Senate Bill 423 – Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Hogan

AN ACT concerning

Local Government – Street Lighting Equipment

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

Affirmative – 42 Negative – 4 (See Roll Call No. 401)

The Bill was then sent to the House of Delegates.

Senate Bill 442 – Senator Colburn

AN ACT concerning

Property Tax – Agricultural Use Assessment – Migrant Labor Camps

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

Affirmative – 46 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

State Retirement and Pension System – Administration – Simplification

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

Affirmative – 46 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the House of Delegates.

Senate Bill 532 – Senator Dyson

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

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

Affirmative – 43 Negative – 2 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

Senate Bill 557 – Senator Garagiola

AN ACT concerning

Health Insurance – Credentialing Intermediaries – ~~Exemptions~~ and Uniform Credentialing Form

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

Affirmative – 46 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the House of Delegates.

Senate Bill 587 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

District Court – Citations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the House of Delegates.

Senate Bill 606 – Senators Forehand, Conway, Kelley, Kramer, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Brochin, Gladden, Haines, Jacobs, Mooney, Muse, Simonaire, Stone, Jones, and Peters

AN ACT concerning

Human Trafficking and Involuntary Servitude

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

Affirmative – 46 Negative – 0 (See Roll Call No. 407)

The Bill was then sent to the House of Delegates.

Senate Bill 646 – Senator Exum

AN ACT concerning

Mental Hygiene Facilities – Patient Rights

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

Affirmative – 46 Negative – 0 (See Roll Call No. 408)

The Bill was then sent to the House of Delegates.

Senate Bill 714 – Senator Astle

AN ACT concerning

Health Insurance – Prohibited Discrimination and Rebates – Incentives for Participation in Wellness Programs and Other Exceptions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 409)

The Bill was then sent to the House of Delegates.

Senate Bill 750 – Senators Pipkin, Della, Edwards, Hogan, Jacobs, and Kittleman

EMERGENCY BILL

AN ACT concerning

Queen Anne’s County – Health Care Facilities Regulation – Licensing of Freestanding Medical Facilities

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

Affirmative – 45 Negative – 1 (See Roll Call No. 410)

The Bill was then sent to the House of Delegates.

Senate Bill 766 – Senator Frosh

AN ACT concerning

Environment – Phosphorus – Dishwashing Detergent

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

Affirmative – 41 Negative – 5 (See Roll Call No. 411)

The Bill was then sent to the House of Delegates.

Senate Bill 777 – Senator Stoltzfus

SECOND PRINTING

AN ACT concerning

Delmarva Advisory Council – Repeal

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

Affirmative – 46 Negative – 0 (See Roll Call No. 412)

The Bill was then sent to the House of Delegates.

Senate Bill 810 – Senator Astle

AN ACT concerning

Public Service Commission – Authorization of Stock and Debt Transactions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 413)

The Bill was then sent to the House of Delegates.

**THIRD READING CALENDAR (SENATE BILLS) #25
CONSENT CALENDAR #1**

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 164	Sen. Miller	Business Regulation – Licenses – Calvert County	EHE
SB 274	Sen. Edwards	Garrett County – Property Tax Credit – New or Expanding Businesses	B&T
SB 356	Sen. Miller	Calvert County Board of Education – Compensation	EHE
SB 376	Sen. Klausmeier	Baltimore County – Election Law – Compensation for Election Judges	EHE
SB 649	Sen. Edwards	Garrett County – Special Property Tax – Volunteer Fire Departments	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 1 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 414)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #2

House Bill 60 – Southern Maryland Delegation

EMERGENCY BILL

AN ACT concerning

Electric Cooperatives – Standard Offer Service Supply Contracts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 415)

The Bill was then sent to the House of Delegates.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #12**

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

Senate Bill 46 – Senators Dyson, Kittleman, and Zirkin

AN ACT concerning

Election of Circuit Court Judges – Nonpartisan Elections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for March 16, 2007.

The motion was adopted.

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

Senate Bill 286 – Senator Kelley

AN ACT concerning

Maryland Dent–Care Program – Participants and Award Amounts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 475 – Senators Pinsky, Britt, Conway, Currie, DeGrange, Della, Dyson, Forehand, Garagiola, Gladden, Hogan, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Raskin, and Robey

AN ACT concerning

Task Force on the Policy and Funding Implications of Requiring Passage of the High School Assessment for Graduation

(Amendment ID: SB0475/344934/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 475
(First Reading File Bill)

On page 4, in line 21, strike “November 1, 2007” and substitute “January 1, 2008”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #13

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

Senate Bill 611 – Senator Middleton

AN ACT concerning

Statewide Empowerment Zones for Seniors Commission

(Amendment ID: SB0611/917171/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 12 down through “Commission;” in line 13; and in line 17, strike “10–807” and substitute “10–806”.

AMENDMENT NO. 2

On page 3, after line 13, insert:

“(7) THE SECRETARY OF PLANNING, OR THE SECRETARY’S DESIGNEE;”;

and in lines 14, 15, 17, 19, 21, and 23, strike “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, and “(12)”, respectively, and substitute “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively.

On page 4, in lines 1 and 2, strike “(13)” and “(14)”, respectively, and substitute “(14)” and “(15)”, respectively.

AMENDMENT NO. 3

On page 5, in line 4, after “AFFORDABLE” insert “, ACCESSIBLE,”; and in line 9, after “WITH” insert “FUNCTIONAL DISABILITY OR”.

On page 6, strike in their entirety lines 1 through 4, inclusive; in line 6, strike “June” and substitute “October”; and in the same line, strike “May 31” and substitute “September 30”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 741 – Senators Middleton, Astle, Della, Edwards, Exum, Garagiola, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Office of Cemetery Oversight – Sunset Extension and Program Evaluation

(Amendment ID: SB0741/577070/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 741
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “repealing” in line 8 down through “requirements;” in line 10.

AMENDMENT NO. 2

On page 11, in lines 13 and 21 in each instance, strike the bracket.

On page 12, strike beginning with “SOLE” in line 22 down through “EACH” in line 24; in lines 25 and 26, in each instance, strike the bracket; in line 25, strike “§ 5–601” and substitute “§ 5–602”; and in line 26, strike “§ 5–102(A) OF THIS TITLE”.

AMENDMENT NO. 3

On page 14, in line 23, strike the bracket; and in line 24, strike “] OFFICE”.

On page 17, in line 26, strike “June 1, 2007” and substitute “July 1, 2007”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 745 – Howard County Senators

AN ACT concerning

**Officer Pieter Lucas Act
Ho. Co. 14-07**

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0745/783226/2)

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 745
(First Reading File Bill)

On page 1, strike line 3 in its entirety.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee

Report #4
March 15, 2007

District Court, Montgomery County (District 6)

1. The Honorable Patricia L. Mitchell

Judge of the District Court of Maryland, District Six for Montgomery County; reappointed to serve a term of ten years from November 1, 2006

Higher Education, Secretary of

2. James Earl Lyons, Sr.

Secretary of Higher Education; appointed to serve a term at the pleasure of the Governor

Amusement Ride Safety Board

3. Nancy R. Brashear
108 Park Lane
Thurmont, Maryland 21788

Member of the Amusement Ride Safety Board; appointed to serve a term of four years from July 1, 2007

Apprenticeship and Training Council

4. David W. Norfolk
583 Pasture Brook Road
Severn, Maryland 21144

Member of the Apprenticeship and Training Council; appointed to serve a remainder of a term of four years from July 1, 2006

Architectural Review, State Board of

5. Carol D. Macht
1409 Walnut Hill Lane
Baltimore, MD 21204

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

6. Edward A. Masek, Jr.
124 St. Andrews Road
Severna Park, MD 21146

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

Community Services Reimbursement Rate Commission

7. Jeannette M. Martin
218 Windridge Acres Court
Silver Spring, Maryland 20905

Member of the Community Services Reimbursement Rate Commission; appointed to serve a remainder of a term of three years from October 1, 2005

Contract Appeals, Maryland State Board of

8. Dana Lee Dembrow
1226 Canterbury Lane
Sykesville, Maryland 21784

Member of the State Board of Contract Appeals; appointed to serve a remainder of a term of five years from February 1, 2005

Deaf and Hard of Hearing, Maryland Advisory Council for the

9. Marian V. Bland
2 Lydia Court
Pikesville, Maryland 21208

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve a remainder of a term of three years from October 1, 2006

Environmental Service, Maryland

10. Edward C. Adams, Jr.
1419 B Sharon Acres
Forest Hill, Maryland 21050

Member of the Maryland Environmental Service Board of Directors; appointed to serve a term of four years from July 1, 2007

11. Joseph F. Snee, Jr., Esquire
1800 Angleside Road

Fallston, Maryland 21047

Member of the Maryland Environmental Service Board of Directors; reappointed to serve a term of four years from July 1, 2007

Indian Affairs, Commission on

12. David C. Holland
P.O. Box 263
Crisfield, Maryland 21817

Member of the Commission on Indian Affairs; reappointed to serve a remainder of a term of three years from July 1, 2004 and a term of three years from July 1, 2007

Morgan State University Board of Regents

13. Donald E. Frieson
1800 Webster Street
Baltimore, Maryland 21230

Member of the Morgan State University Board of Regents; appointed to serve a term of six years from July 1, 2007

14. William R. Roberts
3814 Inverness Drive
Chevy Chase, Maryland 20815

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2007

15. General Johnnie E. Wilson, USA
2800 Eisenhower Avenue, Suite 300
Alexandria, Virginia 22314

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2007

Parole Commission, Maryland

16. Michael C. Blount
P.O. Box 18839
Baltimore, Maryland 21206

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2007

17. Joseph R. Bolesta, Sr.
724 Glen Drive
Westminster, Maryland 21157

Member of the Maryland Parole Commission; appointed to serve a remainder of a term of six years from January 1, 2006

18. The Honorable Nancy L. Murphy
6 Ben Woods Court
Baltimore, Maryland 21228

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2007

Racing Commission, Maryland

19. John B. Franzone
8606 Marburgh Manor Drive
Lutherville-Timonium, Maryland 21093

Member of the Maryland Racing Commission; reappointed to serve a term of four years from July 1, 2006

Stadium Authority, Maryland

20. Otis Rolley, III
6700 Cross County Boulevard
Baltimore, Maryland 21215

Member of the Maryland Stadium Authority; appointed to serve a remainder of a term of four years from July 1, 2004

University System of Maryland Board of Regents

21. Clifford M. Kendall
2 Tobin Court
Potomac, Maryland 20854

Member of the Board of Regents of the University System of Maryland; reappointed to serve a term of five years from July 1, 2006

22. The Honorable C. Thomas McMillen
3900 Jumpers Hill Lane
Ellicott City, Maryland 21042

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2005

23. James L. Shea, Esquire
10909 Baronet Road
Owings Mills, Maryland 21117

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2006

Veterinary Medical Examiners, State Board of

24. Bernadette Morrissey Wood
201 Wood Lane
Centreville, Maryland 21617

Member of the State Board of Veterinary Medical Examiners; appointed to serve a remainder of a term of five years from June 1, 2006

Statewide Nominees* Nominees Need Not Appear

Architectural Review, State Board of

- S-1. James E. Louviere
9911 Markham Street
Silver Spring, MD 20901

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

Environmental Service, Maryland

- S-2. Leslie Jackson Jenkins, Esquire
16040 Almond Sunset Lane
Brandywine, Maryland 20613

Member of the Maryland Environmental Service Board of Directors; reappointed to serve a term of four years from July 1, 2006

Health and Mental Hygiene, Board of Review of the Department of

- S-3. Joy C. Naden
20 Cross Keys Road

Baltimore, Maryland 21210

Member of the Department of Health and Mental Hygiene Board of Review; reappointed to serve a term of three years from July 1, 2006

Morgan State University Board of Regents

S-4. The Honorable Elijah E. Cummings

Member of the Morgan State University Board of Regents; appointed to serve a remainder of a term of six years from July 1, 2005

Parole Commission, Maryland

S-5. The Honorable Perry Sfikas
623 Umbra Street
Baltimore, Maryland 21224

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2006

University System of Maryland Board of Regents

S-6. Orlan M. Johnson, Esquire
14216 Dunwood Valley Drive
Mitchellville, Maryland 20721

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2007

S-7. Richard E. Scott, Jr.
P.O. Box 114
Chesapeake Beach, Maryland 20732

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 16, 2007

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 604 – Senator Forehand

AN ACT concerning

Higher Education – Senatorial Scholarships

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

(Amendment ID: SB0604/354031/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 604
(First Reading File Bill)

On page 3, strike beginning with “TUITION” in line 14 down through “YEAR” in line 17 and substitute “EQUIVALENT ANNUAL TUITION AND MANDATORY FEES OF AN UNDERGRADUATE PROGRAM AT THE 4-YEAR PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE AND UNIVERSITY OF MARYLAND, BALTIMORE, WITH THE HIGHEST ANNUAL EXPENSES FOR A FULL-TIME RESIDENT UNDERGRADUATE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0604/313024/1)

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 604
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 3 down through “scholarship;” in line 4; in line 5, after “award” insert “for a senatorial scholarship”;

strike beginning with “repealing” in line 6 down through “scholarship;” in line 10; in line 14, after “18-401” insert “, 18-402(a), 18-407, and 18-408”; in line 19, strike “18-402(a), 18-404, 18-406(c), and 18-407” and substitute “18-404 and 18-406(c)”; and strike in their entirety lines 22 and 23.

On page 2, strike in their entirety lines 1 through 3, inclusive.

AMENDMENT NO. 2

On page 2, in lines 11, 13, 15, 17, and 20, in each instance, strike the bracket; in lines 15 and 17, strike “(1)” and “(2)”, respectively; in line 11, strike “EACH”; in line 12, strike “BE”; in line 15, strike “ACCEPTED”; and in line 17, strike “ENROLLED”.

AMENDMENT NO. 3

On page 3, in lines 2 and 25, in each instance, strike the bracket.

AMENDMENT NO. 4

On page 4, in lines 4, 5, 6, 7, 8, 13, and 19, in each instance, strike the bracket; in line 5, strike “NOTIFY”; and in line 8, strike “(B)”.

The preceding 4 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR SIMONAIRE.

FLOOR AMENDMENT

(Amendment ID: SB0739/793422/2)

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 739
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “persons;” insert “permitting the Maryland Higher Education Commission to award certain scholarships to certain persons in certain circumstances;”; and in line 9, strike “and 18-501” and substitute “, 18-407, 18-501, and 18-507”.

AMENDMENT NO. 2

On page 2, in line 5, after “SECTION” insert a comma.

On page 3, after line 23, insert:

“(4) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO SCHOLARSHIPS AWARDED BY THE COMMISSION UNDER § 18-407 OF THIS SUBTITLE.”;

and after line 25, insert:

“18-407.

(a) Each Senator shall award all of his senatorial scholarships on or before September 1 of each year.

(b) If any Senator fails to award all of his scholarships on or before September 1 of each year, the Commission shall make the remaining awards to applicants from the Senator’s legislative district who:

(1) Scored highest on the competitive examination; or

(2) Are attending an eligible institution and have completed at least 1 year in good academic standing.

(c) The Office shall:

(1) Notify each Senator of the applicants to whom it awards the Senator’s scholarships; and

(2) Announce publicly the names of all recipients.

(d) To the extent a scholarship awarded under § 18-404 of this subtitle is not used by a student, moneys appropriated to the Commission for that award not used by the end of the fiscal year shall be retained by the Commission for use by the awarding Senator in the Senatorial Scholarship Program during subsequent fiscal years.”.

AMENDMENT NO. 3

On page 5, before line 14, insert:

“(D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO SCHOLARSHIPS AWARDED BY THE OFFICE OF STUDENT FINANCIAL ASSISTANCE UNDER § 18-507 OF THIS SUBTITLE.

18-507.

(a) Beginning in fiscal year 1996, each Delegate may authorize the Office of Student Financial Assistance to award all or a portion of the funds authorized under this subtitle to eligible recipients of an Educational Excellence Award who reside in the Delegate’s legislative district.

(b) In the event that the total number of eligible recipients of an Educational Excellence Award who reside in the Delegate’s legislative district is insufficient to utilize the total amount of funds available to the Delegate for any fiscal year, the Office of Student Financial Assistance may, with the consent of the Delegate, award the unused funds to other eligible recipients throughout the State.”.

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0739/843623/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 739, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (SB0739/694436/1) in their entirety.

AMENDMENT NO. 2

On page 3 of the bill, strike beginning with “AWARD” in line 20 down through “THE” in line 21 and substitute “:

(I) AWARD A SCHOLARSHIP TO THE”;

and in line 22, strike “THE” and substitute “**KNOWINGLY AWARD A SCHOLARSHIP TO THE**”.

On page 5 of the bill, strike beginning with “AWARD” in line 9 down through “THE” in line 11 and substitute “:

(1) AWARD A SCHOLARSHIP TO THE”;

and in line 12, strike “A” and substitute “KNOWINGLY AWARD A SCHOLARSHIP TO A”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0739/443527/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 739
(First Reading File Bill)

On page 2, in line 8, after “STEPSIBLING;” insert “OR”; and strike beginning with the semicolon in line 9 down through “GRANDCHILD” in line 14.

On page 4, in line 25, after “STEPSIBLING;” and insert “OR”; and in line 26, strike the semicolon and substitute a period.

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

The preceding amendment was read only.

Senator Stone moved, duly seconded, to make the Bill and Amendments a Special Order for March 19, 2007.

The motion was adopted by a roll call vote as follows:

Affirmative – 28 Negative – 18 (See Roll Call No. 416)

INTRODUCTION OF BILLS

Senator Dyson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Critical Areas – Applications for Variances – Local Jurisdictions

FOR the purpose of clarifying that certain provisions of law apply to a local jurisdiction during the consideration, processing, and decision on an application for a certain variance notwithstanding any provision, or lack of provision, in the local jurisdiction's local laws and ordinances; providing for the application of this Act; and generally relating to applications for variances in the Chesapeake Bay and Atlantic Coastal Bays Critical Area Program.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808(d)
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 417)

ADJOURNMENT

At 11:59 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 16, 2007 in memory of Scott W. Camp, Jr.

**Annapolis, Maryland
Friday, March 16, 2007
11:00 A.M. Session**

The Senate met at 11:10 A.M.

Prayer by Reverend Clark D. Carr, Grace United Methodist Church, guest of Senator Munson.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 15, 2007 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Jacobs, Lenett and Robey be excused from today's session.

QUORUM CALL

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

(See Roll Call No. 419)

Governor Martin O'Malley is welcomed to the Senate in celebration of St. Patrick's Day.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #13

House Bill 143 – Queen Anne's County Delegation

AN ACT concerning

**Queen Anne's County – Property Tax Credits – Commercial Investment and
Economic Development**

FOR the purpose of authorizing the governing body of Queen Anne's County to grant, by law, a property tax credit against the county property tax imposed on certain property owned by certain businesses under certain circumstances; ~~limiting the amount~~ providing that the governing body may define, fix, or limit the amount, terms, scope, and duration of a certain property tax credit; providing for the

application of this Act; and generally relating to county property tax credits for certain businesses in Queen Anne’s County.

BY adding to

Article – Tax – Property

Section 9–319(d)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

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

AN ACT concerning

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

FOR the purpose of ~~specifying that a grant recipient under the Workforce Shortage Student Assistance grant program may be enrolled at an eligible institution during a fall, spring, or summer term; defining certain terms requiring the Advisory Council on Workforce Shortage to make a certain recommendation to the Maryland Higher Education Commission relating to a certain determination; requiring a recipient of a Workforce Shortage Assistance grant to earn a certain number of credit hours in an academic year; requiring the Commission to distribute certain grant awards in certain amounts for a student taking courses during a summer session; authorizing a certain student who is enrolled in a certain program that requires a mandatory summer academic session to receive an additional award in a certain amount; requiring a grant recipient to repay certain funds to the Commission if the grant recipient does not earn a certain minimum number of credit hours in a certain academic year; prohibiting the Commission from designating new workforce shortage fields under the program of Workforce Shortage Student Assistance grants unless the Governor includes certain funds in the annual budget; requiring the Commission to give priority under the program to existing workforce shortage fields unless certain contingencies are met; defining a certain term; making stylistic changes; and generally relating to the Workforce Shortage Student Assistance grant program.~~

BY repealing and reenacting, with amendments,

Article – Education

Section ~~18–708(a) and (h)~~ 18–708(a), (e)(3), (h), (i), and (l)(1)

Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–708(b) and (e)(2)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

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

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalty

FOR the purpose of altering ~~the age of an individual relating to~~ a provision of law to make the offense of knowingly possessing a film, videotape, photograph, or other visual representation showing a certain depiction of an individual under a certain age; altering the penalty for the offense of knowingly possessing a film, videotape, photograph, or other visual representation showing apply only to a certain depiction of an individual actual child under a certain age; altering a certain criminal penalty; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–208
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

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

FOR the purpose of allowing ~~the use of video conferencing technology to facilitate the pretrial release process~~ a defendant to post bond by means of electronic transmission or hand delivery of certain documentation without appearing before the commissioner or judge under certain circumstances if authorized by the

~~County Administrative Judge or the District Administrative Judge; requiring certain documents to be delivered to the appropriate court immediately after a certain proceeding~~ Chief Judge of the District Court; and generally relating to the pretrial release process.

BY adding to

Article – Criminal Procedure

Section 5–214

Annotated Code of Maryland

(2001 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 351 – Delegate George

AN ACT concerning

City of Annapolis – Housing Authority – Approval of Commissioners by City Council

FOR the purpose of requiring that the Commissioners of the Housing Authority of the City of Annapolis who are appointed by the Mayor of Annapolis be approved by the Annapolis City Council; and generally relating to the Housing Authority of the City of Annapolis.

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 13–104(a)

Annotated Code of Maryland

(2006 Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 365 – Delegates F. Turner, Anderson, Bates, Bobo, Cane, Dumais, Guzzone, Haynes, Healey, Heller, Howard, Hubbard, Jones, Lee, Manno, Miller, Pendergrass, Rice, and Taylor

SECOND PRINTING

AN ACT concerning

Election Law – Absentee Ballots – Timely Receipt

FOR the purpose of establishing criteria to be used to evaluate and determine whether an

absentee ballot is deemed to be timely received; repealing the authority of the State Board of Elections to establish certain regulations and guidelines relating to the timely receipt of absentee ballots; defining a certain term; and generally relating to the timely receipt of absentee ballots.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 11–302

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 368 – Delegates Simmons and Dumais

AN ACT concerning

Crimes – Committing Crime of Violence in Presence of Minor – Penalties

FOR the purpose of prohibiting a person from committing a certain crime of violence while knowingly in the presence of a minor under a certain age who witnesses the crime; establishing certain penalties for a violation of this Act; establishing that a sentence under this Act is separate from and consecutive to a sentence for a crime based on the act establishing a violation of this Act; providing that a person who violates this Act is guilty of the abuse of a child under 18 for certain purposes; requiring a court to grant a certain motion for a separate trial under certain circumstances; and generally relating to the commission of crimes of violence in the presence of minors.

BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 9–106(a)

Annotated Code of Maryland

(2002 Replacement Volume and 2006 Supplement)

BY adding to

Article – Criminal Law

Section 3–601.1

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 5–101(a) and (c)

Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 377 – Delegate Simmons

AN ACT concerning

Landlord and Tenant – Summary Ejectment Proceedings – Recovery of Attorney’s Fees

FOR the purpose of authorizing the court in a summary ejectment proceeding in the case of a nonresidential tenancy to award reasonable attorney’s fees to the landlord under certain circumstances; and generally relating to summary ejectment proceedings.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–401(c)(2)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 422 – Delegates Simmons and Dumais

AN ACT concerning

Alimony and Child Support – Exemption from Execution on a Judgment

FOR the purpose of exempting money paid or payable for ~~alimony or~~ child support ~~obligations~~ from execution on a judgment; exempting money paid or payable for alimony from execution on a judgment to a certain extent; and generally relating to alimony ~~and~~ child support, and exemptions from execution on a judgment.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 11–504(b)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 423 – Delegate McIntosh

AN ACT concerning

Workforce Housing Grant Program – Fund Establishment – Administrative Clarifications

FOR the purpose of creating the Workforce Housing Fund in the Department of Housing and Community Development to provide certain funds for the operation of the Workforce Housing Grant Program; altering the factors that the Department may consider in determining whether a local government has met a certain match requirement under the Program; clarifying that the Department may redistribute Program funds among qualifying local governments under certain circumstances; altering the maximum amount of funds that a local government may use to develop a workforce housing unit; altering the amount that an original buyer of a homeownership workforce housing unit is required to pay to the Department if the original buyer transfers title to the unit under certain circumstances; clarifying certain disclosure requirements in a contract of sale to an original buyer of a workforce housing unit; repealing a certain requirement that the deed to an initial buyer of a workforce housing unit include certain disclosures and create a certain lien under certain circumstances; requiring amounts owed to the Department when an original buyer transfers title to a homeownership workforce housing unit be secured by a certain recorded lien; defining a certain term; making stylistic changes; and generally relating to the Workforce Housing Grant Program.

BY adding to

Article – Housing and Community Development
Section 4–506
Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development
Section 4–1801, 4–1802, 4–1804, 4–1807, 4–1808, 4–1810, and 4–1811
Annotated Code of Maryland
(2006 Volume)

BY repealing and reenacting, without amendments,

Article – Housing and Community Development
Section 4–1803, 4–1805, 4–1806, 4–1809, 4–1812, and 4–1813
Annotated Code of Maryland
(2006 Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 447 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Distribution of Tobacco Products to Minors – Prohibition and Penalties

FOR the purpose of prohibiting the distribution of certain tobacco products, cigarette rolling papers, and tobacco–related coupons to minors in St. Mary’s County; creating certain defenses to a violation of this Act; establishing certain civil penalties; granting jurisdiction to the District Court to adjudicate violations of this Act; defining certain terms; making certain conforming and clarifying changes; and generally relating to the illegal distribution of tobacco and tobacco–related products to minors in St. Mary’s County.

BY repealing

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–101
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–101 and 15–102.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–102 and 15–103
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–104
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 4–401(10)(xiii)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 459 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

District Court – Citations

FOR the purpose of requiring the Chief Judge of the District Court to authorize the use of a single document for issuance of certain multiple, separately numbered, citations; requiring the Chief Judge of the District Court to specify certain means used to execute certain citations by a police officer issuing a citation and by a person to whom a citation is issued; requiring the Chief Judge of the District Court to authorize certain citations to include a summons; allowing a police officer to dispense with the acknowledgment of a person receiving a certain citation containing a summons in accordance with certain regulations; requiring a police officer to execute certain citations under penalties of perjury; providing for notice of certain trial dates; repealing certain references to appearance in court as specified in certain citations; repealing certain requirements as to signatures; authorizing the initial filing electronically of certain citations with the District Court; altering the duty of the District Court with regard to providing certain traffic citation forms; providing for consultation with the Chief Judge of the District Court by the Motor Vehicle Administration with regard to distribution and disposition of certain citation forms; making certain technical and stylistic changes; providing for the effect of this Act on pending citations; and generally relating to certain citations filed with the District Court.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(4)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(8) and (9)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Courts and Judicial Proceedings
Section 1–605(d)(9), (10), and (11) and (e)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–212
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 12–104.1(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 24–304(b), 26–201, 26–203, 26–204, 26–402, 26–407, and 26–409(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 516 – Delegates Barve, Gilchrist, and Simmons

AN ACT concerning

Local Governments – Impact Fees and Building Excise Taxes – Workforce Housing Exemption

FOR the purpose of authorizing a county or a municipal corporation that imposes a development impact fee or building excise tax to grant exemptions from or credits against the development impact fee or building excise tax for developments that include workforce housing, as defined by the governing body of the county or of the municipal corporation; and generally relating to local government development impact fees and building excise taxes.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1501 to be under the new subtitle “Subtitle 15. Miscellaneous Provisions”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation.

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

AN ACT concerning

Family Law – Paternity – Dependent Disabled Child

FOR the purpose of establishing that a proceeding to establish paternity of a child who is dependent on a parent because of a mental or physical infirmity may be begun at any time before ~~or after~~ the child's ~~eighteenth~~ twenty-first birthday; and generally relating to paternity of a disabled child.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–1006
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

FOR the purpose of requiring certain money carried forward from a previous fiscal year to be used for dual enrollment grants, in addition to certain other financial aid programs; repealing certain provisions of law relating to the inclusion of dually enrolled students in a certain part–time grant program; requiring the Maryland Higher Education Commission, in cooperation with certain institutions of higher education, to establish and administer a grant program for dually enrolled students; requiring a recipient of a dual enrollment grant to be a resident of the State ~~and, be~~ a dually enrolled student, and demonstrate financial need; providing that, for courses completed under the program, a recipient of a dual enrollment grant is not required to receive credit from a secondary school and an institution of higher education at the same time; requiring the Commission to ~~administer funds for the Dual Enrollment Grant Program and to distribute funds to an institution of higher education on behalf of a dual enrollment grant recipient~~ allocate funds to an institution of higher education based on the number of dually enrolled students receiving credit for certain courses; requiring funds for the Dual Enrollment Grant Program to be as provided in the annual budget of the Commission by the Governor; requiring the Commission to establish guidelines for the awarding of dual enrollment grants to dually enrolled students; requiring the Commission to

adopt certain regulations; ~~requiring the Governor to include certain funds in the State budget for certain fiscal years for the Dual Enrollment Grant Program~~ requiring an institution of higher education that receives certain funds for dual enrollment grants to provide the Commission with a certain annual audit; defining a certain term; and generally relating to the Dual Enrollment Grant Program.

BY repealing and reenacting, with amendments,

Article – Education

Section 18–107(b) and 18–1401

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Education

Section 18–14A–01 through ~~18–14A–03~~ 18–14A–04 to be under the new subtitle
“Subtitle 14A. Dual Enrollment Grant Program”

Annotated Code of Maryland

(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 541 – Delegate Simmons

AN ACT concerning

Courts – Lawyers – Retainer Agreements

FOR the purpose of providing that a provision in a retainer agreement that requires a person seeking representation to reimburse a lawyer for attorney’s fees in the event of a future dispute between the person and the lawyer is unenforceable under certain circumstances; providing that the provisions of this Act may not be waived under certain circumstances; defining a certain term; and generally relating to the unenforceability of a certain provision in a lawyer retainer agreement.

BY adding to

Article – Courts and Judicial Proceedings

Section 5–808

Annotated Code of Maryland

(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 571 – Delegates Levi, Ali, Anderson, Barkley, Barnes, Beidle, Benson, Carter, Conaway, Conway, Davis, DeBoy, Dumais, Elmore, Glenn, Haynes, Healey,

Holmes, Hucker, Ivey, Jones, Kirk, Kullen, Lee, Manno, McComas, Montgomery, Oaks, Rice, Robinson, Ross, Schuh, Schuler, Smigiel, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

~~**Juveniles—School Attendance and Crimes Committed During School
Hours—Penalties and Issuance of a License to Drive
Truancy – Prohibition Against Issuance of Learner’s Instructional Permit**~~

FOR the purpose of requiring ~~the circuit court sitting as a juvenile court, when making a certain disposition, to consider whether a certain offense committed by a child was committed during certain hours; providing that a person who is under a certain age and is convicted as an adult of a certain crime is subject to a certain increase in the person’s term of imprisonment or fine if the trier of fact finds beyond a reasonable doubt that the person committed the crime during certain hours; requiring the principal or head teacher of a school to report to the county superintendent, the supervisor of pupil personnel, or another designated official each time a certain child has accumulated a certain number of unexcused absences from a school in which the child is enrolled; requiring a certain representative of the school system, on receiving a certain report, to notify the Motor Vehicle Administration to suspend a certain child’s license to drive and to notify the child that the child’s license to drive will be suspended; requiring a local law enforcement agency to notify the Motor Vehicle Administration to suspend a certain child’s license to drive and to notify the child that the child’s license to drive will be suspended if the child receives a certain number of local truancy violation notices; prohibiting the Motor Vehicle Administration from issuing a learner’s permit to an applicant under a certain age unless the applicant presents certain information regarding school attendance; requiring the Motor Vehicle Administration to suspend the license to drive of a child, subject to certain hearing requirements, for a certain period of time or to delay the issuance of a license to a child for a certain period of time after receiving a certain notice; requiring the Motor Vehicle Administration to impose a certain fine on a certain child; defining certain terms; and generally relating to offenses committed by juveniles and absences from school~~ certain applicants for a learner’s instructional permit to present to the Motor Vehicle Administration the applicant’s school attendance record; prohibiting the Administration from issuing a learner’s instructional permit to certain applicants if the applicant’s school attendance record indicates a certain number of unexcused absences; and generally relating to the issuance of learner’s instructional permits and truancy.

~~BY adding to~~

~~Article—Courts and Judicial Proceedings
Section 3—8A—19(c—1)
Annotated Code of Maryland~~

~~(2006 Replacement Volume)~~

~~BY adding to~~

~~Article – Criminal Law~~

~~Section 14–104~~

~~Annotated Code of Maryland~~

~~(2002 Volume and 2006 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Education

Section 7–301(a)(1)

Annotated Code of Maryland

(2006 Replacement Volume)

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

~~Article – Education~~

~~Section 7–302~~

~~Annotated Code of Maryland~~

~~(2006 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Transportation~~

~~Section 11–128 and 12–203~~

~~Annotated Code of Maryland~~

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

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–105(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 16–206.2~~

~~Annotated Code of Maryland~~

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

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 597 – Delegates DeBoy, Aumann, Bromwell, Jones, Lafferty, Malone, and Schuler

AN ACT concerning

Baltimore County – Property Tax Credit – Leadership Through Athletics, Inc.

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a property tax credit against the county tax imposed on personal property that is owned by Leadership Through Athletics, Inc.; providing for the application of this Act; and generally relating to a property tax credit in Baltimore County for Leadership Through Athletics, Inc.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–305(b)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 613 – Montgomery County Delegation

AN ACT concerning

**Election Law – Board of Elections Members – Montgomery County
MC 704–07**

FOR the purpose of altering the number of members of the Montgomery County Board of Elections; requiring that a certain number of regular members and substitute members belong to certain parties; making a technical correction; and generally relating to members of the Montgomery County Board of Elections.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–201(b) and (h)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY adding to
Article – Election Law
Section 2–201(k)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 622 – Prince George’s County Delegation

AN ACT concerning

Prince George's County – Special Taxing Districts
PG 428–07

FOR the purpose of altering the definition of “cost” for purposes of certain authority for Prince George’s County to establish certain special taxing districts, issue certain bonds, and levy certain taxes; authorizing Prince George’s County to exercise certain authority to provide financing, refinancing, or reimbursement for the costs of certain renovation, rehabilitation, and repair; and generally relating to certain authority for Prince George’s County to establish certain special taxing districts, issue certain bonds, and levy certain taxes.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1301(a) and (c)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George’s County
Section 10–269(a)(3) and (b)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 629 – Prince George’s County Delegation

AN ACT concerning

**Prince George's County – Task Force on the Establishment of Vocational and
Technical Education High School Academies**
PG 423–07

FOR the purpose of establishing a Task Force on the Establishment of Vocational and Technical Education High School Academies in Prince George’s County; establishing the membership and staffing of the Task Force; requiring the members of the Task Force to designate the chair of the Task Force; requiring the Task Force to evaluate and make recommendations regarding certain issues; requiring the Task Force to submit a report to certain officials regarding its recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating to the Task Force on the Establishment of Vocational and

Technical Education High School Academies in Prince George's County.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 637 – Prince George's County Delegation

AN ACT concerning

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

FOR the purpose of altering the compensation for chief election judges and election judges in Prince George's County; altering the compensation for completion of certain election training sessions by certain election judges; and generally relating to compensation for election judges in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–205(b)(6)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 654 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Transfer Tax – Deputy Sheriffs
PG 409–07**

FOR the purpose of extending a certain exemption and a certain tax rate reduction under the Prince George's County transfer tax to the sale of certain property to a Prince George's County deputy sheriff under certain circumstances; and generally relating to the Prince George's County transfer tax.

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George's County
Section 10–187(a)(1)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Prince George's County
Section 10-187(b)(4)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 373 of the Acts of the General Assembly of 2006)

Read the first time and referred to the Committee on Budget and Taxation.

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

AN ACT concerning

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

FOR the purpose of authorizing a petition for guardianship of a disabled person to include signed and verified certificates of competency by a certain licensed physician and a certain licensed certified social worker–clinical; and generally relating to petitions for guardianship of disabled persons.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13-705
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 680 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Sheriff and Sheriff's Deputies – Alteration of Duties
PG 310-07**

FOR the purpose of altering the duties of the Sheriff and the Sheriff's deputies of Prince George's County to include certain other duties; requiring the duties to be described in a certain memorandum of understanding entered into by the Office of the Sheriff and the ~~county governing body~~ Prince George's County Police Department; providing that the memorandum of understanding may only be revised by the county governing body; providing a termination date for the memorandum of understanding; altering the scope of criminal investigations the Sheriff and the Sheriff's deputies may conduct; providing for the termination of this Act; and generally relating to the duties of the Sheriff and the Sheriff's

deputies of Prince George's County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(r)(8) and (9)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 2–309(r)(10)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 689 – Harford County Delegation

AN ACT concerning

Maryland Emergency Management Assistance Compact

FOR the purpose of providing that certain emergency responders and certain law enforcement officers may be a party to the Maryland Emergency Management Assistance Compact, under certain circumstances; defining certain terms; and generally relating to the Maryland Emergency Management Assistance Compact.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–801 and 14–802
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 697 – Prince George's County Delegation

AN ACT concerning

**Prince George's County School Facilities Surcharge – Exemption
PG 410–07**

FOR the purpose of altering an exemption from the school facilities surcharge in Prince George's County for certain multi-family housing designated as student housing; and generally relating to an exemption from the school facilities surcharge in

Prince George's County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George's County
Section 10–192.01(a)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.01(b)(4)
Article 17 – Public Local Laws of Maryland
(2003 Edition, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 740 – Delegates Love, Beidle, V. Clagett, Costa, Dwyer, and Sophocleus

AN ACT concerning

Courts – Service of Process – Fees Collected by Sheriff

FOR the purpose of increasing certain fees for service of process of certain papers by a sheriff; establishing a certain fee for service of a paper originating from a foreign court; repealing certain provisions of law that establish a separate fee schedule for the Sheriff of Cecil County; reducing the amount refunded to the party requesting service if the sheriff is unable to serve certain papers, except summary ejectment papers; providing certain exemptions from a sheriff's fee for service of certain papers; and generally relating to fees collected by a sheriff for service of process.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–402
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 760 – Delegates V. Clagett, Ali, Barnes, Bartlett, Barve, Beidle, Bobo, Boteler, Bronrott, Dumais, Frush, Gilchrist, Hammen, Haynes, Healey, Hecht, Holmes, Hucker, Ivey, Kach, N. King, Lafferty, Lawton, Mathias, McHale, McIntosh, Mizeur,

Montgomery, Morhaim, Rosenberg, Shewell, Stein, Stukes, ~~and Waldstreicher~~
Waldstreicher, Glassman, Glenn, Kipke, Niemann, Stull, and Weir

AN ACT concerning

Natural Resources – Diamondback Terrapin – Take and Possession

FOR the purpose of repealing the requirement that the Department of Natural Resources prepare a fishery management plan for the diamondback terrapin; prohibiting the take or possession of diamondback terrapin for commercial purposes; prohibiting the possession of a certain number of diamondback terrapin for noncommercial purposes; repealing the requirement that the Department adopt certain regulations for the catching of terrapin; requiring the Department to adopt certain regulations for the conservation of diamondback terrapin; repealing certain exemptions from certain excise and use taxes relating to the catching of terrapin for commercial purposes; and generally relating to the catch, take, or possession of diamondback terrapin.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–215(b), 4–902, and 4–903
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–716(c)
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–716(e) and (g) and 8–716.1(k)
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 792 – Delegates Barkley, Ali, and Dumais

AN ACT concerning

Family Law – Child Support – Suspension of Attorney Licenses

FOR the purpose of altering the definition of “licensing authority” to specifically include the Court of Appeals in provisions authorizing the Child Support Enforcement Administration to require a licensing authority to suspend certain professional licenses for failure to pay child support; authorizing the Administration to make a referral to the Attorney Grievance Commission for proceedings in accordance with the Maryland Rules governing attorney discipline under certain circumstances; authorizing the Court of Appeals to take certain actions; requiring the Administration to take certain actions before making a certain referral to the Attorney Grievance Commission; prohibiting the Administration from making a certain referral to the Attorney Grievance Commission under certain circumstances; specifying that the Maryland Rules govern certain notice and appeal procedures; and generally relating to child support.

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~10-119.3(a)~~ 10-119.3
Annotated Code of Maryland
(2006 Replacement Volume)

~~BY repealing and reenacting, without amendments,
Article – Family Law
Section 10-119.3(e)
Annotated Code of Maryland
(2006 Replacement Volume)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 898 – Delegates Simmons and Vallario

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

FOR the purpose of providing that certain indemnity agreements, collateral to, or affecting certain motor carrier transportation contracts that purport to indemnify the promisee against certain liability resulting from certain conduct by the promisee are against public policy and are void and unenforceable; defining certain terms; and generally relating to certain indemnity agreements in certain motor carrier transportation contracts.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11-134.2
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–401
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

Public Safety – Correctional Officers – Minimum Age

FOR the purpose of requiring the Secretary of Public Safety and Correctional Services to adopt certain regulations establishing a certain minimum age for a correctional officer hired for employment in any unit within the Division of Correction; providing that the regulations shall exempt any honorably discharged veteran of the United States armed forces from the minimum age requirement; and generally relating to correctional officers within the Division of Correction.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–109
Annotated Code of Maryland
(1999 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1035 – Delegates Rudolph, Conway, and McKee

EMERGENCY BILL

AN ACT concerning

Maryland Tort Claims Act – ~~Employee or Official of the Maryland Agricultural and Resource Based Industry Development Corporation~~ State Personnel – Definition and Claims

FOR the purpose of expanding the definition of State personnel under the Maryland Tort

Claims Act to include an employee or official of the Maryland Agricultural and Resource-Based Industry Development Corporation; providing that certain restrictions do not apply to actions instituted against certain units of the State or their employees or officials; making this Act an emergency measure; providing for the application of this Act; and generally relating to the Maryland Tort Claims Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–101(a)(2) and 12–106
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1041 – Delegate Rudolph

AN ACT concerning

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

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation to make grants for certain purposes to counties from the Maryland Agricultural Land Preservation Fund under certain circumstances; altering the purposes for which grants provided by the Foundation to the Maryland Agricultural and Resource-Based Industry Development Corporation may be used; ~~prohibiting the counties from using the grants except under certain circumstances~~ prohibiting certain grants provided by the Foundation from being used for certain purposes; prohibiting money in the Fund from the sale of tax-exempt general obligation bonds from being used for certain purposes; and generally relating to the Maryland Agricultural Land Preservation Foundation.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–505(c) and (f)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1109 – Delegates Ramirez, Vallario, Anderson, Barnes, Frank, Kramer, Lee, McConkey, Shank, Simmons, Smigiel, and Valderrama

AN ACT concerning

District Court – Civil Jurisdiction – Amount in Controversy

FOR the purpose of altering the civil jurisdiction of the District Court to include certain cases involving not more than a certain amount in controversy; providing for the application of this Act; and generally relating to the civil jurisdiction of the District Court.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(1) and (3)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1129 – Queen Anne’s County Delegation

AN ACT concerning

Queen Anne’s County – Estates and Trusts – Orphans’ Court Judges

FOR the purpose of establishing that a judge of the Orphans’ Court in Queen Anne’s County who is also an attorney at law has full power to do any act that the Court is authorized by law to perform, including the power to hold court on a day not named in an adjournment; making stylistic changes; and generally relating to the Orphans’ Court in Queen Anne’s County.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–106
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

Criminal Law – Unauthorized Possession of Contraband – Places of Confinement

FOR the purpose of prohibiting a person from knowingly possessing certain contraband in a place of confinement ~~without authorization by the managing official of the place of confinement~~; prohibiting a person detained or confined in a place of confinement from knowingly possessing a weapon or contraband to effect an escape; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving an alcoholic beverage or controlled dangerous substance; prohibiting a person from delivering a certain telecommunication device to a person detained or confined in a place of confinement, possessing a certain telecommunication device with the intent to deliver it to a person detained or confined in a place of confinement, or depositing or concealing a certain telecommunication device in a certain manner with a certain intent; prohibiting a person detained or confined in a place of confinement from knowingly possessing or receiving a certain telecommunication device; establishing certain criminal penalties; defining a certain term; and generally relating to possession, receiving, or delivering of contraband and other prohibited items in a place of confinement.

BY renumbering

Article – Criminal Law

Section 9–417

to be Section 9–418

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 9–410, 9–412, 9–413, 9–414, 9–415, and 9–416

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

BY adding to

Article – Criminal Law

Section 9–417

Annotated Code of Maryland

(2002 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

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

FOR the purpose of prohibiting certain individuals from engaging in certain sexual contact with inmates under the supervision of a correctional facility; expanding the lists of individuals who are prohibited from engaging in vaginal intercourse or certain sexual acts with an inmate; prohibiting ~~an employee or licensee from the Department of Juvenile Services~~ a person from engaging in certain sexual contact with ~~certain individuals~~ an individual confined in a certain juvenile facility; expanding the applicability of a prohibition against certain sexual acts with an individual confined in a certain juvenile facility; expanding the list of actions that are cause for automatic termination of employment from the State Personnel Management System to include violation of a certain prohibition against engaging in certain sexual acts with inmates in correctional and juvenile facilities; altering a certain definition; and generally relating to inmates and employees of correctional facilities.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–301(f)(1) and 3–314
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11–105
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #13**

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

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

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

(Amendment ID: SB0268/574033/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “procedures” and substitute “guidelines”; in line 9, after “formats;” insert “establishing the duties of the Committee; providing for the content of certain guidelines;”; strike beginning with “authorizing” in line 9 down through “requests;” in line 10; in line 15, after “Act;” insert “requiring a certain electronic format to have certain characteristics; requiring a publisher to submit a certain electronic format containing certain characteristics under certain circumstances; providing for the content of a certain request to a certain publisher; requiring certain publishers to provide the Library with certain material at no cost and in a timely manner; authorizing certain publishers to request a copy of a certain agreement containing certain information; establishing certain technological security requirements for certain material by certain persons; requiring certain persons to make a request of certain publishers using a certain procedure; authorizing an institution to assist certain students in transcribing certain materials into a braille copy; providing that certain institutions have a right to share a certain braille copy with certain students at the institution;”; and in line 18, after “Act;” insert “providing that certain publishers may not be required to perform certain acts that may constitute infringement of a copyright or provide certain electronic formats under certain circumstances;”.

On page 2, in line 3, strike “11-905” and substitute “11-906”.

AMENDMENT NO. 2

On page 2, in line 16, strike “STANDARDS” and substitute “GUIDELINES”; after line 16, insert:

“(C) (1) “INSTRUCTIONAL MATERIAL” MEANS TEXTBOOKS AND OTHER MATERIALS WRITTEN AND PUBLISHED PRIMARILY FOR USE BY STUDENTS IN POSTSECONDARY INSTRUCTION THAT ARE REQUIRED OR ESSENTIAL TO A STUDENT’S SUCCESS IN A COURSE OF STUDY IN WHICH A STUDENT WITH A DISABILITY IS ENROLLED.

(2) “INSTRUCTIONAL MATERIAL” DOES NOT INCLUDE MATERIALS FOR WHICH SOFTWARE IS NOT COMMERCIALY AVAILABLE AT A REASONABLE PRICE TO PERMIT THE CONVERSION OF EXISTING ELECTRONIC FILES OF THE MATERIALS INTO A FORMAT THAT IS COMPATIBLE WITH BRAILLE TRANSLATION SOFTWARE OR

ALTERNATIVE MEDIA FOR STUDENTS WITH DISABILITIES, INCLUDING MATHEMATICS AND SCIENCE MATERIALS.”;

in line 17, strike “(C)” and substitute “(D)”; after line 18, insert:

“(E) “PRINTED INSTRUCTIONAL MATERIAL” MEANS INSTRUCTIONAL MATERIAL IN BOOK OR OTHER PRINTED FORM.

(F) (1) “STRUCTURAL INTEGRITY” MEANS MATERIAL COMPOSED OF ALL OF THE TEXTUAL PRINTED INSTRUCTIONAL MATERIAL.

(2) “STRUCTURAL INTEGRITY” INCLUDES THE TEXT OF THE MATERIAL, SIDEBARS, THE TABLE OF CONTENTS, CHAPTER HEADINGS AND SUBHEADINGS, FOOTNOTES, INDEXES, GLOSSARIES, AND BIBLIOGRAPHIES.

(3) “STRUCTURAL INTEGRITY” DOES NOT INCLUDE MATERIAL COMPOSED OF NONTEXTUAL ELEMENTS SUCH AS PICTURES, ILLUSTRATIONS, GRAPHS, OR CHARTS.”;

in line 20, strike “DECEMBER” and substitute “SEPTEMBER”; in line 24, strike “STANDARDS” and substitute “GUIDELINES”; in line 25, strike “11” and substitute “19”; in line 27, strike “TWO” and substitute “FIVE”; in the same line, strike “APPOINTED BY” and substitute “REPRESENTING PUBLISHERS OF TEXTBOOKS USED IN HIGHER EDUCATION WHO MAY INCLUDE REPRESENTATIVES OF”; and in line 28, strike “AND” and substitute:

“(3) FIVE MEMBERS, ONE REPRESENTING EACH OF THE FOLLOWING INSTITUTIONS OF HIGHER EDUCATION OR ORGANIZATIONS, APPOINTED BY THE MARYLAND HIGHER EDUCATION COMMISSION:

(I) THE UNIVERSITY SYSTEM OF MARYLAND;

(II) A COMMUNITY COLLEGE;

(III) THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION;

(IV) MORGAN STATE UNIVERSITY; AND

(V) ST. MARY’S COLLEGE OF MARYLAND; AND”.

AMENDMENT NO. 3

On page 3, in line 1, strike “(3)” and substitute “(4)”; strike beginning with “APPOINTED” in line 16 down through “GOVERNOR” in line 17 and substitute “FROM MARYLAND ORGANIZATIONS REPRESENTING BLIND OR OTHER PERSONS WITH PRINT”

DISABILITIES"; in line 20, after "(D)" insert "(1)"; in the same line, strike "ESTABLISH PROCEDURES" and substitute ":

(I) ASSIST THE LIBRARY IN ESTABLISHING GUIDELINES";

in lines 22 and 23, strike "IN A FORMAT THAT IS USABLE TO THEM" and substitute ":

(II) REVIEW THE GUIDELINES ESTABLISHED UNDER ITEM (1) OF THIS PARAGRAPH EACH YEAR; AND

(III) ASSIST THE LIBRARY IN REVISING THE GUIDELINES AS NECESSARY BASED ON CHANGES IN TECHNOLOGY OR ANY OTHER PERTINENT FACTORS.

(2) THE GUIDELINES SHALL INCLUDE:

(I) A METHOD BY WHICH A COURSE INSTRUCTOR, IN CONSULTATION WITH THE INDIVIDUAL AT THE LIBRARY OR INSTITUTION DESIGNATED TO MAKE THE REQUEST FOR MATERIALS UNDER THIS SUBTITLE, DESIGNATES WHICH COURSE MATERIALS ARE CONSIDERED REQUIRED OR ESSENTIAL TO STUDENT SUCCESS;

(II) A DETERMINATION OF THE AVAILABILITY OF TECHNOLOGY FOR THE CONVERSION OF MATHEMATICS AND SCIENCE MATERIALS;

(III) THE PROCEDURES AND STANDARDS RELATING TO DISTRIBUTION OF FILES AND MATERIALS;

(IV) AVAILABLE ELECTRONIC FORMATS;

(V) A LIST OF JUSTIFICATIONS FOR WHICH A PUBLISHER MAY REASONABLY BE EXEMPTED FROM COMPLYING WITH THE PROVISIONS OF THIS SUBTITLE;

(VI) PROCEDURES FOR GRANTING A PUBLISHER AN EXEMPTION WHEN IT IS DETERMINED THAT A PUBLISHER IS UNABLE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE FOR A JUSTIFIABLE REASON INCLUDED IN THE LIST REQUIRED UNDER ITEM (V) OF THIS PARAGRAPH;

(VII) REQUIRE THE REVIEW OF THE FUTURE RECOMMENDATIONS OF THE ALTERNATIVE FORMATS SOLUTIONS INITIATIVE OF THE ASSOCIATION OF AMERICAN PUBLISHERS TO DETERMINE WHETHER TO RECOMMEND THE INCORPORATION OF THESE RECOMMENDATIONS INTO THE GUIDELINES; AND

(VIII) ANY OTHER INFORMATION THE COMMITTEE DETERMINES TO BE RELEVANT.”;

and strike in their entirety lines 25 through 27, inclusive.

AMENDMENT NO. 4

On page 4, in lines 1, 8, 16, and 22, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(A)”, “(B)”, “(C)”, and “(D)”, respectively; in line 8, strike “ON” and substitute “**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER JANUARY 1, 2008, ON**”; strike beginning with “AND” in line 4 down through “EDUCATION” in line 5; strike beginning with “ELECTRONICALLY” in line 6 down through “COMMITTEE” in line 7 and substitute “**IN AN ELECTRONIC FORMAT**”; in line 8, strike “(B)” and substitute “(A)”; in lines 9, 14, and 19, in each instance, strike “10” and substitute “15”; in lines 12, 14, 18, and 23, in each instance, strike “DESIGNATED BY THE COMMITTEE”; in line 16, strike “(E)” and substitute “(D)”; in line 17, strike “(C)(2)” and substitute “(B)(2)”; in line 20, strike “WHEN” and substitute “:

(1) WHEN”;

in line 21, strike “DESIGNATED BY THE COMMITTEE” and substitute “**OR**

(2) SPECIFY A REASON CONSISTENT WITH THE GUIDELINES ESTABLISHED UNDER § 11-902(D) OF THIS SUBTITLE, WHY THE INSTRUCTIONAL MATERIALS MAY NOT BE PROVIDED TO THE LIBRARY WITHIN THE REQUIRED TIME FRAME”;

in line 23, strike the first “THE” and substitute “AN”; in line 25, strike “FOR” and substitute “BY”; in the same line, strike “PURPOSES”; in line 26, strike “2007” and substitute “2004”; after line 26, insert:

“11-904.

(A) THE ELECTRONIC FORMAT OF PRINTED INSTRUCTIONAL MATERIAL PROVIDED BY A PUBLISHER TO THE LIBRARY FOR USE BY A STUDENT WITH A DISABILITY UNDER THIS SUBTITLE SHALL:

(1) MAINTAIN THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL;

(2) BE COMPATIBLE WITH COMMONLY USED BRAILLE TRANSLATION OR SPEECH SYNTHESIS SOFTWARE, IF NECESSARY; AND

(3) INCLUDE CORRECTIONS AND REVISIONS AS NECESSARY.

(B) IF THE LIBRARY AND A PUBLISHER CANNOT IN GOOD FAITH AGREE ON AN ELECTRONIC FORMAT THAT MAINTAINS THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE INSTRUCTIONAL MATERIAL IN AN ELECTRONIC FORMAT THAT MAINTAINS AS MUCH OF THE STRUCTURAL INTEGRITY OF THE PRINTED INSTRUCTIONAL MATERIAL AS POSSIBLE.

(C) THE LIBRARY OR INSTITUTION SHALL SUBMIT TO A PUBLISHER A WRITTEN REQUEST FOR AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT INCLUDES:

(1) CERTIFICATION THAT THE INSTITUTION HAS PURCHASED THE PRINTED INSTRUCTIONAL MATERIAL FOR USE BY A STUDENT WITH A DISABILITY OR THAT A STUDENT WITH A DISABILITY ATTENDING OR REGISTERED TO ATTEND THE INSTITUTION HAS PURCHASED THE INSTRUCTIONAL MATERIAL;

(2) CERTIFICATION THAT THE STUDENT HAS A DISABILITY THAT PREVENTS THE STUDENT FROM USING STANDARD INSTRUCTIONAL MATERIALS;

(3) CERTIFICATION THAT THE ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL WILL BE USED BY A STUDENT IN CONNECTION WITH A COURSE IN WHICH THE STUDENT IS REGISTERED OR ENROLLED AT THE INSTITUTION; AND

(4) IS SIGNED BY THE INDIVIDUAL DESIGNATED BY THE LIBRARY OR INSTITUTION TO REQUEST THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL UNDER THIS SUBTITLE.

(D) ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS SECTION, THE PUBLISHER SHALL PROVIDE THE LIBRARY WITH THE ELECTRONIC FORMAT OF THE PRINTED INSTRUCTIONAL MATERIAL AT NO ADDITIONAL COST AND IN A TIMELY MANNER.

(E) A PUBLISHER RECEIVING A WRITTEN REQUEST UNDER SUBSECTION (C) OF THIS SECTION MAY REQUIRE THE LIBRARY TO PROVIDE THE PUBLISHER WITH A COPY OF AN AGREEMENT THAT:

(1) STATES THAT THE STUDENT REQUESTING AND USING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL PROVIDED BY THE PUBLISHER WILL USE THE MATERIAL SOLELY FOR THE STUDENT'S PERSONAL EDUCATIONAL USE;

(2) STATES THAT THE STUDENT HAS AGREED NOT TO COPY, DUPLICATE, OR DISTRIBUTE THE ELECTRONIC COPY OF THE INSTRUCTIONAL MATERIAL FOR USE BY OTHER INDIVIDUALS; AND

(3) IS SIGNED BY THE STUDENT REQUESTING AND USING THE ELECTRONIC COPY.

(F) (1) IF THE LIBRARY OR AN INSTITUTION PERMITS A STUDENT TO DIRECTLY USE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL, THE LIBRARY OR INSTITUTION SHALL TAKE THE FOLLOWING STEPS TO PROTECT THE ELECTRONIC COPY FROM DUPLICATION AND DISTRIBUTION IN VIOLATION OF THE COPYRIGHT REVISIONS ACT OF 1976:

(I) THE DISK OR FILE SHALL BE COPY-PROTECTED OR CONTAIN OTHER REASONABLE SECURITY MEASURES; AND

(II) THE LIBRARY OR INSTITUTION SHALL REQUIRE A STUDENT USING THE ELECTRONIC COPY TO SIGN THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.

(2) AN INSTITUTION MAY NOT MAKE THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL AVAILABLE ON A SERVER UNLESS THE FOLLOWING SECURITY MEASURES ARE FOLLOWED:

(I) A SECURITY PROCESS, INCLUDING AN IDENTIFICATION AND PASSWORD SYSTEM, IS INSTALLED TO PERMIT ONLY AUTHORIZED STUDENTS WITH DISABILITIES ACCESS TO THE PROTECTED MATERIALS; AND

(II) OTHER TECHNICAL SECURITY MEASURES ARE INSTALLED TO PREVENT A STUDENT FROM DOWNLOADING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL UNLESS THE STUDENT HAS SIGNED THE AGREEMENT UNDER SUBSECTION (E) OF THIS SECTION.

(3) A PUBLISHER MAY INSTALL TECHNICAL SECURITY MEASURES TO PREVENT THE UNAUTHORIZED COPYING, MODIFICATION, DISTRIBUTION, OR USE OF THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL IF THE SECURITY MEASURES DO NOT INTERFERE WITH THE STUDENT'S USE OF ELECTRONIC COPY.

(G) (1) THE LIBRARY, AN INSTITUTION, OR ANY COMPONENT OF AN INSTITUTION SHALL NOTIFY THE PUBLISHER EACH TIME THE LIBRARY, INSTITUTION, OR A COMPONENT OF THE INSTITUTION INTENDS TO DUPLICATE AN ELECTRONIC FORMAT OR A SPECIALIZED FORMAT PRODUCED FROM THE ELECTRONIC FORMAT FOR USE OF THE PROTECTED MATERIAL BY OTHER STUDENTS WITH DISABILITIES.

(2) EACH ADDITIONAL STUDENT FOR WHOM THE LIBRARY, AN INSTITUTION, OR A COMPONENT OF AN INSTITUTION INTENDS TO DUPLICATE AN ELECTRONIC FORMAT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE LIBRARY,

INSTITUTION, OR COMPONENT OF AN INSTITUTION SHALL FOLLOW THE REQUEST PROCEDURES UNDER § 11-903 OF THIS SUBTITLE.

(H) (1) AN INSTITUTION MAY ASSIST A STUDENT WITH A DISABILITY TO TRANSCRIBE OR ARRANGE FOR THE TRANSCRIPTION OF PRINTED INSTRUCTIONAL MATERIAL INTO BRAILLE USING THE ELECTRONIC FORMAT OF THE INSTRUCTIONAL MATERIAL.

(2) IF A BRAILLE COPY IS TRANSCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INSTITUTION SHALL HAVE THE RIGHT TO SHARE THE BRAILLE COPY OF THE PRINTED INSTRUCTIONAL MATERIAL WITH OTHER STUDENTS WITH DISABILITIES AT THE INSTITUTION.”;

and in line 27, strike “**11-904.**” and substitute “**11-905.**”.

AMENDMENT NO. 5

On page 5, in line 3, strike “**11-905.**” and substitute “**11-906.**”; in line 4, before “**NOTHING**” insert “**(A)**”; in line 5, strike “**OR**” and substitute a comma; in the same line, after “**LIBRARY**” insert “**, OR A PUBLISHER OF INSTRUCTIONAL MATERIALS**”; in the same line, strike “**CONVERT**” and substitute “**:**”

(1) CONVERT”;

and in line 6, after “**STUDENTS**” insert “**; OR**”

(2) REQUIRE A PUBLISHER TO PROVIDE ANY FORMAT OTHER THAN AN ELECTRONIC FORMAT PROVIDED UNDER § 11-903 OF THIS SUBTITLE.

(B) A PUBLISHER OF INSTRUCTIONAL MATERIAL MAY NOT BE REQUIRED TO:

(1) PERFORM ANY ACT THAT WOULD CONSTITUTE AN INFRINGEMENT OF A COPYRIGHT UNDER THE COPYRIGHT REVISION ACT OF 1976;

(2) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL IF THE PUBLISHER:

(i) PUBLISHES OR MANUFACTURES A VERSION OF THE INSTRUCTIONAL MATERIAL THAT IS ACCESSIBLE TO STUDENTS WITH DISABILITIES;

(ii) CHOOSES TO PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL DIRECTLY TO A STUDENT IN A TIMELY MANNER; OR

(iii) HAS NOT PREVIOUSLY PRODUCED A DIGITAL VERSION OF THE FULLY EDITED AND TYPESET INSTRUCTIONAL MATERIAL, INCLUDING

INSTRUCTIONAL MATERIAL PRODUCED BY A METHOD THAT DOES NOT REQUIRE THE CREATION OF A DIGITAL FILE; OR

(3) PROVIDE AN ELECTRONIC FORMAT OF INSTRUCTIONAL MATERIAL THAT IS NO LONGER IN PRINT OR AVAILABLE AND OFFERED FOR SALE BY THE PUBLISHER".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0268/694935/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 268, AS AMENDED
(First Reading File Bill)

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB0268/574033/1), in line 6 of Amendment No. 3, strike "**REQUIRE**" and substitute "**A REQUIREMENT THAT**"; and in line 8, strike the first "**TO**".

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 4, strike "**SPECIFY A REASON**" and substitute "**THE SPECIFIC REASON,**".

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in line 5 from the bottom of Amendment No. 4, strike "**IS SIGNED BY**" and substitute "**THE SIGNATURE OF**".

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 4, strike "**EACH**" and substitute "**FOR EACH**".

On page 4 of the bill, in lines 12, 13, 17, and 20, in each instance, strike "**THE**" and substitute "**AN**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 331 – Senator Frosh

AN ACT concerning

State Government – Commemorative Days – Rachel Carson Day

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

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

(Amendment ID: SB0416/844538/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 416
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “requiring certain nonpublic institutions of higher education to submit a certain report regarding cultural diversity programs to the Maryland Independent College and University Association on or before a certain date each year; requiring the Association to submit a certain report on the status of certain cultural diversity programs to the Maryland Higher Education Commission on or before a certain date each year; requiring the report to include a certain analysis;”; in the same line, after “certain” insert “public”; in line 8, after “goals;” insert “providing for the contents of a certain plan;”; strike beginning with “requiring” in line 10 down through “plans;” in line 13 and substitute “requiring certain public institutions of higher education to submit certain plans to the governing body of the institution for review on or before a certain date each year; requiring the governing body of certain institutions to submit a certain progress report to the Commission on or before a certain date each year; requiring the Commission to review the progress report to monitor compliance with the goals of the State Plan for Higher Education;”; and after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Education
Section 10–211

Annotated Code of Maryland
(2006 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"10-211.

(a) The nonpublic institutions of higher education in the State are an important educational resource and are vital to the provision of postsecondary education in the State.

(b) The State shall continue to provide financial aid as provided by law to nonpublic institutions of higher education to foster this important educational resource.

(c) (1) ON OR BEFORE MAY 1 OF EACH YEAR, EACH NONPUBLIC INSTITUTION OF HIGHER EDUCATION ELIGIBLE FOR STATE AID UNDER § 17-103 OF THIS ARTICLE SHALL SUBMIT A REPORT ON THE INSTITUTION'S PROGRAMS TO PROMOTE AND ENHANCE CULTURAL DIVERSITY ON ITS CAMPUS TO THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION.

(2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION SHALL SUBMIT A REPORT ON THE STATUS OF THE PROGRAMS REPORTED TO THE ASSOCIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE COMMISSION.

(II) THE REPORT SUBMITTED TO THE COMMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ANALYSIS OF THE BEST PRACTICES USED BY NONPUBLIC INSTITUTIONS OF HIGHER EDUCATION TO PROMOTE AND ENHANCE CULTURAL DIVERSITY ON ITS CAMPUSES."

AMENDMENT NO. 3

On page 2, in line 2, after "(1)" insert "(I)"; in the same line, after "EACH" insert "PUBLIC"; in lines 5 and 8, strike "(2)" and "(3)", respectively, and substitute "(II)" and "(III)", respectively; after line 10, insert:

"(2) A PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A DESCRIPTION OF THE WAY THE INSTITUTION ADDRESSES CULTURAL DIVERSITY AMONG ITS STUDENT, FACULTY, AND STAFF POPULATIONS;

(II) A DESCRIPTION OF HOW THE INSTITUTION PLANS TO ENHANCE CULTURAL DIVERSITY, IF IMPROVEMENT IS NEEDED;

(III) A PROCESS FOR RESPONDING TO HATE CRIMES AND BIAS-MOTIVATED INCIDENTS THAT MAY OCCUR ON CAMPUS; AND

(IV) A SUMMARY OF ANY RESOURCES, INCLUDING STATE GRANTS, NEEDED BY THE INSTITUTION TO EFFECTIVELY RECRUIT AND RETAIN A CULTURALLY DIVERSE STUDENT BODY.”;

in line 11, strike “(B)” and substitute “(3)”; in the same line, strike “SUBSECTION (A) OF THIS SECTION” and substitute “PARAGRAPH (1) OF THIS SUBSECTION”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(B) (1) ON OR BEFORE MAY 1 OF EACH YEAR, EACH INSTITUTION SHALL SUBMIT THE PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO THE GOVERNING BODY OF THE INSTITUTION FOR THE GOVERNING BODY’S REVIEW.

(2) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE GOVERNING BODY OF AN INSTITUTION SHALL SUBMIT A PROGRESS REPORT REGARDING THE INSTITUTION’S IMPLEMENTATION OF ITS PLAN TO THE COMMISSION.

(C) THE COMMISSION SHALL REVIEW THE PROGRESS REPORT SUBMITTED BY EACH GOVERNING BODY UNDER SUBSECTION (B) OF THIS SECTION TO MONITOR COMPLIANCE WITH THE GOALS OF THE STATE PLAN FOR HIGHER EDUCATION.”;

and in line 20, strike “October” and substitute “July”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

AN ACT concerning

State Lottery – Compulsive Gambling Grants

(Amendment ID: SB0536/504238/1)

BY: Education, Health, and Environmental Affairs Committee

On page 2, in line 20, strike “\$100,000” and substitute “\$250,000”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 711 – Senators Gladden and Dyson

AN ACT concerning

Education – “Share the State Fair!” Matching Fund

(Amendment ID: SB0711/714832/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 711
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Matching Fund” and substitute “Program”; in line 3, strike “Matching Fund” and substitute “Program”; strike beginning with “Fund;” in line 4 down through “and” in line 5, and substitute “Program”; in line 6, strike “Fund” and substitute “Program”; in line 10, strike “and to issue a certain annual report”; and strike beginning with “Matching” in line 11 down through “Fund” in line 12 and substitute “Program”.

AMENDMENT NO. 2

On page 2, in lines 1 and 5, in each instance, strike “**FUND**” and substitute “**PROGRAM**”; in lines 2 and 3, in each instance, strike “**MATCHING FUND**” and substitute “**PROGRAM**”; in line 8, strike “**PROGRAM**” and substitute “**PROGRAM**”; in line 12, strike “**FUND**” and substitute “**MATCHING GRANTS UNDER THE PROGRAM**”; and strike in their entirety lines 13 through 24, inclusive, and substitute:

“(E) BEGINNING IN FISCAL YEAR 2009 AND ANNUALLY THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET \$25,000 FOR THE PROGRAM.”

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike “(2)” and substitute “**(F) (1)**”; in line 5, strike “**FROM THE FUND**” and substitute “**UNDER THE PROGRAM**”; in line 6, strike “(3)” and substitute “**(2)**”; in line 8, strike “**PROGRAM**” and

substitute "**PROGRAM**"; in lines 9 and 15, strike "**(H)**" and "**(I)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in lines 9 and 10, strike ":(1) **EVALUATE**" and substitute "**EVALUATE**"; and strike beginning with "; **AND**" in line 11 down through "**ASSEMBLY**" in line 14.

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 FINANCE REPORT #14

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

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

AN ACT concerning

Forensic Laboratories – Standards and Oversight

(Amendment ID: SB0351/737776/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 351

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "an individual who" and substitute "a laboratory that"; in line 6, strike "on behalf of a certain laboratory"; in line 9, strike "a certain employee" and substitute "the Department of Health and Mental Hygiene"; in line 10, strike "test results at certain times" and substitute "testing programs"; in line 11, after "purpose;" insert "authorizing the Secretary to conduct certain investigations and surveys; providing that certain documents are public documents;"; in the same line, strike "the Secretary" and substitute "a forensic laboratory"; strike beginning with "authorizing" in line 14 down through the semicolon in line 15; and in line 17, after "date;" insert "requiring the Secretary to issue a letter of exception to certain laboratories under certain circumstances; authorizing the Secretary to grant a certain waiver to certain laboratories;".

On page 2, strike beginning with "requiring" in line 8 down through "circumstances;" in line 12; in line 12, strike "requiring" and substitute "authorizing"; in line 15, after "results;" insert "requiring a State's Attorney to provide certain notice to".

certain victims under certain circumstances;”; in line 19, after “notice;” insert “authorizing an employee of a forensic laboratory to disclose certain information to the Secretary under certain circumstances;”; in line 20, strike “discriminating or retaliating” and substitute “taking certain adverse employment actions”; in line 21, strike “a certain reason” and substitute “certain reasons”; in line 22, strike “judicial” and substitute “an”; in line 23, strike “judicial”; in line 24, strike “judicial”; in line 26, strike “Secretary” and substitute “Governor”; strike beginning with “establishing” in line 28 down through the semicolon in line 31; in line 32, strike “a certain organization or agency” and substitute “certain organizations or agencies”; strike beginning with “providing” in line 33 down through the semicolon in line 37; and strike beginning with “providing” in line 40 down through the semicolon in line 41.

On page 3, in line 8, strike “17-2A-16” and substitute “17-2A-12”; in line 13, strike “Health Occupations” and substitute “Health – General”; and in line 14, strike “1-401” and substitute “19-2301”.

AMENDMENT NO. 2

On page 3, after line 26, insert:

“(B) (1) “FORENSIC ANALYSIS” MEANS A MEDICAL, CHEMICAL, TOXICOLOGIC, BALLISTIC, OR OTHER EXPERT EXAMINATION OR TEST PERFORMED ON PHYSICAL EVIDENCE, INCLUDING DNA EVIDENCE, FOR THE PURPOSE OF DETERMINING THE CONNECTION OF THE EVIDENCE TO A CRIMINAL ACT.

(2) “FORENSIC ANALYSIS” INCLUDES AN EXAMINATION OR TEST REQUIRED BY A LAW ENFORCEMENT AGENCY, PROSECUTOR, CRIMINAL SUSPECT OR DEFENDANT, OR COURT.

(3) “FORENSIC ANALYSIS” DOES NOT INCLUDE:

(I) A TEST OF A SPECIMEN OF BREATH OR BLOOD TO DETERMINE ALCOHOL CONCENTRATION OR CONTROLLED DANGEROUS SUBSTANCE CONTENT;

(II) FORENSIC INFORMATION TECHNOLOGY;

(III) FORENSIC FIELD TESTS;

(IV) A PRESUMPTIVE TEST PERFORMED FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH A TERM OR CONDITION OF COMMUNITY SUPERVISION OR PAROLE AND CONDUCTED BY OR UNDER CONTRACT WITH A COUNTY DEPARTMENT OF CORRECTIONS OR THE STATE DEPARTMENT OF CORRECTIONS; OR

(V) AN EXPERT EXAMINATION OR TEST CONDUCTED PRINCIPALLY FOR THE PURPOSE OF SCIENTIFIC RESEARCH, MEDICAL PRACTICE, CIVIL

OR ADMINISTRATIVE LITIGATION, OR ANY OTHER PURPOSE UNRELATED TO DETERMINING THE CONNECTION OF PHYSICAL EVIDENCE TO A CRIMINAL ACT.

(C) “FORENSIC INFORMATION TECHNOLOGY” MEANS DIGITAL OR ELECTRONIC EVIDENCE THAT IS STORED OR TRANSMITTED ELECTRONICALLY.”;

in line 27, strike “(B)” and substitute “(D)”; and strike beginning with “TESTS” in line 28 down through “ACT” in line 30 and substitute “FORENSIC ANALYSIS”.

On page 4, in line 3, strike “OTHER” and substitute “ANOTHER”; after line 3, insert:

“(3) “FORENSIC LABORATORY” DOES NOT INCLUDE:

(I) A FORENSIC LABORATORY OPERATED BY THE FEDERAL GOVERNMENT; OR

(II) A LABORATORY LICENSED OR CERTIFIED BY THE DEPARTMENT OF AGRICULTURE.”;

in line 4, strike “(C)” and substitute “(E)”; after line 7, insert:

“(F) “LIMITED FORENSIC ANALYSIS” MEANS A FORENSIC LABORATORY TEST OR ANALYSIS DEFINED IN REGULATIONS ADOPTED BY THE SECRETARY.

(G) “PHYSICAL EVIDENCE” MEANS ANY OBJECT, THING, OR SUBSTANCE RELATING TO A CRIMINAL ACT.”;

strike in their entirety lines 9 through 12, inclusive; in line 24, strike “AND”; after line 24, insert:

“(III) ESTABLISH QUALIFICATIONS FOR THE PERSONNEL OF FORENSIC LABORATORIES;

(IV) ESTABLISH PROCEDURES FOR VERIFYING THE BACKGROUND AND EDUCATION OF THE PERSONNEL OF FORENSIC LABORATORIES;

(V) REQUIRE THE SECRETARY TO CHARGE FEES THAT MAY NOT EXCEED THE ACTUAL DIRECT AND INDIRECT COSTS TO THE DEPARTMENT TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE; AND”;

in line 25, strike “(III)” and substitute “(VI)”; and in line 27, strike “SAFE” and substitute “ACCURATE”.

AMENDMENT NO. 3

On page 5, strike beginning with “AN” in line 1 down through “PERFORMED” in line 5 and substitute “A FORENSIC LABORATORY THAT EXAMINES OR ANALYZES PHYSICAL EVIDENCE SHALL DEMONSTRATE SATISFACTORY PERFORMANCE IN AN APPROVED PROFICIENCY TESTING PROGRAM SPECIFICALLY RELATED TO THE PARTICULAR FORENSIC ANALYSIS BEING PERFORMED”; strike beginning with “BEFORE” in line 11 down through “PROGRAM” in line 12; in line 13, strike “AN EMPLOYEE OF THE” and substitute “THE”; strike beginning with “ALL” in line 13 down through “YEARS” in line 14 and substitute “A FORENSIC LABORATORY’S PROFICIENCY TESTING PROGRAM”; in line 16, strike “SET FORTH IN REGULATIONS ADOPTED”; in line 19, after the semicolon insert “AND”; in line 20, strike “PERIODIC INSPECTIONS” and substitute “AN INSPECTION”; strike beginning with the semicolon in line 21 down through “LABORATORY” in line 23; after line 23, insert:

“(D) TO ASSURE COMPLIANCE WITH THE STANDARDS AND REQUIREMENTS UNDER THIS SUBTITLE, THE SECRETARY MAY CONDUCT:

(1) A COMPLAINT INVESTIGATION; AND

(2) A VALIDATION SURVEY OF AN ACCREDITED FORENSIC LABORATORY.”;

and in line 24, strike “17-2A-04.” and substitute “17-2A-03.”.

On pages 5 and 6, strike in their entirety the lines beginning with line 25 on page 5 through line 14 on page 6, inclusive, and substitute:

“(A) FORENSIC LABORATORY DEFICIENCY STATEMENTS AND PLANS OF CORRECTION ARE PUBLIC DOCUMENTS.

(B) A FORENSIC LABORATORY SHALL MAKE DISCREPANCY LOGS, CONTAMINATION RECORDS, PROFICIENCY TESTS, AND TEST RESULTS AVAILABLE TO THE PUBLIC WITHIN 30 DAYS OF A WRITTEN REQUEST.

(C) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDINGS, RECORDS, AND FILES OF AN ORGANIZATION OR STATE AGENCY RESPONSIBLE FOR ASSURING COMPLIANCE WITH THIS SUBTITLE SHALL BE CONFIDENTIAL AND NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN A CIVIL OR CRIMINAL ACTION.”.

AMENDMENT NO. 4

On page 6, before line 15, insert:

“17-2A-04.

(A) AFTER DECEMBER 31, 2011, A PERSON SHALL HOLD A LICENSE ISSUED BY THE SECRETARY BEFORE THE PERSON MAY OFFER OR PERFORM FORENSIC ANALYSIS IN THE STATE.

(B) THE SECRETARY SHALL ISSUE A LETTER OF EXCEPTION TO A LABORATORY THAT:

(1) PERFORMS ONLY LIMITED FORENSIC ANALYSIS; AND

(2) MEETS THE EXCEPTION REQUIREMENTS IN REGULATIONS ADOPTED BY THE SECRETARY.

(C) THE SECRETARY MAY GRANT AN OUT-OF-STATE FORENSIC LABORATORY A WAIVER FROM THE LICENSURE REQUIREMENTS OF THIS SUBTITLE WITH CONDITIONS.”;

in lines 15 and 20, strike “17-2A-08.” and “17-2A-09.”, respectively, and substitute “17-2A-05.” and “17-2A-06.”, respectively; and in line 19, strike “AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE”.

On page 7, in lines 7 and 23, strike “17-2A-10.” and “17-2A-11.”, respectively, and substitute “17-2A-07.” and “17-2A-08.”, respectively; in line 8, strike “WHO” and substitute “THAT”; and in lines 9 and 10, strike “AND THE REGULATIONS ADOPTED UNDER THIS SUBTITLE”.

AMENDMENT NO. 5

On page 8, strike beginning with “AND” in line 9 down through “SUBTITLE” in line 10; in line 13, strike “17-2A-12.” and substitute “17-2A-09.”; and strike beginning with “OR” in line 18 down through “SUBTITLE” in line 19.

On pages 8 and 9, strike in their entirety the lines beginning with line 20 on page 8 through line 24 on page 9, inclusive, and substitute:

“(B) (1) IF THE SECRETARY FINDS THAT A FORENSIC LABORATORY LICENSED UNDER THIS SUBTITLE NO LONGER MEETS THE STANDARDS AND REQUIREMENTS OF THIS SUBTITLE, THE SECRETARY MAY:

(I) REVOKE THE LICENSE OF THE FORENSIC LABORATORY; OR

(II) SUSPEND THE LICENSE OF THE FORENSIC LABORATORY.

(2) IF A DEFICIENCY EXISTS, THE SECRETARY MAY:

(I) IMPOSE A DIRECTED PLAN OF CORRECTION;

(II) REGULARLY INSPECT THE FORENSIC LABORATORY TO ASSURE COMPLIANCE WITH THE DIRECTED PLAN OF CORRECTION; OR

(III) LIMIT THE TESTING AUTHORIZED BY THE LICENSE.

(C) IF THE SECRETARY FINDS THAT A FORENSIC LABORATORY PROVIDED ERRONEOUS OR QUESTIONABLE TEST RESULTS, THE SECRETARY MAY ORDER THE LABORATORY TO PROVIDE WRITTEN NOTIFICATION TO:

(1) THE PERSON OR AGENCY THAT ORDERED THE TESTS; AND

(2) THE OFFICE OF THE PUBLIC DEFENDER OR COUNSEL OF RECORD.

(D) A STATE'S ATTORNEY WHO RECEIVES NOTIFICATION FROM A LABORATORY UNDER SUBSECTION (C) OF THIS SECTION SHALL NOTIFY THE VICTIM OF THE CRIMINAL ACT OR THE VICTIM'S REPRESENTATIVE OF THE ERRONEOUS OR QUESTIONABLE TEST RESULTS.";

and in line 28, after "NONCOMPLIANCE" insert "AFTER THE DEADLINE FOR COMPLIANCE STATED IN THE SECRETARY'S ORDER, NOT TO EXCEED A MAXIMUM PENALTY OF \$50,000".

AMENDMENT NO. 6

On page 10, in line 6, strike "17-2A-13." and substitute "17-2A-10.".

On pages 10 and 11, strike in their entirety the lines beginning with line 16 on page 10 through line 6 on page 11, inclusive, and substitute:

"(B) AN EMPLOYEE WHO WORKS IN A FORENSIC LABORATORY MAY DISCLOSE INFORMATION TO THE SECRETARY THAT THE EMPLOYEE BELIEVES EVIDENCES A VIOLATION OF STANDARDS AND REQUIREMENTS FOR FORENSIC LABORATORIES IN THE STATE.

(C) A FORENSIC LABORATORY MAY NOT DISCRIMINATE OR RETALIATE AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE:

(1) DISCLOSES INFORMATION UNDER SUBSECTION (B) OF THIS SECTION; OR

(2) HAS AGREED TO COOPERATE WITH AN INVESTIGATION OF THE FORENSIC LABORATORY.

(D) (1) THE SECRETARY SHALL DEVELOP, THROUGH REGULATION, A DOCUMENT THAT INFORMS THE EMPLOYEES OF A FORENSIC LABORATORY OF THE

PROCEDURES TO REPORT INSTANCES OF NONCOMPLIANCE OR OTHER VIOLATIONS OF THE STANDARDS AND REQUIREMENTS FOR FORENSIC LABORATORIES IN THE STATE.

(2) THE SECRETARY SHALL DISTRIBUTE THE DOCUMENT DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO FORENSIC LABORATORIES IN THE STATE.

(E) A FORENSIC LABORATORY SHALL POST THE DOCUMENT DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION IN A CONSPICUOUS PLACE.”.

On page 11, in lines 7 and 17, strike “(D)” and “(E)”, respectively, and substitute “(F)” and “(G)”, respectively; in line 9, strike “JUDICIAL” and substitute “AN”; in line 16, strike “JUDICIAL”; in line 17, strike “JUDICIAL”; in the same line, after “UNDER” insert “THIS”; in lines 17 and 18, strike “(D) OF THIS SECTION”; in line 20, strike “17-2A-14.” and substitute “17-2A-11.”; and strike beginning with “A” in line 26 down through “OFFENSE” in line 27 and substitute “ON WHICH A VIOLATION OCCURS IS A SEPARATE VIOLATION UNDER THIS SECTION”.

AMENDMENT NO. 7

On page 12, in line 1, strike “17-2A-15.” and substitute “17-2A-12.”; in line 2, strike “SECRETARY” and substitute “GOVERNOR”; and strike in their entirety lines 5 through 21, inclusive, and substitute:

“(B) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING 11 MEMBERS:

(1) THE DIRECTOR OF THE LABORATORIES ADMINISTRATION IN THE DEPARTMENT, OR THE DIRECTOR’S DESIGNEE;

(2) THE DIRECTOR OF THE OFFICE OF HEALTH CARE QUALITY IN THE DEPARTMENT, OR THE DIRECTOR’S DESIGNEE; AND

(3) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) ONE FROM THE AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE;

(II) ONE FROM THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE, DEPARTMENT OF MEDICAL RESEARCH AND TECHNOLOGY;

(III) ONE FROM THE AMERICAN ASSOCIATION FOR LABORATORY ACCREDITATION;

(IV) ONE FROM THE AMERICAN ACADEMY OF FORENSIC SCIENCES;

(V) ONE FROM FORENSIC QUALITY SERVICES;

(VI) ONE FROM THE AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS/LABORATORY ACCREDITATION BOARD; AND

(VII) THREE DIRECTORS OF FORENSIC LABORATORIES IN THE STATE, INCLUDING:

1. ONE FROM A FORENSIC LABORATORY OPERATED BY THE STATE;

2. ONE FROM A FORENSIC LABORATORY OPERATED BY A COUNTY; AND

3. ONE FROM A FORENSIC LABORATORY OPERATED BY A MUNICIPAL CORPORATION.

(C) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS OF THE ADVISORY COMMITTEE ON OCTOBER 1, 2007.

(D) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE ADVISORY COMMITTEE.

(E) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COMMITTEE REPRESENTS A QUORUM TO CONDUCT BUSINESS.

(F) A MEMBER OF THE ADVISORY COMMITTEE MAY NOT RECEIVE COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.”

AMENDMENT NO. 8

On pages 12 and 13, strike in their entirety the lines beginning with line 22 on page 12 through line 10 on page 13, inclusive, and substitute:

“19-2301.

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

(b) “Accreditation organization” means a private entity that conducts inspections and surveys of health care facilities based on nationally recognized and developed standards.

(c) “Deemed status” means a status under which a health care facility may be exempt from routine surveys conducted by the Department.

(d) “Health care facility” means:

(1) A hospital as defined in § 19–301(b) of this title;

(2) A health maintenance organization as defined in § 19–701(g) of this title;

(3) A freestanding ambulatory care facility as defined in § 19–3B–01 of this title;

(4) An assisted living facility as defined in § 19–1801 of this title;

(5) A laboratory as defined in § 17–201 of this article;

(6) A home health agency as defined in § 19–401 of this title;

(7) A residential treatment center as defined in § 19–301 of this title;
[and]

(8) A comprehensive rehabilitation facility as defined in § 19–1201 of this title; AND

(9) A FORENSIC LABORATORY AS DEFINED IN § 17-2A-01 OF THIS ARTICLE.”.

On pages 13 through 18, strike in their entirety the lines beginning with line 11 on page 13 through line 18 on page 18, inclusive.

On page 18, in line 19, strike “3.” and substitute “2.”; strike beginning with “Secretary” in line 19 down through “Hygiene” in line 20 and substitute “Governor”; in line 21, strike “November 1, 2007” and substitute “December 1, 2008”; after line 21, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Forensic Laboratory Advisory Committee shall expire as follows:

(a) Three members in 2008;

(b) Three members in 2009; and

(c) Three members in 2010.”;

and in line 24, strike “September 1, 2008” and substitute “December 31, 2010”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 472 – Senator Munson

AN ACT concerning

Mental Hygiene Law – Petition for Emergency Evaluation – Confidentiality

(Amendment ID: SB0472/727977/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 472

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Law –” insert “Court Records Relating to a”; in line 3, strike “a certain” and substitute “certain court records relating to a”; in line 4, strike “a certain petition for emergency evaluation” and substitute “certain court records”; in line 5, strike “section” and substitute “provision of this Act”; strike beginning with “a” in line 6 down through “time;” in line 12 and substitute “certain persons from reviewing certain court records; requiring that a certain petition for an emergency evaluation be considered a mental health record; authorizing the release of the petition by certain health care providers only as permitted by law;”; and in line 13, after “of” insert “court records relating to”.

AMENDMENT NO. 2

On page 2, strike beginning with “A” in line 1 down through “ITS” in line 2 and substitute “ALL COURT RECORDS RELATING TO A PETITION FOR AN EMERGENCY EVALUATION MADE UNDER THIS SUBTITLE ARE CONFIDENTIAL AND THE”; in line 5, strike “(1)”; strike beginning with “ACCESS” in line 5 down through “PETITION” in line 6 and substitute “REVIEW OF A COURT RECORD RELATING TO A PETITION”; and strike in their entirety lines 7 through 19, inclusive, and substitute:

“(1) PERSONNEL OF THE COURT;

- (2) THE PETITIONER;
- (3) THE EMERGENCY EVALUEE OR COUNSEL FOR THE EMERGENCY EVALUEE;
- (4) AUTHORIZED PERSONNEL OF THE DEPARTMENT;
- (5) AUTHORIZED PERSONNEL OF THE LOCAL CORE SERVICE AGENCY;
- (6) A LAW ENFORCEMENT AGENCY; OR
- (7) A PERSON AUTHORIZED BY A COURT ORDER ON GOOD CAUSE SHOWN.

(C) A PETITION FOR AN EMERGENCY EVALUATION:

- (1) SHALL BE CONSIDERED A MENTAL HEALTH RECORD UNDER TITLE 4 OF THIS ARTICLE; AND
- (2) MAY BE RELEASED BY A HEALTH CARE PROVIDER, AS DEFINED IN § 4-301 OF THIS ARTICLE, ONLY AS PERMITTED BY LAW.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 765 – Senator Exum

EMERGENCY BILL

AN ACT concerning

Insurance – Notice – Premiums

(Amendment ID: SB0765/657579/1)

BY: Finance Committee

AMENDMENT NO. 1

On page 1, in line 2, before “Insurance” insert “Workers’ Compensation”; strike beginning with “altering” in line 4 down through “premium;” in line 7; and in line 10, strike “and commercial”.

AMENDMENT NO. 2

On page 2, in line 2, after “(2)” insert “POLICIES OF”; in lines 4, 5, and 13, in each instance, strike the bracket; and strike beginning with the first “**THE**” in line 13 down through “**THE**” in line 14.

On page 3, in line 5, strike “commercial and”; in lines 5 and 6, strike “lines of property and casualty”; and in line 6, after “insurance” insert “policies”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Joint Resolution 4 – Senator Garagiola

A Senate Joint Resolution concerning

Veterans Health Care Budget Reform

Amendment ID: SJ0004/667175/1)

BY: Finance Committee

AMENDMENT TO SENATE JOINT RESOLUTION 4

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Garagiola” and substitute “Senators Garagiola, Astle, Della, Edwards, Exum, Kelley, Klausmeier, Middleton, and Pugh”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #8

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1026 – Senator Currie

AN ACT concerning

Prince George’s County – Property Tax – Credit for Property Used as a Business Incubator

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1027 – Senator Gladden

AN ACT concerning

Vehicle Laws – Race-Based Traffic Stops – Sunset Extension and Reporting Requirements

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1028 – Senator Robey

AN ACT concerning

Veterinarians – Licenses – Waiver of Requirements

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

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1029 – Senator Gladden

AN ACT concerning

Maryland General Corporation Law – Altering Corporate Procedures

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Critical Areas – Applications for Variances – Local Jurisdictions

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

SPECIAL ORDERS

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

Senate Bill 419 – Senator Madaleno

AN ACT concerning

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

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR HARRIS.

FLOOR AMENDMENT

(Amendment ID: SB0419/873326/1)

BY: Senator Harris

AMENDMENTS TO SENATE BILL 419
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “for Commissioned Officers”; and in line 5, after “individuals;” insert “altering the maximum amount of the subtraction modification;”.

AMENDMENT NO. 2

On page 2, in line 21, after “(2)” insert “(I)”; in the same line, strike “The” and substitute “SUBJECT TO THE LIMITATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; in line 22, strike “first \$5,000 of”; and after line 23, insert:

“(II) THE SUBTRACTION UNDER THIS SUBSECTION MAY NOT EXCEED:

1. \$5,000 FOR A TAXABLE YEAR BEGINNING BEFORE JANUARY 1, 2009; OR
2. \$7,500 FOR A TAXABLE YEAR BEGINNING ON OR AFTER JANUARY 1, 2009.”.

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

Affirmative – 11 Negative – 34 (See Roll Call No. 420)

Read the second time and ordered prepared for Third Reading.

Senate Bill 679 – Senators Raskin, Forehand, Jacobs, Kittleman, Lenett, Madaleno, McFadden, Peters, Robey, and Simonaire

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF COMMITTEE AMENDMENTS NO. 2 AND NO. 4 AND THE FAVORABLE REPORT.

(Amendment ID: SB0679/638279/1)

AMENDMENT NO. 2

On page 1, strike beginning with “authorizing” in line 6 down through “circumstances;” in line 7.

AMENDMENT NO. 4

On page 3, strike in their entirety lines 4 through 7, inclusive; in line 8, strike “(D)” and substitute “(C)”; and in line 16, strike “§ 5-306(D)(2)” and substitute “§ 5-306(C)(2)”.

On page 4, strike in their entirety lines 19 through 22, inclusive; and in line 23, strike “(D)” and substitute “(C)”.

On page 6, strike in their entirety lines 1 through 4, inclusive; and in line 5, strike “(D)” and substitute “(C)”.

The preceding 2 amendments were read and withdrawn.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee

Report #4
March 15, 2007

District Court, Montgomery County (District 6)

1. The Honorable Patricia L. Mitchell

Judge of the District Court of Maryland, District Six for Montgomery County;
reappointed to serve a term of ten years from November 1, 2006

Higher Education, Secretary of

2. James Earl Lyons, Sr.

Secretary of Higher Education; appointed to serve a term at the pleasure of the
Governor

Amusement Ride Safety Board

3. Nancy R. Brashear
108 Park Lane
Thurmont, Maryland 21788

Member of the Amusement Ride Safety Board; appointed to serve a term of four
years from July 1, 2007

Apprenticeship and Training Council

4. David W. Norfolk
583 Pasture Brook Road
Severn, Maryland 21144

Member of the Apprenticeship and Training Council; appointed to serve a
remainder of a term of four years from July 1, 2006

Architectural Review, State Board of

5. Carol D. Macht
1409 Walnut Hill Lane
Baltimore, MD 21204

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

6. Edward A. Masek, Jr.
124 St. Andrews Road
Severna Park, MD 21146

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

Community Services Reimbursement Rate Commission

7. Jeannette M. Martin
218 Windridge Acres Court
Silver Spring, Maryland 20905

Member of the Community Services Reimbursement Rate Commission; appointed to serve a remainder of a term of three years from October 1, 2005

Contract Appeals, Maryland State Board of

8. Dana Lee Dembrow
1226 Canterbury Lane
Sykesville, Maryland 21784

Member of the State Board of Contract Appeals; appointed to serve a remainder of a term of five years from February 1, 2005

Deaf and Hard of Hearing, Maryland Advisory Council for the

9. Marian V. Bland
2 Lydia Court
Pikesville, Maryland 21208

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve a remainder of a term of three years from October 1, 2006

Environmental Service, Maryland

10. Edward C. Adams, Jr.
1419 B Sharon Acres
Forest Hill, Maryland 21050

Member of the Maryland Environmental Service Board of Directors; appointed to serve a term of four years from July 1, 2007

11. Joseph F. Snee, Jr., Esquire
1800 Angleside Road
Fallston, Maryland 21047

Member of the Maryland Environmental Service Board of Directors; reappointed to serve a term of four years from July 1, 2007

Indian Affairs, Commission on

12. David C. Holland
P.O. Box 263
Crisfield, Maryland 21817

Member of the Commission on Indian Affairs; reappointed to serve a remainder of a term of three years from July 1, 2004 and a term of three years from July 1, 2007

Morgan State University Board of Regents

13. Donald E. Frieson
1800 Webster Street
Baltimore, Maryland 21230

Member of the Morgan State University Board of Regents; appointed to serve a term of six years from July 1, 2007

14. William R. Roberts
3814 Inverness Drive
Chevy Chase, Maryland 20815

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2007

15. General Johnnie E. Wilson, USA
2800 Eisenhower Avenue, Suite 300
Alexandria, Virginia 22314

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2007

Parole Commission, Maryland

16. Michael C. Blount

P.O. Box 18839
Baltimore, Maryland 21206

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2007

17. Joseph R. Bolesta, Sr.
724 Glen Drive
Westminster, Maryland 21157

Member of the Maryland Parole Commission; appointed to serve a remainder of a term of six years from January 1, 2006

18. The Honorable Nancy L. Murphy
6 Ben Woods Court
Baltimore, Maryland 21228

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2007

Racing Commission, Maryland

19. John B. Franzone
8606 Marburgh Manor Drive
Lutherville-Timonium, Maryland 21093

Member of the Maryland Racing Commission; reappointed to serve a term of four years from July 1, 2006

Stadium Authority, Maryland

20. Otis Rolley, III
6700 Cross County Boulevard
Baltimore, Maryland 21215

Member of the Maryland Stadium Authority; appointed to serve a remainder of a term of four years from July 1, 2004

University System of Maryland Board of Regents

21. Clifford M. Kendall
2 Tobin Court
Potomac, Maryland 20854

Member of the Board of Regents of the University System of Maryland; reappointed to serve a term of five years from July 1, 2006

22. The Honorable C. Thomas McMillen
3900 Jumpers Hill Lane
Ellicott City, Maryland 21042

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2005

23. James L. Shea, Esquire
10909 Baronet Road
Owings Mills, Maryland 21117

Member of the University System of Maryland Board of Regents; appointed to serve a remainder of a term of five years from July 1, 2006

Veterinary Medical Examiners, State Board of

24. Bernadette Morrissey Wood
201 Wood Lane
Centreville, Maryland 21617

Member of the State Board of Veterinary Medical Examiners; appointed to serve a remainder of a term of five years from June 1, 2006

**Statewide Nominees*
Nominees Need Not Appear**

Architectural Review, State Board of

- S-1. James E. Louviere
9911 Markham Street
Silver Spring, MD 20901

Member of the State Board of Architectural Review; reappointed to serve a term of 4 years from July 1, 2006

Environmental Service, Maryland

- S-2. Leslie Jackson Jenkins, Esquire
16040 Almond Sunset Lane
Brandywine, Maryland 20613

Member of the Maryland Environmental Service Board of Directors; reappointed to serve a term of four years from July 1, 2006

Health and Mental Hygiene, Board of Review of the Department of

S-3. Joy C. Naden
20 Cross Keys Road
Baltimore, Maryland 21210

Member of the Department of Health and Mental Hygiene Board of Review; reappointed to serve a term of three years from July 1, 2006

Morgan State University Board of Regents

S-4. The Honorable Elijah E. Cummings

Member of the Morgan State University Board of Regents; appointed to serve a remainder of a term of six years from July 1, 2005

Parole Commission, Maryland

S-5. The Honorable Perry Sfikas
623 Umbra Street
Baltimore, Maryland 21224

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2006

University System of Maryland Board of Regents

S-6. Orlan M. Johnson, Esquire
14216 Dunwood Valley Drive
Mitchellville, Maryland 20721

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2007

S-7. Richard E. Scott, Jr.
P.O. Box 114
Chesapeake Beach, Maryland 20732

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2007

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: “Will the Senate advise and consent to the above nominations of the Executive?”

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 421)

QUORUM CALL

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

(See Roll Call No. 422)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 194 – Senators Kelley, Astle, Garagiola, Klausmeier, and Middleton

AN ACT concerning

Consumer Protection – Personal Information Protection Act

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

Affirmative – 44 Negative – 0 (See Roll Call No. 423)

The Bill was then sent to the House of Delegates.

Senate Bill 261 – Senators Garagiola, Brinkley, Colburn, Conway, Forehand, Hogan, Hooper, Jacobs, Jones, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Pugh, and Raskin

AN ACT concerning

~~Biodiesel Renewable Fuel Act~~ Task Force on Renewable Alternative Fuels

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

Affirmative – 44 Negative – 0 (See Roll Call No. 424)

The Bill was then sent to the House of Delegates.

Senate Bill 318 – Senators Exum, Britt, Conway, Currie, Della, Garagiola, Gladden, Jones, Kelley, Klausmeier, McFadden, Middleton, Muse, and Pugh

AN ACT concerning

**Maryland Small Business Development Financing Authority – Financing
Limitations**

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

Affirmative – 44 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the House of Delegates.

Senate Bill 382 – Senators Raskin, Forehand, Haines, Jacobs, and Muse

AN ACT concerning

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

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

Affirmative – 44 Negative – 0 (See Roll Call No. 426)

The Bill was then sent to the House of Delegates.

Senate Bill 431 – Senator Kelley

AN ACT concerning

Children – Out-of-Home Placement Care Review Boards – Case Reviews

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

Affirmative – 44 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

Senate Bill 434 – Senator Frosh

AN ACT concerning

Estates and Trusts – Disclaimers

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

Affirmative – 44 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 435 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

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

Affirmative – 44 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the House of Delegates.

Senate Bill 461 – Senators Pugh, Britt, Brochin, Jones, Kelley, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, and Robey

AN ACT concerning

Labor and Employment – Maryland Workforce Investment Act – Transit Service for Low-Income Individuals

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

Affirmative – 44 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the House of Delegates.

Senate Bill 533 – Senators Gladden, Britt, Brochin, Frosh, Garagiola, ~~and Jacobs~~ Jacobs, and Forehand

AN ACT concerning

Divorce and Annulment – Removal of ~~Religious~~ Barriers to Remarriage

Read the third time and failed for want of a constitutional majority:

Affirmative – 22 Negative – 22 (See Roll Call No. 431)

Senate Bill 824 – Senator Middleton

AN ACT concerning

Senior Prescription Drug Assistance Program – Modifications and Sunset Extension

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

Affirmative – 43 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 6 – Senators Exum, Britt, Conway, Frosh, Gladden, Jones, Madaleno, McFadden, Muse, and Pugh

A Senate Joint Resolution concerning

Slavery in Maryland

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

Affirmative – 44 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 434)

ADJOURNMENT

At 1:11 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 19, 2007.

Annapolis, Maryland
Monday, March 19, 2007
8:00 P.M. Session

The Senate met at 8:08 P.M.

Prayer by Pastor Tom Williamsen, Gloria Dei! Lutheran Church, guest of Senator Astle.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 16, 2007 was read and approved.

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

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 436)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #15

House Bill 30 – Delegates Oaks, Donoghue, ~~and Rosenberg~~ Rosenberg, Hammen, Beitzel, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Pena-Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

Oral Health Safety Net Program

FOR the purpose of establishing the Oral Health Safety Net Program in the Office of Oral Health in the Department of Health and Mental Hygiene; providing for the purpose of the Program; requiring the Office to solicit certain proposals; ~~and requiring the Office to award certain grants and oversee the operation of the Program~~, subject to the limitations of the State budget; ~~requiring the Office to oversee the operation of the Program~~; requiring the Office to conduct a certain

annual evaluation of the Program; requiring the Office to contract with a certain individual, subject to the limitations of the State budget; requiring the Office to provide certain education courses, subject to the limitations of the State budget; requiring the Office to submit a certain report to the Governor and to the General Assembly on or before a certain date each year; declaring the intent of the General Assembly; requiring the Department to conduct a certain survey; requiring the Secretary of Health and Mental Hygiene to submit a certain report to the General Assembly on a certain date; defining a certain term; providing for the termination of this Act; and generally relating to oral health for underserved populations in the State.

BY adding to

Article – Health – General

Section 13–2501 through 13–2506, ~~inclusive~~, to be under the new subtitle
“Subtitle 25. Oral Health Safety Net Program”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of requiring the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Governor’s Office for Children to adopt certain regulations to require certain staff members of certain residential child care programs to meet certain qualifications; requiring the Department of Juvenile Services, the Department of Human Resources, and the Governor’s Office for Children to develop, coordinate, and implement a certain system of outcomes evaluation; specifying the uses of the system for outcomes evaluation; ~~requiring the system for outcomes evaluation to use certain measures for a certain purpose; requiring the Governor’s Office for Children, the Department of Juvenile Services, and the Department of Human Resources to consult with the University of Maryland, Baltimore, in planning and implementing the system for outcomes evaluation;~~ establishing certain requirements for the system for outcomes evaluation; providing that the Department of Juvenile Services and the Department of Human Resources may not disclose personal identifiers and must ensure confidentiality of certain information when reporting certain information and data; requiring the Governor’s Office for Children, in coordination with the Department of Juvenile Services and

the Department of Human Resources, to submit a certain report to the Governor and the General Assembly on or before a certain date; requiring the Governor's Office for Children, the Department of Juvenile Services, the Department of Human Resources, and the Department of Health and Mental Hygiene, in cooperation with representatives of certain programs and certain groups, to develop certain regulations and certain recommendations; requiring the Governor's Office for Children to report to the General Assembly on certain recommendations on or before a certain date; defining certain terms; and generally relating to residential child care programs.

BY repealing and reenacting, without amendments,

Article – Human Services

Section 8–101(a), (b), (c), (k), and (m)

Annotated Code of Maryland

(As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

BY adding to

Article – Human Services

Section 8–1001 through 8–1003, to be under the new subtitle “Subtitle 10. Residential Child Care Programs – Standards for Staff and System for Outcomes Evaluation”

Annotated Code of Maryland

(As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 65 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

FOR the purpose of ~~adding~~ repealing in Dorchester County ~~a certain type of certain~~ limitations on the types of certain alcoholic beverages ~~license to the types of~~ licenses that entitle premises to be issued additional Class A beer licenses; authorizing the Board of License Commissioners of Dorchester County to limit the number of additional Class A beer licenses that it issues; and generally relating to alcoholic beverages licenses in Dorchester County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9–102(b–6)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 297 – Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages Licensees – Age of Employees

FOR the purpose of prohibiting an alcoholic beverages licensee in Harford County from employing a person under a certain age to act as a bartender or to serve alcoholic beverages at a permanent full-service bar; providing a certain exception to the prohibition; authorizing a licensee to employ a person of a certain age to serve alcoholic beverages while acting as a waiter or waitress; authorizing a licensee to employ a person of a certain age to act as a bartender's assistant who may perform certain tasks; making certain stylistic changes; and generally relating to alcoholic beverages licensees in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12-213(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 372 – Delegates Beitzel and Hammen

AN ACT concerning

Medical Malpractice Liability Insurance – Garrett County Memorial Hospital – Subsidy for Family Practitioners Who Also Perform Obstetrical Services

FOR the purpose of requiring a certain subsidy for certain calendar years for medical professional liability insurance policies issued to family practitioners who have staff privileges at Garrett County Memorial Hospital and who also provide obstetrical services at the Hospital; requiring certain amounts to remain in the Rate Stabilization Account to pay for certain subsidies; requiring medical professional liability insurers to include, if applicable, a certain subsidy in the information required to be submitted to the Maryland Insurance Commissioner to receive money from the Rate Stabilization Account; providing a certain exception to the requirement that a certain disbursement from the Rate Stabilization Account be

reduced by a certain amount and the prohibition on a disbursement from the Account to a certain entity under certain circumstances; providing for the termination of this Act; and generally relating to a subsidy for medical professional liability insurance policies issued to family practitioners in Garrett County who also provide obstetrical services in Garrett County.

BY repealing and reenacting, without amendments,

Article – Insurance

Section 19–801(a) and (b), 19–802(a), (b), and (g), and 19–803

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–804 and 19–805

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

House Bill 382 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Licenses – Penalty for Late Renewal

FOR the purpose of establishing in Charles County a certain date that an application for the renewal of an alcoholic beverages license is due; establishing a certain daily penalty for filing an application after a certain date; specifying the maximum amount that a person may be penalized under this Act; establishing a deadline for submitting a renewal application; and generally relating to alcoholic beverages licenses in Charles County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 10–301(i)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 386 – Delegate Love

AN ACT concerning

Professional Corporations – Physical Therapists

FOR the purpose of including as a professional service that may be rendered through a professional corporation the services of a physical therapist; altering a certain definition; and generally relating to professional corporations.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 5–101(a) and (f)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–101(g)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

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

AN ACT concerning

State Board of Nursing – Advanced Nurse Practitioners – Membership and Qualifications

FOR the purpose of requiring that the State Board of Nursing consist of a certain number of members certified in an advanced practice nursing specialty; requiring the Governor to appoint certain members from a list of nominees submitted by certain organizations; requiring that a certain number of nominees be on a certain list of nominations; requiring that certain organizations nominate certain nurses with a certain certification from a certain list of specialties for each vacancy for each term and that certain organizations rotate the specialty of nominations among certain specialties; requiring that certain members meet certain educational and professional requirements; and generally relating to the State Board of Nursing and membership.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–202

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

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 487 – Delegate Morhaim

AN ACT concerning

Nonprofit Health Service Plans – Boards of Directors – Term Limits and Compensation

FOR the purpose of altering the number of terms and the total number of years that may be served by a member of the board of directors of a nonprofit health service plan; altering the amount and type of compensation that may be received by a board member; ~~requiring the Maryland Insurance Commissioner to make a certain review in a certain manner about the amount of compensation to be paid to board members; requiring the Commissioner to submit a certain report to certain committees of the General Assembly on or before a certain date each year;~~ altering the requirement that a certain corporation report certain information to the Maryland Insurance Commissioner; requiring a certain compensation committee to develop certain guidelines for certain compensation for board members; requiring the board of a nonprofit health service plan to provide a copy of certain guidelines to each member of the board; requiring the board of a nonprofit health service plan to adhere to certain guidelines in compensating the board members of the nonprofit health service plan; requiring the Commissioner to review certain compensation paid to board members; and generally relating to the boards of directors of nonprofit health service plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–115(e)(6) and (g) and 14–139(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

House Bill 510 – Prince George’s County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority
PG 430-07

FOR the purpose of establishing the Prince George's County Hospital Authority; providing for the mission of the Authority; providing that the Authority is an instrumentality of the State and a public corporation; providing that the exercise by the Authority of certain powers is the performance of an essential public function; authorizing the Authority to take certain actions to fulfill its mission; providing for the powers and duties of the Authority; providing that the Authority be governed by a Board of Directors; providing for the membership of the Board; specifying the terms of the initial members of the Board; providing that a certain agreement may be made contingent on the receipt of certain commitments; requiring the Authority to develop a certain plan; requiring the Authority to submit certain information to the State Treasurer, the Secretary of Health and Mental Hygiene, and certain legislative committees within a certain time period; authorizing the Authority to issue revenue bonds for a certain purpose; establishing the rights and duties associated with revenue bonding authority; requiring Prince George's County, beginning on a certain date, to levy a certain tax in a certain amount on behalf of the Authority; establishing certain requirements for the tax; exempting the tax from certain provisions of law and of the Prince George's County Charter; requiring the Authority to be subject to the State Open Meetings Law; authorizing the transfer of certain funds in certain fiscal years from the Health Care Coverage Fund to the Department of Health and Mental Hygiene to be used for a certain purpose; defining certain terms; requiring the Department of Health and Mental Hygiene and the Department of Business and Economic Development to provide certain staffing and receive certain reimbursement; making certain provisions of this Act contingent on the taking effect of another Act; making this Act an emergency measure; and generally relating to the establishment of the Prince George's County Hospital Authority.

BY adding to

Article – Health – General

Section 24-1501 through ~~24-1509~~ 24-1510 to be under the new subtitle “Subtitle 15. Prince George's County Hospital Authority”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 572 – Delegates Elliott, Benson, Donoghue, Goldwater, Hammen, Hubbard, Krebs, Kullen, Mizeur, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Riley, Shewell, Stull, Tarrant, and Weldon

AN ACT concerning

Health Insurance – ~~Expansion of Coverage~~ Personal Responsibility – Study

~~FOR the purpose of establishing a Health Insurance Premium Subsidy Program in the Department of Health and Mental Hygiene; establishing the purposes, eligibility requirements, and subsidy qualifications of the Program; specifying the responsibilities of the Department under the Program; establishing a Health Insurance Premium Subsidy Fund; establishing the sources and uses of funds in the Health Insurance Premium Subsidy 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; imposing a surcharge on the income tax of certain individuals with income above a certain level; providing that the surcharge does not apply if certain individuals had certain health care coverage or did not reside in the State; providing for certain exceptions; requiring the revenues from the surcharge to be distributed to the Health Insurance Premium Subsidy Fund; requiring an employer to base withholding for certain employees on a certain number of exemptions under certain circumstances; requiring the Secretary of Health and Mental Hygiene, on or before a certain date, to develop and implement an Internet portal to provide coordinated access to health and human services programs and benefits; requiring the Internet portal to include certain elements; requiring the Secretary, on or before a certain date, to make a certain report; requiring the Comptroller to widely publicize the requirements of this Act for a certain purpose; defining certain terms; providing for the application of certain provisions of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to expansion of health insurance coverage through a Health Insurance Premium Subsidy Program, an income tax surcharge, and an Internet portal.~~

FOR the purpose of requiring the Maryland Health Care Commission, in consultation with certain other State agencies, to study the issue of personal responsibility for obtaining health care coverage; requiring the study to include certain elements; requiring the Commission to report the results of its study, together with any recommendations, to certain legislative committees; and generally relating to a study of personal responsibility for obtaining health care coverage.

~~BY adding to~~

~~Article Health General~~

~~Section 15-701 through 15-705 to be under the new subtitle “Subtitle 7. Health Insurance Premium Subsidy Program”; and Section 15-801 to be under the new subtitle “Subtitle 8. Internet Portal for Coordinated Access to Health and Human Services Programs and Benefits”~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article Insurance
Section 15-1301(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)~~

~~BY adding to
Article Tax General
Section 10-106.2
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)~~

~~BY repealing and reenacting, with amendments,
Article Tax General
Section 10-910(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)~~

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

House Bill 605 – Delegates Kullen, Benson, Bromwell, Goldwater, Hammen, Hubbard, Lafferty, Mizeur, Montgomery, Pena-Melnyk, ~~and Waldstreicher~~ Waldstreicher, Beitzel, Costa, Donoghue, Elliott, Kach, Kipke, McDonough, Morhaim, Nathan-Pulliam, Oaks, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

Statewide Empowerment Zones for Seniors Commission

FOR the purpose of establishing the Statewide Empowerment Zones for Seniors Commission; providing for the membership of the Commission; authorizing the Commission to consult with certain individuals and entities; authorizing the Secretary of Aging to perform certain duties; requiring the Commission to make certain recommendations; providing for the requirements for a qualifying comprehensive empowerment zone for seniors plan; requiring the Department of Aging to staff the Commission; requiring the Commission to submit certain reports to the Governor and General Assembly on or before certain dates; providing that a member of the Commission may receive a certain reimbursement; ~~providing for a certain annual appropriation to the Commission;~~ providing for the termination of this Act; and generally relating to the Statewide Empowerment Zones for Seniors Commission.

BY adding to
Article – Human Services

Section 10-801 through ~~10-807~~ 10-806 to be under the new subtitle “Subtitle 8. Statewide Empowerment Zones for Seniors Commission”
Annotated Code of Maryland
(As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

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

House Bill 682 – Delegate Morhaim

AN ACT concerning

Health Care Decisions Act – Emergency Medical Services “Do Not Resuscitate Orders” – Health Care Providers

FOR the purpose of authorizing certain health care providers to comply with an emergency medical services “do not resuscitate order” under certain circumstances; requiring certain health care providers to comply with an emergency medical services “do not resuscitate order” under certain circumstances; and generally relating to emergency medical services “do not resuscitate orders”.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5-608(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

House Bill 745 – Delegates Stein, Cardin, Cane, Mizeur, ~~and Morhaim~~ Morhaim, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Tarrant, V. Turner, and Weldon

AN ACT concerning

State-Owned Heavy Equipment and Heating Equipment – Biodiesel Fuel Requirement

FOR the purpose of requiring the State to ensure that at least a certain percentage of certain heating equipment in State buildings and heavy equipment owned by the State in certain fiscal years use a blend of fuel containing at least a certain percentage of biodiesel fuel; exempting certain heating equipment and heavy equipment; and generally relating to the use of biodiesel fuel in heating equipment in State buildings and heavy equipment owned by the State.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–408
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 754 – Delegates Hammen, Ali, Anderson, ~~Aumann~~, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Branch, Braveboy, Bronrott, Cane, Cardin, Carter, G. Clagett, V. Clagett, Conway, Davis, Donoghue, Doory, Dumais, ~~Elliott~~, Elmore, Feldman, Frush, Gaines, Gilchrist, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Huckler, Ivey, Jones, Kaiser, N. King, Kirk, Kramer, Krysiak, Kullen, Lafferty, Lawton, Levi, Love, Manno, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Oaks, Pena–Melnik, Pendergrass, Proctor, Ramirez, Rice, Robinson, Rosenberg, Ross, Simmons, Stein, Stukes, Tarrant, Taylor, F. Turner, Vallario, Vaughn, Waldstreicher, Walker, Weir, ~~and Weldon~~ Lee, Valderrama, and V. Turner

AN ACT concerning

Children and Working Families Health Care Act of 2007

FOR the purpose of requiring the Maryland Medical Assistance Program to provide, subject to certain conditions, certain medical care and other health care services to certain parents with certain income and to certain adults with certain income; altering certain eligibility requirements for participation in the Maryland Children’s Health Program; requiring the Department of Health and Mental Hygiene to establish a certain annual family contribution; requiring the Department to adopt certain regulations; establishing a Health Care Coverage Fund; establishing the sources and uses of the Health Care Coverage 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; ~~establishing the Health Insurance Premium Subsidy Program in the Department; establishing the purposes, eligibility requirements, and funding for the Program; requiring the Department to design and develop a plan for the Program that meets certain requirements; requiring the Department, on or before a certain date, to report to certain legislative committees on the details of the plan;~~ authorizing the State Health Services Cost Review Commission to assess a certain amount in hospital rates; requiring the Commission to determine certain savings in a certain manner; requiring each hospital to remit a certain assessment to the

Health Care Coverage Fund; requiring the State Health Services Cost Review Commission to adopt certain regulations and make a certain report on or before a certain date; requiring the Commission to establish certain standards and benchmarks in conjunction with certain entities; authorizing the Board of Directors for the Maryland Health Insurance Plan Fund to transfer certain moneys to the Health Care Coverage Fund; altering the purposes of the Maryland Health Care Provider Rate Stabilization Fund; altering the allocation of certain revenue of the Maryland Health Care Provider Rate Stabilization Fund; requiring the Maryland Insurance Commissioner to allocate certain revenue to the Health Care Coverage Fund in a certain fiscal year; authorizing certain revenue remaining in the Maryland Health Care Provider Rate Stabilization Fund at the end of certain fiscal years to be transferred to the Health Care Coverage Fund; requiring any unspent amounts in the Rate Stabilization Account after a certain fiscal year to be transferred to the Health Care Coverage Fund; requiring each employer in the State with a certain number of employees to adopt and maintain a certain cafeteria plan; providing certain penalties for a violation of certain provisions of this Act; altering the distribution of tobacco tax revenues; providing for the distribution of certain tobacco tax revenues to the Health Care Coverage Fund for certain purposes; altering the tobacco tax rate imposed on cigarettes; altering the tobacco tax rate imposed on certain tobacco products other than cigarettes; requiring each group or individual health benefit plan issued or delivered in the State by certain carriers to permit a child to continue coverage under the plan under certain circumstances and for a certain period of time; authorizing an insured to elect to continue coverage under certain policies or contracts for a child dependent under certain circumstances; specifying when the continuation of coverage begins and ends; limiting the amount of any premium charged for the continuation of coverage; making certain provisions of law applicable to health maintenance organizations; authorizing certain carriers in the small group insurance market to offer a discounted rate for participation in certain wellness activities; altering the definition of "creditable coverage" for purposes of certain insurance requirements; imposing a surcharge on the income tax of certain individuals with income above a certain level; providing that the surcharge does not apply under certain circumstances; providing for certain exceptions; requiring the revenues from the surcharge to be distributed to the Health Care Coverage Fund; requiring an employer to base withholding for certain employees on a certain number of exemptions under certain circumstances; requiring the Secretary of Health and Mental Hygiene to develop a certain plan to improve the quality and cost-effectiveness of care for certain individuals and to make a certain report on the plan; requiring the Department of Budget and Management and the Department of Health and Mental Hygiene to jointly develop a certain wellness incentive pilot program; requiring the Departments to implement the plan on or before a certain date; requiring the Maryland Health Care Commission and the State Health Services Cost Review Commission to collaborate in seeking a proposal to establish a certain regional health information exchange; requiring the Department of Health and Mental Hygiene to seek approval of a certain waiver to

~~use certain federal matching funds for a certain purpose; prohibiting the Department from implementing Medicaid eligibility for certain adults, if the Department is denied the waiver; requiring the Maryland Health Care Commission, in consultation with the Maryland Insurance Administration, to conduct a study of a health insurance exchange and to report the results of the study to certain legislative committees on or before a certain date; authorizing the State Health Services Cost Review Commission to assess a certain amount in hospital rates under certain circumstances to be remitted to the Health Care Coverage Fund; requiring the Comptroller to widely publicize the requirements of this Act for a certain purpose; defining certain terms; altering certain definitions; providing for the application of certain provisions of this Act; making certain provisions of this Act contingent on the taking effect of another Act; establishing certain methods for collecting certain tobacco taxes; authorizing certain funds to be appropriated and transferred by budget amendment from the Health Care Coverage Fund in a certain fiscal year; requiring the State Health Services Cost Review Commission and the Department of Health and Mental Hygiene to develop a mechanism to calculate the amount of certain hospital uncompensated care; requiring the Board of Directors for the Maryland Health Insurance Plan to transfer certain funds by budget amendment; providing for a delayed effective date for certain provisions of this Act; providing for the termination of certain provisions of this Act; providing for the effective date of certain provisions of this Act; making certain provisions of this Act null and void, under certain circumstances; requiring the Department of Health and Mental Hygiene to forward a copy of a certain notice to the Department of Legislative Services; providing for the termination of a certain hospital rate assessment under certain circumstances; requiring the State to ensure that a certain transfer of funds and a certain hospital rate assessment are consistent with the State's Medicare waiver and federal regulations; and generally relating to the Maryland Health Care Coverage Act Children and Working Families Health Care Act of 2007.~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section 15–103(a), 15–301(b) and (c), 15–301.1, and 19–219(b)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 15–301(a) and 19–219(a)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Health – General

Section 15-701 to be under the new subtitle “Subtitle 7. Health Care Coverage Fund”; ~~15-801 through 15-804 to be under the new subtitle “Subtitle 8. Health Insurance Premium Subsidy Program”~~; 19-214(d) and 19-706(jjj)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
 Article – Insurance
 Section 14-504(a), ~~15-1201(a)~~, 19-802(a), and 19-803(a) ~~and (b)~~
 Annotated Code of Maryland
 (2006 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 14-504(e), ~~15-1205~~, ~~15-1301(f)(1)~~, 19-802(b), ~~19-803(e)~~ 19-803(b) and (c), and 19-804
 Annotated Code of Maryland
 (2006 Replacement Volume and 2006 Supplement)

BY adding to
 Article – Insurance
 Section 15-418 ~~and 15-1201(r)~~
 Annotated Code of Maryland
 (2006 Replacement Volume and 2006 Supplement)

~~BY adding to~~
~~Article – Labor and Employment~~
~~Section 12-101 through 12-103 to be under the new title “Title 12. Cafeteria Plan”~~
~~Annotated Code of Maryland~~
~~(1999 Replacement Volume and 2006 Supplement)~~

BY repealing and reenacting, without amendments,
 Article – Tax – General
 Section 2-1601 and 2-1602
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – General
 Section 2-1603, ~~10-910(b)~~, and 12-105
 Annotated Code of Maryland
 (2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – General
Section 2-1604 ~~and 10-106.2~~
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 280 of the Acts of the General Assembly of 2005
Section 7

Read the first time and referred to the Committee on Finance and the Committee on the Committee on Budget and Taxation.

House Bill 783 – Montgomery County Delegation

AN ACT concerning

**Workers' Compensation – Montgomery County Correctional Officers
MC 705-07**

FOR the purpose of providing for enhanced workers' compensation benefits for certain Montgomery County correctional officers for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for Montgomery County correctional officers ~~and deputy sheriff sergeants.~~

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9-628
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9-629
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

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

House Bill 837 – Delegates McDonough, Impallaria, and Shewell

AN ACT concerning

~~**Nursing Homes – Health Care Quality Disclosure Form – Requirements**~~
~~**Department of Health and Mental Hygiene – Regulation of Nursing Homes –**~~
Review

FOR the purpose of ~~requiring nursing homes to develop and make available to certain persons a certain Health Care Quality Disclosure Form; providing for the purpose of the form; requiring certain forms to be signed by certain persons; requiring a nursing home to create and maintain certain correspondence files; providing for the contents of certain files; requiring that certain information in certain records be deleted; requiring records in regulatory files to be unedited; providing that certain persons may view certain files at any time; requiring a nursing home to promptly comply with a request by a licensing authority to review certain files; requiring certain information to be entered into a certain database; requiring that certain information be deleted from certain information entered into a certain database; requiring a certain representative of a resident to be given a certain passcode to a certain database; defining a certain term; and generally relating to requirements for a Health Care Quality Disclosure Form in nursing homes~~ requiring the Department of Health and Mental Hygiene, in consultation with certain groups and individuals, to conduct a certain review; requiring the Department to report to certain committees of the General Assembly on or before a certain date; and generally relating to the Department of Health and Mental Hygiene and a review of the regulation of nursing homes.

~~BY renumbering~~

~~Article – Health – General
Section 19 – 1417
to be Section 19 – 1418
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

~~BY adding to~~

~~Article – Health – General
Section 19 – 1417
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

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

House Bill 847 – Delegate Bromwell

AN ACT concerning

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

FOR the purpose of providing for the regulation by the Maryland Insurance Commissioner of certain discount medical plan organizations and discount drug plan organizations; requiring the registration of certain entities as discount medical plan organizations or discount drug plan organizations; providing for the application and renewal process for registration; authorizing the Commissioner to deny a registration or refuse to renew, suspend, or revoke a registration under certain circumstances; prohibiting certain actions by a discount medical plan organization and discount drug plan organization; requiring certain disclosures to be made by discount medical plan organizations and discount drug plan organizations; requiring certain reimbursement if membership in a discount medical plan or discount drug plan is canceled under certain circumstances; requiring the Commissioner, in consultation with the Office of the Attorney General, to adopt regulations that establish standards for determining a certain fee; requiring that certain information appear on certain discount cards; authorizing the examination of discount medical plan organizations and discount drug plan organizations under certain circumstances; authorizing the Commissioner to take certain actions to enforce certain provisions of law; providing for certain penalties; providing for the payment of the examinations; requiring an insurer, nonprofit health service plan, health maintenance organization, or dental plan organization to meet certain requirements; requiring the Commissioner to adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to discount medical plan organizations and discount drug plan organizations.

BY adding to

Article – Health – General
Section 19–706(jjj)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 2–208
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance
Section 14–601 through 14–612 to be under the new subtitle “Subtitle 6. Discount Medical Plan Organizations and Discount Drug Plan Organizations”
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

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

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

AN ACT concerning

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

FOR the purpose of requiring the Alcohol and Drug Abuse Administration to conduct a certain needs assessment; ~~requiring the Administration to submit the needs assessment to the State Drug and Alcohol Abuse Council; establishing the State Drug and Alcohol Abuse Council in the Office of the Governor; providing for the membership of the Council; requiring the Governor to designate the chair of the Council; providing for the terms of the members of the Council; specifying the terms of the initial members of the Council; authorizing members of the Council to receive a certain reimbursement; providing that a majority of the voting members of the Council is a quorum; authorizing the Council to adopt certain procedures and consult with State agencies; authorizing the chair to designate certain individuals to serve on a committee or task force of the Council; requiring the Council to meet at a least four times a year; providing for the purpose and duties of the Council; requiring the Office of the Governor to designate staff for the Council;~~ and generally relating to the Alcohol and Drug Abuse Administration and ~~the State Drug and Alcohol Abuse Council~~ a needs assessment for prevention, diagnosis, and treatment of drug misuse and alcohol misuse in the State.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8–204
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY adding to~~
~~Article – Health – General~~
~~Section 8–6D–01 through 8–6D–06 to be under the new subtitle “Subtitle 6D:~~
~~State Drug and Alcohol Abuse Council”~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

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

House Bill 875 – Delegates Lawton, Ali, Barkley, Barnes, Benson, Bronrott, Elmore, Frush, Gaines, Gilchrist, Gutierrez, Holmes, Hubbard, Hucker, Ivey, Kaiser, N. King, Lee, Levi, Love, Manno, Mizeur, Montgomery, Niemann, Pena–Melnyk, Rice, Ross,

Shank, Simmons, Sossi, Stein, Stifler, Stull, Waldstreicher, and Weldon Weldon, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, J. King, Kirk, Krysiak, Mathias, McHale, Minnick, Rudolph, Taylor, Vaughn, Walkup, and Healey

AN ACT concerning

Local Government – Street Lighting Equipment

FOR the purpose of authorizing a local government to purchase certain street lighting equipment from an electric company; requiring a local government to pay fair market value for the purchase of certain street lighting equipment; providing that a local government that purchases certain street lighting equipment is responsible for the maintenance of the street lighting equipment and may contract with an outside entity for the maintenance of the street lighting equipment; requiring a person that controls the right to use space on certain poles, lampposts, or other mounting surfaces to allow a certain local government to assume the rights and obligations of an electric company under certain circumstances; prohibiting a local government from restricting or prohibiting universal access for electricity or any other service under certain circumstances; ~~providing that certain provisions of law regarding high voltage lines do not apply to the maintenance of street lighting equipment under certain circumstances~~ requiring that certain disputes between an electric company and a local government be submitted to the Public Service Commission for resolution; providing that certain requirements applicable to a person performing certain activities in proximity to a high voltage line do not apply to a local government performing maintenance on street lighting equipment owned by the local government; requiring a person who performs certain maintenance on street lighting equipment owned by a local government to comply with certain safety standards; defining a certain term; and generally relating to street lighting equipment.

BY adding to

Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 5–101 to be under the new title “Title 5. Street Lighting Equipment”
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment
Section 6–106
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section ~~6–102~~ 6–107

Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 878 – Delegates Taylor, Anderson, Benson, Burns, Conaway, Davis, Glenn, Haynes, Holmes, Howard, Kirk, Manno, Oaks, Rice, Stukes, Tarrant, and Vaughn

AN ACT concerning

Procurement – Commercial Nondiscrimination Policy – Modifications

FOR the purpose of requiring the staff of the Maryland Commission on Human Relations to review certain complaints and make certain determinations; altering the responsibilities of the Commission and Commission staff; requiring the Commission to protect certain confidential information; altering the standard for certain findings made by Commission staff; altering the procedures to obtain a contested case hearing; requiring certain parties in a contested case hearing to provide notice on all other parties; providing the Commission with the discretion to designate the venue for a contested case hearing; authorizing an administrative law judge to affirm or reject all or part of a statement of charges; altering the scope of evidence that an administrative law judge may consider in a contested case hearing; requiring all false or frivolous allegations to be knowingly false or frivolous; authorizing the Commission to adopt certain regulations; altering certain terms; defining certain terms; making technical changes; making stylistic changes; and generally relating to the Maryland Commission on Human Relations and the Commercial Nondiscrimination Policy.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 19–103, 19–106 through 19–110, 19–116, and 19–119
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 905 – Frederick County Delegation

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to award certain procurement contracts for architectural and engineering services based on an evaluation of the technical proposals and qualifications of at least a certain number of persons; requiring that the contracts be fair, competitive, and reasonable; making stylistic changes; and generally relating to contracts for architectural and engineering services awarded by the Board of County Commissioners of Frederick County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 3(1)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 3(1)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1031 – Delegate Taylor (Unemployment Insurance Oversight Committee)

AN ACT concerning

Joint Committee on Unemployment Insurance Oversight

FOR the purpose of reestablishing the Joint Committee on Unemployment Insurance Oversight; establishing the membership and staffing of the Committee; requiring the President of the Senate and the Speaker of the House of Delegates to designate the cochairs of the Committee; requiring the Committee to examine certain issues; authorizing the Committee to examine certain issues; requiring the Committee to issue a certain report by a certain date; prohibiting a member of the Committee from receiving certain compensation, but authorizing a member of the Committee to receive certain reimbursements; providing for the termination of this Act; and generally relating to the reestablishment of the Joint Committee on Unemployment Insurance Oversight.

BY adding to
Article – State Government
Section 2–10A–11
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

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

House Bill 1033 – Delegates Taylor, Gutierrez, Kaiser, N. King, Manno, Montgomery, Oaks, Rice, ~~and Vaughn~~ Vaughn, Hammen, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, McDonough, Mizeur, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Prescription Drugs and Devices – Copayment or Coinsurance

FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement for a covered prescription drug or device that exceeds the retail price of the prescription drug or device; making certain provisions of law applicable to health maintenance organizations; and generally relating to copayments and coinsurance for prescription drugs and devices.

BY adding to

Article – Health – General

Section 19–706(jjj)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Insurance

Section 15–842

Annotated Code of Maryland

(2006 Replacement Volume and 2006 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #14

House Bill 50 – The Speaker (By Request – Administration)

**Budget Bill
(Fiscal Year 2008)**

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2008, 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 Budget and Taxation.

Senator Currie moved, duly seconded, to permit two readings of **House Bill 50** on the same day in compliance with the Constitution.

The motion was adopted by call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 437)

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

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

House Bill 50 – The Speaker (By Request – Administration)

Budget Bill (Fiscal Year 2008)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2007 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit H of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit I of Appendix III)

Senator Currie moved, duly seconded, that the Bill be laid over under the Rule.

The motion was adopted.

LETTERS OF REASSIGNMENT
ANNOUNCEMENT BY THE PRESIDENT

House Bill 689 – Harford County Delegation

AN ACT concerning

Maryland Emergency Management Assistance Compact

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 438)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 46 – Senators Dyson, Kittleman, and Zirkin

AN ACT concerning

Election of Circuit Court Judges – Nonpartisan Elections

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

Affirmative – 40 Negative – 6 (See Roll Call No. 439)

The Bill was then sent to the House of Delegates.

Senate Bill 224 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Property Tax Credit for Newly Constructed Dwellings

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

Affirmative – 46 Negative – 0 (See Roll Call No. 440)

The Bill was then sent to the House of Delegates.

Senate Bill 286 – Senator Kelley

AN ACT concerning

Maryland Dent–Care Program – Participants and Award Amounts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 441)

The Bill was then sent to the House of Delegates.

Senate Bill 427 – Senators Middleton and Astle

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 442)

The Bill was then sent to the House of Delegates.

Senate Bill 475 – Senators Pinsky, Britt, Conway, Currie, DeGrange, Della, Dyson, Forehand, Garagiola, Gladden, Hogan, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Raskin, and Robey

AN ACT concerning

**Task Force on the Policy and Funding Implications of Requiring Passage of the
High School Assessment for Graduation**

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

Affirmative – 43 Negative – 3 (See Roll Call No. 443)

The Bill was then sent to the House of Delegates.

Senate Bill 572 – Senator Della

AN ACT concerning

State Personnel – Collective Bargaining – Use of Employee Information

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

Affirmative – 37 Negative – 9 (See Roll Call No. 444)

The Bill was then sent to the House of Delegates.

Senate Bill 604 – Senator Forehand

AN ACT concerning

Higher Education – Senatorial Scholarships

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

Affirmative – 46 Negative – 0 (See Roll Call No. 445)

The Bill was then sent to the House of Delegates.

Senate Bill 611 – Senator Middleton

AN ACT concerning

Statewide Empowerment Zones for Seniors Commission

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

Affirmative – 46 Negative – 0 (See Roll Call No. 446)

The Bill was then sent to the House of Delegates.

Senate Bill 741 – Senators Middleton, Astle, Della, Edwards, Exum, Garagiola, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Office of Cemetery Oversight – Sunset Extension and Program Evaluation

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

Affirmative – 46 Negative – 0 (See Roll Call No. 447)

The Bill was then sent to the House of Delegates.

Senate Bill 745 – Howard County Senators

AN ACT concerning

Officer Pieter Lucas Act
~~**Ho. Co. 14-07**~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 448)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1)
OFFERED FROM THE FLOOR BY SENATOR PIPKIN.

FLOOR AMENDMENT

(Amendment ID: SB0739/443527/1)

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 739

(First Reading File Bill)

On page 2, in line 8, after “**STEPSIBLING;**” insert “**OR**”; and strike beginning with the semicolon in line 9 down through “**GRANDCHILD**” in line 14.

On page 4, in line 25, after “**STEPSIBLING;**” and insert “**OR**”; and in line 26, strike the semicolon and substitute a period.

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

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

Affirmative – 9 Negative – 37 (See Roll Call No. 449)

FLOOR AMENDMENT

(Amendment ID: SB0739/593921/1)

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 739

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, after “(A)” insert “**(1)**”; in lines 6, 7, 8, 9, 11, 12, 13, and 14, strike “**(1)**”, “**(2)**”, “**(3)**”, “**(4)**”, “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively; strike line 10 in its entirety; and after line 14, insert:

“**(2) “RELATIVE” DOES NOT INCLUDE A FOSTER CHILD OR WARD.**”.

AMENDMENT NO. 2

On page 4, in line 22, after “(A)” insert “**(1)**”; and in lines 23, 24, 25, and 26, strike “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively.

On page 5, strike line 1 in its entirety; in lines 2, 3, 4, and 5, strike “**(6)**”, “**(7)**”, “**(8)**”, and “**(9)**”, respectively, and substitute “**(V)**”, “**(VI)**”, “**(VII)**”, and “**(VIII)**”, respectively; and after line 5, insert:

“**(2) “RELATIVE” DOES NOT INCLUDE A FOSTER CHILD OR WARD.**”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

(Amendment ID: SB0739/333927/3)

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 739, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of Senator Simonaire's Amendments (SB0739/793422/2), in Amendment No. 1, strike beginning with "permitting" in line 1 down through "circumstances;" in line 3 and substitute "providing that certain provisions of law do not apply to the Maryland Higher Education Commission or the Office of Student Financial Assistance when awarding certain scholarships under certain circumstances; providing for the disposition of a certain award and requiring the Office of Student Financial Assistance to send a certain written notice to certain individuals if a member of the General Assembly awards a certain scholarship under certain circumstances;".

AMENDMENT NO. 2

On page 1 of Senator Simonaire's Amendments, in line 3 of Amendment No. 2, after "(4)" insert "IF A SENATOR AWARDS A SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE SENATOR IN VIOLATION OF PARAGRAPH (3) OF THIS SUBSECTION:

(I) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE SCHOOL YEAR;

(II) THE SENATOR MAY NOT RENEW THE SCHOLARSHIP FOR THE NEXT SCHOOL YEAR; AND

(III) THE OFFICE SHALL SEND THE SENATOR AND THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES UNDER THE REQUIREMENTS OF THIS SUBSECTION.

(5)".

AMENDMENT NO. 3

On page 5 of the bill, after line 13, insert:

(D) IF A MEMBER OF THE HOUSE OF DELEGATES AWARDS A SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF ANOTHER DELEGATE OR THE SENATOR WHO

REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE MEMBER IN VIOLATION OF SUBSECTION (C) OF THIS SECTION:

(1) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE SCHOOL YEAR;

(2) THE MEMBER MAY NOT RENEW THE SCHOLARSHIP FOR THE NEXT SCHOOL YEAR; AND

(3) THE OFFICE SHALL SEND THE MEMBER AND THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES UNDER THE REQUIREMENTS OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 2 of Senator Simonaire’s Amendments, in line 2 of Amendment No. 3, strike “(D)” and substitute “(E)”.

The preceding 4 amendments were read only.

Senator Simonaire moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2007.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 450)

ADJOURNMENT

At 8:53 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 20, 2007.

Annapolis, Maryland
Tuesday, March 20, 2007
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Pastor Glenn Parkinson, Severna Park Evangelical Presbyterian Church, guest of Senator Greenip.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 19, 2007 was read and approved.

QUORUM CALL

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

(See Roll Call No. 452)

INTRODUCTION OF RESOLUTIONS

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

Recipient	Sponsor	Resolution No.
Randallstown High School Boys Basketball Team	Senator Zirkin	464

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 453)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

House Bill 50 – The Speaker (By Request – Administration)

**Budget Bill
(Fiscal Year 2008)**

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2007 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit H of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit I of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (134) AND THE FAVORABLE REPORT.

Senator Currie moved, duly seconded, to make the Bill a Special Order for March 21, 2007.

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #14**

CONSENT CALENDAR #4

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

Senate Bill 62 – Senator Stoltzfus

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 96 – Senators Mooney and Brinkley

Frederick County – Alcoholic Beverages – Special Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 180 – Senator Stoltzfus

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 201 – Senator Stoltzfus

AN ACT concerning

Somerset County – Alcoholic Beverages – License Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 202 – Senator Stoltzfus

AN ACT concerning

Somerset County – Treasurer – Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 326 – Cecil County Senators

AN ACT concerning

Cecil County – Bridge or Road Construction or Repair Contracts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 377 – Cecil County Senators

AN ACT concerning

Cecil County – Board of Parks and Recreation – Appointment of Members

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 452 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Class D License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 453 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Issuance of Additional Class A Beer Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 457 – Senator Colburn

AN ACT concerning

Wicomico County – Board of License Commissioners – Attorney’s Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 458 – Senator Colburn

AN ACT concerning

Wicomico County – Alcoholic Beverages – Minimum Seating Capacity for Licensed Restaurants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 459 – Senators Colburn, Pipkin, and Stoltzfus

AN ACT concerning

Alcoholic Beverages – Places of Public Entertainment and Unlicensed Establishments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 507 – Senator Zirkin

AN ACT concerning

Baltimore County – Alcoholic Beverages – Wine Tasting

(Amendment ID: SB0507/904731/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 507
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 3 down through “license” in line 6 and substitute “establishing a beer, wine, and liquor tasting Class BWLT license in Baltimore County; increasing the fee for a Class BWT license in Baltimore County; establishing fees for Class BWLT licenses; authorizing a Class BWLT license holder to allow the consumption of certain alcoholic beverages for tasting and sampling; requiring a Class A license holder to apply for a Class BWT or Class BWLT license in a certain manner; requiring Class BWT and Class BWLT license holders to dispose of any unconsumed alcoholic beverages remaining in a container that was opened for tasting or sampling”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 17 through 19, inclusive, and substitute:

“(A) THIS SECTION APPLIES IN BALTIMORE COUNTY.

(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS BWT BEER AND LIGHT WINE (ON-PREMISES) TASTING LICENSE TO THE HOLDER OF A CLASS A BEER AND LIGHT WINE TASTING LICENSE.

(C) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS BWLT BEER, WINE, AND LIQUOR (ON-PREMISES) TASTING LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(D) (1) THE FEES FOR A CLASS BWT AND CLASS BWLT LICENSE ARE AS FOLLOWS:

(I) \$20 FOR A DAILY TASTING LICENSE, WHICH MAY BE ISSUED NOT MORE THAN 12 TIMES IN ANY ANNUAL LICENSE YEAR;

(II) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE, WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY; AND

(III) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE, WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY.

(2) THE FEES FOR A CLASS BWT LICENSE AND CLASS BWLT LICENSE ARE IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE.

(E) (1) THE CLASS BWT LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF LIGHT WINE OR BEER FOR TASTING.

(2) A PERSON MAY CONSUME LIGHT WINE OR BEER COVERED BY A CLASS BWT LICENSE IN A QUANTITY NOT EXCEEDING:

(I) 1 OUNCE OF LIGHT WINE FROM ALL BRANDS IN A SINGLE DAY; AND

(II) 3 OUNCES OF BEER FROM ALL BRANDS IN A SINGLE DAY.

(F) (1) THE CLASS BWLT LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING OR SAMPLING.

(2) A PERSON MAY CONSUME LIGHT WINE, BEER, OR LIQUOR COVERED BY A CLASS BWLT LICENSE IN A QUANTITY NOT EXCEEDING:

(I) 1 OUNCE OF LIGHT WINE FROM ALL BRANDS IN A SINGLE DAY;

(II) 3 OUNCES OF BEER FROM ALL BRANDS IN A SINGLE DAY;
AND

(III) ONE-HALF OUNCE OF LIQUOR FROM ALL BRANDS IN A SINGLE DAY.

(G) AT THE END OF EACH DAY FOR WHICH A CLASS BWT OR A CLASS BWLT LICENSE IS VALID, THE HOLDER OF THE LICENSE SHALL DISPOSE OF ANY UNCONSUMED ALCOHOLIC BEVERAGE REMAINING IN A CONTAINER THAT WAS OPENED FOR TASTING OR SAMPLING.

(H) (1) EACH CLASS A LICENSE HOLDER THAT SEEKS ISSUANCE OF A BWT OR BWLT LICENSE FOR WHICH THEY ARE ELIGIBLE SHALL APPLY FOR THE TYPE OF TASTING LICENSE AUTHORIZED BY THIS SECTION ON FORMS PROVIDED BY THE BOARD OF LICENSE COMMISSIONERS.

(2) THE FORMS PROVIDED BY THE BOARD OF LICENSE COMMISSIONERS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SPECIFY THE DATE OR DATES ON WHICH THE TASTING IS REQUESTED TO OCCUR.

(3) THE APPLICATION AND PAYMENT FOR THE DAILY LICENSE SHALL BE SUBMITTED AT LEAST 7 DAYS IN ADVANCE OF THE TASTING EVENT OR 7 DAYS IN ADVANCE OF THE FIRST DAY OF CONSECUTIVE DAY TASTING EVENTS.

(4) THE APPLICATION AND PAYMENT FOR THE 26-DAY TASTING LICENSE AND THE 52-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS IN ADVANCE OF THE FIRST PROPOSED TASTING EVENT.

(5) THE HOLDER OF A 26-DAY TASTING LICENSE AND A 52-DAY TASTING LICENSE SHALL NOTIFY THE BOARD OF LICENSE COMMISSIONERS, ON FORMS APPROVED BY THE BOARD, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.

(I) THE PROVISIONS OF THIS SECTION ARE NOT RESTRICTED BY:

(1) § 12-107(B) OF THIS ARTICLE; AND

(2) THE PROVISIONS IN § 9-102 OF THIS ARTICLE WHICH PROHIBIT THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES.

(J) THE HOLDER OF A CLASS BWT OR CLASS BWLT LICENSE MAY EXERCISE THE PRIVILEGES OF THIS SECTION DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE HOLDER’S RESPECTIVE CLASS A LICENSE.”.

On page 2, strike in their entirety lines 1 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 571 – Senator Della

AN ACT concerning

Baltimore City – 46th Alcoholic Beverages District – Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 681 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Caterer's License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 683 – Cecil County Senators

AN ACT concerning

**Cecil County – Alcoholic Beverages – Board of License Commissioners –
Summonses and Subpoenas**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 684 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – New Year’s Sales

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 713 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Special Class C Licensees – Distribution of Wristbands

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 736 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Sunday Sales for Class B and Class BLX Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 814 – Senator Colburn

AN ACT concerning

Wicomico County – Liquor Control Board – Salaries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 844 – Carroll County Senators

AN ACT concerning

Carroll County – Regulation of Pawnbrokers and Secondhand Precious Metal Object Dealers

(Amendment ID: SB0844/984631/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 844
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Precious” in line 2 down through “Object” in line 3; strike beginning with “precious” in line 5 down through “object” in line 6; and in line 8, strike “precious metal object”.

AMENDMENT NO. 2

On page 1, in line 18, after “(A)” insert “IN THIS SECTION, “SECONDHAND DEALER” DOES NOT INCLUDE SECONDHAND PRECIOUS METAL OBJECT DEALERS REGULATED UNDER TITLE 12 OF THE BUSINESS REGULATION ARTICLE.”

(B)”;

and in line 19, strike “PRECIOUS METAL OBJECT”.

On page 2, in line 1, strike “(B)” and substitute “(C)”; in the same line, strike “(A)” and substitute “(B)”; and strike beginning with “PRECIOUS” in line 10 down through “OBJECT” in line 11.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 958 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Tables and Chairs at Wineries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 959 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County Board of Elections – Salary Increase

(Amendment ID: SB0959/644132/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 959

(First Reading File Bill)

On page 2, in line 1, strike “\$5,000” and substitute “\$5,500”; in line 2, strike “\$4,500” and substitute “\$5,000”; in line 13, strike “\$3,600” and substitute “\$4,500”; and in line 31, strike “October” and substitute “June”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 960 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Procurement Contracts – Architectural and Engineering Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 979 – Senator Brinkley

AN ACT concerning

Frederick County Commissioners – Zoning and Planning – Public Ethics

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 998 – Senator Stone (By Request – Baltimore County Administration) and Senators Brochin, Kasemeyer, Kelley, and Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple License Holdings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 845 – Carroll County Senators

EMERGENCY BILL

AN ACT concerning

Carroll County – Alcoholic Beverages – Quota for Class A Licenses

(Amendment ID: SB0845/974030/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 845
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the first “a” insert “new”; and in the same line, strike “on or after a certain date”.

AMENDMENT NO. 2

On page 2, in line 22, after the first “A” insert “NEW”; and in line 23, strike “ON OR AFTER JULY 1, 2007,”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0845/433220/1)

BY: Senator Haines

AMENDMENTS TO SENATE BILL 845
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “circumstances;” insert “specifying a certain exception;”.

AMENDMENT NO. 2

On page 2, in line 22, strike the first “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, A”.

On page 3, after line 3, insert:

“(5) A WINERY THAT APPLIES FOR A CLASS A LIGHT WINE LICENSE UNDER § 4-201 OF THIS ARTICLE IS EXEMPT FROM THE QUOTA LIMITATIONS ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION.”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #15**

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

Senate Bill 9 – Senator Garagiola

AN ACT concerning

Education – Student Surveys – Youth Risk Behavior Surveillance System Survey

(Amendment ID: SB0009/214631/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 9
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Education” and substitute “State Department of Education and Department of Health and Mental Hygiene”; in lines 2 and 3, strike “Youth Risk Behavior Surveillance System Survey” and substitute “Workgroup”; strike beginning with “requiring” in line 4 down through “terms;” in line 14 and substitute “requiring the Department of Education and the Department of Health and Mental Hygiene jointly to establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years;”; strike beginning with “requiring” in line 14 down through “year” in line 15 and substitute “providing for the termination of this Act”; strike beginning with “the” in line 15 down through “survey” in line 17 and substitute “the establishment of a Workgroup relating to student surveys”; in line 18, strike “with” and substitute “without”; and in line 23, strike “repealing and reenacting, with amendments,” and substitute “adding to”.

AMENDMENT NO. 2

On page 2, in line 1, strike “Health – General” and substitute “Education”; in line 2, strike “13–1001(l) and (w) and 13–1003(d)” and substitute “7–420.1”; in line 4, strike “2005” and substitute “2006”; in the same line, strike “and 2006 Supplement”; strike in their entirety lines 5 through 9, inclusive; strike beginning with “provides” in line 17 down through “areas” in line 18 and substitute “has established and maintains, in collaboration with the states, systems for the collection of data regarding the use of tobacco, alcohol, and other drugs by youth, including the Youth Tobacco Survey and the Youth Risk Behavior Survey”; strike beginning with “the” in line 19 down through “survey” in line 20 and substitute “these surveys”; strike in their entirety lines 23 through 25, inclusive; and strike beginning with “The” in line 28 down through “drugs” in line 31 and substitute “It is desirable to minimize the administrative impact of these surveys on both students and schools as well as improve the quality and validity of the data collected”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 2 through 24, inclusive, and substitute:

“7–420.

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

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

in line 25, strike the brackets; in the same line, strike “(D)”; in line 26, in each instance, strike the bracket; and in the same line, strike “NOTIFY PARENTS”.

On page 4, in line 1, in each instance, strike the bracket; strike beginning with “NOTIFICATION” in line 1 down through “SUBSECTION” in line 2; strike beginning with the colon in line 2 down through “(II)” in line 5; in line 5, strike the brackets; and in the same line, strike “A”.

On pages 4 and 5, strike in their entirety the lines beginning with line 9 on page 4 through line 17 on page 5, inclusive, and substitute:

“7-420.1.

(A) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH A WORKGROUP TO EVALUATE AND REDUCE:

(1) THE IMPACT ON SCHOOLS OF ADMINISTERING VARIOUS HEALTH-RELATED SURVEYS TO STUDENTS; AND

(2) THE IMPACT ON STUDENTS OF TAKING VARIOUS HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT.

(B) THE WORKGROUP SHALL BE COMPOSED OF THE FOLLOWING:

(1) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT;

(2) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(3) REPRESENTATIVES FROM LOCAL SCHOOL DISTRICTS OF VARYING SIZES;

(4) REPRESENTATIVES FROM LOCAL HEALTH DEPARTMENTS OF VARYING SIZES;

(5) AT LEAST ONE REPRESENTATIVE WHO IS A PARENT WITH A CHILD IN A PUBLIC SCHOOL;

(6) ONE EPIDEMIOLOGIST WHO HAS KNOWLEDGE OF AND EXPERIENCE WITH STATISTICAL ANALYSIS; AND

(7) REPRESENTATIVES WHO HAVE KNOWLEDGE OF AND EXPERIENCE WITH THE MARYLAND ADOLESCENT SURVEY, THE MARYLAND YOUTH TOBACCO SURVEY, THE YOUTH RISK BEHAVIOR SURVEY, OR ANY OTHER HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN A PUBLIC SCHOOL FROM:

(i) THE DEPARTMENT; AND

(ii) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(C) THE WORKGROUP SHALL MEET AS A WHOLE AT LEAST FOUR TIMES EACH YEAR.

(D) THE PURPOSES OF THE WORKGROUP ARE TO:

(1) MINIMIZE THE IMPACT ON SCHOOLS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS DURING SCHOOL HOURS;

(2) MINIMIZE THE IMPACT ON STUDENTS OF TAKING HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT; AND

(3) COLLECT VALID AND OBJECTIVE DATA FROM HEALTH-RELATED SURVEYS OF STUDENTS THAT MEET THE LEGAL DATA COLLECTION RESPONSIBILITIES

OF THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO THE FEDERAL GOVERNMENT.

(E) THE WORKGROUP SHALL STUDY AND EVALUATE:

(1) THE FEASIBILITY AND DESIRABILITY OF DEVELOPING AND ADMINISTERING A SINGLE SURVEY INSTRUMENT;

(2) THE COORDINATED ADMINISTRATION OF SEVERAL SURVEYS DURING A SINGLE SESSION;

(3) THE COORDINATED ADMINISTRATION OF SURVEYS USING CORE SURVEY MODULES SUPPLEMENTED BY ADDITIONAL SURVEY MODULES;

(4) ALTERNATING THE ADMINISTRATION OF SURVEYS OVER MULTIPLE SCHOOL YEARS;

(5) METHODS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS USED BY OTHER STATES, WITH EMPHASIS ON STATES THAT CONDUCT COUNTY-SPECIFIC SURVEYS; AND

(6) USING A COMBINATION OF SURVEY ADMINISTRATION METHODS, INCLUDING ADMINISTERING COUNTY-SPECIFIC SURVEYS WITH STATEWIDE SURVEYS.

(F) THE WORKGROUP MAY CONSULT WITH THE FOLLOWING ENTITIES, GROUPS, OR INDIVIDUALS:

(1) THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION OR ANY OTHER UNIT OF FEDERAL GOVERNMENT THAT ISSUES GUIDELINES OR RECOMMENDATIONS REGARDING ANY HEALTH-RELATED SURVEY ADMINISTERED TO YOUTH;

(2) COUNTY HEALTH OFFICERS OR HEALTH EDUCATORS TO ASSESS:

(i) THE UTILITY OF SURVEY DATA; AND

(ii) WHETHER CHANGES TO SURVEY METHODOLOGY ARE NEEDED TO IMPROVE THE DATA COLLECTED; AND

(3) PARENTS, TEACHERS, AND PRINCIPALS TO:

(i) DETERMINE THE IMPACT OF ADMINISTERING SURVEYS;

AND

(II) SOLICIT IDEAS FOR REDUCING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS.

(G) (1) ON OR BEFORE SEPTEMBER 1, 2008, THE WORKGROUP SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE ON ITS FINDINGS AND RECOMMENDATIONS.

(2) THE REPORT SHALL INCLUDE:

(I) A DESCRIPTION OF EACH HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN SCHOOLS BY THE DEPARTMENT OR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, INCLUDING:

1. THE NAME OF THE SPONSORING AGENCY;
2. ANY APPLICABLE FEDERAL OR STATE MANDATES THAT IMPACT THE METHODS OF ADMINISTERING THE SURVEY;
3. THE SURVEY METHODOLOGY;
4. A SAMPLE SURVEY QUESTIONNAIRE;
5. THE SAMPLE SIZE AND FREQUENCY OF THE SURVEY ADMINISTRATION;
6. FUNDING SOURCES AND SURVEY COSTS; AND
7. A COPY OF THE EXECUTIVE SUMMARY OF THE LATEST REPORT DEVELOPED FROM EACH SURVEY;

(II) AN EXPLANATION OF:

1. THE UTILITY OF THE DATA COLLECTED BY THE SURVEY; AND
2. HOW THE DATA WILL BE USED TO STUDY OR IMPROVE STATE AND LOCAL HEALTH EDUCATION OR SAFETY FOR YOUTH OF THE STATE;

(III) AN EXPLANATION OF METHODS OF SURVEY ADMINISTRATION USED IN OTHER STATES THAT ADMINISTER COUNTY-LEVEL HEALTH-RELATED SURVEYS TO STUDENTS;

(IV) A SUMMARY OF ANY CONCERNS EXPRESSED BY LOCAL SCHOOL DISTRICTS, PRINCIPALS, TEACHERS, OR PARENTS REGARDING:

1. THE IMPACT OF ADMINISTERING OR TAKING SURVEYS; AND

2. IDEAS FOR ALTERNATIVE WAYS OF MINIMIZING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS;

(V) AN ANALYSIS OF ALTERNATIVE SURVEYS CONSIDERED, INCLUDING THE ADVANTAGES AND DISADVANTAGES OF EACH SURVEY CONSIDERED, INCLUDING:

1. THE FEASIBILITY OF USE AND IMPLEMENTATION;

2. CONSISTENCY WITH THE PURPOSES OF THE WORKGROUP; AND

3. COMPLIANCE WITH FEDERAL AND STATE LEGAL REQUIREMENTS;

(VI) AN ANALYSIS OF ANY CHANGES MADE TO THE ADMINISTRATION OF SURVEYS IN SCHOOLS AND HOW THE CHANGES HELPED TO REDUCE THE IMPACT ON SCHOOLS AND STUDENTS; AND

(VII) ANY OTHER RECOMMENDATIONS OF THE WORKGROUP, INCLUDING LEGAL, REGULATORY, OR POLICY CHANGES.”.

AMENDMENT NO. 4

On page 5, in line 18, strike “3.” and substitute “2.”; in line 19, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read only.

Senator Garagiola moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 476 – Senator Zirkin

AN ACT concerning

Juveniles – Group Home Education Program

(Amendment ID: SB0476/994135/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Task Force to Study Group Home Education and Placement Practices”;

strike beginning with “requiring” in line 3 down through “Program” in line 13 and substitute “establishing a Task Force to Study Group Home Education and Placement Practices; providing for the membership and staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study Group Home Education and Placement Practices”; and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On page 2, in line 2, strike “the Laws of Maryland read as follows”.

On pages 2 and 3, strike in their entirety the lines beginning with line 3 on page 2 through line 20 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, after line 20, insert:

“(a) There is a Task Force to Study Group Home Education and Placement Practices.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Human Resources, or the Secretary's designee;

(4) the Secretary of Juvenile Services, or the Secretary's designee;

(5) the Secretary of Health and Mental Hygiene, or the Secretary's designee;

(6) the Secretary of Budget and Management, or the Secretary's designee;

(7) the State Superintendent of Schools, or the Superintendent's designee;

(8) the Executive Director of the Governor's Office for Children, or the Executive Director's designee; and

(9) the following members, appointed by the Governor:

(i) two representatives of local departments of social services;

(ii) two representatives of nonprofit service providers;

(iii) one representative of the State Coordinating Council;

(iv) one representative of a local coordinating council; and

(v) two representatives of the child advocacy community.

(c) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall:

(i) examine the current status of group home education and placement practices in out-of-home placements licensed by State agencies; and

(ii) make recommendations for future requirements for the placement of children in State licensed programs.

(2) The Task Force shall consider the following while making its findings and recommendations:

(i) funding requirements for:

1. programs for children committed to the Department of Juvenile Services and the Department of Human Resources;

2. alternative programs;

3. separate programs versus commingled programs; and

4. other State agencies;

(ii) the feasibility of separate programs and facilities for children commingled in programs licensed by the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Maryland State Department of Education;

(iii) studies related to the commingling of children committed to the Department of Juvenile Services and the Department of Human Resources;

(iv) the demographics of children committed to the Department of Juvenile Services and the Department of Human Resources;

(v) the educational needs of youth served by group homes;

(vi) the fiscal impact of prohibiting commingling of children on current and future providers;

(vii) the number of negative incidents in commingled and noncommingled programs; and

(viii) the commitment history of children in commingled and noncommingled programs.

(g) The Task Force shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly:

(1) an interim report of its findings and recommendations on or before December 1, 2007; and

(2) a final report of its findings and recommendations on or before December 1, 2008.”;

in line 22, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read only.

Senator Hogan moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #16

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

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

AN ACT concerning

Education – Multiple Student Suspensions – Services and Actions Required

(Amendment ID: SB0242/304930/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 242
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Student”; in the same line, strike “– Services and Actions Required” and substitute “Services Pilot Program”; in line 3, after the first “of” insert “establishing the Multiple Suspensions Services Pilot Program; requiring the State Superintendent of Schools to select certain school systems to participate in the Pilot Program; requiring certain county boards of education to select a certain school to

participate in the Pilot Program based on certain criteria;”; in line 15, after “plans;” insert “requiring the State Department of Education to reimburse certain county boards for certain expenses; requiring the Department to submit a certain report on or before a certain date; defining a certain term; providing for the termination of this Act;”; in line 15, strike “student suspensions” and substitute “the Multiple Suspensions Services Pilot Program”; and in line 18, strike “7-305(c-1)” and substitute “7-305.1”.

AMENDMENT NO. 2

On page 2, in line 2, strike “7-305.” and substitute:

“7-305.1.

(A) IN THIS SECTION, “PILOT PROGRAM” MEANS THE MULTIPLE SUSPENSIONS SERVICES PILOT PROGRAM.

(B) (1) THERE IS A MULTIPLE SUSPENSIONS SERVICES PILOT PROGRAM.

(2) THE PURPOSE OF THE PILOT PROGRAM IS TO STUDY THE EFFECTIVENESS OF SERVICES AND ACTIONS FOR STUDENTS WHO ARE SUBJECT TO MULTIPLE SUSPENSIONS IN A SCHOOL YEAR.

(C) (1) THE STATE SUPERINTENDENT SHALL SELECT TWO PUBLIC SCHOOL SYSTEMS TO PARTICIPATE IN THE PILOT PROGRAM FOR A PERIOD OF 3 YEARS.

(2) A COUNTY BOARD SELECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SELECT, FOR PARTICIPATION IN THE PILOT PROGRAM, ONE SCHOOL THAT HAS A HIGH NUMBER OF STUDENTS WHO HAVE BEEN SUBJECT TO MULTIPLE SUSPENSIONS.”;

in line 3, strike “(C-1)” and substitute “(D)”; and in the same line, after “STUDENT” insert “WHO IS ENROLLED IN A SCHOOL THAT PARTICIPATES IN THE PILOT PROGRAM”.

AMENDMENT NO. 3

On page 3, after line 12, insert:

“(E) THE DEPARTMENT SHALL REIMBURSE A COUNTY BOARD THAT PARTICIPATES IN THE PILOT PROGRAM UNDER THIS SECTION FOR AT LEAST HALF OF THE COST OF IMPLEMENTING THE PILOT PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2009, the Maryland State Department of Education shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly regarding the effectiveness of the Multiple Suspensions Services Pilot Program.”;

in line 13, strike “2.” and substitute “3.”; in line 14, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 3 years and, at the end of June 30, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 324 – Chair, Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Board of Education – Appointment Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 525 – Senators Madaleno, Lenett, and Raskin

AN ACT concerning

Higher Education – Dual Enrollment Grant Program

(Amendment ID: SB0525/374737/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 525

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “requiring certain money carried forward from a previous fiscal year to be used for dual enrollment grants, in addition to certain other financial aid programs;”; in line 5, after “Commission” insert “, in cooperation with certain institutions of higher education;”; in line 7, strike “and” and

substitute “, be”; in the same line, after “student” insert “, and demonstrate financial need”; in the same line, after the semicolon insert “providing that, for courses completed under the program, a recipient of a dual enrollment grant is not required to receive credit from a secondary school and an institution of higher education at the same time;”; strike beginning with “administer” in line 8 down through “recipient” in line 10 and substitute “allocate funds to an institution of higher education based on the number of dually enrolled students receiving credit for certain courses”; strike beginning with “requiring” in line 14 down through “Program” in line 15 and substitute “requiring an institution of higher education that receives certain funds for dual enrollment grants to provide the Commission with a certain annual audit; requiring a certain council to provide certain recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act”; and in line 20, after “Section” insert “18-107(b) and”.

On page 2, in line 1, strike “18-14A-03” and substitute “18-14A-04”.

AMENDMENT NO. 2

On page 2, after line 7, insert:

“18-107.

(b) (1) Except as otherwise provided in this title, money appropriated under this title that is not used by the end of the fiscal year may not revert to the State Treasury.

(2) All money retained under paragraph (1) of this subsection shall be used to make awards to students during subsequent fiscal years as provided in §§ 18-301, 18-706(f), 18-1401, ~~18-14A-01~~, and 18-1501 of this title and § 13-613(d)(1) of the Transportation Article and may not be used for administrative expenses.”.

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

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

in line 5, strike “THE” and substitute “IN COOPERATION WITH INSTITUTIONS OF HIGHER EDUCATION IN THE STATE, THE”; in line 8, strike “AND”; in line 9, after “STUDENT” insert “; AND

“(3) DEMONSTRATE FINANCIAL NEED ACCORDING TO CRITERIA ESTABLISHED BY THE COMMISSION”;

after line 9, insert:

“(D) FOR COURSES COMPLETED UNDER THE PROGRAM, A RECIPIENT OF A DUAL ENROLLMENT GRANT IS NOT REQUIRED TO RECEIVE CREDIT FROM A SECONDARY SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION AT THE SAME TIME.”;

strike beginning with the colon in line 11 down through “RECIPIENT” in line 14 and substitute “ALLOCATED BY THE COMMISSION TO AN INSTITUTION OF HIGHER EDUCATION BASED ON THE NUMBER OF DUALY ENROLLED STUDENTS RECEIVING CREDIT FOR COURSES COMPLETED AT THE INSTITUTION”; and after line 23, insert:

“18-14A-04.

AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES STATE FUNDS UNDER THIS SUBTITLE SHALL PROVIDE THE COMMISSION WITH AN ANNUAL AUDIT OF THE USE OF THE FUNDS.”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 1 through 7, inclusive; after line 7, insert:

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

and in line 9, after “2007.” insert “It shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2008, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 834 – Senator Rosapepe

AN ACT concerning

Education – Educational Excellence Awards – Eligibility Determination

(Amendment ID: SB0834/544836/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 834
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Educational Excellence Awards” and substitute “Guaranteed Access Grants”; in line 5, strike “an Educational Excellence Award” and substitute “a Guaranteed Access Grant”; strike beginning with the second “an” in line 6 down through “Award” in line 7 and substitute “a Guaranteed Access Grant”; and in line 15, strike “18–307” and substitute “18–303”.

AMENDMENT NO. 2

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

“18–303.

(a) Subject to subsection [(c)] (D) of this section, each recipient of an Educational Excellence Award shall:

(1) Be accepted for admission in the regular undergraduate program at an eligible institution or be enrolled in a 2–year associate degree program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution;

(2) Be a resident of this State;

(3) Demonstrate to the Office a definite financial need; and

(4) Accept any other conditions attached to the award.

(b) Each recipient of a Guaranteed Access Grant shall:

(1) Have attained a grade point average of at least 2.5 on a 4.0 scale or its equivalent at the end of the first semester of the senior year in high school and have completed high school or, failing to do so, on the recommendation of the recipient’s high school principal, provide evidence satisfactory to the Office of extenuating circumstances;

(2) Begin college within 1 year of completing high school or, failing to do so, provide evidence satisfactory to the Office of extenuating circumstances;

(3) Be under the age of 22 years at the time of receiving the first award;

(4) Have successfully completed a college preparatory program in high school;

(5) Enroll in college as a full-time student;

(6) [Have] SUBJECT TO SUBSECTION (C) OF THIS SECTION, HAVE an annual family income below a poverty index determined by the Commission; and

(7) Satisfy any additional criteria the Commission may establish.

(C) TO DETERMINE THE ANNUAL FAMILY INCOME ELIGIBILITY OF AN APPLICANT FOR A GUARANTEED ACCESS GRANT, THE OFFICE MAY NOT CONSIDER AN AMOUNT RECEIVED BY THE APPLICANT AS AN EARNED INCOME CREDIT UNDER § 32 OF THE INTERNAL REVENUE CODE.

[(c)] (D) A student in grade 9 or grade 10 who applies and qualifies for a Guaranteed Access Grant on the basis of financial need as established by the Commission shall prequalify for a Guaranteed Access Grant to be used at the time of enrollment in an institution of higher education by agreeing in writing, as a secondary and undergraduate student, to:

(1) Satisfy the attendance policy of the applicable school;

(2) Refrain from substance abuse;

(3) Provide information required by the Commission or the State Board of Education;

(4) Complete and file on a timely basis applications for federal student aid for each year that the student plans to enroll in postsecondary education;

(5) Participate in the College Readiness Outreach Program established in § 18-303.1 of this subtitle until the student graduates from high school and matriculates at an institution of higher education; and

(6) Satisfy any other program requirements set by the Office, the Commission, the State Board of Education, or the State Department of Education.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 973 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Permissible Methods of Service

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #17**

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

Senate Bill 255 – Senator Conway

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

(Amendment ID: SB0255/544134/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 255

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “authorizing certain regulatory boards to investigate certain claims;”; in line 11, after “circumstances;” insert “altering the percentages of certain fees required to be distributed in certain fiscal years from the Board to the Office of Student Financial Assistance within the Maryland Higher Education Commission for certain uses under certain circumstances;”; strike beginning with “requiring” in line 11 down through “regulations;” in line 25; and in line 26, after “penalty” insert “in lieu of certain sanctions”.

On page 2, strike beginning with “requiring” in line 2 down through “information;” in line 8 and substitute “altering the persons with which the Board must contract for peer review services; requiring the Board to obtain a certain number of peer”

review reports for certain allegations; altering certain qualifications a peer reviewer must meet; authorizing the Board to consult with certain societies to establish a list of physicians qualified to provide peer review services; authorizing the Board to use sole source procurement under certain circumstances; prohibiting certain stays of challenges because of the selection of certain peer reviewers prior to certain filings;”; strike beginning with “requiring” in line 10 down through “rehabilitation;” in line 11 and substitute “requiring the Board to issue a request for proposals and enter into a certain contract with a nonprofit entity to provide certain rehabilitation services on or before a certain date; requiring the Board to directly provide certain rehabilitation services under certain circumstances;”; in line 13, strike “further investigation and physician peer review” and substitute “investigatory, mediation, and related services”; in line 15, after “activities;” insert “establishing separate grounds for disciplinary action for immoral conduct and unprofessional conduct;”; strike beginning with “modifying” in line 17 down through “profiles” in line 19 and substitute “repealing the requirement that certain medical malpractice settlement information be available as part of a licensee’s public individual profile; requiring the Board to provide certain notification regarding certain malpractice settlement information on the Board’s Internet site; requiring the Board to provide certain information within a certain period of time”; strike beginning with “requiring” in line 19 down through “reporting;” in line 24; in line 26, strike “entities” and substitute “individual”; in line 27, strike “contract” and substitute “contracts”; strike beginning with “requiring” in line 31 down through “circumstances;” in line 33; strike beginning with “providing” in line 35 down through “referral;” in line 37; and in line 43, after “experience;” insert “authorizing the Board to adopt certain regulations to qualify certain physicians to practice certain opioid addiction therapy; repealing certain provisions of law relating to the use of peer reviewers by a certain entity or entities and the Board;”.

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

On page 3, in line 4, after “date;” insert “requiring the Board to provide certain training to certain personnel of the Office of Administrative Hearings; requiring the Department of Health and Mental Hygiene and the Office of the Attorney General to review a certain process for investigating self-referral cases and make certain recommendations on or before a certain date; requiring the Board to submit a certain report regarding certain disagreement among certain peer reviewers on or before a certain date; requiring the Governor to include funding for certain new regular positions for the Board in the annual budget bill for a certain fiscal year;”; in line 11, after “Section” insert “1-306,”; in lines 11 and 12, strike “14-307(a) and (f), 14-309(a), 14-313,”; in line 12, after “14-402,” insert “14-404(a)(3),”; in the same line, strike “14-411(b) and (c)” and substitute “14-411(c)”; in line 13, strike “14-411.1(b)(4),” and substitute “14-411.1(b), (c), (d),”; in the same line, strike “14-413(b), 14-414(b),”; in line 19, strike “14-307.1, 14-316(g), 14-322, 14-411.2,”; in line 25, after “Section” insert “14-316(e)”; in the same line, after “14-411(a)” insert “and (b)”; in the same line, strike “14-411.1(b)(3),”; and strike in their entirety lines 28 through 32, inclusive.

On page 4, in line 4, strike “and reenacting, with amendments.”.

AMENDMENT NO. 2

On page 4, after line 9, insert:

“1-306.

(A) A health care practitioner who fails to comply with the provisions of this subtitle shall be subject to disciplinary action by the appropriate regulatory board.

(B) THE APPROPRIATE REGULATORY BOARD MAY INVESTIGATE A CLAIM UNDER THIS SUBTITLE IN ACCORDANCE WITH THE INVESTIGATIVE AUTHORITY GRANTED UNDER THIS ARTICLE.”.

On page 5, in line 3, after “**THE**” insert “**NONPROFIT**”; in the same line, strike “or entities with whom” and substitute “**WITH WHICH**”; and in line 6, strike “in need of” and substitute “**WHO ARE DIRECTED BY THE BOARD TO RECEIVE**”.

AMENDMENT NO. 3

On page 7, in line 10, strike “14” and substitute “**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10**”; after line 22, insert:

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

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

and in line 23, strike “(ii)” and substitute “(III)”.

On pages 8 through 10, strike in their entirety the lines beginning with line 19 on page 8 through line 20 on page 10, inclusive.

AMENDMENT NO. 4

On page 11, in line 5, after “**CREDIT**” insert “**IN LIEU OF A SANCTION UNDER § 14-404 OF THIS TITLE**”; in line 8, strike the brackets; and in the same line, strike beginning with “**SUBJECT**” through “**THE**”.

On pages 11 and 12, strike in their entirety the lines beginning with line 10 on page 11 through line 16 on page 12, inclusive.

AMENDMENT NO. 5

On page 14, strike beginning with “The” in line 3 down through “county” in line 5 and substitute “COUNTY”; in line 8, after “(1)” insert “(I)”; in the same line, strike “Except as provided in” and substitute “IN ACCORDANCE WITH”; in line 9, strike “entities” and substitute “INDIVIDUAL”; in the same line, strike “further”; in line 10, strike “INVESTIGATION and” and substitute “CONFIDENTIAL”; after line 11, insert:

“(II) THE BOARD SHALL OBTAIN TWO PEER REVIEW REPORTS FOR EACH ALLEGATION IT REFERS FOR PEER REVIEW.”;

strike line 12 in its entirety and substitute:

“(2) A PEER REVIEWER SHALL:”;

in line 13, strike “Are” and substitute “BE”; in line 17, strike “their own licenses” and substitute “THE PEER REVIEWER’S OWN LICENSE”; in line 18, strike “and”; in line 19, after “reports” insert “; AND”

“(VII) TO THE EXTENT PRACTICABLE, BE LICENSED AND ENGAGED IN THE PRACTICE OF MEDICINE WITHIN THE PAST YEAR IN THE STATE”;

strike beginning with “The” in line 20 down through “State.” in line 21 and substitute “THE BOARD MAY CONSULT WITH THE APPROPRIATE SPECIALTY HEALTH CARE PROVIDER SOCIETIES IN THE STATE TO OBTAIN A LIST OF PHYSICIANS QUALIFIED TO PROVIDE PEER REVIEW SERVICES.”

“(4) FOR PURPOSES OF PEER REVIEW, THE BOARD MAY USE SOLE SOURCE PROCUREMENT UNDER § 13-107 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

“(5) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BECAUSE OF THE SELECTION OF PEER REVIEWERS UNDER THIS SUBSECTION BEFORE THE FILING OF CHARGES.”;

and in lines 22 and 25, in each instance, strike “entities” and substitute “INDIVIDUAL PEER REVIEWER”.

On page 15, in lines 2 and 4, in each instance, after “entity” insert “OR INDIVIDUAL WHO MEETS THE REQUIREMENTS OF SUBSECTION (E)(2) OF THIS SECTION”; and strike in their entirety lines 8 through 11, inclusive, and substitute:

“(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JANUARY 1, 2008, THE BOARD SHALL ISSUE A REQUEST FOR PROPOSALS AND ENTER INTO A WRITTEN CONTRACT WITH A NONPROFIT ENTITY TO PROVIDE REHABILITATION SERVICES FOR PHYSICIANS OR OTHER ALLIED HEALTH PROFESSIONALS DIRECTED BY THE BOARD TO RECEIVE REHABILITATION SERVICES.

(2) IF THE BOARD DOES NOT RECEIVE A RESPONSIVE PROPOSAL UNDER PARAGRAPH (1) OF THIS SUBSECTION OR IS NOT ABLE TO CONTRACT WITH A NONPROFIT ENTITY, THE BOARD SHALL PROVIDE DIRECTLY REHABILITATION SERVICES FOR PHYSICIANS.”

AMENDMENT NO. 6

On page 17, after line 21, insert:

“14-404.

(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(3) Is guilty of:

(I) [immoral or unprofessional] IMMORAL conduct in the practice of medicine; OR

(II) UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MEDICINE;”;

in line 25, strike the brackets; and in line 26, strike “§§ 14-411.1 AND 14-411.2”.

On page 18, in line 5, after “subtitle;” insert “OR”; strike in their entirety lines 6 and 7; in line 8, strike “(4)” and substitute “(3)”; after line 13, insert:

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

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

strike in their entirety lines 17 through 19, inclusive; and after line 19, insert:

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

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

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

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

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

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

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

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

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

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

(i) To the extent available, to the appropriate portion of the Internet site of each health maintenance organization licensed in this State which will allow the public to ascertain the names of the physicians affiliated with the health maintenance organization; and

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

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

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

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

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

(d) The Board:

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

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

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

AMENDMENT NO. 7

On pages 18 and 19, strike in their entirety the lines beginning with line 20 on page 18 through line 20 on page 19, inclusive.

On page 19, in line 30, strike "ENTITIES" and substitute "INDIVIDUAL"; and in the same line, strike "CONTRACT" and substitute "CONTRACTS".

On page 22, in line 21, strike "14" and substitute "EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, 10".

On page 23, after line 6, insert:

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

2. FOR FISCAL 2009, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET THE FUNDS SPECIFIED UNDER PARAGRAPH (I) OF THIS PARAGRAPH, THE COMPTROLLER SHALL DISTRIBUTE 12 PERCENT OF THE FEES

RECEIVED FROM THE BOARD TO THE OFFICE OF STUDENT FINANCIAL ASSISTANCE TO BE USED AS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”;

and in line 7, strike “(II)” and substitute “(III)”.

AMENDMENT NO. 8

On pages 23 and 24, strike in their entirety the lines beginning with line 19 on page 23 through line 27 on page 24, inclusive.

AMENDMENT NO. 9

On page 26, after line 14, insert:

“(C) THE BOARD MAY ADOPT REGULATIONS REGARDING EXPERIENCE OR TRAINING QUALIFICATIONS REQUIRED TO QUALIFY A PHYSICIAN TO PRACTICE OFFICE-BASED, MEDICATION-ASSISTED OPIOID ADDICTION THERAPY.”;

and strike in their entirety lines 16 through 22, inclusive.

AMENDMENT NO. 10

On page 27, in line 2, strike “15 specific” and substitute “a pool of”; after line 3, insert:

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

SECTION 6. AND BE IT FURTHER ENACTED, That, on or before October 1, 2007, the Department of Health and Mental Hygiene and the Office of the Attorney General shall:

(1) review the process for the investigation of self-referral cases by the health occupations boards;

(2) recommend a revised investigative process for self-referral cases that includes the determination of investigative resources for the health occupations boards in the investigation of self-referral cases; and

(3) report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on their findings, recommendations, and any legislative or regulatory changes necessary to implement any recommended changes.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Physicians shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly, on or before December 31, 2008, regarding:

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

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

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

and in lines 4 and 7 strike “5.” and “6.”, respectively, and substitute “9.” and “10.”, respectively.

The preceding 10 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 349 – Senator McFadden

AN ACT concerning

**Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy
Pilot Program**

(Amendment ID: SB0349/794737/2)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 349
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “prescribe, dispense,” and substitute “dispense”; strike beginning with the second “and” in line 9 down through “Department” in line 10; in line 10, strike “jointly”; and strike beginning with “establishing” in line 11 down through “circumstances;” in line 12.

AMENDMENT NO. 2

On page 2, in line 17, strike “**PRESCRIBE, DISPENSE,**” and substitute “**DISPENSE**”; and in line 27, strike “**AND THE COMMISSIONER JOINTLY**”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 13, inclusive; in line 14, strike “(G)” and substitute “(F)”; in line 20, strike “5” and substitute “3”; and in line 21, strike “2012” and substitute “2010”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 418 – The President (By Request – Department of Legislative Services)

AN ACT concerning

**State Government – Submission of Publications to the General Assembly
– Procedures**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

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

Senate Bill 396 – Senators Gladden, Della, Conway, Jones, McFadden, and Pugh

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

(Amendment ID: SB0396/928475/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pugh” and substitute “Pugh, Frosh, and Stone”; in line 7, strike “sole”; in line 9, after “notice” insert “to certain persons”; and in line 14, after the semicolon insert “providing for the application and construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 5, strike in their entirety lines 15 through 25, inclusive, and substitute:

“(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(6) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(7) “PROPERTY” MEANS PROPERTY SUBJECT TO A GROUND LEASE AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED UNDER THIS SECTION.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

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

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

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

AMENDMENT NO. 3

On page 5 in line 26, and on page 6 in lines 1 and 4, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C) (1)”, “(D)”, and “(E)”, respectively.

On page 5 in line 27, on page 6 in lines 2 and 4, and on page 10 in line 29, in each instance, strike “LANDLORD” and substitute “GROUND LEASE HOLDER”.

On page 10, in line 11, strike “§ 8-402.2(D)” and substitute “§ 8-402.2(E)”.

AMENDMENT NO. 4

On page 5, in line 28, strike “SOLE”; and after line 29, insert:

“(2) THIS SECTION DOES NOT AFFECT THE RIGHT OF A GROUND LEASE HOLDER TO BRING A CIVIL ACTION AGAINST THE LEASEHOLD TENANT SEEKING A MONEY JUDGMENT FOR THE AMOUNT OF THE PAST DUE GROUND RENT.”

AMENDMENT NO. 5

On page 6, in line 2, strike “AT LEAST” and substitute “UNPAID”; and in the same line, strike “IN ARREARS” and substitute “AFTER ITS DUE DATE”.

AMENDMENT NO. 6

On page 6, in line 5, strike “THE” and substitute “:”

(I) THE LEASEHOLD”;

strike beginning with “AGAINST” in line 5 down through “IMPOSED” in line 6 and substitute “; **AND**

(II) EACH MORTGAGEE OR TRUSTEE OF THE PROPERTY WHOSE LIEN IS ON RECORD”;

in line 7, after “(2)” insert “(I)”; in the same line, after “SERVED” insert “ON THE LEASEHOLD TENANT”; in line 8, strike “(I)”; in lines 9 and 11, in each instance, before “TENANT” insert “LEASEHOLD”; in lines 9 and 12, in each instance, before “TENANT’S” insert “LEASEHOLD”; in line 12, strike “; AND” and substitute a period; strike in their entirety lines 13 and 14 and substitute:

“(II) IF THE GROUND LEASE HOLDER IS UNABLE TO SERVE THE LEASEHOLD TENANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NOTICE UNDER THIS SUBSECTION SHALL BE GIVEN BY:

1. MAILING THE NOTICE TO THE LEASEHOLD TENANT’S LAST KNOWN ADDRESS; AND

2. POSTING THE NOTICE IN A CONSPICUOUS MANNER ON THE PROPERTY ON THE DOOR OR OTHER FRONT PART OF THE PROPERTY BY THE GROUND LEASE HOLDER IN THE PRESENCE OF A COMPETENT WITNESS.

(III) NOTICE TO ANY MORTGAGEE OR TRUSTEE UNDER THIS SUBSECTION SHALL BE GIVEN BY SENDING THE NOTICE BY CERTIFIED AND FIRST CLASS MAIL TO THE MOST CURRENT ADDRESS FOR NOTICES AS SET FORTH IN THE LAND RECORDS OR, IF NO SUCH ADDRESS IS CONTAINED IN THE LAND RECORDS, TO THE MORTGAGEE’S OR TRUSTEE’S CURRENT ADDRESS.”;

in line 15, strike “(E)” and substitute “(3)”; in the same line, after “UNDER” insert “THIS”; in the same line, strike “(D) OF THIS SECTION”; in lines 17, 19, 20, 21, 22, and 24, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; and strike beginning with “AGAINST” in line 22 down through “IMPOSED” in line 23; and strike beginning with “AGAINST” in line 24 down through “IMPOSED” in line 25 and substitute “TO WHOM NOTICE IS GIVEN UNDER THIS SUBSECTION”.

On page 7, in lines 3 and 5, strike “(7)” and “(8)”, respectively, and substitute “(VII)” and “(VIII)”, respectively; in lines 9 and 19, in each instance, strike “(D)” and substitute “(E)”; and in line 21, strike “AMOUNT OF” and substitute “UNPAID”.

AMENDMENT NO. 7

On page 8, strike in their entirety lines 1 through 3, inclusive; in lines 4, 8, and 13, strike “(I)”, “(J)”, and “(K)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively; in line 7, strike “(D)” and substitute “(E)”; and in line 10, strike “(I)” and substitute “(H)”.

AMENDMENT NO. 8

On page 8, in line 15, after “LIEN” insert “ON THE PROPERTY IDENTIFIED IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION”; strike in their entirety lines 18 through 22, inclusive, and substitute:

“(3) THE COURT MAY AWARD TO THE PREVAILING PARTY IN AN ACTION UNDER THIS SECTION:

(I) COURT COSTS; AND

(II) REASONABLE EXPENSES AND ATTORNEY’S FEES NOT EXCEEDING \$500.”;

in line 23, strike “(4)” and substitute “**(K) (1)**”; in the same line, strike “THE” and substitute “**IF A COMPLAINT WAS FILED UNDER SUBSECTION (F) OF THIS SECTION, THE**”; in line 24, after “COSTS” insert “**, EXPENSES,**”; after line 25, insert:

“(II) IF A COMPLAINT WAS NOT FILED UNDER SUBSECTION (F) OF THIS SECTION AND THE PAST DUE GROUND RENT WAS NOT PAID, THE AMOUNT OF THE LIEN SHALL BE FOR THE AMOUNT ALLEGED TO BE DUE IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION AND REASONABLE EXPENSES AND ATTORNEY’S FEES NOT EXCEEDING \$150.”;

in line 26, strike “(II)” and substitute “**(2)**”; in the same line, strike “ANNUALLY”; and in line 27, strike “DUE” and substitute “**ACCRUING AFTER THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS**”.

On page 9, strike in their entirety lines 1 through 3, inclusive; and in line 5, strike “(K)” and substitute “**(J)**”.

On page 10, strike in their entirety lines 17 through 19, inclusive; and in line 20, strike “(O)” and substitute “**(N)**”.

On page 11, in line 5, strike “(P)” and substitute “**(O)**”.

AMENDMENT NO. 9

On page 9, in line 5, strike “OWNER” and substitute “**LEASEHOLD TENANT OR ANY MORTGAGEE**”; in line 6, strike “AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED”; in lines 6 and 7, strike “PAST DUE GROUND RENT” and substitute “**AMOUNT OF THE LIEN UNDER SUBSECTION (K)(1)(II) OF THIS SECTION**”; in line 8, strike “PARTY SEEKING TO CREATE THE LIEN” and substitute “**GROUND LEASE HOLDER**”; and strike in their entirety lines 11 through 31, inclusive.

AMENDMENT NO. 10

On page 10, in line 1, strike “(4)” and substitute “**(2)**”; and in line 2, strike “STATEMENT OF LIEN IS FILED” and substitute “**GROUND LEASE WAS CREATED**”.

AMENDMENT NO. 11

On page 11, in lines 1 and 7, in each instance, strike “**THE GREATER OF**”; in lines 1 and 8, in each instance, strike “**OR**” and substitute “**AND**”; in line 2, strike “**CALCULATED**”; and in the same line, strike “**§ 8-110(B)(2)(I)**” and substitute “**§ 8-110(B)(2)**”.

The preceding 11 amendments were read only.

Senator Garagiola moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

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

Senate Bill 397 – Senators Gladden, Della, McFadden, and Pugh

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

(Amendment ID: SB0397/998071/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 397

(First Reading File Bill)

AMENDMENT NO. 1

On pages 2 and 3, strike in their entirety the lines beginning with line 12 on page 2 through line 11 on page 3, inclusive, and substitute:

“(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

“(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

“(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

“(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “IRREDEEMABLE GROUND RENT” MEANS A GROUND RENT CREATED UNDER A GROUND LEASE EXECUTED BEFORE APRIL 9, 1884, THAT DOES NOT CONTAIN A PROVISION ALLOWING THE LEASEHOLD TENANT TO REDEEM THE GROUND RENT.

(6) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(7) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(8) “REDEEMABLE GROUND RENT” MEANS A GROUND RENT THAT MAY BE REDEEMED IN ACCORDANCE WITH THIS SECTION OR REDEEMED OR EXTINGUISHED IN ACCORDANCE WITH § 8–110(G) OF THIS SUBTITLE.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

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

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

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

AMENDMENT NO. 2

On page 3, in lines 12 and 24, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; in lines 14 and 22, in each instance, strike “(E)” and substitute “(F)”; in lines 24 and 25, strike “PERSON HOLDING AN IRREDEEMABLE GROUND RENT” and substitute “GROUND LEASE HOLDER OF AN IRREDEEMABLE GROUND RENT”; and strike beginning with “OWNER” in line 28 down through “RENT” in line 29 and substitute “GROUND LEASE HOLDER”.

On page 4, in line 1, strike “CLAIMANT” and substitute “GROUND LEASE HOLDER”; in lines 2 and 3, in each instance, strike “PERSON’S” and substitute “GROUND LEASE HOLDER’S”; in line 4, strike “(D)” and substitute “(E)”; in line 9, strike “ESTATE” and substitute “INTEREST”; in lines 11 and 12, strike “OWNER OF THE IRREDEEMABLE

GROUND RENT” and substitute “**GROUND LEASE HOLDER OF AN IRREDEEMABLE GROUND RENT**”; in lines 13 and 14, strike “**OWNER OF THE LEASEHOLD ESTATE**” and substitute “**LEASEHOLD TENANT**”; in line 17, after “**THE**” insert “**GROUND**”; in line 19, strike “**OWNER’S**” and substitute “**TENANT’S**”; in line 23, strike “**RENT OWNER’S**” and substitute “**RENT GROUND LEASE HOLDER’S**”; and in line 25, strike “**ESTATE**” and substitute “**INTEREST**”.

On page 5, in line 6, strike “**OWNER OF THE IRREDEEMABLE GROUND RENT**” and substitute “**GROUND LEASE HOLDER OF AN IRREDEEMABLE GROUND RENT**”; in line 8, strike “**OWNER OF THE**”; in the same line, strike “**ESTATE**” and substitute “**TENANT**”; and in line 12, strike “**(E)**” and substitute “**(F)**”.

On page 6, in line 5, strike “**(F)**” and substitute “**(G)**”.

AMENDMENT NO. 3

On page 4, in lines 5 and 6, strike “**PERSON FILING THE NOTICE**” and substitute “**GROUND LEASE HOLDER**”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 398 – Senators Gladden, Della, Conway, McFadden, and Pugh

AN ACT concerning

Ground Rents – Notices Regarding Ground Leases

(Amendment ID: SB0398/768776/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 398

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pugh” and substitute “**Pugh, Stone, and Raskin**”; in line 2, after “Leases” insert “**on Residential Property**”; in lines 3, 4, 5, 8, and 11, in each instance, before “tenant” insert “**leasehold**”; in lines 3, 5, and 7, in each instance, strike “landlord” and substitute “**ground lease holder**”; in lines 3, 5, and 10, in

each instance, before “ground” insert “certain”; in line 4, after “period;” insert “altering the method by which a leasehold tenant is required to give certain notices to a ground lease holder;”; in line 12, after “terms;” insert “providing for the application of the provisions of this Act;”; and in line 13, after “leases” insert “on residential property”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 5 through 15, inclusive, and substitute:

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

(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(6) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT WAS OR IS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

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

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.”;

in lines 16, 19, and 23, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; in lines 16 and 17, in each instance, before “TENANT” insert “LEASEHOLD”; in lines 17, 21, and 26, in each instance, strike “LANDLORD” and substitute “GROUND LEASE HOLDER”; in line 20, strike “transferor” and substitute “LEASEHOLD TENANT”; in line 23, strike “TRANSFEROR” and substitute “LEASEHOLD TENANT”; in the same line, strike “GIVE” and substitute “SEND”; and strike beginning with “by” in line 24 down through “Service,” in line 25.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 11 on page 3 and substitute:

“(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(6) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT WAS OR IS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.”

On page 3, in lines 12 and 15, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively; in line 13, strike “LANDLORD” and substitute “GROUND LEASE HOLDER”; and in line 14, before “TENANT” insert “LEASEHOLD”.

On page 4, in line 31, after “(a)” insert:

“(1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(III) 1. “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

2. “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(IV) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(V) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(VI) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(2) (I) THIS SUBSECTION APPLIES TO RESIDENTIAL PROPERTY THAT WAS OR IS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(II) THIS SUBSECTION DOES NOT APPLY TO PROPERTY:

1. LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

2. IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

3. LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(3)".

AMENDMENT NO. 4

On page 4, strike beginning with the comma in line 9 down through "PROPERTY" in line 13; strike beginning with "IN" in line 13 down through the second "AND" in line 14; and strike beginning with the comma in line 17 down through "COSTS" in line 18.

On page 5, strike beginning with the comma in line 28 down through "COSTS" in line 29.

On pages 5 and 6, strike beginning with "ASSOCIATED" in line 30 on page 5 down through "PROPERTY" in line 1 on page 6.

On page 6, strike beginning with "IN" in line 1 down through the second "AND" in line 2; and strike beginning with the comma in line 5 down through "COSTS" in line 6.

On page 3 in line 25, on page 4 in lines 4, 5, 8, 16, 21, 23, and 24, on page 5 in lines 17, 23, 24, and 27, and on page 6 in lines 4, 9, 11, and 12, in each instance, strike "RENT OWNER" and substitute "LEASE HOLDER".

On page 4 in line 8, and on page 5 in line 27, in each instance, strike "IF".

On page 4 in line 9, and on page 5 in line 28, in each instance, strike "FILES AN ACTION IN COURT" and substitute "MAY TAKE ACTION".

On page 4 in line 20, and on page 6 in line 8, in each instance, strike "TO OFFER".

On page 4 in line 21, and on page 6 in line 9, in each instance, strike "PURCHASE" and substitute "REDEEM, OR PURCHASE,".

On page 4 in lines 21 and 23, and on page 6 in lines 9 and 11, in each instance, strike "RENT".

On page 4 in line 22, and on page 6 in line 10, in each instance, after the period insert “THE REDEMPTION AMOUNT IS FIXED BY LAW BUT MAY ALSO BE NEGOTIATED WITH THE GROUND LEASE HOLDER FOR A DIFFERENT AMOUNT.”.

On page 4 in line 23, and on page 6 in line 11, in each instance, strike “PURCHASING” and substitute “REDEEMING”.

On page 4 in line 26, and on page 6 in line 14, in each instance, strike “RENT” and substitute “LEASE”.

On page 6, in line 19, strike “October” and substitute “July”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 622 – Senator Gladden

AN ACT concerning

Ground Rents – Limitation of Actions – Registry of Ground Leases

(Amendment ID: SB0622/388072/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 622
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Gladden” and substitute “Senators Gladden and Stone”; in line 2, strike “Limitation of Actions –”; in the same line, after the second “of” insert “Properties Subject to”; strike beginning with “providing” in line 4 down through “circumstances;” in line 6; strike beginning with the second “and” in line 7 down through “and” in line 8 and substitute “an on-line registry of”; in lines 9, 12, and 13, in each instance, strike “landlord” and substitute “ground lease holder”; in lines 9 and 13, in each instance, strike “to apply”; in line 10, strike “application” and substitute “form”; in line 15, after “circumstances;” insert “providing for certain considerations and rights if a ground lease is extinguished under certain circumstances; requiring the Department to work with the State Archives for certain purposes regarding ground leases”.

registered under this Act;"; in line 18, after "Act;" insert "requiring the Department to publish a certain notice regarding the registration of ground leases; requiring the Department to report to the General Assembly on or before certain dates; requiring the Comptroller of the State to report to the General Assembly on or before a certain date;"; in the same line, after "terms;" insert "providing for the application of certain provisions of this Act;"; in the same line, after "to" insert "a registry of properties subject to"; in the same line, strike "rents" and substitute "leases"; and in line 21, strike "and 8-107".

On page 2, in line 2, strike "8-709" and substitute "8-711".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 28 on page 2 through line 7 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 14 through 24, inclusive, and substitute:

"(C) "CURRENT GROUND RENT DEED OF RECORD" MEANS THE DOCUMENT THAT VESTS TITLE TO THE REVERSIONARY INTEREST IN THE CURRENT GROUND LEASE HOLDER.

(D) "GROUND LEASE" MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(E) (1) "GROUND LEASE HOLDER" MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(2) "GROUND LEASE HOLDER" INCLUDES:

(I) AN AGENT OF THE GROUND LEASE HOLDER; OR

(II) A COMPANY CONTRACTED BY THE GROUND LEASE HOLDER TO MANAGE GROUND LEASES.

(F) "GROUND RENT" MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(G) "LEASEHOLD INTEREST" MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(H) "LEASEHOLD TENANT" MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE."

and after line 25, insert:

“(A) THIS SUBTITLE APPLIES TO RESIDENTIAL PROPERTY THAT WAS OR IS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(B) THIS SUBTITLE DOES NOT APPLY TO PROPERTY:

(1) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(2) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(3) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

8-703.”.

On page 5 in lines 5 and 14, on page 6 in lines 11 and 13, and on page 7 in lines 5, 7, 10, 11, 13, 19, 20, and 21, in each instance, strike “LANDLORD” and substitute “GROUND LEASE HOLDER”.

On page 5 in line 15, on page 6 in line 14, and on page 7 in lines 15, 18, and 21, in each instance, before “TENANT” insert “LEASEHOLD”.

On page 5, in line 4, strike “8-703.” and substitute “8-704.”.

On page 6, in lines 3, 10, and 21, strike “8-704.”, “8-705.”, and “8-706.”, respectively, and substitute “8-705.”, “8-706.”, and “8-707.”, respectively.

On page 7, in lines 9 and 23, strike “8-707.” and “8-708.”, respectively, and substitute “8-708.” and “8-709.”, respectively; and in line 10, strike “8-706” and substitute “8-707”.

On page 2, in line 25, strike “8-707” and substitute “8-708”.

AMENDMENT NO. 4

On page 5, in line 1, before “THE” insert “(A)”; in the same line, strike “AND UPDATE REGULARLY” and substitute “AN”; in line 2, strike “REGISTRIES OF LANDLORDS AND” and substitute “REGISTRY OF”; after line 3, insert:

“(B) THE DEPARTMENT IS NOT RESPONSIBLE FOR THE COMPLETENESS OR ACCURACY OF THE CONTENTS OF THE ON-LINE REGISTRY.”;

in line 5, strike “APPLY TO”; in line 7, strike “APPLICATION ON A”; in line 9, strike “A \$20” and substitute “THE”; in the same line, strike “APPLICATION”; in line 10, after “LEASE” insert “AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION”; in line 11, strike “APPLICATION” and substitute “FORM”; in line 18, strike “DUE” and substitute “PAYMENT”; in the same line, strike “PAYMENTS FOR THE”; in line 19, after “RENT” insert “INSTALLMENTS”; in line 20, strike “A” and substitute “TO THE BEST OF THE GROUND LEASE HOLDER’S KNOWLEDGE, A”; in line 21, after “CREATED;” insert “AND”; strike line 22 in its entirety; in line 23, strike “(8)” and substitute “(7)”; and strike beginning with “LAND” in line 23 down through “AND” in line 24 and substitute “CURRENT GROUND RENT DEED OF RECORD.”.

On page 6, strike in their entirety lines 1 and 2 and substitute:

“(C) THE REGISTRATION FEE FOR A GROUND LEASE PER GROUND LEASE HOLDER IS:

(1) \$10 FOR THE FIRST GROUND LEASE; AND

(2) FOR EACH ADDITIONAL GROUND LEASE:

(I) \$3 BEFORE OCTOBER 1, 2008;

(II) \$4 ON OR AFTER OCTOBER 1, 2008 AND BEFORE OCTOBER 1, 2009; AND

(III) \$5 ON OR AFTER OCTOBER 1, 2009.”;

in line 4, before “THE” insert “(A)”; in the same line, strike “IF” and substitute “WHEN”; in line 5, after “DEPARTMENT” insert “RECEIVES”; in line 6, strike “IS SATISFIED THAT A” and substitute “A”; in lines 6 and 7, strike “APPLICATION IS COMPLETE” and substitute “FORM”; in line 8, strike “RECEIVES THE \$20 REGISTRATION APPLICATION” and substitute “THE APPROPRIATE REGISTRATION”; after line 9, insert:

“(B) (1) IF FOR ANY REASON THE DEPARTMENT IS UNABLE TO REGISTER A GROUND LEASE FOR WHICH A REGISTRATION FORM AND APPROPRIATE FEE HAS BEEN SUBMITTED, THE DEPARTMENT SHALL NOTIFY THE GROUND LEASE HOLDER OF THAT GROUND LEASE, WITHIN 30 DAYS OF PROCESSING THE REGISTRATION FORM, OF ANY INFORMATION NEEDED BY THE DEPARTMENT SO AS TO COMPLETE THE REGISTRATION.

(2) THE GROUND LEASE HOLDER SHALL HAVE UP TO 30 DAYS TO SUPPLY THE NEEDED INFORMATION TO THE DEPARTMENT BEFORE ANY ACTION MAY BE TAKEN UNDER § 8-708 OF THIS SUBTITLE.”;

in line 11, strike “(A)”; strike in their entirety lines 15 and 16; in lines 17 and 18, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; strike in their entirety lines 19 and 20; and strike beginning with “(1)” in line 22 down through the second “THE” in line 23 and substitute “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A GROUND LEASE HOLDER SHALL REGISTER A”.

On page 7, strike in their entirety lines 1 through 4, inclusive; and in line 7, strike “TO APPLY”.

AMENDMENT NO. 5

On page 7, after line 22, insert:

“(D) TO THE EXTENT THAT THE EXTINGUISHMENT OF A GROUND LEASE UNDER THIS SECTION CREATES INCOME FOR THE LEASEHOLD TENANT, THAT INCOME MAY NOT BE CONSIDERED IN THE CALCULATION OF INCOME FOR THE PURPOSES OF DETERMINING ELIGIBILITY FOR ANY STATE OR LOCAL PROGRAM.

(E) IF THE LEGAL DISABILITY OF A GROUND LEASE HOLDER IS REMOVED AFTER A GROUND LEASE IS EXTINGUISHED UNDER THIS SECTION:

(1) IF THE GROUND LEASE EXTINGUISHMENT CERTIFICATE HAS BEEN RECORDED, THE GROUND LEASE HOLDER:

(i) IS ENTITLED TO RECEIVE FROM THE FORMER LEASEHOLD TENANT THE REDEMPTION VALUE OF THE GROUND LEASE; AND

(ii) HAS NO CLAIM ON THE PROPERTY THAT HAD BEEN SUBJECT TO THE GROUND LEASE; AND

(2) IF THE GROUND LEASE EXTINGUISHMENT CERTIFICATE HAS NOT BEEN RECORDED, THE GROUND LEASE HOLDER:

(i) MAY REINSTATE THE GROUND LEASE BY REGISTERING THE GROUND LEASE WITH THE DEPARTMENT WITHIN 2 YEARS AFTER THE REMOVAL OF THE LEGAL DISABILITY; AND

(ii) IS NOT ENTITLED TO GROUND RENT FOR THE PERIOD OF THE LEGAL DISABILITY.

(F) IF A GROUND LEASE IS EXTINGUISHED UNDER THIS SECTION AND A GROUND LEASE EXTINGUISHMENT CERTIFICATE HAS NOT BEEN RECORDED, A BUYER OF THE PROPERTY FOR WHICH THE GROUND LEASE HAS BEEN EXTINGUISHED:

(1) MAY APPLY TO THE DEPARTMENT FOR A GROUND LEASE EXTINGUISHMENT CERTIFICATE AND FILE THE CERTIFICATE IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED; AND

(2) MAY NOT BE REQUIRED TO PAY ANY SECURITY OR ANY AMOUNT INTO AN ESCROW ACCOUNT FOR THE EXTINGUISHED GROUND LEASE.”.

AMENDMENT NO. 6

On page 7, after line 23, insert:

“THE DEPARTMENT SHALL WORK WITH THE STATE ARCHIVES TO COORDINATE THE RECORDATION, INDEXING, AND LINKING OF GROUND LEASES REGISTERED UNDER THIS SUBTITLE.

8-710.”;

in line 28, strike “8-709.” and substitute “8-711.”; and after line 30, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, through September 30, 2010, the State Department of Assessments and Taxation shall publish notice of the registration requirements under this Act in at least semiannual advertisements of at least a quarter-page size in a newspaper of general circulation in Baltimore City and each county in which ground rents are located.

SECTION 3. AND BE IT FURTHER ENACTED, That the State Department of Assessments and Taxation shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 31, 2007, and on or before December 31, 2008, on the implementation of this Act, including recommendations on the provision of notification to ground lease holders about the registration requirements established under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller of the State shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 31, 2007, on recommendations regarding the provision of notification by the Comptroller to ground lease holders about the registration requirements with the State Department of Assessments and Taxation established under this Act, including providing notification in the yearly State income tax instruction booklet.”.

On page 8, in line 1, strike “2.” and substitute “5.”.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 623 – Senator Gladden

AN ACT concerning

Ground Rents – Redemption

(Amendment ID: SB0623/558279/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 623

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Gladden” and substitute “Senators Gladden and Stone”; strike beginning with “requiring” in line 4 down through “redeem;” in line 9 and substitute “requiring the transferee of a ground lease to notify the leasehold tenant of the transfer within a certain period of time after the transfer; requiring the notification to include certain information and to be sent to a certain address;”; strike beginning with “requiring” in line 11 down through “committees;” in line 14 and substitute “defining certain terms; providing for the application of certain provisions of this Act;”; in line 14, strike “encouraging”; and in line 23, strike “8-110.1” and substitute “14-116.1”.

AMENDMENT NO. 2

On pages 7 through 9, strike in their entirety the lines beginning with line 30 on page 7 through line 5 on page 9, inclusive, and substitute:

“14-116.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(3) (1) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(6) “REDEEMABLE GROUND RENT” MEANS A GROUND RENT THAT MAY BE REDEEMED IN ACCORDANCE WITH § 8–110 OF THIS ARTICLE.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

(C) WITHIN 30 DAYS AFTER ANY TRANSFER OF A GROUND LEASE, THE TRANSFEREE SHALL NOTIFY THE LEASEHOLD TENANT OF THE TRANSFER.

(D) (1) THE NOTIFICATION SHALL INCLUDE THE NAME AND ADDRESS OF THE NEW GROUND LEASE HOLDER AND THE DATE OF THE TRANSFER.

(2) IF THE PROPERTY IS SUBJECT TO A REDEEMABLE GROUND RENT, THE NOTIFICATION SHALL ALSO INCLUDE THE FOLLOWING NOTICE:

“AS THE OWNER OF THE PROPERTY SUBJECT TO THIS GROUND LEASE, YOU ARE ENTITLED TO REDEEM, OR PURCHASE, THE GROUND LEASE FROM THE GROUND LEASE HOLDER AND OBTAIN ABSOLUTE OWNERSHIP OF THE PROPERTY. THE REDEMPTION AMOUNT IS FIXED BY LAW BUT MAY ALSO BE NEGOTIATED WITH THE GROUND LEASE HOLDER FOR A DIFFERENT AMOUNT. FOR INFORMATION ON REDEEMING THE GROUND LEASE, CONTACT THE GROUND LEASE HOLDER.”

(E) A GROUND LEASE HOLDER SHALL SEND NOTICE UNDER THIS SECTION TO THE LAST KNOWN ADDRESS OF THE LEASEHOLD TENANT.”.

AMENDMENT NO. 3

On page 9, after line 6, insert:

“(A) THIS SECTION DOES NOT APPLY TO A:

(1) HOME EQUITY LINE OF CREDIT;

(2) LOAN SECURED BY AN INDEMNITY DEED OF TRUST; OR

(3) COMMERCIAL LOAN.

(B)”;

in line 10, strike “OF” and substitute “**THAT**”; in line 11, after “**THE**” insert “**BORROWER HAS THE**”; in line 12, strike “AND”; and strike beginning with “CALCULATED” in line 13 down through “ARTICLE” in line 14 and substitute “**IS FIXED BY LAW BUT MAY ALSO BE NEGOTIATED WITH THE GROUND LEASE HOLDER FOR A DIFFERENT AMOUNT;**”

(3) IT MAY BE POSSIBLE TO INCLUDE THE AMOUNT OF THE REDEMPTION IN THIS LOAN;

(4) FOR INFORMATION ON REDEEMING THE GROUND RENT, THE BORROWER SHOULD CONTACT THE GROUND LEASE HOLDER; AND

(5) FOR INFORMATION ON INCLUDING THE AMOUNT OF THE REDEMPTION IN THIS LOAN, THE BORROWER SHOULD CONTACT THE LENDER OR CREDIT GRANTOR MAKING THIS LOAN”.

AMENDMENT NO. 4

On page 9, strike in their entirety lines 15 through 22, inclusive; and in line 23, strike “3.” and substitute “**2.**”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 755 – Senator Gladden

AN ACT concerning

**Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses
– Notices**

(Amendment ID: SB0755/558071/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 755
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, in line 5, strike “**SUPERVISOR OF ASSET MANAGEMENT**” and substitute “**DIRECTOR**”; and in lines 6 and 7, strike “**HOUSING AND COMMUNITY DEVELOPMENT**” and substitute “**FINANCE**”.

AMENDMENT NO. 2

On page 5, in line 9, strike “October” and substitute “July”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 193 – Senators Conway, Britt, Currie, Della, Exum, Gladden, Jones, Kelley, McFadden, Pugh, and Raskin

AN ACT concerning

Criminal Procedure – Custodial Interrogation – Electronic Recordation

(Amendment ID: SB0193/428276/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 193
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 9, in each instance, strike “a crime of violence” and substitute “murder”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 and 9; in line 10, strike “(C)” and substitute “(B)”; in the same line, after the second “INTERROGATION” insert “INITIATED”; strike beginning with “IN” in line 11 down through “LEAVE” in line 12 and substitute “AFTER A PERSON HAS BEEN TAKEN INTO CUSTODY”; and in line 13, strike “(D)” and substitute “(C)”.

AMENDMENT NO. 3

On page 2, in line 17, strike “A CRIME OF VIOLENCE” and substitute “MURDER”.

On page 3, in line 21, after “A” insert “DIRECT”; and in line 26, strike “OUT-OF-STATE” and substitute “OUT OF STATE”.

On page 4, in line 4, strike “A CRIME OF VIOLENCE” and substitute “MURDER”.

The preceding 3 amendments were read only.

Senator Robey moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 360 – Senator Zirkin

AN ACT concerning

Juvenile Justice Monitoring Unit – Expansion of Jurisdiction

(Amendment ID: SB0360/718776/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 360
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “manner;” insert “authorizing the Attorney General to transfer a certain position in a certain manner;”.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 5 through 8, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may transfer two regular positions and \$120,000 for those positions from the Department of Juvenile Services to the Juvenile Justice Monitoring Unit of the Office of the Attorney General. The Attorney General may transfer one regular position to the Juvenile Justice Monitoring Unit of the Office of the Attorney General.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 477 – Senator Zirkin

AN ACT concerning

Juvenile Law – Purposes and Hearings

(Amendment ID: SB0477/398975/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 477

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “circumstances;” insert “authorizing the court, on a certain motion and if the court makes a certain determination, to exclude the general public from a hearing in which a child is alleged to have committed a delinquent act that would be a felony if committed by an adult and to admit only the victim and certain other persons;”.

AMENDMENT NO. 2

On page 3, in lines 5, 7, and 10, in each instance, strike the bracket; in line 7, strike “**THE**”; in line 10, strike “Except as provided in paragraph (4) of this subsection,

in” and substitute “IN”; in line 12, after “adult,” insert “ON MOTION OF A PARTY AND IF THE COURT DETERMINES THAT IT IS CONSISTENT WITH § 3-8A-02(A) OF THIS SUBTITLE,”; and in the same line, after the first “court” insert “MAY EXCLUDE THE GENERAL PUBLIC FROM A HEARING AND ADMIT ONLY THE VICTIM AND THOSE PERSONS HAVING A DIRECT INTEREST IN THE PROCEEDING AND THEIR REPRESENTATIVES.”].”.

On page 2, after line 5, insert:

“(2) TO REMOVE FROM CHILDREN COMMITTING DELINQUENT ACTS THE TAIN OF CRIMINALITY AND THE CONSEQUENCES OF CRIMINAL BEHAVIOR;”;

in lines 6 and 7, in each instance, strike the bracket; in lines 6, 11, 14, 18, 21, 24, and 27, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively; and strike in their entirety lines 8 through 10, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 662 – Senators McFadden and Gladden (By Request – Baltimore City Administration)

AN ACT concerning

Local Law Enforcement Agencies – Disposal of Personal Property

(Amendment ID: SB0662/138372/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 662
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “made” insert “subject to a certain exception”.

AMENDMENT NO. 2

On page 2, in line 11, after “(C)” insert “(1)”; in the same line, strike “THE” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE”; in

lines 15 and 17, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and after line 19, insert:

“(2) PERSONAL PROPERTY THAT IS USED AS EVIDENCE IN A CRIMINAL PROSECUTION SHALL BE RETAINED BY A LOCAL LAW ENFORCEMENT AGENCY IN THE SAME MANNER AS OTHER EVIDENCE RETAINED BY THE AGENCY.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 738 – Senators Frosh and Garagiola

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

(Amendment ID: SB0738/238678/2)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 738

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Garagiola” and substitute “Garagiola, Brochin, Forehand, Haines, Mooney, Raskin, Simonaire, and Stone”; and in line 16, after “age;” insert “requiring the State’s Attorney to serve a certain written notice within a certain period;”.

AMENDMENT NO. 2

On page 6, in line 29, after “COURT” insert “, AFTER A HEARING,”; and in the same line, after “AT” insert “SIGNIFICANT”.

On page 7, in line 4, strike the comma and substitute “:”

(I) THE STATE’S ATTORNEY SHALL SERVE WRITTEN NOTICE TO THE PERSON OR THE PERSON’S COUNSEL AT LEAST 30 DAYS BEFORE A HEARING TO DETERMINE IF THE PERSON IS REQUIRED TO REGISTER UNDER THIS SECTION; AND

(II)”;

in line 6, strike “(I)” and substitute “1.”; and in line 8, strike “(II)” 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 JUDICIAL PROCEEDINGS REPORT #16

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 287 – Senator Kelley

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Receivership

(Amendment ID: SB0287/708873/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 287

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “a” and substitute “an independent”; in line 13, strike the second “a” and substitute “an independent”; in line 14, strike “curtain” and substitute “certain”; and in line 21, strike the first “a” and substitute “an independent”.

AMENDMENT NO. 2

On page 2, in lines 9 and 18, in each instance, strike “A” and substitute “AN INDEPENDENT”; strike beginning with “UNIT” in line 16 down through “OF” in line 17 and substitute “THREE OR MORE”; and in line 24, strike “30” and substitute “45”.

On page 3, in lines 2, 20, and 25, in each instance, strike “A” and substitute “AN INDEPENDENT”; in line 6, strike the second “A” and substitute “AN INDEPENDENT”; in line 8, strike “A” and substitute “AN INDEPENDENT”; and in lines 10 and 16, in each instance, strike the first “A” and substitute “AN INDEPENDENT”.

On page 4, in line 5, strike “LOT OWNERS REPRESENTING AT LEAST 10% OF THE” and substitute “THREE OR MORE”; in lines 7 and 18, in each instance, strike “A” and substitute “AN INDEPENDENT”; in line 13, strike “30” and substitute “45”; in line 23, strike the second “A” and substitute “AN INDEPENDENT”; and in line 26, strike “A” and substitute “AN INDEPENDENT”.

On page 5, in lines 1 and 6, in each instance, strike the first “A” and substitute “AN INDEPENDENT”; and in line 10, strike “A” and substitute “AN INDEPENDENT”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 303 – Senator Forehand

AN ACT concerning

Motor Carrier Transportation Contracts – Indemnity Agreements Void

(Amendment ID: SB0303/448774/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 303
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Forehand” and substitute “Senators Forehand and Middleton”.

AMENDMENT NO. 2

On page 2, in line 17, after “(1)” insert “(I)”; in lines 19, 21, 23, 25, and 28, strike “(2)”, “(3)”, “(I)”, “(II)”, and “(III)”, respectively, and substitute “(II)”, “(III) 1.”, “A.”, “B.”, “C.”, respectively; and after line 29, insert:

“2. **MOTOR CARRIER TRANSPORTATION CONTRACT**”
DOES NOT INCLUDE:

A. **THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES ACCESS AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION**

OF NORTH AMERICA, AS AMENDED BY THE INTERMODAL INTERCHANGE EXECUTIVE COMMITTEE; OR

B. OTHER AGREEMENTS PROVIDING FOR THE INTERCHANGE, USE, OR POSSESSION OF INTERMODAL CHASSIS, CONTAINERS, OR OTHER INTERMODAL EQUIPMENT.”.

On page 3, in lines 1 and 7, strike “(4)” and “(5)”, respectively, and substitute “(IV)” and “(2)”, respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 384 – Senator Frosh

AN ACT concerning

General Assembly – Legislative Inquiries and Examinations

(Amendment ID: SB0384/478276/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 384
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “testimony;” insert “requiring that papers, books, accounts, documents, testimony, and records sought in accordance with a subpoena issued in accordance with certain provisions of law in connection with a lawfully authorized legislative inquiry or examination be pertinent to the inquiry or examination; providing that the papers, books, accounts, documents, testimony, or records are considered pertinent if they meet certain criteria;”; and in line 19, strike “party’s sole remedy for objecting” and substitute “only pleading that an objecting party may file to object”.

On pages 1 and 2, strike beginning with “requiring” in line 25 on page 1 down through “exception;” in line 1 on page 2.

On page 2, in line 3, after “manner;” insert “providing for the application of this Act;”; and in line 12, after “2-1802” insert “and 2-1803”.

AMENDMENT NO. 2

On page 7, after line 7, insert:

“(A) PAPERS, BOOKS, ACCOUNTS, DOCUMENTS, TESTIMONY, AND RECORDS SOUGHT IN ACCORDANCE WITH A SUBPOENA ISSUED UNDER § 2-408, § 2-507, § 2-807, § 2-1104, OR § 2-1608 OF THIS TITLE IN CONNECTION WITH A LAWFULLY AUTHORIZED LEGISLATIVE INQUIRY OR EXAMINATION MUST BE PERTINENT TO THE INQUIRY OR EXAMINATION.

(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, PAPERS, BOOKS, ACCOUNTS, DOCUMENTS, TESTIMONY, OR RECORDS ARE CONSIDERED PERTINENT IF THEY:

(1) RELATE TO THE MATTERS UNDER INQUIRY OR EXAMINATION;

(2) ASSIST IN ASSESSING THE CREDIBILITY OF A WITNESS;

(3) CONTRADICT OR CORROBORATE THE TESTIMONY OF A WITNESS;

OR

(4) DEMONSTRATE THE EXISTENCE OF UNDUE INFLUENCE ON A WITNESS.

2-1803.”.

On page 4 in line 13, on page 5 in lines 5 and 23, and on page 6 in line 14, in each instance, strike “§ 2-1802” and substitute “§ 2-1803”.

AMENDMENT NO. 3

On page 8, in lines 2 and 3, strike “PARTY’S SOLE REMEDY FOR OBJECTING” and substitute “ONLY PLEADING THAT AN OBJECTING PARTY MAY FILE TO OBJECT”.

AMENDMENT NO. 4

On page 8, strike in their entirety lines 15 through 23, inclusive; and in line 24, strike “(H)” and substitute “(G)”.

AMENDMENT NO. 5

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have an

effect on or application to any cause of action arising before the effective date of this Act.”.

On page 8, in line 28, strike “2.” and substitute “3.”.

The preceding 5 amendments were read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #17

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 497 – Senators Haines, Brinkley, Hooper, Jacobs, and Mooney

AN ACT concerning

Public Safety – Disposal of Handguns Owned by a Law Enforcement Agency

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 519 – Senators Peters, Brochin, Jacobs, McFadden, Muse, Pugh, Raskin, Robey, Simonaire, and Stone

AN ACT concerning

Juveniles – School Attendance and Crimes Committed During School Hours – Penalties and Issuance of a License to Drive

(Amendment ID: SB0519/438271/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 519
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Juveniles” in line 2 down through “Drive” in line 3 and substitute “Truancy – Prohibition Against Issuance of Learner’s Instructional Permit”.

On pages 1 and 2, strike beginning with the second “the” in line 4 on page 1 down through “school” in line 3 on page 2 and substitute “certain applicants for a learner’s instructional permit to present to the Motor Vehicle Administration the applicant’s school attendance record; prohibiting the Administration from issuing a learner’s instructional permit to certain applicants if the applicant’s school attendance record indicates a certain number of unexcused absences; and generally relating to the issuance of learner’s instructional permits and truancy”.

On page 2, strike in their entirety lines 4 through 13, inclusive; in line 16, after “7-301(a)” insert “(1)”; and strike in their entirety lines 19 through 28, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 34 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 20 on page 4, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 28 on page 4 through line 29 on page 6, inclusive.

On pages 7 and 8, strike in their entirety the lines beginning with line 2 on page 7 through line 2 on page 8, inclusive.

On page 8, in line 12, after “(3)” insert “(I)”; strike beginning with “THE” in line 12 down through “PRESENTS” in line 14 and substitute “EACH APPLICANT FOR A LEARNER’S INSTRUCTIONAL PERMIT WHO IS UNDER THE AGE OF 16 YEARS SHALL PRESENT”; strike beginning with the colon in line 14 down through “SCHOOL,” in line 16; strike beginning with the semicolon in line 17 down through “SCHOOL” in line 23; and after line 23, insert:

“(II) THE ADMINISTRATION MAY NOT ISSUE A LEARNER’S INSTRUCTIONAL PERMIT TO AN APPLICANT UNDER THE AGE OF 16 YEARS IF THE APPLICANT’S SCHOOL ATTENDANCE RECORD INDICATES MORE THAN FIVE UNEXCUSED ABSENCES DURING THE PRIOR SCHOOL SEMESTER.”

On pages 8 and 9, strike in their entirety the lines beginning with line 24 on page 8 through line 20 on page 9, inclusive.

The preceding 2 amendments were read only.

Senator Lenett moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 707 – Senators Hooper, Forehand, and Munson

SECOND PRINTING

AN ACT concerning

Vehicle Laws – Consumer Access to Replacement Key Information

Senator DeGrange moved, duly seconded, to make the Bill and Report a Special Order for March 21, 2007.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 754 – Senator Muse

AN ACT concerning

Vehicle Laws – Eluding a Police Officer – Offenses, Penalties, and Forfeiture

(Amendment ID: SB0754/318172/1)

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 754
(First Reading File Bill)

On page 3, in line 11, strike “FELONY” and substitute “MISDEMEANOR”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #18

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 173 – Senator Edwards

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Garrett County Municipalities, Inc.

(Amendment ID: SB0173/168671/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “local government” and substitute ““local government””; strike beginning with “providing” in line 6 down through “liability;” in line 7; and in line 12, strike “and 5-303(f)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 18 through 23, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 229 – Senator Edwards

AN ACT concerning

Garrett County – Local Government Tort Claims Act – Inclusion of Specified Nonprofit Entity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 275 – Senators Middleton and Munson

EMERGENCY BILL

AN ACT concerning

Maryland Tort Claims Act – Employee or Official of the Maryland Agricultural and Resource-Based Industry Development Corporation

(Amendment ID: SB0275/448273/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 275

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Employee” in line 2 down through “Corporation” in line 3 and substitute “State Personnel – Definition and Claims”; in line 6, after “Corporation;” insert “providing that certain restrictions do not apply to actions instituted against certain units of the State or their employees or officials;”; and in line 11, after “12–101(a)(2)” insert “and 12–106”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“12–106.

(a) This section does not apply to a claim that is asserted by cross-claim, counterclaim, or third-party claim.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(C) THE REQUIREMENTS OF SUBSECTION (B)(1) AND (2) OF THIS SECTION DO NOT APPLY TO AN ACTION AGAINST A UNIT OF THE STATE OR ITS EMPLOYEE OR OFFICIAL DESCRIBED IN § 12-101(A)(2)(VI), (VII), (VIII), OR (X) OF THIS SUBTITLE.”.

The preceding 2 amendments were withdrawn.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 309 – Senator Stone

AN ACT concerning

Civil Actions – Dismissal or Termination – Limitations

(Amendment ID: SB0309/888075/2)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “or Termination”; in line 5, strike the comma; in the same line, after “and” insert “was”; and strike beginning with “or” in line 5 down through “merits” in line 6 and substitute “without prejudice”.

AMENDMENT NO. 2

On page 1, after line 18 insert:

“(A) THIS SECTION DOES NOT APPLY TO A VOLUNTARY DISMISSAL OF A CIVIL ACTION BY THE PARTY WHO COMMENCED THE ACTION.”;

and in line 19, before “**IF**” insert “**(B)**”.

AMENDMENT NO. 3

On pages 1 and 2, strike beginning with “**OR**” in line 20 on page 1 down through “**MERITS**” in line 1 on page 2 and substitute “**WITHOUT PREJUDICE**”.

On page 2, in line 4, strike “OR TERMINATION”; and in line 7, strike “or terminated”.

AMENDMENT NO. 4

On page 2, in line 4, strike “1 YEAR” and substitute “6 MONTHS”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

(Amendment ID: SB0368/688879/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 368

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “begins;” insert “requiring a certain notice that a certain release is voided to be in writing and accompanied by the return of certain money; providing that a certain release is void from the date that a certain notice is mailed;”.

AMENDMENT NO. 2

On page 1, in line 18, after “(a)” insert “(1)”.

On page 2, after line 3, insert:

“(2) (1) NOTICE THAT A RELEASE IS VOIDED UNDER THIS SUBSECTION BY THE INJURED INDIVIDUAL SHALL BE:

1. IN WRITING; AND

2. ACCOMPANIED BY THE RETURN OF ANY MONEY PAID TO THE INJURED INDIVIDUAL AS A RESULT OF THE SIGNING OF THE RELEASE.

(II) THE RELEASE IS VOID FROM THE DATE THAT THE NOTICE IS MAILED.

The preceding 2 amendments were read and adopted.

Senator Hooper moved, duly seconded, to make the Bill and Report a Special Order for March 21, 2007.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 389 – Senator Stone

AN ACT concerning

Civil Actions – Liability of Insurer – Failure to Act in Good Faith

(Amendment ID: SB0389/618479/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 389
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Failure to Act in Good” and substitute “Bad”; in line 4, after “certain” insert “damages,”; in the same line, after “costs,” insert “and”; in lines 5 and 6, strike “and actual compensatory damages,”; in line 6, strike “failed to act in good faith” and substitute “acted in bad faith”; in the same line, after the semicolon insert “requiring an insured to send a certain notice to the insurer before filing a certain civil action;”; and in line 8, strike “failure to act in good” and substitute “acting in bad”.

AMENDMENT NO. 2

On page 1, in line 19, strike “IN” and substitute “ONLY TO”.

On page 2, in line 2, strike “INSURANCE”; in the same line, after “POLICY” insert “OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”; and in line 4, after “LOSS” insert “UNDER THE INSURER’S POLICY OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”.

AMENDMENT NO. 3

On page 2, after line 4, insert:

“(B) (1) AT LEAST 30 DAYS BEFORE FILING AN ACTION UNDER THIS SECTION, AN INSURED SHALL SEND WRITTEN NOTICE TO THE INSURER OF THE INSURED’S INTENT TO FILE THE ACTION.

(2) THE NOTICE SHALL INCLUDE AN OFFER TO SETTLE THE INSURED’S CLAIM AGAINST THE INSURER AND STATE THE AMOUNT OF THE SETTLEMENT OFFER.”;

and in lines 5 and 18, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

AMENDMENT NO. 4

On page 2, in line 7, strike “FAILED TO ACT IN GOOD FAITH” and substitute “ACTED IN BAD FAITH”.

AMENDMENT NO. 5

On page 2, after line 8, insert:

“(1) ACTUAL DAMAGES, WHICH MAY NOT EXCEED THE COVERAGE THAT EXISTS UNDER THE INSURER’S POLICY;

(2) NONECONOMIC DAMAGES;

(3) CONSEQUENTIAL DAMAGES;”;

in lines 9 and 11, strike “(1)” and “(2)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 10, after the semicolon insert “AND”; and strike beginning with “; AND” in line 16 down through “DAMAGES” in line 17.

The preceding 5 amendments were read only.

Senator Brinkley moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #19

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 162 – Senators Stone and Della

AN ACT concerning

Motor Vehicles – Certificate of Title – Rebuilt Salvage

(Amendment ID: SB0162/878071/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 162
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “whenever” and substitute “when”; and in line 5, strike “the vehicle” and substitute “a vehicle that is less than a certain number of model years old”.

AMENDMENT NO. 2

On page 3, in line 20, strike “**OR 2**”; and strike beginning with “**WAS**” in line 23 down through “**DAMAGE**” in line 27 and substitute “**FOR A VEHICLE THAT IS LESS THAN 5 MODEL YEARS OLD, BEARS A NOTATION UNDER § 13-306(C)(2)(II)2 OF THIS SUBTITLE**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 170 – Senators Stone, Brochin, Colburn, Haines, Jacobs, and Mooney

AN ACT concerning

Child Sexual Abuse and Crimes of Violence

(Amendment ID: SB0170/248171/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 170
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “adult” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 17, after “IF” insert “:

(I)”;

and in line 18, after “OFFENSE;” insert “AND

(II) THE OFFENSE INVOLVED:

1. VAGINAL INTERCOURSE, AS DEFINED IN § 3-301 OF THIS ARTICLE;

2. A SEXUAL ACT, AS DEFINED IN § 3-301 OF THIS ARTICLE;

3. AN ACT IN WHICH A PART OF THE OFFENDER’S BODY PENETRATES, HOWEVER SLIGHTLY, INTO THE VICTIM’S GENITAL OPENING OR ANUS; OR

4. THE INTENTIONAL TOUCHING, NOT THROUGH THE CLOTHING, OF THE VICTIM’S OR THE OFFENDER’S GENITAL, ANAL, OR OTHER INTIMATE AREA FOR SEXUAL AROUSAL, GRATIFICATION, OR ABUSE;”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 252 – Chair, Anne Arundel County Senators

AN ACT concerning

Roadside Solicitation of Money or Donations from Occupants of Vehicles in Anne Arundel County – Prohibition

(Amendment ID: SB0252/168871/1)

BY: Judicial Proceedings Committee

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Roadside” and substitute “Anne Arundel County – Roadside Advertising or”; strike beginning with “from” in line 2 down through “County” in line 3; in lines 4 and 5, strike “roadway, median divider, or intersection” and substitute “highway right-of-way”; in line 6, after “vehicle;” insert “prohibiting a person from standing in a highway right-of-way in Anne Arundel County to advertise a commercial, political, or other message;”; in line 13, after “vehicle;” insert “making the provisions of this Act severable; defining a certain term;”; and in line 15, after “for” insert “advertising or”.

AMENDMENT NO. 2

On page 2, in line 7, strike “ANNE ARUNDEL COUNTY,”; in line 22, strike the bracket; after line 22, insert:

“(2) IN THIS SUBSECTION, “RIGHT-OF-WAY” MEANS ANY HIGHWAY AREA OR HIGHWAY STRUCTURE AND ANY PROPERTY ADJACENT TO A HIGHWAY ACQUIRED FOR THE OPERATION OR USE OF THE HIGHWAY.

(3) A PERSON MAY NOT STAND IN A RIGHT-OF-WAY TO:

(I) SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE; OR

(II) ADVERTISE A COMMERCIAL, POLITICAL, OR OTHER MESSAGE.”;

and in line 23, before “(2)” insert an opening bracket.

On page 4, in line 12, in each instance, strike the bracket; and in the same line, strike “(E)”.

On page 5, in line 5, in each instance, strike the bracket; in the same line, strike “(F)”;

after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 13, strike “2.” and substitute “3.”.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 306 – Senator Stone

AN ACT concerning

Identity Fraud – Seizure and Forfeiture

(Amendment ID: SB0306/398674/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 6 down through “claimant;” in line 8; and in line 10, after “proceeding;” insert “authorizing forfeited property to be sold by order of the court; requiring the proceeds of the sale of forfeited property to be distributed in a certain manner;”.

AMENDMENT NO. 2

On page 4, in line 20, strike “(A)”.

On page 5, in line 4, strike “SUBJECT TO SUBSECTION (B) OF THIS SECTION;” and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 3

On page 6, after line 15, insert:

“(C) UNLESS POSTPONED BY CONSENT OF ALL PARTIES, A FORFEITURE HEARING UNDER THIS SECTION SHALL BE HELD WITHIN 180 DAYS AFTER THE SEIZING AUTHORITY SERVES NOTICE.”;

in lines 16, 21, and 23, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

AMENDMENT NO. 4

On page 7, strike beginning with “TO” in line 9 down through “OF” in line 11 and substitute “IN THE FOLLOWING ORDER OF PRIORITY:”

(1) FIRST, TO THE LOCAL LAW ENFORCEMENT AGENCY IN AN AMOUNT EQUAL TO:

(I) THE EXPENSES INCURRED IN CONNECTION WITH THE SALE OF THE FORFEITED PROPERTY; AND

(II)”;

and in line 11, after “CHARGES” insert “; AND”

(2) SECOND, TO THE VICTIM OF THE IDENTITY FRAUD TO THE EXTENT OF THE VICTIM’S UNCOMPENSATED LOSSES”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 408 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Chesapeake Bay Critical Area – Violations of Local Law

(Amendment ID: SB0408/288770/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 408

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “prosecution” insert “seeking a criminal penalty or civil fine”; in line 8, after “offense” insert “; providing a certain exception to the imposition of a criminal penalty or civil fine under certain circumstances; and generally relating to the prosecution of offenses that occur in the Chesapeake Bay Critical Area”; and after line 13, insert:

“BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1815
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 12, after “PROSECUTION” insert “SEEKING A CRIMINAL PENALTY OR CIVIL FINE”; and after line 14, insert:

“Article – Natural Resources

8–1815.

(a) (1) Violators of the provisions of programs approved or adopted by the Commission shall be subject to prosecution or suit by local authorities, who may invoke the sanctions and remedies afforded by State or local law.

(2) A local authority may request:

(i) Assistance from the Commission in an enforcement action; or

(ii) That the chairman refer an enforcement action to the Attorney

General.

(b) Whenever the chairman has reason to believe that a local jurisdiction is failing to enforce the requirements of a program applicable to a particular development, the chairman shall serve notice upon the local enforcement authorities. If within 30 days after service of the notice, the local authorities have failed to initiate an action to remedy or punish the violation, the chairman may refer the matter to the Attorney General.

(c) Upon referral of an alleged violation under subsection (a) or (b) of this section, the Attorney General may invoke any sanction or remedy available to local authorities, in any court of competent jurisdiction in which the local authorities would be authorized to prosecute or sue the violator.

(D) NOTWITHSTANDING SUBSECTION (A), (B), OR (C) OF THIS SECTION, THIS SECTION MAY NOT BE CONSTRUED TO PERMIT THE IMPOSITION OF A CRIMINAL PENALTY OR CIVIL FINE ON AN INNOCENT PURCHASER OF THE LAND ON WHICH AN ALLEGED VIOLATION OCCURRED.

[(d)] (E) In addition to any other sanction or remedy available, the Attorney General may bring an action in equity to compel compliance or restrain noncompliance with the requirements of approved project plans, and to compel restoration of lands or

structures to their condition prior to any modification which was done in violation of approved project plans.

[(e)] (F) Notwithstanding any other provision of this section, whenever a development in the Critical Area is proceeding in violation of approved project plans and threatens to immediately and irreparably degrade the quality of tidal waters or fish, wildlife, or plant habitat, the Attorney General, upon request of the chairman, may bring an action to restrain the violation and, as appropriate, to compel restoration of any land or water areas affected by the development.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #20

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 152 – Senator Gladden

AN ACT concerning

Family Law – Criminal History Records Check Costs – Exemption for Volunteers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 579 – Senators Jacobs, Dyson, Harris, Hooper, and Middleton

AN ACT concerning

Children with Disabilities – Voluntary Placement Agreements

(Amendment ID: SB0579/558376/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 579

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “make a certain finding and” and substitute “hold a certain finding in abeyance.”; and in line 8, after “actions” insert “, and hold a certain hearing”.

AMENDMENT NO. 2

On page 3, strike beginning with “**FIND**” in line 15 down through “**ARTICLE**” in line 18 and substitute “**HOLD IN ABEYANCE A FINDING ON WHETHER A CHILD WITH A DEVELOPMENTAL DISABILITY OR A MENTAL ILLNESS IS A CHILD IN NEED OF ASSISTANCE AND:**

1. ORDER THE LOCAL DEPARTMENT TO ASSESS OR REASSESS THE FAMILY AND CHILD’S ELIGIBILITY FOR PLACEMENT OF THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT UNDER § 5-525(A)(1)(I) OF THE FAMILY LAW ARTICLE;

2. ORDER THE LOCAL DEPARTMENT TO REPORT BACK TO THE COURT IN WRITING WITHIN 30 DAYS UNLESS THE COURT EXTENDS THE TIME PERIOD FOR GOOD CAUSE SHOWN;

3. IF THE LOCAL DEPARTMENT DOES NOT FIND THE CHILD ELIGIBLE FOR PLACEMENT IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT, HOLD A HEARING TO DETERMINE WHETHER THE FAMILY AND CHILD ARE ELIGIBLE FOR PLACEMENT OF THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT; AND

4. AFTER THE HEARING:

A. FIND THAT THE CHILD IS NOT IN NEED OF ASSISTANCE AND ORDER THE LOCAL DEPARTMENT TO OFFER TO PLACE THE CHILD IN ACCORDANCE WITH A VOLUNTARY PLACEMENT AGREEMENT UNDER § 5-525(A)(1)(I) OF THE FAMILY LAW ARTICLE;

B. FIND THAT THE CHILD IS IN NEED OF ASSISTANCE;

OR

C. DISMISS THE CASE”.

AMENDMENT NO. 3

On page 5, strike beginning with “**WHO**” in line 2 down through “**ALLEGATIONS**” in line 3.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 678 – Senators Raskin, Britt, Della, Frosh, Gladden, and Pinsky

AN ACT concerning

Maryland Human Relations Commission – Hearings and Civil Actions – Relief

(Amendment ID: SB0678/628270/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 678
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pinsky” and substitute “Pinsky, and Conway”.

AMENDMENT NO. 2

On page 1, strike beginning with “providing” in line 4 down through “providing” in line 5 and substitute “requiring certain cases to be heard by an administrative law judge, rather than a hearing examiner; requiring”; in line 6, strike “shall”; in line 7, after the semicolon insert “altering the circumstances under which a certification is required to be made;”; strike beginning with “providing” in line 9 down through “discrimination;” in line 11 and substitute “authorizing a complainant to bring a civil action alleging a discriminatory act or elect to have a civil action brought by the Commission;”; in line 12, after “Commission” insert “or a complainant”; in the same line, after “for” insert “certain”; in line 13, strike “attorney” and substitute “attorney’s”; strike beginning with “establishing” in line 14 down through “year;” in line 16 and substitute “authorizing a complainant to demand a trial by jury under certain circumstances;”; in line 17, strike “a civil action brought by the Commission” and substitute “certain civil actions”; in line 18, strike “person” and substitute “party”; and in line 19, after “stylistic” insert “and conforming”.

AMENDMENT NO. 3

On page 6, strike in their entirety lines 1 through 6, inclusive; and in lines 7, 15, and 20, strike “(7)”, “(8)”, and “(9)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively.

On page 10, strike in their entirety lines 4 through 10, inclusive; and in lines 11 and 16, strike “(G)” and “(H)”, respectively, and substitute “(F)” and “(G)”, respectively.

AMENDMENT NO. 4

On page 11, in line 14, strike “OR THE” and substitute “, OR THE ADMINISTRATIVE PROCEDURES OR”; in the same line, after “UNDER” insert a comma; and after line 15, insert:

“(C) THIS SUBTITLE MAY NOT BE CONSTRUED TO LIMIT §§ 40 THROUGH 43 OF THIS ARTICLE.”.

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 BUDGET AND TAXATION REPORT #6

CONSENT CALENDAR #5

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 296 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Property Tax Credit – Leadership Through Athletics, Inc.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 305 – Senators Kramer, Forehand, Garagiola, Hogan, Lenett, and Madaleno

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Montgomery County – Odd Fellows Hall

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 388 – Senator Stone

AN ACT concerning

Baltimore County – Todd’s Inheritance Loan of 2000

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 432 – Senator Kasemeyer

AN ACT concerning

Baltimore County – Arbutus Community Center Loan of 2000

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 455 – Senator Colburn

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2005 – Talbot County – Frederick
Douglass Memorial**

(Amendment ID: SB0455/109231/1)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 455
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “provided” insert “; and altering the matching fund requirement”.

AMENDMENT NO. 2

On page 2, in line 7, after “ACT,” insert “THE MATCHING FUND MAY INCLUDE REAL PROPERTY, IN KIND CONTRIBUTIONS, OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT AND”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 456 – Senator Colburn

AN ACT concerning

Interest Rate for Overdue Property Tax – Mardela Springs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 650 – Senator Edwards

AN ACT concerning

**Community Based Regional Initiatives Loan of 2004 – Garrett
County – Fairgrounds Exhibit Hall**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 801 – Senator Pugh

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Baltimore City – Baltimore Museum of Art

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 816 – Senator Middleton

AN ACT concerning

Charles County – Boys and Girls Clubs of Southern Maryland Loan of 2001

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 842 – Carroll County Senators

AN ACT concerning

Property Tax Credit – Carroll County – Gateway Renovation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 407 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

Senator Currie moved, duly seconded, to make the Committee on Budget and Taxation Report #7 a Special Order for March 21, 2007.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #15

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 841 – Carroll County Senators

AN ACT concerning

Carroll County – Education – Organization of Teachers and Other Personnel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 952 – Senator Middleton

AN ACT concerning

Health Insurance – Small Group Market – Choice of Policies for Sole Proprietors

(Amendment ID: SB0952/847576/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 952

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton and Madaleno”; in line 6, strike “health benefit plans” and substitute “health insurance carriers to small employers”; and strike beginning with “requiring” in line 6 down through “term;” in line 8.

AMENDMENT NO. 2

On page 1, in lines 16 and 17, strike “: (A)”; in line 17, strike the brackets; in the same line, strike “EACH”; strike beginning with “the policy” in line 19 down through “OR” in line 20; strike beginning with “UNDER” in line 20 down through “OFFERED” in line 21; and in line 21, after “CARRIER” insert “TO SMALL EMPLOYERS”.

On pages 1 and 2, strike beginning with “DURING” in line 21 on page 1 down through “SECTION” in line 1 on page 2 and substitute “AT RENEWAL,”.

On page 2, strike in their entirety lines 13 through 22, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 454)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 258 – Senators Frosh, Britt, Dyson, and Harris

AN ACT concerning

State Board of Physicians – Subpoenas – Medical Records for Mental Health Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

Senate Bill 268 – Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Greenip, Haines, Hogan,

Hooper, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

Senate Bill 331 – Senator Frosh

AN ACT concerning

State Government – Commemorative Days – Rachel Carson Day

Read the third time and passed by yeas and nays as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 457)

The Bill was then sent to the House of Delegates.

Senate Bill 351 – Senators Kelley, Astle, Currie, DeGrange, Exum, Gladden, Pinsky, Raskin, and Stone

AN ACT concerning

Forensic Laboratories – Standards and Oversight

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the House of Delegates.

Senate Bill 416 – Senators Jones, Britt, Conway, Currie, Exum, Gladden, McFadden, Muse, and Pugh

AN ACT concerning

Higher Education – Institutions of Higher Education – Plans for Programs of Cultural Diversity

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 5 (See Roll Call No. 459)

The Bill was then sent to the House of Delegates.

Senate Bill 419 – ~~Senator Madaleno~~ Senators Madaleno, Brinkley, Currie, DeGrange, Hogan, Jones, Kasemeyer, Kramer, McFadden, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Income Tax – Subtraction Modification – Military Retirement Income for Commissioned Officers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the House of Delegates.

Senate Bill 472 – Senator Munson

AN ACT concerning

Mental Hygiene Law – Court Records Relating to a Petition for Emergency Evaluation – Confidentiality

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 461)

The Bill was then sent to the House of Delegates.

Senate Bill 536 – Senators Klausmeier, Colburn, Hooper, Kelley, and Stone

AN ACT concerning

State Lottery – Compulsive Gambling Grants

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 462)

The Bill was then sent to the House of Delegates.

Senate Bill 679 – Senators Raskin, Forehand, Jacobs, Kittleman, Lenett, Madaleno, McFadden, Peters, Robey, ~~and Simonaire~~ Simonaire, Brochin, Haines, Mooney, and Stone

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 463)

The Bill was then sent to the House of Delegates.

Senate Bill 711 – Senators Gladden and Dyson

AN ACT concerning

Education – “Share the State Fair!” ~~Matching Fund~~ Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the House of Delegates.

Senate Bill 765 – Senator Exum

EMERGENCY BILL

AN ACT concerning

Workers’ Compensation Insurance – Notice – Premiums

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the House of Delegates.

Senate Bill 875 – Senator Garagiola

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 4 – ~~Senator Garagiola~~ Senators Garagiola, Astle, Della, Edwards, Exum, Kelley, Klausmeier, Middleton, and Pugh

A Senate Joint Resolution concerning

Veterans Health Care Budget Reform

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 739 – Senators Simonaire, Brinkley, Brochin, Colburn, Conway, Della, Edwards, Forehand, Frosh, Greenip, Haines, Harris, Hooper, Jacobs, Jones, Kittleman, Kramer, Lenett, Munson, Muse, Peters, Pinsky, Raskin, Robey, Rosapepe, Stone, and Zirkin

AN ACT concerning

Legislative Scholarships Integrity Act of 2007

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS
(4) OFFERED FROM THE FLOOR BY SENATOR SIMONAIRE.

FLOOR AMENDMENT

(Amendment ID: SB0739/333927/3)

BY: Senator Simonaire

AMENDMENTS TO SENATE BILL 739, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of Senator Simonaire's Amendments (SB0739/793422/2), in Amendment No. 1, strike beginning with "permitting" in line 1 down through "circumstances;" in line 3 and substitute "providing that certain provisions of law do not apply to the Maryland Higher Education Commission or the Office of Student Financial Assistance when awarding certain scholarships under certain circumstances; providing for the disposition of a certain award and requiring the Office of Student Financial Assistance to send a certain written notice to certain individuals if a member of the General Assembly awards a certain scholarship under certain circumstances;".

AMENDMENT NO. 2

On page 1 of Senator Simonaire's Amendments, in line 3 of Amendment No. 2, after "(4)" insert "IF A SENATOR AWARDS A SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF A DELEGATE WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE SENATOR IN VIOLATION OF PARAGRAPH (3) OF THIS SUBSECTION:

(I) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE SCHOOL YEAR;

(II) THE SENATOR MAY NOT RENEW THE SCHOLARSHIP FOR THE NEXT SCHOOL YEAR; AND

(III) THE OFFICE SHALL SEND THE SENATOR AND THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES UNDER THE REQUIREMENTS OF THIS SUBSECTION.

(5)".

AMENDMENT NO. 3

On page 5 of the bill, after line 13, insert:

"(D) IF A MEMBER OF THE HOUSE OF DELEGATES AWARDS A SCHOLARSHIP TO A RELATIVE OR THE RELATIVE OF ANOTHER DELEGATE OR THE SENATOR WHO REPRESENTS THE SAME LEGISLATIVE DISTRICT AS THE MEMBER IN VIOLATION OF SUBSECTION (C) OF THIS SECTION:

(1) THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED MAY CONTINUE TO USE THE AWARD FOR ALL ELIGIBLE EXPENSES AT AN ELIGIBLE INSTITUTION UNTIL THE SCHOLARSHIP EXPIRES AT THE END OF THE SCHOOL YEAR;

(2) THE MEMBER MAY NOT RENEW THE SCHOLARSHIP FOR THE NEXT SCHOOL YEAR; AND

(3) THE OFFICE SHALL SEND THE MEMBER AND THE INDIVIDUAL TO WHOM THE SCHOLARSHIP WAS AWARDED A WRITTEN NOTICE STATING THAT THE SCHOLARSHIP MAY NOT BE RENEWED WHEN IT EXPIRES UNDER THE REQUIREMENTS OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 2 of Senator Simonaire’s Amendments, in line 2 of Amendment No. 3, strike “**(D)**” and substitute “**(E)**”.

The preceding 4 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 468)

ADJOURNMENT

At 12:54 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 21, 2007.

**Annapolis, Maryland
Wednesday, March 21, 2007
10:00 A.M. Session**

The Senate met at 10:18 A.M.

Prayer by Chaplain Joe Hart, Chaplain for GBMC Healthcare, guest of Senator Brochin.

(For Prayer see Exhibit A of Appendix III)

The Journal of March 20, 2007 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 471)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

House Bill 50 – The Speaker (By Request – Administration)

**Budget Bill
(Fiscal Year 2008)**

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2007 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit G of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit H of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 50 – THE BUDGET BILL

(See Exhibit I of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (134) AND THE FAVORABLE REPORT.

Committee amendments 1 through 28 were read and adopted.

Committee amendments 29 through 53 were read and adopted.

Committee amendments 54 through 74 were read and adopted.

Committee amendments 75 through 109 were read and adopted.

Committee amendments 110 through 122 were read and adopted.

Committee amendments 123 through 134 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

AMENDMENT NO. 135

On page 182, under:

Heading: STATE RESERVE FUND

Program: Y01A01.01

Entitled: Revenue Stabilization Account

In line 14, after “Appropriation” insert “, provided that \$5,000,000 of this appropriation may not be expended for any purpose except that the funds may be expended for capital appropriations as identified in House Bill 51. Any funds not expended for capital appropriations shall revert to the general fund”.

On page 251, after line 5, insert:

“SECTION 47. AND BE IT FURTHER ENACTED, That the amount transferred from the Revenue Stabilization Account to the general fund in fiscal 2008 may not exceed \$962,000,000.”;

and in lines 6 and 13, strike “47.” and “48.”, respectively, and substitute “48.” and “49.”, respectively.

Explanation: The amendment restricts \$5.0 million in general funds for PAYGO capital purposes and also limits the amount that may be transferred in fiscal 2008 from the Rainy Day Fund to the general fund in order to maintain the required 5% balance in the Rainy Day Fund.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

(Amendment ID: HB0050/993627/1)

BY: Senator Stoltzfus

AMENDMENT TO HOUSE BILL 50, AS AMENDED (Third Reading File Bill – Committee Reprint)

On page 251, after line 5, insert:

“SECTION 47. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of this Act, general funds shall be reduced by \$113,000,000. The reduction shall be allocated as follows:

<u>Executive Branch</u>	<u>\$110,000,000</u>
<u>Judicial Branch</u>	<u>\$ 3,000,000</u>

The Governor is hereby authorized to allocate the reduction among agencies and programs of the executive branch, excluding higher education. This reduction may not apply to the following items:

- (1) Debt service;
- (2) Funds for employee increments and general salary increase;
- (3) Enrollment growth for Medicaid and the Maryland Children’s Health Program; or
- (4) Funds for additional correctional officers unless they are not required due to the closure of the Maryland House of Correction.

In addition to the reduction required above, a total of \$310,129,165 in general fund appropriations shall be reduced from the following programs as follows, contingent on the enactment of Senate Bill 1021 to limit growth in education aid to 8% and community

college aid to 10%, level fund certain other programs at either their fiscal 2006 or fiscal 2007 amounts, begin a phased elimination of electricity generating equipment property tax grants, and require the Department of Health and Mental Hygiene to establish a premium plan for certain Medicaid program recipients:

- (1) A15O00.01 Disparity Grants \$5,333,453
- (2) A20T00.01 Electricity Generating Equipment Property Tax Grant
\$7,653,798
- (3) L00A12.20 Maryland Agricultural and Resource-Based Industry
Development Corporation \$1,500,000
- (4) M00F02.07 Core Public Health Services \$2,889,332
- (5) M00Q01.03 Medical Care Provider Reimbursements \$18,700,000
- (6) R00A02.01 State Share of Foundation Program \$165,898,388
- (7) R00A02.02 Compensatory Education \$56,703,359
- (8) R00A02.07 Students with Disabilities \$17,537,057
- (9) R00A02.24 Limited English Proficient \$7,919,236
- (10) R62I00.03 Joseph A. Sellinger Formula for Aid to Non-Public
Institutions of Higher Education \$8,586,467
- (11) R62I00.05 The Senator John A. Cade Funding Formula for the
Distribution of Funds to Community Colleges \$15,408,075
- (12) T00G00.03 Maryland Tourism Board \$2,000,000

In addition to the reductions required above, contingent on the enactment of Senate Bill 1021 limiting the fiscal 2008 general fund increase to 10%, the general fund appropriation for Baltimore City Community College under R75T00.01 Support for State Operated Institutions of Higher Education is reduced by \$1,671,480.

In addition to the reductions required above, a total of \$44,600,000 in general fund appropriations shall be reduced from the following programs as follows, contingent on the enactment of legislation to cap State payments for teachers' retirement and pension costs at \$555,000,000 and require local Boards of Education, Boards of Community College Trustees, and Boards of Library Trustees to assume the responsibility for costs above \$555,000,000:

(1) R00A02.03 Aid for Local Employee Fringe Benefits \$43,000,000

(2) R62I00.06 Aid to Community Colleges – Fringe Benefits \$1,600,000

In addition to the reductions required above, the general fund appropriation for the University System of Maryland under R75T00.01 Support for State Operated Institutions of Higher Education is reduced by \$43,300,000.

In addition to the reductions required above, the general fund appropriation for Morgan State University under R75T00.01 Support for State Operated Institutions of Higher Education is reduced by \$3,800,000.

In addition to the reductions required above, a total of \$13,980,000 in general fund appropriations shall be reduced from the following programs as follows, contingent on funding for the program being provided in the capital budget bill (House Bill 51):

(1) D06E02.01 Public Works Capital Appropriation – Public Safety Communication System \$7,500,000

(2) U00A01.03 Capital Appropriation – Water Quality Revolving Loan Fund \$4,240,000

(3) U00A01.05 Capital Appropriation – Drinking Water Revolving Loan Fund \$2,240,000”;

in lines 6 and 13, strike “47.” and “48.”, respectively, and substitute “48.” and “49.”, respectively.

Explanation: These provisions provide for a \$530 million general fund reduction in the fiscal 2008 budget, \$312 million of which is contingent on legislation that would limit growth in fiscal 2008 funding for primary/secondary education to 8% and for community colleges to 10%, level fund certain programs, phase out the property tax grant program, and require the Department of Health and Mental Hygiene to establish a Medicaid premium plan for certain recipients. An additional \$44.6 million is reduced contingent on legislation capping State payments for teachers’ retirement and pensions at \$555 million. Higher education funding would be sufficient to fund current services. Certain PAYGO capital programs would be reduced, contingent on those projects being funded in the capital budget bill. Certain items in the budget would not be subject to the across-the-board reduction of \$113 million. Implementing these reductions would limit fiscal 2008 general fund budget growth to \$321 million or 2.4% above fiscal 2007, exclusive of appropriations to the reserve fund. It would also add \$530 million to the fiscal 2008 fund balance. This balance and the ongoing reductions implemented through these provisions and SB 1021 would address almost 75% of the projected \$1.6 billion budget gap in fiscal 2009.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 33 (See Roll Call No. 472)

Read the second time and ordered prepared for Third Reading.

Senator Currie moved, duly seconded, to put **House Bill 50** on Third Reading on the same day in compliance with the Constitution.

The roll call vote resulted as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 473)

Two-thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 50** on Third Reading and Final Passage.

House Bill 50 – The Speaker (By Request – Administration)

Budget Bill
(Fiscal Year 2008)

STATUS OF BILL: BILL ON 3RD READING

FLOOR AMENDMENT

(Amendment ID: HB0050/213824/2)

BY: Senator Mooney

AMENDMENT TO HOUSE BILL 50
(Third Reading File Bill – Committee Reprint)

Under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

On page 99, strike beginning with “provided” in line 27 down through “exists:” in line 28; and in line 30, strike the semicolon.

On pages 99 and 100, strike beginning with “; or” in line 34 on page 99 down through “health” in line 15 on page 100.

Under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children’s Health Program

On page 102, strike beginning with “provided” in line 34 down through “exists:” in line 35; and in line 37, strike the semicolon.

On pages 102 and 103, strike beginning with “; or” in line 41 on page 102 down through “health” in line 23 on page 103.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 19 Negative – 27 (See Roll Call No. 474)

Read the third time and passed by yeas and nays as follows:

Affirmative – 41 Negative – 6 (See Roll Call No. 475)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 476)

RECESS

At 12:40 P.M. on motion of Senator Kasemeyer, seconded, the Senate took a recess until 4:00 P.M. on Wednesday, March 21, 2007 in memory of the Honorable Judge Leonard Ruben.

AFTER RECESS
Annapolis, Maryland
Wednesday, March 21, 2007
4:00 P.M. Session

At 4:27 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 479)

On motion of Senator Kasemeyer it was ordered that Senator Madaleno be excused from today's session.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS #17

House Bill 18 – ~~Delegate Hixson~~ Delegates Hixson, Bobo, Montgomery, Ali, Barve, Boteler, Bronrott, Cardin, Doory, Feldman, George, Gilchrist, Haynes, Howard, Hucker, Ivey, Jones, Kaiser, N. King, Kirk, Krebs, Lawton, Lee, Levi, Manno, McKee, Murphy, Olszewski, Pendergrass, Ramirez, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Election Law – Voting Systems – Voter-Verified Paper Records

FOR the purpose of requiring that certain voting systems produce a paper record of a voter's ballot choices and provide the voter with an opportunity to inspect the paper record before casting a final vote; requiring that the paper records be preserved at the polling place in a certain manner and for certain purposes; requiring that certain voting systems be accessible to certain individuals with disabilities; requiring certain comparisons and audits of certain ballots following an election; requiring public notice and demonstrations regarding certain voting systems and procedures; requiring the State Board of Elections to maintain certain information, to document certain occurrences, and to make certain information publicly available; ~~requiring the Governor to allocate certain resources for certain purposes;~~ making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and

provide a certain notification by a certain time; defining certain terms; requiring the State Board to adopt certain regulations and certain guidelines; and generally relating to voter-verified paper records for voting systems.

BY renumbering

Article – Election Law
Section 9–101 through 9–105, respectively
to be Section 9–102 through 9–106, respectively
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law
Section 1–101(xx)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY adding to

Article – Election Law
Section 9–101 and 9–107 through 9–112
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 47 – Delegates Hixson, Cardin, Doory, Gilchrist, Howard, Ivey, Kaiser, N. King, Krebs, Olszewski, Rice, Stukes, ~~and F. Turner~~ F. Turner, Bartlett, Barve, Elmore, George, Manno, McKee, Murphy, Ross, and Walker

AN ACT concerning

Motor Fuel Tax – Exemption for Biodiesel Fuel – Government Vehicles

FOR the purpose of exempting certain biodiesel fuel purchased for use in certain ~~government~~ vehicles from ~~a certain percentage~~ percentages of the State motor fuel tax in certain fiscal years; requiring the Comptroller to adopt certain regulations; providing for the termination of this Act; and generally relating to motor fuel tax exemptions for biodiesel fuel.

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 9–303
Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 117 – Delegates Lee, Rudolph, Goldwater, Ali, Anderson, Aumann, Barkley, Bobo, Bronrott, Dumais, Frank, Gaines, Gilchrist, Harrison, Hecht, Howard, Hucker, Impallaria, Ivey, James, Kach, Kaiser, Kirk, Krysiak, Kullen, Lawton, Manno, McDonough, Montgomery, Nathan–Pulliam, Niemann, O’Donnell, Rice, Shank, Shewell, Simmons, Smigiel, Stifler, Stocksdale, Stukes, Taylor, F. Turner, Valderrama, Vallario, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Braveboy, Burns, Davis, Haddaway, Love, Jameson, J. King, Mathias, McHale, Minnick, Walkup, Holmes, Costa, Dwyer, Eckardt, Elliott, Elmore, George, and Sossi

AN ACT concerning

Consumer Protection – Consumer Reporting Agencies – Security Freezes

FOR the purpose of authorizing a consumer to elect to place a security freeze on the consumer’s consumer report; establishing procedures for requesting a security freeze; requiring a consumer reporting agency to place a security freeze on a consumer’s consumer report within certain time periods after certain requests are received and to take certain actions within a certain number of business days after placing a security freeze on a consumer’s consumer report; providing that while a security freeze is in place, a consumer reporting agency may not provide any information in a consumer’s consumer report without certain authorization of the consumer; ~~requiring a consumer reporting agency to give certain notice to a consumer if any person requests access to a consumer’s consumer report under certain circumstances;~~ establishing procedures for requesting a security freeze to be lifted temporarily or removed; requiring a consumer reporting agency to temporarily lift or remove a security freeze within a certain number of business days after receiving a request from a consumer; requiring a consumer reporting agency to temporarily lift a security freeze within a certain number of minutes after receiving a request from a consumer after a certain date and under certain circumstances, with certain exceptions; prohibiting a consumer reporting agency from charging a consumer for any service relating to a security freeze, subject to certain exceptions; requiring a consumer reporting agency to give certain notices to a consumer at certain times; ~~authorizing a consumer who is affected by a violation of certain provisions of this Act to bring a certain action; establishing certain penalties;~~ providing for the application of this Act; defining certain terms; providing for a delayed effective date; and generally relating to consumer reporting agencies and security freezes on consumer reports.

~~BY repealing and reenacting, with amendments,
Article Commercial Law~~

~~Section 14-1202(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)~~

BY adding to

Article – Commercial Law
Section ~~14-1202.1~~ 14-1212.1
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 161 – The Speaker and Delegates Jones, G. Clagett, McIntosh, and Simmons

AN ACT concerning

Governor’s Appointments Office and Appointing Authorities – Duties

FOR the purpose of prohibiting the Governor’s Appointments Office from ~~superseding or interfering with any function~~ directing or overruling certain decisions of certain appointing authorities in the Executive Branch of State government ~~and~~, the Secretary of the Department of Budget and Management ~~with respect to the Secretary’s functions regarding the State’s personnel systems as assigned by law; prohibiting the Governor from delegating to the Appointments Office or any other unit, officer, official, or employee in the Office of the Governor or the Executive Branch any function or duty with respect to the hiring and termination of at will and special appointments in the principal departments of the Executive Branch and other units in the Executive Branch; providing a certain exception,~~ or a unit of the Department of Budget and Management; providing that appointing authorities in the Executive Branch of State government have certain exclusive powers and duties, ~~including the power to appoint, transfer, reassign, discipline, and terminate employees under their jurisdiction~~; prohibiting an appointing authority from delegating final decisions on the termination of an employee; defining certain terms; and generally relating to gubernatorial appointments and appointing authorities in the Executive Branch of State government.

BY adding to

Article – State Government
Section 8-3A-01 to be under the new subtitle “Subtitle 3A. Appointments in State Government”
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 181 – Delegates Bromwell, Aumann, Boteler, Burns, Cardin, Frank, Impallaria, Jennings, Jones, Kach, Lafferty, Malone, McDonough, Morhaim, Olszewski, Stein, and Weir

AN ACT concerning

Baltimore County – Election Law – ~~Assistant Chief Election Judge~~ Compensation for Election Judges

FOR the purpose of ~~creating the position of assistant chief election judge in Baltimore County; specifying the amount of the compensation for assistant chief election judges;~~ altering the compensation for chief election judges and other election judges in Baltimore County; and generally relating to election judges in Baltimore County.

BY repealing and reenacting, with amendments,

Article – Election Law

Section ~~10-203~~ and 10-205(b)(3)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 208 – Delegates Howard, Ali, Aumann, Benson, Cane, Harrison, Haynes, Healey, Holmes, Kaiser, Kirk, Kullen, Lee, Pendergrass, Rice, Ross, Sossi, F. Turner, ~~and Vaughn~~ Vaughn, Braveboy, Burns, Feldman, Hecht, Jameson, Manno, Mathias, McHale, Rudolph, Shewell, and Walkup

AN ACT concerning

Consumer Protection – Personal Information Protection Act

FOR the purpose of requiring a certain business, when destroying a customer's records that contain certain personal information of the customer, to take certain steps to protect against unauthorized access to or use of the personal information under certain circumstances; requiring a certain business that owns or licenses certain personal information of an individual residing in the State to implement and maintain certain security procedures and practices under certain circumstances; requiring certain businesses that own, license, or maintain computerized data that includes certain personal information of an individual residing in the State to ~~conduct a certain investigation and~~ notify certain persons of a breach of the

security of a system under certain circumstances; specifying the time at which notification must be given; specifying the contents of the notification; authorizing notification to be given in a certain manner; providing that a waiver of certain provisions of this Act is contrary to public policy and is void and unenforceable; providing that compliance with certain provisions of this Act does not relieve a certain business from a duty to comply with certain other requirements of federal law; providing that the provisions of this Act are exclusive and shall preempt any provision of local law; requiring a business to report to certain consumer reporting agencies on the breach of the security of a system under certain circumstances; requiring a business to provide notice of a breach of the security of a system to the Office of the Attorney General prior to giving a certain notification; providing that certain businesses and affiliates shall be deemed to be in compliance with the requirements of this Act under certain circumstances; 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; providing for a delayed effective date; and generally relating to the protection of personal information contained in the records of businesses, owned or licensed by businesses, or included in computerized data owned, licensed, or maintained by businesses.

BY adding to

Article – Commercial Law

Section 14–3501 through 14–3508 to be under the new subtitle “Subtitle 35.
Maryland Personal Information Protection Act”

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 222 – Delegate Beitzel

AN ACT concerning

**Garrett County – Local Government Tort Claims Act – Inclusion of Specified
Nonprofit Entity**

FOR the purpose of altering the definition of a “local government” under the Local Government Tort Claims Act to include a certain nonprofit corporation in Garrett County; providing that a certain notice requirement does not apply to certain actions against a certain nonprofit corporation in Garrett County or its employees; and generally relating to the inclusion of a certain nonprofit entity in Garrett County under the Local Government Tort Claims Act.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 5–301 and 5–304
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 227 – Delegates Hixson, Barve, Doory, Elmore, Gilchrist, Howard, Ivey, Kaiser, N. King, Olszewski, Rice, Stukes, and Walker

AN ACT concerning

Maryland Transportation Authority – Public–Private Partnerships

FOR the purpose of requiring that the Maryland Transportation Authority provide certain notice and information to certain committees of the General Assembly and the Department of Legislative Services prior to issuing a public notice of procurement related to certain public–private partnership arrangements or entering into certain public–private partnership arrangements; ~~prohibiting the Authority from entering into certain public–private partnership arrangements in which the total amount of certain payments exceeds a certain amount without certain approval from the General Assembly;~~ defining certain terms; and generally relating to the Maryland Transportation Authority and certain public–private partnership arrangements.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 274 – Delegates Kaiser, Barkley, Bohanan, Cane, Donoghue, Feldman, George, Gutierrez, Heller, Howard, Hubbard, N. King, Kipke, Krebs, Kullen, Lawton, Manno, Mizeur, Montgomery, Olszewski, Pena–Melnik, Proctor, Riley, Shewell, and Waldstreicher

AN ACT concerning

Study Commission to Explore the Expanded Application of State Stipends for National Certification of Teachers

FOR the purpose of establishing a Study Commission to Explore the Expanded

Application of State Stipends for National Certification of Teachers; providing for the membership of the Study Commission; requiring the Governor to designate the chair of the Study Commission; requiring the State Department of Education to provide staff for the Study Commission; providing that a member of the Study Commission may not receive compensation but is entitled to certain reimbursement; requiring the Study Commission to assess the rigor of national certification for certain occupations and determine how these national certifications compare to national teacher certification and make certain recommendations; requiring the Study Commission to report certain findings and recommendations to the Governor and to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the expanded application of State stipends for national certification of teachers.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–306(a) and (b)(2)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 340 – Delegates Nathan–Pulliam, Benson, Burns, Kipke, Kullen, Montgomery, Morhaim, and Tarrant

AN ACT concerning

Drug–Exposed Infants – Methamphetamine

FOR the purpose of ~~expanding the definition of a drug–exposed infant to include exposure to methamphetamine; and generally relating to drug–exposed infants~~ altering the conditions that establish a certain presumption that a child is in need of assistance by adding methamphetamine to certain provisions relating to drugs to which a child was born exposed or for which a mother tested positive upon admission to a hospital for delivery of a child; including methamphetamine within the definition of the term “drug” for purposes of certain factors a juvenile court is required to consider in determining whether termination of a parent’s rights is in a child’s best interests; and generally relating to children in need of assistance and termination of parental rights.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–818
Annotated Code of Maryland

(2006 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–323(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–323(d)(3)(ii)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 390 – Delegates Simmons, Kelly, and Shank

AN ACT concerning

Sexual Offenders – Evaluation Before Sentencing

FOR the purpose of requiring a court, unless there is a certain waiver, before sentencing a certain defendant under certain circumstances, to order that the defendant submit to a presentence investigation conducted by the Division of Parole and Probation and a mental health evaluation conducted by a certain individual employed or engaged by the Department of Health and Mental Hygiene; requiring a court to consider the presentence investigation and mental health evaluation when sentencing the defendant; and generally relating to evaluation and sentencing of sexual offenders.

BY adding to
Article – Criminal Procedure
Section 11–727
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 432 – Delegate James

AN ACT concerning

**Law Enforcement Officers' Pension System – Department of Public Safety and
Correctional Services Internal Investigative Unit Investigators**

FOR the purpose of authorizing certain members of the Department of Public Safety and Correctional Services Internal Investigative Unit to become members of the Law Enforcement Officers' Pension System; requiring the Board of Trustees for the State Retirement and Pension System to transfer certain funds to the Law Enforcement Officers' Pension System Accumulation Fund; requiring certain members of the Department of Public Safety and Correctional Services Internal Investigative Unit to deposit certain amounts in the Annuity Savings Fund of the Law Enforcement Officers' Pension System; exempting certain transfers of service credit from the provisions of Title 37 of the State Personnel and Pensions Article; 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), 26–202, 26–203.1, and 37–201
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 26–203.3
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 436 – Delegates Kaiser, Aumann, Barnes, Beidle, V. Clagett, Conway, Frush, Gaines, Gilchrist, Healey, Hubbard, Lawton, Love, Mathias, Montgomery, Niemann, Pena–Melnyk, Riley, Ross, Simmons, Sophocleus, Waldstreicher, ~~and Walker~~ Walker, Bartlett, Barve, Cardin, Doory, Elmore, George, Hixson, Howard, Ivey, Jennings, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Stukes, and F. Turner

AN ACT concerning

Homestead Tax Credit – Eligibility Verification – Application

FOR the purpose of requiring homeowners to file certain applications to the State Department of Assessments and Taxation to qualify for the homestead property tax credit; providing that the homestead property tax credit may not be granted unless an application is filed as required within certain time periods under certain circumstances; providing that the Department shall provide the option for an application to be submitted on the Department's website; requiring the

Comptroller to cooperate with the Department in adopting a certain procedure, provide certain information to the Department, and assist the Department in a postaudit of each application; providing for a certain reporting requirement to certain committees of the General Assembly; and generally relating to the homestead property tax credit.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 9–105(d)(1)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – Property

Section 9–105(d)(6) and (l)

Annotated Code of Maryland

(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 564 – Delegates Haddaway, Cane, Eckardt, and Mathias

AN ACT concerning

Dorchester and Talbot Counties – Unattended Marine Vessel Motor Fuel Retail Service Stations at Marinas – Pilot Program

FOR the purpose of requiring the State Fire Prevention Commission to establish a pilot program to allow the continuous operation of unattended marine vessel motor fuel retail service stations at marinas in Dorchester and Talbot Counties; requiring the operation of marine vessel motor fuel retail service stations under the pilot program to be consistent with certain provisions of law or regulations; requiring that the pilot program be developed in conjunction with a certain initiative of the Department of Natural Resources; stating the intent of the General Assembly; requiring the Commission to report to the General Assembly by a certain date on the results of the pilot program; and generally relating to a pilot program to allow unattended marine vessel motor fuel retail service stations at marinas in Dorchester and Talbot Counties.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 6–206(a)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 590 – Delegates Bartlett, Cardin, George, Gilchrist, Ivey, Jennings, Kaiser, N. King, McKee, Murphy, Rice, ~~and Ross~~ Ross, Barve, Doory, Elmore, Hixson, Howard, Krebs, Olszewski, Stukes, F. Turner, and Walker

AN ACT concerning

~~State Property Tax Exemption – Solar Energy Devices~~
State Taxes – Solar Energy Grants and Devices

FOR the purpose of providing a subtraction modification under the Maryland income tax for certain amounts received as a grant under a certain program; exempting from the State property tax certain real property that is a solar energy device installed to heat or cool a dwelling, generate electricity to be used in the dwelling, or provide hot water for use in the dwelling; defining a certain term; providing for the application of this Act; and generally relating to a Maryland income tax subtraction modification for certain amounts received as a grant under the Solar Energy Grant Program and a State property tax exemption for certain solar energy devices.

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – General
Section 10–207(x)
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY adding to

Article – Tax – Property
Section 7–308
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 610 – Delegate Dumais

AN ACT concerning

Education Department of Education and Department of Health and Mental Hygiene
– Student Surveys – ~~Youth Risk Behavior Surveillance System Survey~~ Workgroup

FOR the purpose of requiring the State Department of Education ~~to collaborate with the Department of Health and Mental Hygiene to incorporate the provisions of the Maryland Adolescent Survey and the Youth Tobacco Survey into the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey;~~ providing for certain exceptions to the authority of the Department of Education to omit certain survey questions; altering certain parental notification requirements; clarifying that certain surveys are part of the Youth Risk Behavior Surveillance System survey; requiring the Department of Health and Mental Hygiene, certain county boards, and certain schools to cooperate with the Department of Education in administering the survey; defining certain terms; and the Department of Health and Mental Hygiene to jointly establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years; requiring the Department of Education to administer a certain survey on or before a certain school year; and generally relating to ~~the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey~~ the establishment of a Workgroup relating to student surveys.

~~BY repealing and reenacting, with amendments,~~ adding to
Article – Education
Section ~~7-420~~ 7-420.1
Annotated Code of Maryland
(2006 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
Section ~~13-1001(l) and (w) and 13-1003(d)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY adding to~~
~~Article – Health – General~~
Section ~~13-1001(w)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2006 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 630 – Delegate Bohanan

AN ACT concerning

Judges' Retirement System – Employment on Faculty of Public Institution of Higher Education

FOR the purpose of establishing that a certain limitation on earnings and reduction of retirement allowance for retired judges does not apply to a retiree who is employed as a member of the faculty of a public institution of higher education in the State; providing for the application of this Act; clarifying language; and generally relating to retired judges.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–406
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 636 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Task Force to Improve Child Support Compliance
PG 426–07**

FOR the purpose of establishing a Task Force to Improve Child Support Compliance in Prince George's County; establishing the membership and staffing of the Task Force; requiring the members of the Task Force to designate the chair of the Task Force; requiring the Task Force to develop a plan and draft legislation to improve child support compliance in Prince George's County among certain noncustodial parents; requiring the Task Force to consider methods to increase paternity establishment and court order establishment and the option of privatization of child support enforcement; requiring the Task Force to submit a report to the Governor and General Assembly regarding its findings and recommendations by a certain date; prohibiting a member of the Task Force from receiving certain compensation, but authorizing a member of the Task Force to receive certain reimbursements; providing for the termination of this Act; and generally relating

to the Task Force to Improve Child Support Compliance in Prince George's County.

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 653 – Prince George's County Delegation

AN ACT concerning

**Prince George's County – Marriage License Fee – Increase
PG 411-07**

FOR the purpose of increasing the maximum amount of the additional marriage license fee that the Prince George's County Council is authorized to set; requiring the clerk to pay the proceeds from the additional marriage license fee to the Family Crisis Center of Prince George's County; and generally relating to marriage license fees in Prince George's County.

BY repealing and reenacting, without amendments,

Article – Family Law
Section 2-404(a)
Annotated Code of Maryland
(2006 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Family Law
Section 2-404(n)
Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 683 – Delegates Mathias and Conway

AN ACT concerning

**Worcester County – Fire and Explosive
Investigators – Authority**

FOR the purpose of providing that, under certain circumstances, a Worcester County fire and explosive investigator operating in Worcester County has the same authority as the State Fire Marshal and a full-time investigative and inspection assistant in the Office of the State Fire Marshal to make an arrest without a warrant and

exercise certain powers of arrest; authorizing a Worcester County fire and explosive investigator to exercise certain authority while operating outside Worcester County under certain circumstances; authorizing the Worcester County Fire Marshal to limit certain authority of a fire and explosive investigator to make an arrest without a warrant or exercise certain powers of arrest; requiring the Worcester County Fire Marshal to express the limitation in writing; excluding a Worcester County fire and explosive investigator from the definition of “law enforcement officer” under the law relating to the Law Enforcement Officers’ Bill of Rights; including a Worcester County fire and explosive investigator in the definition of “police officer” in connection with provisions of law relating to the Maryland Police Training Commission and the authorized carrying of a handgun by a person engaged in law enforcement; defining certain terms; requiring the Maryland Police Training Commission to certify certain fire and explosive investigators as police officers under certain circumstances; and generally relating to the authority of Worcester County fire and explosive investigators.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 4–201(a)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–201(d)
Annotated Code of Maryland
(2002 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–208
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–208.3
Annotated Code of Maryland
(2001 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–201(a)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(2) and 3–201(e)(2)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 749 – Montgomery County Delegation and Prince George’s County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers’ Compensation – Lyme Disease Presumption
MC/PG 113–07

FOR the purpose of applying the occupational disease presumption under the workers’ compensation law to park police officers employed by the Maryland–National Capital Park and Planning Commission (MNCPPC) who contract Lyme disease under specified circumstances; providing that park police officers who are eligible for benefits under this Act shall receive the benefits in addition to certain retirement benefits, subject to a certain adjustment; and generally relating to the occupational disease presumption for Lyme disease under the workers’ compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503 (d) and (e)
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 789 – Delegates Minnick, Burns, Feldman, Haddaway, Impallaria, Jameson, Love, Manno, and Miller

AN ACT concerning

Banking Institutions – Deceptive Use of Names, Trade Names, Trademarks, Service Marks, Logos, or Taglines – Penalties

FOR the purpose of clarifying the entities that may use a name, title, or other words that represent that the person is authorized to do the business of banking in the State; providing that under certain circumstances, a person may not use the name, trade name, trademark, service mark, logo, or tagline of a certain bank that is similar to that which is used by the bank or a term or design that is similar to the name, trade name, trademark, service mark, logo, or tagline of a certain bank in certain material; providing for an exception; providing for a penalty for a violation of the ~~the~~ this Act; defining ~~a certain term~~ certain terms; and generally relating to the deceptive use of the name, trade name, trademark, service mark, logo, or tagline of a bank.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–806
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 921 – ~~Delegate Kullen~~ Delegates Kullen, Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Motor Vehicle Excise Tax – Active Duty Military Personnel Who Become Maryland Residents

FOR the purpose of allowing certain members of the military a motor vehicle excise tax credit under certain circumstances for a vehicle previously titled and registered in another state; defining a certain term; and generally relating to the motor vehicle excise tax.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–809(c)(3)(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 962 – Delegates Conway, Proctor, Gaines, Healey, Ross, Costa, Anderson, Branch, Braveboy, G. Clagett, Eckardt, Griffith, Guzzone, Haynes, Hixson, James, Jones,

Levy, Love, Mathias, McIntosh, Niemann, ~~Proctor~~, Rosenberg, Rudolph, and ~~Stocksdale~~
Stocksdale, Barnes, Benson, Davis, Frush, Holmes, Howard, Hubbard, Ivey, Levi,
Pena-Melnyk, Ramirez, Valderrama, Vallario, and Vaughn

AN ACT concerning

Teachers' Retirement System and Teachers' Pension System – Reemployment of Retirees

FOR the purpose of altering the total number of certain retirees of the Teachers' Retirement System or Teachers' Pension System that certain school districts may rehire; 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; and generally relating to the reemployment of retirees in the Teachers' Retirement System or the Teachers' Pension System.

~~BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section ~~22-406(e)(5)~~ and ~~23-407(e)(5)~~
Annotated Code of Maryland
(~~2004 Replacement Volume and 2006 Supplement~~)~~

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~22-406(e)(8)~~ and ~~23-407(e)(8)~~ 22-406 and 23-407
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 989 – Delegates Harrison, Branch, and Conway

AN ACT concerning

Maryland Small Business Development Financing Authority – Financing Limitations

FOR the purpose of altering certain limitations on lending, guarantees, and equity participation financing by the Maryland Small Business Development Financing Authority in certain transactions; altering the maximum amount of a loan guarantee that the Authority may make using the Contract Financing Fund; altering the maximum amount of a loan guarantee that the Authority may make using the Guaranty Fund; altering the scope of contracts for which the Authority may act as a surety and guarantee losses incurred by certain sureties under the

Small Business Surety Bond Program and certain limitations; altering certain limitations on the amount of equity and investment that the Authority may own in certain businesses and franchises under the equity participation financing program; altering certain limitations on the qualifications of certain enterprises and principals seeking to acquire certain existing businesses in connection with equity participation financing provided by the Authority; providing for the effective date of certain provisions of this Act; and generally relating to the Maryland Small Business Development Financing Authority.

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1022(a), 5–1024(a), 5–1029(a), 5–1035(a) and (d)(1), and 5–1046
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1035(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)
(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Finance.

House Bill 991 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Glenn, Kirk, Krysiak, McHale, and Stukes

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

FOR the purpose of extending to a certain date provisions requiring that for certain fiscal years certain amounts measured by proceeds from a hotel room tax imposed by Baltimore City be appropriated for certain purposes; requiring that the required appropriation be made to a certain association; repealing certain obsolete language; and generally relating to hotel room taxes and convention center marketing and tourism promotion in Baltimore City.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (40)(e)
(2006 Edition)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1013 – Delegate James

AN ACT concerning

Governor’s Pension Plan – Surviving Spouse Benefits

FOR the purpose of providing certain death benefits to surviving spouses of former Governors; and generally relating to death benefits for surviving spouses of former Governors.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 22–405
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1056 – Delegates Heller, Ali, Anderson, Aumann, Barkley, Bates, Bobo, Boteler, Braveboy, Bromwell, Bronrott, G. Clagett, V. Clagett, Conaway, Conway, DeBoy, Dumais, Elliott, Elmore, Feldman, Frank, Gilchrist, Glenn, Guzzone, Haddaway, Harrison, Haynes, Healey, Hixson, Hubbard, Hucker, Impallaria, Jennings, Jones, Kach, Kaiser, Kelly, N. King, Kipke, Kirk, Kramer, Krysiak, Kullen, Lawton, Lee, Love, Malone, Manno, McDonough, McKee, Minnick, Mizeur, Montgomery, Morhaim, Myers, Nathan–Pulliam, Oaks, Pendergrass, Proctor, Ramirez, Rice, Riley, Rosenberg, Schuler, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stukes, Stull, Taylor, F. Turner, Vaughn, Waldstreicher, Weir, Weldon, ~~and Wood~~ Wood, and Krebs

AN ACT concerning

Higher Education – Blind and Print Disabled Students – Instructional Materials

FOR the purpose of requiring the Maryland Library for the Blind and Physically Handicapped to convene a certain committee on or before a certain date; providing for the membership of the committee; requiring a certain number of the members of the committee to be blind or print disabled; requiring the committee to establish certain ~~procedures~~ guidelines to facilitate the delivery of certain materials to certain students in certain formats; establishing the duties of the Committee; providing for the termination of the Committee; providing for the content of certain guidelines; ~~authorizing the Library to determine certain eligibility of~~

~~certain students to make certain requests~~; requiring the Library to make certain requests to certain publishers regarding the provision of certain instructional materials; providing certain publishers a certain period of time to respond to certain requests; requiring certain publishers to indicate certain information to the Library; exempting certain publishers from certain requirements of this Act; requiring a certain electronic format to have certain characteristics; requiring a publisher to submit a certain electronic format containing certain characteristics under certain circumstances; providing for the content of a certain request to a certain publisher; requiring certain publishers to provide the Library with certain material at no cost and in a timely manner; authorizing certain publishers to request a copy of a certain agreement containing certain information; establishing certain technological security requirements for certain material by certain persons; requiring certain persons to make a request of certain publishers using a certain procedure; exempting certain persons from certain request procedures; authorizing an institution to assist certain students in transcribing certain materials into a braille copy; providing that certain institutions have a right to share a certain braille copy with certain students at the institution; requiring the Governor to include in the annual budget submission a certain appropriation beginning in a certain fiscal year and each fiscal year thereafter; providing for the application of this Act; providing that certain publishers may not be required to perform certain acts that may constitute infringement of a copyright or provide certain electronic formats under certain circumstances; defining certain terms; requiring the Library to consult and coordinate with the State Department of Education to facilitate the utilization of certain equipment and staff for certain purposes; and generally relating to instructional materials for blind or print disabled students.

BY adding to

Article – Education

Section 11–901 through ~~11–905~~ 11–906 to be under the new subtitle “Subtitle 9.
Instructional Materials for Blind and Print Disabled Students”

Annotated Code of Maryland
(2006 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1077 – Delegate O’Donnell

AN ACT concerning

Calvert County – Highway User Revenues – Special Taxing Districts

FOR the purpose of clarifying that no provision of law may be construed as prohibiting Calvert County from accepting an easement for public travel on a highway in a

special taxing district, including in the county's inventory of county roads any highway in a special taxing district in the county, or distributing a portion of the county's highway user revenues to a special taxing district in the county; clarifying that, for purposes of certain provisions of this Act, a certain highway includes a gravel road; declaring the intent of the General Assembly that Calvert County accept an easement for public travel on all highways in all special taxing districts in the county, include in the county's inventory of county roads all highways in all special taxing districts in the county, and distribute a portion of the county's highway user revenues to all special taxing districts in the county; and generally relating to highway user revenues and special taxing districts in Calvert County.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–404
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1165 – Delegate Feldman

AN ACT concerning

**Corporations and Associations – Charter Documents – Execution Requirements for
Business Trusts**

FOR the purpose of altering certain requirements for the execution of certain charter documents by business trusts; extending to business trusts the requirements applicable to corporations and real estate ~~business~~ investment trusts for signing, acknowledging, witnessing, attesting, and verifying certain charter documents; and generally relating to requirements for the execution of charter documents by business trusts.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–301
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1166 – Delegate Feldman

AN ACT concerning

Real Estate Investment Trusts – Definition and Share Information

FOR the purpose of ~~establishing that~~ altering the definition of “real estate investment trust” ~~applies to an unincorporated business 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; ~~making a certain technical change~~; 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
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1185 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Film Production Activity – Employer Wage Rebate Program

FOR the purpose of altering the method for determining the rebate payable from the Film Production Employer Wage Rebate Fund of the Department of Business and Economic Development; altering the scope of certain costs eligible for the rebate; renaming the Fund; defining certain terms; and generally relating to the Film Production Employer Wage Rebate Fund and film production activity in the State.

BY repealing and reenacting with amendments,
Article 83A – Department of Business and Economic Development
Section 5–1801 and 5–1803 through 5–1805 to be under the amended subtitle
“Subtitle 18. Film Production Rebate Fund”
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1186 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Financing Transactions

FOR the purpose of authorizing the Department of Business and Economic Development to expend funds and take certain actions to protect the interests of the Department in financing transactions; allowing the Department to receive certain repayments and returns on investment for certain financings made to local governments from the Maryland Economic Development Assistance Fund without triggering certain new financing requirements; altering certain limitations on funding for strategic plans, economic development plans, and feasibility studies from the Maryland Economic Development Assistance Fund; and generally relating to the Department of Business and Economic Development and financing.

BY adding to

Article 83A – Department of Business and Economic Development
Section 5–107
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article 83A – Department of Business and Economic Development
Section 5–1405
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1187 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Motor Vehicle Liability Insurance – Exclusion of Named Driver

FOR the purpose of altering the scope of certain provisions of law that require certain insurers to offer to exclude certain individuals from certain liability insurance policies; requiring certain insurers to offer to exclude certain individuals from a private passenger motor vehicle liability insurance policy instead of canceling, refusing to renew, or increasing the premiums on the policy; providing that, except for private passenger policies, certain insurers may, but are not required to, offer to

exclude certain individuals from a policy of motor vehicle liability insurance instead of canceling, refusing to renew, or increasing the premiums on the policy; making clarifying and conforming changes; and generally relating to motor vehicle liability insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–609
Annotated Code of Maryland
(2006 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1206 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Inmates and Detainees Who Are Pregnant or Have Newborn Child

FOR the purpose of altering parole eligibility requirements for certain individuals detained or confined in a correctional facility; altering the requirements for special leave for certain inmates; establishing authority for female inmates or detainees to retain custody of newborn children under certain circumstances for participation in certain programs; transferring certain authority relating to inmates and detainees from the Division of Correction to the Department of Public Safety and Correctional Services; and generally relating to individuals detained or confined in a correctional facility who are pregnant or have a newborn child.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–810, 7–301(a), and 9–601
Annotated Code of Maryland
(1999 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1241 – Delegate Manno

AN ACT concerning

Surplus Lines Insurance – Date of Filing Affidavit

FOR the purpose of altering the date by which a certain affidavit for surplus lines insurance must be filed with the Maryland Insurance Commissioner; and generally relating to surplus lines insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 3–307
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS #16**

House Bill 133 – The Speaker (By Request – Administration) and Delegates Busch, Haynes, ~~and McIntosh~~ McIntosh, Ali, Beidle, Bobo, Boteler, Cane, V. Clagett, Frush, Glassman, Glenn, Healey, Holmes, Hucker, Lafferty, Lawton, Malone, Montgomery, Niemann, O’Donnell, Shewell, Sossi, Stein, Stull, and Weir

AN ACT concerning

Natural Resources – Chesapeake Bay – Oyster Restoration

~~FOR the purpose of authorizing the Department of Natural Resources to lease land under certain waters of the Chesapeake Bay for oyster restoration; requiring the Department to adopt regulations and condition the leases to require a holder of certain oyster bottom to plant a certain minimum amount of seed oyster on certain surfaces within a certain time frame; authorizing the Department to extend the time frame for planting oyster seed on certain leased oyster bottom under certain circumstances; authorizing a holder of certain leased oyster bottom to catch oysters for certain purposes; establishing that a holder of certain leased oyster bottom may only restore a certain species of oyster; establishing that certain penalties apply for certain unlawful taking of oysters; establishing that certain penalties apply for unlawfully taking oysters in certain areas; altering a certain element of the criminal offense of unlawfully taking oysters; altering the range of time for a tidal fish license suspension that applies to a person who unlawfully takes oysters; establishing a certain additional penalty for a violation of certain time restrictions on catching or landing oysters; requiring the Department to impose certain license suspensions in a certain manner; requiring the Department to adopt certain regulations; establishing the Task Force on Oyster Restoration in~~

~~the Chesapeake Bay; providing for the membership of the Task Force; requiring the Secretary of Natural Resources to appoint the chair of the Task Force; requiring the Task Force to examine certain issues related to oysters in the Chesapeake Bay and to formulate a certain action plan; providing for reimbursement for the expenses of a member of the Task Force; providing that certain provisions of the Maryland Public Ethics Law do not apply under certain circumstances to certain regulated lobbyists who serve on the Task Force; providing for the staff of the Task Force; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of certain provisions of this Act; making certain technical corrections; making certain stylistic changes; altering a certain definition establishing the Oyster Advisory Commission in the Department of Natural Resources; providing for the membership of the Commission; establishing the duties of the Commission; requiring the Commission to report to the Governor and the General Assembly by a certain date; requiring the Department of Natural Resources to publish certain information with respect to areas closed to shellfish harvesting; authorizing certain organizations to lease certain submerged land in Anne Arundel County for oyster restoration; authorizing certain holders of certain oyster bottom leases to renew the leases; requiring a certain holder of an oyster bottom lease to adhere to a certain plan and to plant a certain amount and density of oyster seed; prohibiting a certain holder of an oyster bottom lease from transferring or attempting to transfer a certain interest in submerged land; providing for reversion of a lease to the State if a certain transfer is made or attempted; establishing that certain penalties apply for unlawfully taking oysters in certain areas; repealing the penalty of license suspension for certain unlawful takings of oysters; requiring the Department to adopt certain regulations establishing a certain administrative process for license suspension or revocation for unlawfully taking oysters; providing for the effective dates of this Act; and generally relating to oyster restoration in the Chesapeake Bay.~~

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section ~~4-11A-05(a)(1), (b), and (f)(1) and (2), 4-11A-07, 4-11A-11, 4-11A-12(a), 4-11A-13(a), (b), and (e)(1), 4-204(c), 4-11A-05(a)(2), and 4-1201(f)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY adding to

Article – Natural Resources

Section ~~4-1201(g)~~ 4-1006.2

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 191 – Cecil County Delegation

AN ACT concerning

Cecil County – Board of Parks and Recreation – Appointment of Members

FOR the purpose of altering the manner of appointment of the members of the Board of Parks and Recreation for Cecil County; and generally relating to the appointment of the members of the Board of Parks and Recreation for Cecil County.

BY repealing and reenacting, without amendments,
The Public Local Laws of Cecil County
Section 57–1
Article 8 – Public Local Laws of Maryland
(1989 Edition and January 2006 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Cecil County
Section 57–2 A.
Article 8 – Public Local Laws of Maryland
(1989 Edition and January 2006 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 197 – Delegate Elmore

AN ACT concerning

Somerset County – Sale of Property – Whittington Elementary School

FOR the purpose of authorizing the County Commissioners of Somerset County to sell certain property known as Whittington Elementary School to Shore Up Inc., under terms the County Commissioners consider appropriate; exempting the sale of certain property from certain general requirements for the sale of surplus property; and generally relating to the sale of county property in Somerset County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 11A(a) and (b)(1) and (5)

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 11A(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 200 – Frederick County Delegation

AN ACT concerning

Frederick County – Road Projects – Repeal of State Match Requirement

FOR the purpose of repealing a prohibition that prevents the Frederick County Commissioners from expending certain funds for a road project on a State highway unless the State matches at least the same amount of funds for the same project; and generally relating to funding for road projects in Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2-7-131(D)
Article 11 – Public Local Laws of Maryland
(2004 Edition and June 2006 Supplement, as amended)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 233 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Metropolitan Commission – Terms of Voting Members

FOR the purpose of altering the term of the voting members of the Metropolitan Commission in St. Mary’s County; providing that the terms of certain voting members of the Metropolitan Commission serving on a certain date will expire after a certain number of years; and generally relating to the terms of the voting members of the Metropolitan Commission in St. Mary’s County.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 113-1 A.
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)
(As enacted by Chapter 394 of the Acts of the General Assembly of 2004)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 254 – Delegate Elmore

AN ACT concerning

Somerset County – Sale of Property to City of Crisfield

FOR the purpose of authorizing the County Commissioners of Somerset County to sell certain property to the City of Crisfield under terms the County Commissioners consider appropriate; exempting the sale of certain property from certain general requirements for the sale of surplus property; and generally relating to the sale of county property in Somerset County.

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 11A(a) and (b)(1) and (5)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 25 – County Commissioners
Section 11A(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 394 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Review of County Plans – Water Supply Systems and Designees

FOR the purpose of providing that, in St. Mary's County, approval of a new water supply system or the expansion of an existing water supply system requires the adoption, revision, or amendment to a county plan containing the water supply system to be subject to a certain review; authorizing a designee of the County Commissioners to consider certain amendments to a county plan under certain circumstances; expanding certain requirements for approval of county plans to include approval of plans for new water supply systems or the expansion of existing water supply systems; authorizing the Planning Commission to delegate the responsibility for certain public hearings to county staff; and generally relating to the review of county plans in St. Mary's County.

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–506
 Annotated Code of Maryland
 (1996 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 401 – Delegates Barnes, Malone, Ali, Conway, Costa, DeBoy, Frush, Glassman, Hubbard, Jennings, Kipke, Levi, Mathias, Morhaim, Niemann, Pena–Melnyk, Ross, Stein, Stull, Weir, and Weldon

AN ACT concerning

Public Safety – Carbon Monoxide Alarms

FOR the purpose of requiring the installation of certain carbon monoxide alarms ~~within a certain distance from~~ in a central location outside of each sleeping area within certain dwellings or, under certain circumstances, within a certain distance from carbon monoxide–producing fixtures and equipment within certain dwellings; establishing certain standards for the required carbon monoxide alarm; ~~establishing certain duties related to the replacement, repair, and maintenance of carbon monoxide alarms;~~ prohibiting a person from rendering a carbon monoxide alarm inoperable with a certain exception; clarifying that this Act does not prevent a county or municipal corporation from enacting more stringent requirements relating to carbon monoxide alarms; providing for the application of this Act; defining certain terms; and generally relating to carbon monoxide alarms.

BY adding to

Article – Public Safety

Section 12–1101 through 12–1106 to be under the new subtitle “Subtitle 11.
Carbon Monoxide Alarms”

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 412 – Delegates Elmore, Ali, Aumann, Bartlett, Bates, Beitzel, Boteler, Cane, DeBoy, Eckardt, Frank, George, Glassman, Haddaway, Impallaria, Jameson, Jennings, Kach, Kelly, N. King, Krebs, Kullen, Levy, Malone, McConkey, McDonough, McKee, Murphy, Myers, Shewell, Smigiel, Stull, Weir, Weldon, and Wood

AN ACT concerning

Natural Resources – Oyster Dredge Devices – Termination Date

FOR the purpose of ~~repealing~~ extending the termination date for certain provisions of law relating to oyster dredge devices; and generally relating to oyster dredge devices.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–1013(f)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 166 of the Acts of the General Assembly of 2004

Section 3

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 442 – Southern Maryland Delegation

AN ACT concerning

Potomac River Fisheries Commission – Commissioner Compensation

FOR the purpose of authorizing the members of the Potomac River Fisheries Commission to receive up to a certain amount of compensation for each day or portion of a day spent in the performance of their duties; providing that members of the Potomac River Fisheries Commission may not receive more than a certain

amount of compensation in any year; providing that this Act does not apply to the compensation of the incumbent members of the Potomac River Fisheries Commission from Maryland; making this Act subject to a certain contingency; and generally relating to compensation of the members of the Potomac River Fisheries Commission.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–306 Article I Section 5
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 452 – Delegate Rosenberg and The Speaker (By Request – Administration) and Delegates Anderson, Branch, Bromwell, Carter, Conaway, Doory, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, McHale, McIntosh, Oaks, Robinson, Schuler, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Conversion of Irredeemable Ground Rents

FOR the purpose of providing for the conversion of an irredeemable ground rent to a redeemable ground rent unless a notice of intention to preserve irredeemability is recorded within a certain period of time; providing that a disability or lack of knowledge does not prevent the conversion of an irredeemable ground rent if a notice of intention to preserve irredeemability is not recorded within a certain period of time; authorizing certain persons to file a notice in the land records of the county where the land is located; requiring a notice to be executed in a certain manner and to contain certain information; requiring a notice that meets certain requirements to be accepted for recording on payment of certain fees; exempting a notice from certain taxes; providing for the indexing of notices; requiring notices to be filed on or before a certain date; providing that a ground rent becomes redeemable if a notice is not recorded on or before a certain date; establishing the period of effectiveness of a filed notice; providing for the filing of renewal notices and the extension of the period of effectiveness of a filed notice; establishing the sum for which a converted ground rent may be redeemed; defining certain terms; and generally relating to the conversion of irredeemable ground rents.

BY adding to
Article – Real Property
Section 8–110.1

Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 458 – Delegate Tarrant and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Robinson, Schuler, Sophocleus, Stein, and Stukes

AN ACT concerning

**Ground Rents – Property Owned by Baltimore City – Reimbursement for Expenses
– Notices**

FOR the purpose of providing that in any suit, action, or proceeding to recover back rent, a ground rent landlord may only recover not more than a certain amount of back rent if the property is owned by Baltimore City and is abandoned or distressed under certain circumstances; authorizing a ground rent landlord of property that is owned by Baltimore City and is abandoned or distressed to request the Mayor and City Council of Baltimore to acquire the reversionary interest under the ground rent for a certain value under certain circumstances; prohibiting the application of a certain provision regarding reimbursement of a ground rent holder's expenses to collect a ground rent on property that is owned by Baltimore City and is abandoned or distressed under certain circumstances; establishing a certain Baltimore City office as the recipient of certain bills, notices, or other documents sent with regard to any property owned by Baltimore City that is subject to a ground rent; and generally relating to property owned by Baltimore City that is subject to a ground rent.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–111.1 and 8–402.3
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section 14–115.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 463 – Delegate Rosenberg and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, McIntosh, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

FOR the purpose of repealing provisions of law authorizing a landlord under a ground lease to bring an action for ejectment for nonpayment of ground rent; repealing provisions of law entitling the holder of a ground rent to reimbursement for certain expenses incurred in collecting past due ground rent and filing an action for ejectment; providing that the establishment of a lien is the ~~sole~~ remedy for nonpayment of a ground rent; requiring a certain person seeking to impose a lien to give a certain notice to certain persons in a certain manner; authorizing a person to whom notice is given to file a certain complaint and request a hearing in a certain circuit court; establishing procedures for imposing and releasing a lien; authorizing the court to award costs and reasonable attorney's fees to the prevailing party in a certain action; specifying the form for a statement of lien; providing for the enforcement and foreclosure of a lien; providing for the application and construction of certain provisions of this Act; making certain conforming changes; defining certain terms; and generally relating to remedies for nonpayment of ground rent.

BY repealing

Article – Real Property
Section 8–402.2 and 8–402.3
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Real Property
Section 8–402.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Real Property
Section 8–111.1 and 14–108.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 473 – Delegates Elmore, Cane, Eckardt, Haddaway, Mathias, Smigiel, and Walkup

AN ACT concerning

Natural Resources – Soft Crabs – Bycatch

FOR the purpose of creating a certain exception to the prohibition against possessing a bycatch of undersized soft crabs; requiring the Department of Natural Resources to adopt certain regulations relating to a bycatch for soft crabs; and generally relating to catching or possessing soft crabs.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–809
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 488 – Delegates Morhaim, Bobo, and Montgomery

AN ACT concerning

Environment – Statewide Electronics Recycling Program

FOR the purpose of altering a certain recycling program to include certain additional electronic devices; authorizing a county to address methods for the separate collection and recycling of certain electronic devices in a certain recycling plan; requiring that certain unspent or unencumbered funds, in excess of a certain amount, revert to the General Fund of the State; requiring certain fines and penalties be deposited into the State Recycling Trust Fund; requiring manufacturers of certain electronic devices to submit to the Department of the Environment a certain registration and fee; altering a certain manufacturer registration fee; requiring the Department to maintain a certain list of certain registered electronic device manufacturers; requiring the Department to provide the list to the Comptroller in a certain manner; prohibiting a certain retailer from selling certain electronic devices under certain circumstances; authorizing the Comptroller to assess a certain fine against certain retailers for certain violations

only after a certain number of warnings have been issued; establishing that each day on which a violation occurs or continues is a separate violation under certain provisions of this Act; requiring the fine to be deposited into the State Recycling Trust Fund in a certain manner; repealing the termination date of certain provisions of a certain Act; defining certain terms; and generally relating to the Statewide Electronics Recycling Program.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1701, 9–1702(d)(4), 9–1703(c), and 9–1707(f); and 9–1727 through 9–1730 to be under the amended part “Part IV. Statewide Electronics Recycling Program”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1702(a)

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY adding to

Article – Environment

Section 9–1728.1 to be under the amended part “Part IV. Statewide Electronics Recycling Program”

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 384 of the Acts of the General Assembly of 2005

Section 3

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 489 – Delegate Glenn and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Beitzel, Benson, Branch, Bromwell, Burns, Busch, Carter, V. Clagett, Conaway, Doory, Dumais, Hammen, Harrison, Haynes, Ivey, Jones, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Nathan–Pulliam, Oaks, Olszewski, Pena–Melnyk, Robinson, Schuler, Sophocleus, Stein, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Redemption

FOR the purpose of repealing a certain waiting period for redeeming certain ground rents; ~~requiring, before a voluntary transfer of a redeemable ground rent to a third party, that the landlord give the tenant notice of the tenant's right to redeem the ground rent and offer the tenant the opportunity to exercise the right; requiring the notice to contain certain information and to be given in a certain manner; establishing procedures for the tenant to exercise the right to redeem; requiring the transferee of a ground lease to notify the leasehold tenant of the transfer within a certain period of time after the transfer; requiring the notification to include certain information and to be sent to a certain address; requiring a settlement agent, before settlement of a certain loan, to notify the borrower of the right to redeem a redeemable ground rent and the redemption amount; requiring the Department of Housing and Community Development to study the feasibility of establishing or expanding a certain program to redeem certain ground rents and to report its findings to certain committees; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to encouraging~~ the redemption of existing ground rents.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–110
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article – Real Property
Section ~~8–110.1~~ 14–116.1 and 14–129
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 502 – Delegate Stein and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Cardin, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Harrison, Haynes, Kach, Kirk, Krysiak, Lafferty, Lawton, Love, McIntosh, Oaks, Olszewski, Robinson, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – Notices Regarding Ground Leases on Residential Property

FOR the purpose of requiring a leasehold tenant under a certain ground lease to notify the ~~landlord~~ ground lease holder of any change of address of the leasehold tenant

within a certain time period; altering the method by which a leasehold tenant is required to give certain notices to a ground lease holder; requiring a ~~landlord~~ ground lease holder under a certain ground lease to mail to the leasehold tenant a bill for the payment of ground rent due no later than a certain amount of time before the payment is due; requiring the bill sent by the ~~landlord~~ ground lease holder to include a certain notice regarding the ground lease and the rights and responsibilities of the leasehold tenant under the ground lease; altering the notice requirements contained in a contract for the sale of real property that is subject to a certain ground rent to include a certain notice regarding the ground lease and the rights and responsibilities of the leasehold tenant under the ground lease; defining certain terms; providing for the application of the provisions of this Act; making stylistic changes; and generally relating to notices regarding ground leases on residential property.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 14–116 and 14–117(a)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY adding to

Article – Real Property

Section 14–116.1

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 558 – Delegates Stull, Bartlett, Bates, Beitzel, Boteler, Cane, G. Clagett, V. Clagett, Eckardt, Elliott, Elmore, Glassman, Haddaway, Hecht, Jameson, Jennings, Kach, Krebs, Kullen, Lawton, Levy, McConkey, McKee, Myers, O'Donnell, Rudolph, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Weir, Weldon, and Wood

AN ACT concerning

Department of Agriculture – ~~Appointment or~~ Employment – Exemption from Ethics Restrictions

FOR the purpose of providing that a person who owns or operates a farm that is subject to the regulatory authority of the Department of Agriculture may be ~~appointed Secretary or deputy secretary of the Department or~~ appointed employed by the Department, subject to a certain restriction; requiring the Department, in consultation with the State Ethics Commission, to adopt certain regulations; and generally relating to ~~appointment to or~~ employment with the Department of Agriculture.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–102
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 580 – Delegate McIntosh and the Speaker (By Request – Administration) and Delegates Anderson, Beidle, Branch, Bromwell, Carter, V. Clagett, Conaway, Doory, Dumais, Glenn, Hammen, Haynes, Jones, Kirk, Krysiak, Lafferty, Lawton, Love, McHale, Oaks, Olszewski, Robinson, Schuler, Sophocleus, Stukes, and Tarrant

AN ACT concerning

Ground Rents – ~~Limitation of Actions~~ – Registry of Properties Subject to Ground Leases

FOR the purpose of authorizing the recordation of a certain ground lease extinguishment certificate under certain circumstances; ~~providing that a ground rent is extinguished if there is no demand or payment for more than a certain number of years of any specific ground rent under certain circumstances;~~ requiring the State Department of Assessments and Taxation to maintain ~~and update regularly on-line registries of landlords and~~ an on-line registry of properties that are subject to ground leases; requiring a ~~landlord~~ ground lease holder to apply to register a ground lease with the Department by submitting a certain registration ~~application form~~ and a certain fee; requiring the Department to register a ground lease under certain circumstances; requiring a ~~landlord~~ ground lease holder to notify the Department of certain information after a ground lease is registered; requiring a ~~landlord~~ ground lease holder to apply to register a ground lease by a certain date; providing for the extinguishment of a ground lease if the ground lease is not registered under certain circumstances; providing for certain considerations and rights if a ground lease is extinguished under certain circumstances; requiring the Department to work with the State Archives for certain purposes regarding ground leases registered under this Act; requiring the Department to credit all fees collected under this Act to a certain fund; requiring the Department to adopt regulations to carry out the provisions of this Act; requiring the Department to publish a certain notice regarding the registration of ground leases; requiring the Department to report to the General Assembly on or before certain dates; requiring the Comptroller of the State to report to the General Assembly on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to a registry of properties subject to

ground ~~rents~~ leases.

BY repealing and reenacting, with amendments,
 Article – Real Property
 Section 3–102(a) ~~and 8–107~~
 Annotated Code of Maryland
 (2003 Replacement Volume and 2006 Supplement)

BY adding to
 Article – Real Property
 Section 8–701 through ~~8–709~~ 8–711 to be under the new subtitle “Subtitle 7.
 Registry of Ground Leases”
 Annotated Code of Maryland
 (2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 588 – Delegate Hubbard

AN ACT concerning

Natural Resources – Forest Conservation – Net Tract Area

FOR the purpose of altering the definition of “net tract area” for forest conservation requirements and forest mitigation bank credits to include certain forested areas of certain tracts of land partially within 100–year floodplains or wetlands under certain circumstances; ~~including in the definition of “net tract area” a nontidal wetland, stream buffer, and the forested area of a 100–year floodplain or wetland under certain circumstances;~~ providing for the application of this Act; providing for the termination of this Act; and generally relating to the forest conservation program.

~~BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 5–1601(z) and (aa)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)~~

~~BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 5–1601(bb), (ff), and (jj) and 5–1607(c)(1) through (3) and (d)(1) through (4)
 Annotated Code of Maryland
 (2005 Replacement Volume and 2006 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 601 – Delegates Bohanan, O’Donnell, and Wood

AN ACT concerning

St. Mary’s County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in St. Mary’s County to hunt deer on certain Sundays on private property with a bow and arrow during certain months ~~and on a certain day during the deer firearms season~~; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 602 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Real Property – Transfer

FOR the purpose of authorizing the Board of County Commissioners of St. Mary’s County, by resolution, to transfer property no longer needed for a public purpose with or without consideration to any private nonprofit organization in the county or to the Housing Authority of St. Mary’s County if a certain public hearing is held; requiring certain issues to be considered at the public hearing; requiring a certain notice to be published before the public hearing; requiring the County Commissioners to have a certain appraisal included in the notice of the public hearing; requiring the County Commissioners to adopt certain regulations; and generally relating to the transfer of real property by St. Mary’s County.

BY adding to
Article 25 – County Commissioners
Section 11A(b)(6)

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 603 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Subdivision Regulations – Exemptions

FOR the purpose of exempting, in St. Mary’s County, properties that were deeded before a certain date and improved with a residence before a certain date from certain subdivision regulations for purposes of constructing additions to the residence or accessory buildings; and generally relating to subdivision regulations in St. Mary’s County.

BY repealing and reenacting, without amendments,
Article 66B – Land Use
Section 5.05(a) and 14.07(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 14.07(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 632 – Harford County Delegation

AN ACT concerning

Harford County – Deer Hunting on Private Lands – Sundays

FOR the purpose of removing Harford County from the list of counties in which deer hunting on private lands on certain Sundays is prohibited; and generally relating to deer hunting on private lands on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2000 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 677 – Harford County Delegation

AN ACT concerning

**Harford County – Nuisance Abatement and Local Code Enforcement –
Enforcement Authority**

FOR the purpose of authorizing ~~certain community associations~~, the State's Attorney for Harford County, ~~the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to bring certain actions in the District Court for relief from certain nuisances within Harford County; requiring certain notices to the county code enforcement agency and to certain tenants and property owners before a nuisance abatement action may be brought; providing that a political subdivision may not be subject to certain actions; providing for certain remedies; providing for the construction of this Act; defining certain terms; and generally relating to the right of ~~community associations~~, the State's Attorney for Harford County, ~~the County Attorney for Harford County and the city attorneys for the incorporated municipalities of Aberdeen, Havre de Grace, and Bel Air~~ to seek judicial abatement of certain nuisances in Harford County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(7)
Annotated Code of Maryland
(2006 Replacement Volume)

BY adding to
Article – Real Property
Section 14–125.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 722 – Washington County Delegation

AN ACT concerning

Washington County – Code of Public Local Laws – Compilation and Legalization

FOR the purpose of legalizing the 2007 edition of the Code of Public Local Laws of Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board of County Commissioners of Washington County; making provisions for the publication, sale, and distribution of the Code of Public Local Laws of Washington County; and generally relating to the legalization of the Code of Public Local Laws of Washington County.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 726 – Washington County Delegation

AN ACT concerning

Washington County – Fire Police Appointments

FOR the purpose of authorizing the commanding officer to designate to the Sheriff of Washington County, in a certain manner, a certain number of members of certain fire or ambulance companies to serve as fire police in Washington County; requiring the Sheriff of Washington County to appoint certain individuals to serve as fire police in Washington County; providing that certain powers are granted to individuals appointed to serve as fire police in Washington County; prohibiting individuals serving as fire police in Washington County from using a weapon in the performance of certain duties; providing for the termination of members of certain fire or ambulance companies who are serving as fire police in Washington County; providing that individuals appointed to serve as fire police in Washington County receive certain State benefits; repealing certain powers of a deputy sheriff in Washington County; repealing certain provisions relating to pension and retirement benefits for certain members of a fire company appointed as deputy sheriffs; defining a certain term; and generally relating to fire police appointments in Washington County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–302
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

BY adding to

Article – Public Safety

Section 7–304

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 753 – Washington County Delegation

AN ACT concerning

**Washington County Board of County Commissioners – Violations of Civil Offenses
– Authority**

FOR the purpose of authorizing the Board of County Commissioners of Washington County to provide that violations of certain civil offenses may be prosecuted in a certain manner; requiring the Board of County Commissioners to adopt certain ordinances; requiring the Board of County Commissioners to provide certain individuals with copies of certain proposed ordinances before exercising certain authority; defining a certain term; and generally relating to violations of civil offenses in Washington County.

BY adding to

The Public Local Laws of Washington County

Section 1–112

Article 22 – Public Local Laws of Maryland

(1991 Edition and December 1997 Supplement, as amended)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 772 – Howard County Delegation

AN ACT concerning

**Howard County – Zoning Regulations – Administrative Proceedings
Ho. Co. 5–07**

FOR the purpose of authorizing the Howard County Council to provide by ordinance for an administrative proceeding to enforce certain zoning violations; providing that a certain ordinance may include authority to impose certain civil fines and penalties and create certain liens and assess certain costs for zoning violations; and

generally relating to administrative proceedings to enforce zoning regulations in Howard County.

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.02(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY adding to
Article 66B – Land Use
Section 14.06.1
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 785 – Delegates Malone, Barkley, Barnes, Barve, Beitzel, Bohanan, Boteler, Bronrott, Cane, Cardin, G. Clagett, V. Clagett, Conway, Costa, DeBoy, Dumais, Eckardt, Elmore, Frank, Frush, Gilchrist, Glassman, Haddaway, Harrison, Haynes, Hecht, Heller, Hixson, Hubbard, James, Jennings, Jones, Kach, Kramer, Krebs, Krysiak, Kullen, Lawton, Love, Manno, Mathias, McConkey, Minnick, Montgomery, Morhaim, Murphy, Niemann, Pena–Melnyk, Pendergrass, Proctor, Ramirez, Ross, Rudolph, Sossi, Stull, Taylor, Vaughn, Weir, ~~and Weldon~~ Weldon, Davis, Feldman, Jameson, and McHale

AN ACT concerning

Cigarette Fire Safety Performance Standard and Firefighter Protection Act

FOR the purpose of prohibiting the manufacture, sale, or offer for sale of cigarettes in the State unless the cigarettes have been tested in a certain manner and meet a certain performance standard and the manufacturer has filed a certain certification with the Comptroller; establishing a certain performance standard for cigarettes; requiring that testing of cigarettes be conducted in a certain manner; requiring laboratories that conduct testing to have certain current certification and implement a certain quality control and quality assurance program; providing for an alternative test method and performance standard under certain circumstances; providing that additional testing is not required under this Act of cigarettes that are tested in a certain manner for other purposes; requiring manufacturers to retain all data from testing for a certain period of time and provide certain data to the Comptroller, State Fire Prevention Commission, or the Attorney General; providing for a civil penalty if certain data is not provided within a certain period of time; requiring that a certain subtitle be implemented in accordance with the

implementation and substance of the fire safety standards of a certain state; requiring manufacturers to submit to the Comptroller a certain written certification that a cigarette has been tested and has met the performance standard; requiring recertification of cigarettes after a certain period of time; requiring manufacturers to retest certain altered cigarettes; requiring manufacturers to mark in a certain manner cigarettes that have been certified; requiring manufacturers to request approval of a proposed marking from the Comptroller; requiring manufacturers to provide certain wholesalers with copies of certifications and illustrations of certain markings; requiring wholesalers to provide certain retailers, subwholesalers, and vending machine operators with copies of certain illustrations; requiring retailers, subwholesalers, vending machine operators, and wholesalers to allow the Comptroller or designee to make certain inspections; providing that cigarettes sold or offered for sale in the State that do not comply with a certain standard are deemed contraband; authorizing the Comptroller to adopt certain regulations and establish certain fees; establishing certain civil penalties for certain violations of this Act; authorizing the Attorney General to enjoin acts in violation of this Act and to recover certain civil penalties; requiring that certain money collected from certain civil penalties be distributed to a certain fund; authorizing police officers and authorized personnel to seize and destroy certain cigarettes; requiring that certain holders of the trademark rights of certain cigarettes be provided the opportunity to inspect certain seized cigarettes prior to destruction; altering the composition of a certain fund; providing that this Act does not prohibit retailers, subwholesalers, vending machine operators, and wholesalers from selling existing inventory if certain tax stamps were affixed to the cigarettes before a certain date under certain circumstances; providing for the construction of this Act; providing that this Act preempts certain local laws, ordinances, or regulations; prohibiting local governmental units from enacting and enforcing certain ordinances, local laws, or regulations; requiring the Comptroller to monitor certain federal actions and notify the Department of Legislative Services of the adoption of a certain federal standard; defining certain terms; providing for a delayed effective date; providing for the termination of this Act; and generally relating to fire safety standards for cigarettes.

BY adding to

Article – Business Regulation

Section 16–601 through 16–610 to be under the new subtitle “Subtitle 6. Fire Safety Performance Standard for Cigarettes” and the amended title “Title 16. Cigarettes”

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 8–102(a) and (b)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 8–102(d)
Annotated Code of Maryland
(2003 Volume and 2006 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 791 – Queen Anne’s County Delegation

AN ACT concerning

Queen Anne’s County – State’s Attorney – Salary

FOR the purpose of altering the salary of the State’s Attorney for Queen Anne’s County; authorizing the State’s Attorney to appoint one or more deputy State’s Attorneys; specifying certain duties of the State’s Attorney, a deputy State’s Attorney, and an assistant State’s Attorney; establishing that the State’s Attorney is entitled to certain expenses for certain purposes; providing that this Act does not apply to the salary or compensation of the incumbent State’s Attorney for Queen Anne’s County; providing for a delayed effective date; and generally relating to the State’s Attorney for Queen Anne’s County.

BY repealing and reenacting, with amendments,
Article 10 – Legal Officials
Section 40(r)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 893 – Delegate James

AN ACT concerning

Bay Restoration Fund – Wastewater Treatment Facilities Upgrades – Reporting Requirements

FOR the purpose of requiring the Department of the Environment and the Department of Planning annually to make a certain joint report to certain persons on or before a certain date regarding the impact of certain upgraded wastewater treatment

~~facilities on growth, schools, hospitals, and other public facilities in certain municipalities; municipalities and counties; requiring the departments to include in the report certain information and determine, in consultation with and with the assistance of certain persons, other information to be included in the report; and generally relating to upgraded wastewater treatment facilities in the State.~~

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–1605.2(a)

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY adding to

Article – Environment

Section 9–1605.2(k)

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1605.2(k)

Annotated Code of Maryland

(1996 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 969 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County Metropolitan Commission – Fee Schedule

FOR the purpose of requiring the St. Mary’s County Metropolitan Commission to impose and collect a certain connection fee for certain water or sewer connections under certain circumstances; providing for the calculation of a certain connection fee; requiring the Commission to impose and collect certain capital contribution charges for certain equivalent dwelling units connected to the water and sewerage system; repealing the authority for the Commission to apply certain revenue from the connection fees above the actual cost for certain maintenance and operating expenses or for paying the principal of and interest on certain bonds; requiring that certain capital contribution charges be used for paying certain capital costs and certain bonds issued for certain construction costs; providing for the calculation of a certain capital contribution charge; requiring that the capital contribution charge

be assessed in a certain manner as a uniform charge for all sanitary districts; providing for the due date, late charges, and collection procedures for the connection fee and capital contribution charge; providing for an additional cost to be paid by certain property owners who defer a connection under certain circumstances; repealing certain provisions of law relating to benefit charges used for payment of costs for certain water and sewerage systems; requiring the Commission to impose and collect a certain system improvement charge for certain purposes on certain equivalent dwelling units under certain circumstances; requiring the system improvement charges to be assessed and payable monthly, to be uniform, and to be applied to every equivalent dwelling unit equally; requiring the system improvement charge to be used for paying certain capital costs and certain bonds issued for certain purposes; requiring the system improvement charges to be placed in a certain account to be used for certain purposes; providing for the calculation of certain system improvement charges; requiring the Commission to classify property and impose and collect the system improvement charge in a certain manner; requiring the Commission to provide certain notice to certain property owners regarding the system improvement charge; providing for the alteration of the classification of certain property; requiring the system improvement charge to be imposed for both water and sewerage facilities and be assessed in a certain manner; stating procedures for correcting any errors in imposing the system improvement charge; providing for certain exemptions to the system improvement charge; providing that the system improvement charge does not apply to property used for a certain purpose; requiring that the rate of a certain system improvement charge be based on a certain capital improvement plan of the Commission in a certain manner; authorizing the Commission to establish certain financial criteria to determine the eligibility of certain homeowners for a deferral of the system improvement charge; providing for procedures relating to the deferral of the system improvement charge; providing that the Commission may only implement a deferral process through adoption of a resolution in accordance with certain notice and hearing requirements; authorizing the connection with a water main or sewer of certain property that does not abut a water main or sewer under certain circumstances; authorizing the Commission to classify certain property as property in a remote area and to construct certain water or sewer lines and impose and collect a certain system improvement charge under certain circumstances; authorizing certain system improvement charges to be imposed on certain benefited properties for certain improvements; providing for the due date, late charges, and collection procedures for system improvement charges; requiring that certain system improvement charges be set aside in a certain fund; requiring a certain amount of money to be raised for certain bonds to be certified for collection by taxation under certain circumstances; providing for the payment of the system improvement charge when property is acquired by certain public entities; defining certain terms; and generally relating to the imposition of certain connection fees, capital construction charges, and system improvement charges imposed by the St. Mary's County Metropolitan Commission.

BY repealing

The Public Local Laws of St. Mary's County
Section 113-9
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of St. Mary's County
Section 113-12 and 113-14
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)

BY adding to

The Public Local Laws of St. Mary's County
Section 113-29
Article 19 – Public Local Laws of Maryland
(2002 Edition, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1045 – Delegates Montgomery, Gilchrist, Glassman, Howard, Kaiser, Kipke, Lawton, Manno, McComas, Pena-Melnyk, and Shewell

AN ACT concerning

Biodiesel and Ethanol Production Credit – Eligibility and Amounts

FOR the purpose of ~~altering the eligibility of a certain production credit for certain biodiesel products;~~ altering the ~~maximum~~ calculation of the amount of a production credit authorized for certain ethanol and biodiesel products; defining certain terms; and generally relating to production credits for ethanol and biodiesel products.

BY repealing and reenacting, without amendments,

Article – Agriculture
Section ~~10-1501~~ 10-1502
Annotated Code of Maryland
(1999 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Agriculture
Section ~~10-1502~~ 10-1501 and 10-1505
Annotated Code of Maryland

(1999 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1125 – Delegate Conaway

AN ACT concerning

Real Property – Contract for Sale – ~~Notice of Option to Redeem~~ Regarding a Ground Rent

FOR the purpose of ~~requiring contracts for sale of real property subject to a redeemable ground rent to include notice of the option of redeeming the ground rent for a certain sum;~~ altering the notice requirements contained in a contract for the sale of real property that is subject to a certain ground rent to include a certain notice regarding the ground lease and the rights and responsibilities of the leasehold tenant under the ground lease; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to contracts for sale of real property.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Real Property
Section 14–117(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

~~BY adding to~~
~~Article – Real Property~~
~~Section 14–117(a–1)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2006 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1133 – Delegate Elmore

AN ACT concerning

Delmarva Advisory Council – Repeal

FOR the purpose of repealing provisions of law establishing Maryland’s membership on the Delmarva Advisory Council; eliminating the representative of the Delmarva

Advisory Council from the membership of the Executive Board of the Rural Maryland Council; requiring the Department of Legislative Services to provide certain notice of the enactment of this Act; and generally relating to the Delmarva Advisory Council.

BY repealing

Article 32B – Delmarva Advisory Council

Section 1–101 through 1–111 and the article “Article 32B. Delmarva Advisory Council”

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

Section 15–104(c)(2)(xii)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY renumbering

Article 41 – Governor – Executive and Administrative Departments

Section 15–104(c)(2)(xiii) through (xxvii), respectively

to be Section 15–104(c)(2)(xii) through (xxvi), respectively

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1158 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Shellfish Dealers – Licensure

FOR the purpose of requiring a person who deals in shellfish to obtain a license issued by the Department of Natural Resources; requiring the Department to adopt certain regulations to define the species that are included as shellfish for certain purposes; and generally relating to the licensure of shellfish dealers.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–702

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1256 – Delegate Walkup

AN ACT concerning

Kent County – Treasurer – Repeal of Salary Provisions

FOR the purpose of repealing certain provisions relating to the annual salary of the County Treasurer of Kent County.

BY repealing

Article 25 – County Commissioners
Section 51(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

BY renumbering

Article 25 – County Commissioners
Section 51(u)
to be Section 51(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1284 – Delegates McHale, Anderson, Carter, Conaway, Hammen, Harrison, Haynes, Kirk, Krysiak, McIntosh, Oaks, Robinson, Rosenberg, Stukes, and Tarrant

AN ACT concerning

Ground Leases – Redemption – Preferred Interest Rate Loans

FOR the purpose of altering the purposes of the Maryland Home Financing Program to include making preferred interest rate loans for the redemption of ground leases under certain circumstances; authorizing the terms of loans that are set by the Department of Housing and Community Development under the Program to include certain deferred payments; exempting loans made under this Act from certain income limits; requiring an applicant for a loan under this Act to meet

certain qualifications; authorizing the Department to set a maximum amount for a loan under this Act; and generally relating to preferred interest rate loans for the redemption of ground leases.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–804, 4–806(c), and 4–807(d)
Annotated Code of Maryland
(2006 Volume)

BY adding to
Article – Housing and Community Development
Section 4–810(d) and 4–815(f)(4)
Annotated Code of Maryland
(2006 Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 9 – Senator Garagiola

AN ACT concerning

Education – Student Surveys – Youth Risk Behavior Surveillance System Survey

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0009/214631/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 9 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Education” and substitute “State Department of Education and Department of Health and Mental Hygiene”; in lines 2 and 3, strike “Youth Risk Behavior Surveillance System Survey” and substitute “Workgroup”; strike

beginning with “requiring” in line 4 down through “terms;” in line 14 and substitute “requiring the Department of Education and the Department of Health and Mental Hygiene jointly to establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years;”; strike beginning with “requiring” in line 14 down through “year” in line 15 and substitute “providing for the termination of this Act”; strike beginning with “the” in line 15 down through “survey” in line 17 and substitute “the establishment of a Workgroup relating to student surveys”; in line 18, strike “with” and substitute “without”; and in line 23, strike “repealing and reenacting, with amendments,” and substitute “adding to”.

AMENDMENT NO. 2

On page 2, in line 1, strike “Health – General” and substitute “Education”; in line 2, strike “13–1001(l) and (w) and 13–1003(d)” and substitute “7–420.1”; in line 4, strike “2005” and substitute “2006”; in the same line, strike “and 2006 Supplement”; strike in their entirety lines 5 through 9, inclusive; strike beginning with “provides” in line 17 down through “areas” in line 18 and substitute “has established and maintains, in collaboration with the states, systems for the collection of data regarding the use of tobacco, alcohol, and other drugs by youth, including the Youth Tobacco Survey and the Youth Risk Behavior Survey”; strike beginning with “the” in line 19 down through “survey” in line 20 and substitute “these surveys”; strike in their entirety lines 23 through 25, inclusive; and strike beginning with “The” in line 28 down through “drugs” in line 31 and substitute “It is desirable to minimize the administrative impact of these surveys on both students and schools as well as improve the quality and validity of the data collected”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 2 through 24, inclusive, and substitute:

“7–420.

(a) The Department shall establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey.

(b) The Department may omit up to a maximum of one-third of the survey questions if the Department considers the content of the questions inappropriate.”;

in line 25, strike the brackets; in the same line, strike **“(D)”**; in line 26, in each instance, strike the bracket; and in the same line, strike **“NOTIFY PARENTS”**.

On page 4, in line 1, in each instance, strike the bracket; strike beginning with **“NOTIFICATION”** in line 1 down through **“SUBSECTION”** in line 2; strike beginning with

the colon in line 2 down through “(II)” in line 5; in line 5, strike the brackets; and in the same line, strike “A”.

On pages 4 and 5, strike in their entirety the lines beginning with line 9 on page 4 through line 17 on page 5, inclusive, and substitute:

“7-420.1.

(A) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH A WORKGROUP TO EVALUATE AND REDUCE:

(1) THE IMPACT ON SCHOOLS OF ADMINISTERING VARIOUS HEALTH-RELATED SURVEYS TO STUDENTS; AND

(2) THE IMPACT ON STUDENTS OF TAKING VARIOUS HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT.

(B) THE WORKGROUP SHALL BE COMPOSED OF THE FOLLOWING:

(1) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT;

(2) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(3) REPRESENTATIVES FROM LOCAL SCHOOL DISTRICTS OF VARYING SIZES;

(4) REPRESENTATIVES FROM LOCAL HEALTH DEPARTMENTS OF VARYING SIZES;

(5) AT LEAST ONE REPRESENTATIVE WHO IS A PARENT WITH A CHILD IN A PUBLIC SCHOOL;

(6) ONE EPIDEMIOLOGIST WHO HAS KNOWLEDGE OF AND EXPERIENCE WITH STATISTICAL ANALYSIS; AND

(7) REPRESENTATIVES WHO HAVE KNOWLEDGE OF AND EXPERIENCE WITH THE MARYLAND ADOLESCENT SURVEY, THE MARYLAND YOUTH TOBACCO SURVEY, THE YOUTH RISK BEHAVIOR SURVEY, OR ANY OTHER HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN A PUBLIC SCHOOL FROM:

(i) THE DEPARTMENT; AND

(ii) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(C) THE WORKGROUP SHALL MEET AS A WHOLE AT LEAST FOUR TIMES EACH YEAR.

(D) THE PURPOSES OF THE WORKGROUP ARE TO:

(1) MINIMIZE THE IMPACT ON SCHOOLS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS DURING SCHOOL HOURS;

(2) MINIMIZE THE IMPACT ON STUDENTS OF TAKING HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT; AND

(3) COLLECT VALID AND OBJECTIVE DATA FROM HEALTH-RELATED SURVEYS OF STUDENTS THAT MEET THE LEGAL DATA COLLECTION RESPONSIBILITIES OF THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO THE FEDERAL GOVERNMENT.

(E) THE WORKGROUP SHALL STUDY AND EVALUATE:

(1) THE FEASIBILITY AND DESIRABILITY OF DEVELOPING AND ADMINISTERING A SINGLE SURVEY INSTRUMENT;

(2) THE COORDINATED ADMINISTRATION OF SEVERAL SURVEYS DURING A SINGLE SESSION;

(3) THE COORDINATED ADMINISTRATION OF SURVEYS USING CORE SURVEY MODULES SUPPLEMENTED BY ADDITIONAL SURVEY MODULES;

(4) ALTERNATING THE ADMINISTRATION OF SURVEYS OVER MULTIPLE SCHOOL YEARS;

(5) METHODS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS USED BY OTHER STATES, WITH EMPHASIS ON STATES THAT CONDUCT COUNTY-SPECIFIC SURVEYS; AND

(6) USING A COMBINATION OF SURVEY ADMINISTRATION METHODS, INCLUDING ADMINISTERING COUNTY-SPECIFIC SURVEYS WITH STATEWIDE SURVEYS.

(F) THE WORKGROUP MAY CONSULT WITH THE FOLLOWING ENTITIES, GROUPS, OR INDIVIDUALS:

(1) THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION OR ANY OTHER UNIT OF FEDERAL GOVERNMENT THAT ISSUES GUIDELINES OR RECOMMENDATIONS REGARDING ANY HEALTH-RELATED SURVEY ADMINISTERED TO YOUTH;

(2) COUNTY HEALTH OFFICERS OR HEALTH EDUCATORS TO ASSESS:

(i) THE UTILITY OF SURVEY DATA; AND

(ii) WHETHER CHANGES TO SURVEY METHODOLOGY ARE NEEDED TO IMPROVE THE DATA COLLECTED; AND

(3) PARENTS, TEACHERS, AND PRINCIPALS TO:

(i) DETERMINE THE IMPACT OF ADMINISTERING SURVEYS;

AND

(ii) SOLICIT IDEAS FOR REDUCING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS.

(g) (1) ON OR BEFORE SEPTEMBER 1, 2008, THE WORKGROUP SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE ON ITS FINDINGS AND RECOMMENDATIONS.

(2) THE REPORT SHALL INCLUDE:

(i) A DESCRIPTION OF EACH HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN SCHOOLS BY THE DEPARTMENT OR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, INCLUDING:

1. THE NAME OF THE SPONSORING AGENCY;

2. ANY APPLICABLE FEDERAL OR STATE MANDATES THAT IMPACT THE METHODS OF ADMINISTERING THE SURVEY;

3. THE SURVEY METHODOLOGY;

4. A SAMPLE SURVEY QUESTIONNAIRE;

5. THE SAMPLE SIZE AND FREQUENCY OF THE SURVEY ADMINISTRATION;

6. FUNDING SOURCES AND SURVEY COSTS; AND

7. A COPY OF THE EXECUTIVE SUMMARY OF THE LATEST REPORT DEVELOPED FROM EACH SURVEY;

(II) AN EXPLANATION OF:

1. THE UTILITY OF THE DATA COLLECTED BY THE SURVEY; AND

2. HOW THE DATA WILL BE USED TO STUDY OR IMPROVE STATE AND LOCAL HEALTH EDUCATION OR SAFETY FOR YOUTH OF THE STATE;

(III) AN EXPLANATION OF METHODS OF SURVEY ADMINISTRATION USED IN OTHER STATES THAT ADMINISTER COUNTY-LEVEL HEALTH-RELATED SURVEYS TO STUDENTS;

(IV) A SUMMARY OF ANY CONCERNS EXPRESSED BY LOCAL SCHOOL DISTRICTS, PRINCIPALS, TEACHERS, OR PARENTS REGARDING:

1. THE IMPACT OF ADMINISTERING OR TAKING SURVEYS; AND

2. IDEAS FOR ALTERNATIVE WAYS OF MINIMIZING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS;

(V) AN ANALYSIS OF ALTERNATIVE SURVEYS CONSIDERED, INCLUDING THE ADVANTAGES AND DISADVANTAGES OF EACH SURVEY CONSIDERED, INCLUDING:

1. THE FEASIBILITY OF USE AND IMPLEMENTATION;

2. CONSISTENCY WITH THE PURPOSES OF THE WORKGROUP; AND

3. COMPLIANCE WITH FEDERAL AND STATE LEGAL REQUIREMENTS;

(VI) AN ANALYSIS OF ANY CHANGES MADE TO THE ADMINISTRATION OF SURVEYS IN SCHOOLS AND HOW THE CHANGES HELPED TO REDUCE THE IMPACT ON SCHOOLS AND STUDENTS; AND

(VII) ANY OTHER RECOMMENDATIONS OF THE WORKGROUP, INCLUDING LEGAL, REGULATORY, OR POLICY CHANGES.”.

AMENDMENT NO. 4

On page 5, in line 18, strike “3.” and substitute “2.”; in line 19, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective”

for a period of 2 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read only.

Senator Garagiola moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

Senate Bill 476 – Senator Zirkin

AN ACT concerning

Juveniles – Group Home Education Program

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

(Amendment ID: SB0476/994135/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 476
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute:

“Task Force to Study Group Home Education and Placement Practices”;

strike beginning with “requiring” in line 3 down through “Program” in line 13 and substitute “establishing a Task Force to Study Group Home Education and Placement Practices; providing for the membership and staffing of the Task Force; providing that the members of the Task Force may not receive compensation but are entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Governor and the General Assembly on or before certain dates; providing for the termination of this Act; and generally relating to the Task Force to Study Group Home Education and Placement Practices”; and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On page 2, in line 2, strike “the Laws of Maryland read as follows”.

On pages 2 and 3, strike in their entirety the lines beginning with line 3 on page 2 through line 20 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, after line 20, insert:

“(a) There is a Task Force to Study Group Home Education and Placement Practices.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Human Resources, or the Secretary’s designee;

(4) the Secretary of Juvenile Services, or the Secretary’s designee;

(5) the Secretary of Health and Mental Hygiene, or the Secretary’s designee;

(6) the Secretary of Budget and Management, or the Secretary’s designee;

(7) the State Superintendent of Schools, or the Superintendent’s designee;

(8) the Executive Director of the Governor’s Office for Children, or the Executive Director’s designee; and

(9) the following members, appointed by the Governor:

(i) two representatives of local departments of social services;

(ii) two representatives of nonprofit service providers;

(iii) one representative of the State Coordinating Council;

(iv) one representative of a local coordinating council; and

(v) two representatives of the child advocacy community.

(c) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall:

(i) examine the current status of group home education and placement practices in out-of-home placements licensed by State agencies; and

(ii) make recommendations for future requirements for the placement of children in State licensed programs.

(2) The Task Force shall consider the following while making its findings and recommendations:

(i) funding requirements for:

1. programs for children committed to the Department of Juvenile Services and the Department of Human Resources;

2. alternative programs;

3. separate programs versus commingled programs; and

4. other State agencies;

(ii) the feasibility of separate programs and facilities for children commingled in programs licensed by the Department of Juvenile Services, the Department of Human Resources, the Department of Health and Mental Hygiene, and the Maryland State Department of Education;

(iii) studies related to the commingling of children committed to the Department of Juvenile Services and the Department of Human Resources;

(iv) the demographics of children committed to the Department of Juvenile Services and the Department of Human Resources;

(v) the educational needs of youth served by group homes;

(vi) the fiscal impact of prohibiting commingling of children on current and future providers;

(vii) the number of negative incidents in commingled and noncommingled programs; and

(viii) the commitment history of children in commingled and noncommingled programs.

(g) The Task Force shall submit to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly:

(1) an interim report of its findings and recommendations on or before December 1, 2007; and

(2) a final report of its findings and recommendations on or before December 1, 2008.”;

in line 22, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 396 – Senators Gladden, Della, Conway, Jones, McFadden, and Pugh

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

(Amendment ID: SB0396/928475/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pugh” and substitute “Pugh, Frosh, and Stone”; in line 7, strike “sole”; in line 9, after “notice” insert “to certain persons”; and in line 14, after the semicolon insert “providing for the application and construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 5, strike in their entirety lines 15 through 25, inclusive, and substitute:

(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

(5) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

(6) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

(7) “PROPERTY” MEANS PROPERTY SUBJECT TO A GROUND LEASE AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED UNDER THIS SECTION.

(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

AMENDMENT NO. 3

On page 5 in line 26, and on page 6 in lines 1 and 4, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C) (1)”, “(D)”, and “(E)”, respectively.

On page 5 in line 27, on page 6 in lines 2 and 4, and on page 10 in line 29, in each instance, strike “LANDLORD” and substitute “GROUND LEASE HOLDER”.

On page 10, in line 11, strike “§ 8-402.2(D)” and substitute “§ 8-402.2(E)”.

AMENDMENT NO. 4

On page 5, in line 28, strike “SOLE”; and after line 29, insert:

“(2) THIS SECTION DOES NOT AFFECT THE RIGHT OF A GROUND LEASE HOLDER TO BRING A CIVIL ACTION AGAINST THE LEASEHOLD TENANT SEEKING A MONEY JUDGMENT FOR THE AMOUNT OF THE PAST DUE GROUND RENT.”

AMENDMENT NO. 5

On page 6, in line 2, strike “AT LEAST” and substitute “UNPAID”; and in the same line, strike “IN ARREARS” and substitute “AFTER ITS DUE DATE”.

AMENDMENT NO. 6

On page 6, in line 5, strike “THE” and substitute “;”

(I) THE LEASEHOLD”;

strike beginning with “AGAINST” in line 5 down through “IMPOSED” in line 6 and substitute “; AND

(II) EACH MORTGAGEE OR TRUSTEE OF THE PROPERTY WHOSE LIEN IS ON RECORD”;

in line 7, after “(2)” insert “(I)”; in the same line, after “SERVED” insert “ON THE LEASEHOLD TENANT”; in line 8, strike “(I)”; in lines 9 and 11, in each instance, before

“TENANT” insert “LEASEHOLD”; in lines 9 and 12, in each instance, before “TENANT’S” insert “LEASEHOLD”; in line 12, strike “; AND” and substitute a period; strike in their entirety lines 13 and 14 and substitute:

“(II) IF THE GROUND LEASE HOLDER IS UNABLE TO SERVE THE LEASEHOLD TENANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NOTICE UNDER THIS SUBSECTION SHALL BE GIVEN BY:

1. MAILING THE NOTICE TO THE LEASEHOLD TENANT’S LAST KNOWN ADDRESS; AND

2. POSTING THE NOTICE IN A CONSPICUOUS MANNER ON THE PROPERTY ON THE DOOR OR OTHER FRONT PART OF THE PROPERTY BY THE GROUND LEASE HOLDER IN THE PRESENCE OF A COMPETENT WITNESS.

“(III) NOTICE TO ANY MORTGAGEE OR TRUSTEE UNDER THIS SUBSECTION SHALL BE GIVEN BY SENDING THE NOTICE BY CERTIFIED AND FIRST CLASS MAIL TO THE MOST CURRENT ADDRESS FOR NOTICES AS SET FORTH IN THE LAND RECORDS OR, IF NO SUCH ADDRESS IS CONTAINED IN THE LAND RECORDS, TO THE MORTGAGEE’S OR TRUSTEE’S CURRENT ADDRESS.”;

in line 15, strike “(E)” and substitute “(3)”; in the same line, after “UNDER” insert “THIS”; in the same line, strike “(D) OF THIS SECTION”; in lines 17, 19, 20, 21, 22, and 24, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; and strike beginning with “AGAINST” in line 22 down through “IMPOSED” in line 23; and strike beginning with “AGAINST” in line 24 down through “IMPOSED” in line 25 and substitute “TO WHOM NOTICE IS GIVEN UNDER THIS SUBSECTION”.

On page 7, in lines 3 and 5, strike “(7)” and “(8)”, respectively, and substitute “(VII)” and “(VIII)”, respectively; in lines 9 and 19, in each instance, strike “(D)” and substitute “(E)”; and in line 21, strike “AMOUNT OF” and substitute “UNPAID”.

AMENDMENT NO. 7

On page 8, strike in their entirety lines 1 through 3, inclusive; in lines 4, 8, and 13, strike “(I)”, “(J)”, and “(K)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively; in line 7, strike “(D)” and substitute “(E)”; and in line 10, strike “(I)” and substitute “(H)”.

AMENDMENT NO. 8

On page 8, in line 15, after “LIEN” insert “ON THE PROPERTY IDENTIFIED IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION”; strike in their entirety lines 18 through 22, inclusive, and substitute:

“(3) THE COURT MAY AWARD TO THE PREVAILING PARTY IN AN ACTION UNDER THIS SECTION:

(I) COURT COSTS; AND

(II) REASONABLE EXPENSES AND ATTORNEY’S FEES NOT EXCEEDING \$500.”;

in line 23, strike “(4)” and substitute “(K) (1)”; in the same line, strike “THE” and substitute “IF A COMPLAINT WAS FILED UNDER SUBSECTION (F) OF THIS SECTION, THE”; in line 24, after “COSTS” insert “, EXPENSES,”; after line 25, insert:

“(II) IF A COMPLAINT WAS NOT FILED UNDER SUBSECTION (F) OF THIS SECTION AND THE PAST DUE GROUND RENT WAS NOT PAID, THE AMOUNT OF THE LIEN SHALL BE FOR THE AMOUNT ALLEGED TO BE DUE IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION AND REASONABLE EXPENSES AND ATTORNEY’S FEES NOT EXCEEDING \$150.”;

in line 26, strike “(II)” and substitute “(2)”; in the same line, strike “ANNUALLY”; and in line 27, strike “DUE” and substitute “ACCRUING AFTER THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS”.

On page 9, strike in their entirety lines 1 through 3, inclusive; and in line 5, strike “(K)” and substitute “(J)”.

On page 10, strike in their entirety lines 17 through 19, inclusive; and in line 20, strike “(O)” and substitute “(N)”.

On page 11, in line 5, strike “(P)” and substitute “(O)”.

AMENDMENT NO. 9

On page 9, in line 5, strike “OWNER” and substitute “LEASEHOLD TENANT OR ANY MORTGAGEE”; in line 6, strike “AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED”; in lines 6 and 7, strike “PAST DUE GROUND RENT” and substitute “AMOUNT OF THE LIEN UNDER SUBSECTION (K)(1)(II) OF THIS SECTION”; in line 8, strike “PARTY SEEKING TO CREATE THE LIEN” and substitute “GROUND LEASE HOLDER”; and strike in their entirety lines 11 through 31, inclusive.

AMENDMENT NO. 10

On page 10, in line 1, strike “(4)” and substitute “(2)”; and in line 2, strike “STATEMENT OF LIEN IS FILED” and substitute “GROUND LEASE WAS CREATED”.

AMENDMENT NO. 11

On page 11, in lines 1 and 7, in each instance, strike “THE GREATER OF”; in lines 1 and 8, in each instance, strike “OR” and substitute “AND”; in line 2, strike

“CALCULATED”; and in the same line, strike “§ 8-110(B)(2)(I)” and substitute “§ 8-110(B)(2)”.

The preceding 11 amendments were read only.

Senator Klausmeier moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

Senate Bill 193 – Senators Conway, Britt, Currie, Della, Exum, Gladden, Jones, Kelley, McFadden, Pugh, and Raskin

AN ACT concerning

Criminal Procedure – Custodial Interrogation – Electronic Recordation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

(Amendment ID: SB0193/428276/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 193
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3 and 9, in each instance, strike “a crime of violence” and substitute “murder”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 and 9; in line 10, strike “(C)” and substitute “(B)”; in the same line, after the second “INTERROGATION” insert “INITIATED”; strike beginning with “IN” in line 11 down through “LEAVE” in line 12 and substitute “AFTER A PERSON HAS BEEN TAKEN INTO CUSTODY”; and in line 13, strike “(D)” and substitute “(C)”.

AMENDMENT NO. 3

On page 2, in line 17, strike “A CRIME OF VIOLENCE” and substitute “MURDER”.

On page 3, in line 21, after “A” insert “DIRECT”; and in line 26, strike “~~OUT-OF-STATE~~” and substitute “OUT OF STATE”.

On page 4, in line 4, strike “A CRIME OF VIOLENCE” and substitute “MURDER”.

The preceding 3 amendments were read only.

Senator Stone moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2007.

The motion was adopted.

Senate Bill 384 – Senator Frosh

AN ACT concerning

General Assembly – Legislative Inquiries and Examinations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

(Amendment ID: SB0384/478276/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 384
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “testimony;” insert “requiring that papers, books, accounts, documents, testimony, and records sought in accordance with a subpoena issued in accordance with certain provisions of law in connection with a lawfully authorized legislative inquiry or examination be pertinent to the inquiry or examination; providing that the papers, books, accounts, documents, testimony, or records are considered pertinent if they meet certain criteria;”; and in line 19, strike “party’s sole remedy for objecting” and substitute “only pleading that an objecting party may file to object”.

On pages 1 and 2, strike beginning with “requiring” in line 25 on page 1 down through “exception;” in line 1 on page 2.

On page 2, in line 3, after “manner;” insert “providing for the application of this Act;”; and in line 12, after “2-1802” insert “and 2-1803”.

AMENDMENT NO. 2

On page 7, after line 7, insert:

“(A) PAPERS, BOOKS, ACCOUNTS, DOCUMENTS, TESTIMONY, AND RECORDS SOUGHT IN ACCORDANCE WITH A SUBPOENA ISSUED UNDER § 2-408, § 2-507, § 2-807, § 2-1104, OR § 2-1608 OF THIS TITLE IN CONNECTION WITH A LAWFULLY AUTHORIZED LEGISLATIVE INQUIRY OR EXAMINATION MUST BE PERTINENT TO THE INQUIRY OR EXAMINATION.

(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, PAPERS, BOOKS, ACCOUNTS, DOCUMENTS, TESTIMONY, OR RECORDS ARE CONSIDERED PERTINENT IF THEY:

(1) RELATE TO THE MATTERS UNDER INQUIRY OR EXAMINATION;

(2) ASSIST IN ASSESSING THE CREDIBILITY OF A WITNESS;

(3) CONTRADICT OR CORROBORATE THE TESTIMONY OF A WITNESS;

OR

(4) DEMONSTRATE THE EXISTENCE OF UNDUE INFLUENCE ON A WITNESS.

2-1803.”.

On page 4 in line 13, on page 5 in lines 5 and 23, and on page 6 in line 14, in each instance, strike “~~§ 2-1802~~” and substitute “§ 2-1803”.

AMENDMENT NO. 3

On page 8, in lines 2 and 3, strike “~~PARTY’S SOLE REMEDY FOR OBJECTING~~” and substitute “ONLY PLEADING THAT AN OBJECTING PARTY MAY FILE TO OBJECT”.

AMENDMENT NO. 4

On page 8, strike in their entirety lines 15 through 23, inclusive; and in line 24, strike “~~(H)~~” and substitute “(G)”.

AMENDMENT NO. 5

On page 8, after line 27, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have an

effect on or application to any cause of action arising before the effective date of this Act.”.

On page 8, in line 28, strike “2.” and substitute “3.”.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 519 – Senators Peters, Brochin, Jacobs, McFadden, Muse, Pugh, Raskin, Robey, Simonaire, and Stone

AN ACT concerning

**Juveniles – School Attendance and Crimes Committed During School Hours –
Penalties and Issuance of a License to Drive**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

(Amendment ID: SB0519/438271/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 519
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Juveniles” in line 2 down through “Drive” in line 3 and substitute “Truancy – Prohibition Against Issuance of Learner’s Instructional Permit”.

On pages 1 and 2, strike beginning with the second “the” in line 4 on page 1 down through “school” in line 3 on page 2 and substitute “certain applicants for a learner’s instructional permit to present to the Motor Vehicle Administration the applicant’s school attendance record; prohibiting the Administration from issuing a learner’s instructional permit to certain applicants if the applicant’s school attendance record indicates a certain number of unexcused absences; and generally relating to the issuance of learner’s instructional permits and truancy”.

On page 2, strike in their entirety lines 4 through 13, inclusive; in line 16, after “7-301(a)” insert “(1)”; and strike in their entirety lines 19 through 28, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 34 on page 2 through line 2 on page 3, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 20 on page 4, inclusive.

On pages 4 through 6, strike in their entirety the lines beginning with line 28 on page 4 through line 29 on page 6, inclusive.

On pages 7 and 8, strike in their entirety the lines beginning with line 2 on page 7 through line 2 on page 8, inclusive.

On page 8, in line 12, after “(3)” insert “(1)”; strike beginning with “THE” in line 12 down through “PRESENTS” in line 14 and substitute “EACH APPLICANT FOR A LEARNER’S INSTRUCTIONAL PERMIT WHO IS UNDER THE AGE OF 16 YEARS SHALL PRESENT”; strike beginning with the colon in line 14 down through “SCHOOL,” in line 16; strike beginning with the semicolon in line 17 down through “SCHOOL” in line 23; and after line 23, insert:

“(II) THE ADMINISTRATION MAY NOT ISSUE A LEARNER’S INSTRUCTIONAL PERMIT TO AN APPLICANT UNDER THE AGE OF 16 YEARS IF THE APPLICANT’S SCHOOL ATTENDANCE RECORD INDICATES MORE THAN FIVE UNEXCUSED ABSENCES DURING THE PRIOR SCHOOL SEMESTER.”

On pages 8 and 9, strike in their entirety the lines beginning with line 24 on page 8 through line 20 on page 9, inclusive.

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 22, 2007.

The motion was adopted.

Senate Bill 389 – Senator Stone

AN ACT concerning

Civil Actions – Liability of Insurer – Failure to Act in Good Faith

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

(Amendment ID: SB0389/618479/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 389
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Failure to Act in Good” and substitute “Bad”; in line 4, after “certain” insert “damages,”; in the same line, after “costs,” insert “and”; in lines 5 and 6, strike “and actual compensatory damages,”; in line 6, strike “failed to act in good faith” and substitute “acted in bad faith”; in the same line, after the semicolon insert “requiring an insured to send a certain notice to the insurer before filing a certain civil action;”; and in line 8, strike “failure to act in good” and substitute “acting in bad”.

AMENDMENT NO. 2

On page 1, in line 19, strike “IN” and substitute “ONLY TO”.

On page 2, in line 2, strike “INSURANCE”; in the same line, after “POLICY” insert “OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”; and in line 4, after “LOSS” insert “UNDER THE INSURER’S POLICY OF PROPERTY AND CASUALTY OR MOTOR VEHICLE LIABILITY INSURANCE”.

AMENDMENT NO. 3

On page 2, after line 4, insert:

“(B) (1) AT LEAST 30 DAYS BEFORE FILING AN ACTION UNDER THIS SECTION, AN INSURED SHALL SEND WRITTEN NOTICE TO THE INSURER OF THE INSURED’S INTENT TO FILE THE ACTION.

(2) THE NOTICE SHALL INCLUDE AN OFFER TO SETTLE THE INSURED’S CLAIM AGAINST THE INSURER AND STATE THE AMOUNT OF THE SETTLEMENT OFFER.”;

and in lines 5 and 18, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

AMENDMENT NO. 4

On page 2, in line 7, strike “FAILED TO ACT IN GOOD FAITH” and substitute “ACTED IN BAD FAITH”.

AMENDMENT NO. 5

On page 2, after line 8, insert:

“(1) ACTUAL DAMAGES, WHICH MAY NOT EXCEED THE COVERAGE THAT EXISTS UNDER THE INSURER’S POLICY;

(2) NONECONOMIC DAMAGES;

(3) CONSEQUENTIAL DAMAGES;”;

in lines 9 and 11, strike “(1)” and “(2)”, respectively, and substitute “(4)” and “(5)”, respectively; in line 10, after the semicolon insert “AND”; and strike beginning with “; AND” in line 16 down through “DAMAGES” in line 17.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0389/663720/1)

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 389

(First Reading File Bill)

On page 2, after line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.”;

and in line 21, strike “2.” and substitute “3.”.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 23 Negative – 23 (See Roll Call No. 480)

Read the second time and ordered prepared for Third Reading.

Senate Bill 252 – Chair, Anne Arundel County Senators

AN ACT concerning

Roadside Solicitation of Money or Donations from Occupants of Vehicles in Anne Arundel County – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

(Amendment ID: SB0252/168871/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 252
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Roadside” and substitute “Anne Arundel County – Roadside Advertising or”; strike beginning with “from” in line 2 down through “County” in line 3; in lines 4 and 5, strike “roadway, median divider, or intersection” and substitute “highway right-of-way”; in line 6, after “vehicle;” insert “prohibiting a person from standing in a highway right-of-way in Anne Arundel County to advertise a commercial, political, or other message;”; in line 13, after “vehicle;” insert “making the provisions of this Act severable; defining a certain term;”; and in line 15, after “for” insert “advertising or”.

AMENDMENT NO. 2

On page 2, in line 7, strike “ANNE ARUNDEL COUNTY,”; in line 22, strike the bracket; after line 22, insert:

“(2) IN THIS SUBSECTION, “RIGHT-OF-WAY” MEANS ANY HIGHWAY AREA OR HIGHWAY STRUCTURE AND ANY PROPERTY ADJACENT TO A HIGHWAY ACQUIRED FOR THE OPERATION OR USE OF THE HIGHWAY.

(3) A PERSON MAY NOT STAND IN A RIGHT-OF-WAY TO:

(i) SOLICIT MONEY OR DONATIONS OF ANY KIND FROM THE OCCUPANT OF A VEHICLE; OR

(ii) ADVERTISE A COMMERCIAL, POLITICAL, OR OTHER MESSAGE.”;

and in line 23, before “(2)” insert an opening bracket.

On page 4, in line 12, in each instance, strike the bracket; and in the same line, strike “(E)”.

On page 5, in line 5, in each instance, strike the bracket; in the same line, strike “(F)”; after line 12, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 13, strike “2.” and substitute “3.”.

The preceding 2 committee amendments were read only.

FLOOR AMENDMENT

(Amendment ID: SB0252/893025/2)

BY: Senator Harris

AMENDMENTS TO COMMITTEE AMENDMENTS TO SENATE BILL 252

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments, (SB0252/168871/1), in line 6 of Amendment No. 1, strike “, political,”.

AMENDMENT NO. 2

On page 1 of the Judicial Proceedings Committee Amendments, in line 9 of Amendment No. 2, strike “, POLITICAL,”.

The preceding 2 floor amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 481)

The preceding 2 committee 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:

Senate Bill 707 – Senators Hooper, Forehand, and Munson

SECOND PRINTING

AN ACT concerning

Vehicle Laws – Consumer Access to Replacement Key Information

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Astle moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2007.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 14 (See Roll Call No. 482)

Senate Bill 368 – Senator Muse

AN ACT concerning

Torts – Release of Claim for Damages – Voidable

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

(Amendment ID: SB0368/563829/1)

BY: Senator Hooper

AMENDMENTS TO SENATE BILL 368
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “voidable;” insert “altering the circumstances under which a release of a claim for certain damages is voidable;”.

AMENDMENT NO. 2

On page 1, in line 20, after “injuries” insert “WITHOUT THE ASSISTANCE OR GUIDANCE OF AN ATTORNEY AT LAW”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 108 – The President (By Request – Administration) and Senators Currie, Frosh, Hogan, Middleton, Miller, and Rosapepe

AN ACT concerning

Higher Education – Tuition Affordability Act of 2007

(Amendment ID: SB0108/259333/1)

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 108
(First Reading File Bill)

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, DeGrange, Jones, Kasemeyer, Kramer, Madaleno, McFadden, Peters, and Robey”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 279 – Senator Middleton

AN ACT concerning

**Motor Homes and Travel Trailers – Vehicle Excise Tax – Definitions – Repeal of
Sunset**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 486 – Senator Hogan

AN ACT concerning

**Property Tax Credit – Replacement Home Purchased After Acquisition of Dwelling
for Public Use**

(Amendment ID: SB0486/949435/1)

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 486
(First Reading File Bill)

On page 4, in line 14, strike “**100%**” and substitute “**110%**”.

The preceding amendment was read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 780 – Senators Currie, DeGrange, Hogan, Kasemeyer, and Kramer

AN ACT concerning

Postretirement Health Benefits Trust Fund – Clarification

(Amendment ID: SB0780/249338/2)

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 780
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Kramer” and substitute “Kramer, Munson, Jones, and McFadden”; and in line 12, after the semicolon insert “requiring the State Retirement Agency to request certain documentation from the Internal Revenue Service; making this Act subject to a certain contingency;”.

AMENDMENT NO. 2

On page 2, in line 14, after the semicolon insert “AND”; after line 14, insert:

“(2) ANY FUNDS APPROPRIATED TO THE POST RETIREMENT HEALTH BENEFITS TRUST FUND, WHETHER DIRECTLY OR THROUGH THE BUDGETS OF ANY STATE AGENCY.”;

in line 15, strike “(2)” and substitute “(E) AFTER JUNE 1, 2008.”; in line 18, strike “EMPLOYEES; AND” and substitute “EMPLOYEES, MAY BE DEPOSITED INTO THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND.”; strike in their entirety lines 19 through 22, inclusive; and in line 23, strike “(e)” and substitute “(F)”.

On page 3, in line 29, strike “(f)” and substitute “(G)”.

On page 4, in lines 1, 4, and 15, strike “(g)”, “(h)”, and “(i)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively.

AMENDMENT NO. 3

On page 6, in line 6, strike “that is estimated to be as high as \$20,400,000,000”.

On page 7, strike beginning with “that” in line 7 down through “\$20,400,000,000” in line 8.

AMENDMENT NO. 4

On page 8, after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before August 1, 2007, the State Retirement Agency shall request a determination letter from the Internal Revenue Service that confirms the qualification of the Postretirement Health Benefits Trust Fund under Section 1 of this Act as a tax-exempt trust established in accordance with § 115 of the Internal Revenue Code.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect contingent on receipt of a determination letter from the Internal Revenue Service that confirms that the Postretirement Health Benefits Trust Fund qualifies as a tax-exempt trust established in accordance with § 115 of the Internal Revenue Code. If a favorable determination letter is received, Section 1 of this Act shall take effect the first day of the month after the State Retirement Agency receives the letter. If the State Retirement Agency does not receive a favorable determination letter, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void and of no further force and effect. The State Retirement Agency, within 5 days after receiving the determination letter from the Internal Revenue Service, shall forward a copy of the ruling to the Executive Director of the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.”;

in line 11, strike “2.” and substitute “4.”; and in the same line, strike “That” and substitute “That, subject to Section 3 of this Act,”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #16

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 91 – Senators Garagiola, Britt, Currie, Forehand, Frosh, Gladden, Jones, Kelley, Kramer, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, and Zirkin

AN ACT concerning

Clean Indoor Air Act of 2007

(Amendment ID: SB0091/957079/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 91
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “employment;” insert “authorizing the health officer of a county to grant a certain waiver under certain circumstances; authorizing the health officer of a county to impose certain conditions on a certain waiver; requiring a health officer of a county to develop certain criteria;”; in line 20, after “change” insert “; providing for a delayed effective date;”; and after line 22, insert:

“BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(4)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)”.

On page 2, in line 23, strike “24–509” and substitute “24–510”.

AMENDMENT NO. 2

On page 3, after line 13, insert:

“Article 2B – Alcoholic Beverages

1–102.

(a) (4) (i) “Club” means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit.

(ii) In Allegany County the Board of Alcoholic Beverages License Commissioners shall be the judges of whether such an establishment is operated in good faith within the meaning of this subsection.”.

AMENDMENT NO. 3

On page 10, in line 3, strike “OR”; strike beginning with “SHOP” in line 4 down through “SUBTITLE.” in line 10 and substitute “BUSINESS THAT IS A SOLE

PROPRIETORSHIP, LIMITED LIABILITY COMPANY, CORPORATION, PARTNERSHIP, OR OTHER ENTERPRISE, IN WHICH:

(I) THE PRIMARY ACTIVITY IS THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES; AND

(II) THE SALE OF OTHER PRODUCTS IS INCIDENTAL; OR

(4) A CLUB AS DEFINED IN ARTICLE 2B, § 1-102(A)(4) OF THE CODE.”;

and in line 22, after “REPORT” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”.

AMENDMENT NO. 4

On page 11, after line 1, insert:

“(A) UPON THE REQUEST OF A RESTAURANT, COFFEE SHOP, TEA ROOM, OR SIMILAR ESTABLISHMENT, OR AN ESTABLISHMENT THAT IS GENERALLY RECOGNIZED AS A BAR OR TAVERN, THE HEALTH OFFICER OF A COUNTY MAY GRANT A WAIVER FROM THE PROVISIONS OF THIS SUBTITLE IF:

(1) COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE CAUSES UNDUE FINANCIAL HARDSHIP; OR

(2) OTHER FACTORS EXIST THAT RENDER COMPLIANCE WITH THIS SUBTITLE UNREASONABLE.

(B) THE HEALTH OFFICER OF A COUNTY MAY IMPOSE CONDITIONS OR RESTRICTIONS ON A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TO:

(1) MINIMIZE THE ADVERSE EFFECTS OF THE WAIVER ON INDIVIDUALS INVOLUNTARILY EXPOSED TO SECONDHAND SMOKE; AND

(2) ENSURE THAT THE WAIVER IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

(C) THE HEALTH OFFICER OF A COUNTY SHALL DEVELOP CRITERIA FOR GRANTING A WAIVER UNDER SUBSECTION (A) OF THIS SECTION.

24-509.”;

and in line 15, strike “24-509.” and substitute “24-510.”.

On page 17, in line 2, strike “October 1, 2007” and substitute “January 1, 2008”.

The preceding 4 amendments were read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 302 – Senators Kelley, Astle, Conway, Currie, Della, Forehand, Garagiola, Hogan, Klausmeier, Middleton, Pinsky, and Pugh

AN ACT concerning

State Residential Centers – Money Follows the Individual Act

(Amendment ID: SB0302/677978/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 302
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Department of Health and Mental Hygiene – Money Follows the Person Grant – Report”; strike beginning with “prohibiting” in line 3 down through “waivers” in line 11 and substitute “requiring the Department of Health and Mental Hygiene to make a certain report to certain committees of the General Assembly on or before a certain date each year; providing for the termination of this Act; and generally relating to the Department of Health and Mental Hygiene and the Money Follows the Person grant”; and in line 14, strike “15–135.1” and substitute “15–144”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 10 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 17 on page 3, inclusive, and substitute:

“15–144.

(A) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE’S MONEY FOLLOWS THE PERSON GRANT.

(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:

(1) AN UPDATE ON COMMUNICATIONS BETWEEN THE DEPARTMENT AND THE CENTERS FOR MEDICARE AND MEDICAID SERVICES RELATED TO THE GRANT;

(2) INFORMATION ON FUNDING RECEIVED FROM THE CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER THE GRANT;

(3) THE NUMBER OF INDIVIDUALS MOVED OUT OF INSTITUTIONAL SETTINGS UNDER THE GRANT, BY TYPE OF INSTITUTION; AND

(4) ANY PLANS OR POLICIES DEVELOPED BY THE DEPARTMENT TO MOVE INDIVIDUALS OUT OF INSTITUTIONAL SETTINGS.”.

AMENDMENT NO. 3

On page 3, in line 19, after “2007.” insert “It shall remain effective for a period of 6 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 752 – Senator Exum

AN ACT concerning

Workers’ Compensation – Benefits for Dependents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 790 – Senator Astle

AN ACT concerning

**Homeowner's Insurance – Insurance Producers – Notice of Coverage for Flood Loss
– Statement of Additional Optional Coverage**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Joint Resolution 8 – Senators Klausmeier, Astle, Brochin, Dyson, and Middleton

A Senate Joint Resolution concerning

Federal Legislation Regarding Medicare Part D

Senator Klausmeier moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2007.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #17

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 400 – Senators Pipkin, Astle, Della, Exum, Garagiola, Kelley, Klausmeier, and Middleton

EMERGENCY BILL

AN ACT concerning

Electric Industry Restructuring – Proceedings – Review and Evaluation

(Amendment ID: SB0400/847276/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 400
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and”; in the same line, after “Middleton” insert “, and Pugh”; in line 5, strike “beginning on a certain date;” and substitute “; requiring the Commission to conduct certain hearings which include the use of certain experts and consultants; repealing certain provisions relating to a certain merger and certain reporting requirements; altering certain considerations that the Commission is required to review in a certain study; prohibiting the Commission from approving an opt-out aggregation program under certain circumstances; requiring the Commission to identify the implications of certain aspects of an opt-out aggregation program; providing that certain requirements may not be construed to interfere with the development and implementation of certain programs and services; requiring the Commission to make certain determinations in its study of establishing a certain long-term goal; requiring the Commission to provide a certain interim report by a certain date; requiring the Commission to provide a certain final report by a certain date; providing that certain hearings are not required to be evidentiary proceedings; providing that certain unexpended funds shall be considered encumbered and may not be deducted from certain appropriations; allowing the Commission to impose on certain persons up to a certain amount as a special assessment; allowing certain funds to be expended for certain purposes in accordance with an approved budget amendment; specifying the calculation of certain bills sent to certain electric companies and electricity suppliers; allowing the Commission to use a certain procurement process under certain circumstances; making stylistic changes;”; after line 10, insert:

“BY repealing and reenacting, without amendments,

Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006 Section 18(a)(2) and (3), (b), and (c)”.

AMENDMENT NO. 2

On page 2, in line 3, strike “investigatory and evidentiary proceedings” and substitute “hearings”; strike beginning with “on” in line 8 down through “(4)” in line 14; in lines 15 and 16, strike “including: (i)” and substitute “resulting from”; strike in their entirety lines 19 through 22, inclusive; in line 23, strike “(5)” and substitute “(3)”; in line 24, strike “(4)” and substitute “(2)”; and in line 29, strike “initiate an evidentiary

proceeding” and substitute “conduct hearings, including the use of any necessary outside experts and consultants,”.

On page 3, in line 1, strike “residents” and substitute “residential and small commercial customers”; in line 2, strike the first “and” and substitute “, including”; in line 13, after “(3)” insert “in order to encourage the procurement and implementation of cost-effective energy efficiency and conservation programs and services:”

(i);

in line 15, after “of” insert “cost-effective”; in lines 15 and 16, in each instance, strike “measures” and substitute “programs”; in line 17, after “generation;” insert “and”

(ii) establishing a long-term goal for savings over a period of time of the total residential retail energy consumed in a year in an electric company’s service territory through the procurement and implementation of cost-effective energy efficiency and conservation programs and services under §§ 7-211 and 7-510(c)(4)(ii)2C of the Public Utility Companies Article;”;

in line 22, strike “and”; in line 24, after “demand” insert “and small commercial electric customer demand”; in line 25, after “companies” insert “; and”

(6) establishing an Office of Retail Market Development”;

strike beginning with “On” in line 26 down through “(d)” in line 29; and in line 32, strike “On or before December 31, 2006, and based” and substitute “Based”.

AMENDMENT NO. 3

On page 4, in lines 2 and 4, in each instance, strike “measures” and substitute “programs”; in line 16, strike “(e)” and substitute “(d)”; in the same line, after “aggregation” insert “for residential and small commercial customers in the service territories of investor-owned electric companies”; in line 18, after “Act.” insert “The Commission may not approve an opt-out aggregation program unless the General Assembly through legislation authorizes the Commission to allow opt-out aggregation. In its study of opt-out aggregation, the Commission shall identify the implications of the various aspects of an opt-out aggregation program, including:”

(1) limiting the establishment of an opt-out aggregation program to only residential customers;

(2) restricting the amount of load that may be moved from the standard offer service in any year to an opt-out aggregation program;

(3) limiting volumetric risk costs for customers remaining with the standard offer service;

(4) ensuring the ability of eligible low-income customers in an opt-out aggregation program to obtain funds through the Electric Universal Service Program and other programs available to low-income customers;

(5) to prevent cost shifting, requiring a firewall between ratepayers and taxpayers in a local government that has an opt-out aggregation program;

(6) if an opt-out aggregation program is more expensive, or becomes more expensive, than the standard offer service due to the procurement of renewable energy, requiring an alternative option for customers in the opt-out aggregation program;

(7) specifying the methods, timing, and adequacy of notification to customers who are placed in an opt-out aggregation program;

(8) specifying whether delinquent accounts in an opt-out aggregation program would be returned to the standard offer service;

(9) requiring that no additional fees, taxes, or other charges other than the actual cost of the service may be charged to customers in an opt-out aggregation program;

(10) identifying up front costs of implementing an opt-out aggregation program, including specifying the costs associated with the role of hiring consultants, and determining how costs are paid;

(11) identifying when contracts would best be awarded for an opt-out aggregation program in relation to the standard offer service;

(12) specifying other standards and procedures to protect customers in an opt-out aggregation program, including prohibiting discrimination based on the location of the customer; and

(13) ensuring that the renewable portfolio standard requirements under Title 7, Subtitle 7 of the Public Utility Companies Article apply to an opt-out aggregation program.

(e) Regardless of whether the electric supply market remains restructured or returns to a regulated electric supply market, the requirement under subsection (b)(3)(ii) of this section relating to energy efficiency and conservation programs and services may not be construed to interfere with the development and implementation of programs and services to encourage and promote the efficient use and conservation of energy by consumers, gas companies, and electric companies under § 7-211 of the Public Utility

Companies Article. In its study of establishing a long-term goal for savings over a period of time of the total residential retail energy consumed in a certain year in an electric company's service territory through the procurement and implementation of cost-effective energy efficiency and conservation programs and services, the Commission shall determine:

(i) how a reasonable and achievable long-term goal would be established;

(ii) who should pay the costs of implementing programs and services that are tied to a long-term goal;

(iii) to encourage the continuation of cost-effective programs and services procured or implemented through an electric company prior to the establishment of a long-term goal, how those programs and services would be factored into establishing a long-term goal requirement on the electric company; and

(iv) how the development and implementation of programs and services from persons other than gas companies and electric companies could contribute to achieving a long-term goal.”;

after line 18, insert:

“SECTION 18. AND BE IT FURTHER ENACTED, That:

(a) Pursuant to Article III, § 52(14) of the Maryland Constitution, in addition to the amounts provided under Chapter 216 of the Acts of 2006 (The Budget Bill), the following appropriations shall be made for fiscal year 2007 to implement the requirements of this Act:

(2) Public Service Commission

C90G00.01 General Administration and Hearings \$750,000

Special Funds

(3) People's Counsel

C91H00.01 General Administration \$500,000 Special

Funds

(b) Special funds appropriated in subsection (a)(2) through (4) of this section shall be recovered through the assessment on public utilities authorized under § 2-110 of the Public Utility Companies Article.

(c) Special funds appropriated in subsection (a)(5) of this section shall be credited from funds assessed under § 7-512.1 of the Public Utility Companies Article, as enacted by this Act, and the repeal of the income tax credit and designation of special funding under Sections 2 and 10 of this Act.”;

in line 20, strike “The” and substitute “Notwithstanding the reporting dates established under Section 5(b) and Section 7(c) of Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006 prior to the amendment of those sections by this Act, the”; in line 21, strike “(b)”; in line 22, after “2006” insert “, as amended by this Act”; in line 24, after “sections” insert “and may include review and evaluation of the open record for any case pending before the Commission relating to the requirements of those sections”; and strike in their entirety lines 25 through 28 inclusive.

AMENDMENT NO. 4

On page 5, in line 1, strike “(c)” and substitute “(b) (1) On or before January 1, 2008, the Public Service Commission shall submit an interim report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly. The interim report shall include at a minimum:

(i) the identification of the issues relating to options for reregulation, as required to be studied under Section 7 of Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006, as amended by this Act; and

(ii) to the extent possible, discussion of costs and benefits to residential and small commercial customers of returning to a regulated electric supply market.

(2)”;

in line 2, after “a” insert “final”; in the same line, strike “and evaluations” and substitute “, evaluation, and findings and recommendations, as required under subsection (a) of this section,”; in line 3, after “Assembly.” insert “As required to be studied under Section 5 and Section 7 of the Acts of the General Assembly of the First Special Session of 2006, as amended by this Act, the report shall include a full discussion of the costs and benefits to residential and small commercial customers of:

(i) continuing in a restructured electric supply market;

(ii) returning to a regulated electric supply market; and

(iii) allowing an electric supply market that includes a combination of competitive and regulated electric supply aspects.

(c) Any hearing conducted under this Act need not be an evidentiary proceeding.”;

after line 3, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding § 2-110(c)(10) of the Public Utility Companies Article, any unexpended funds at the end of fiscal 2007 that were appropriated under Section 18 (a)(2) and (3) of Chapter 5 of the Acts of the General Assembly of the First Special Session of 2006:

(1) shall be considered encumbered by the Public Service Commission and the Office of People’s Counsel, respectively, by June 30, 2007; and

(2) may not be deducted from the appropriation for fiscal 2008.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of law, for fiscal 2008 only, in addition to the amounts appropriated in the budget bill for fiscal 2008, the Public Service Commission may impose up to \$4,000,000 as a special assessment using the assessment process authorized under § 2-110 of the Public Utility Companies Article, provided that:

(1) the assessment shall be imposed only on those electric companies and electricity suppliers otherwise subject to the assessment under § 2-110 of the Public Utility Companies Article; and

(2) the limit under § 2-110(c)(12) of the Public Utility Companies Article does not apply to any assessment made under this section.

(b) (1) The amounts collected under subsection (a) of this section may be expended for fiscal 2008 for the support of the Commission in accordance with an approved budget amendment.

(2) Notwithstanding § 2-110(c)(10) of the Public Utility Companies Article, any unexpended funds at the end of fiscal 2008 that were collected under this section:

(i) shall be considered encumbered by the Public Service Commission by June 30, 2008; and

(ii) may not be deducted from the appropriation for fiscal 2009.

(c) The bill sent to each electric company and electricity supplier subject to the assessment under subsection (a) of this section shall equal the product of:

(1) the amount authorized to be collected under this section; multiplied
by

(2) the ratio of the gross operating revenues of the entity subject to the special assessment to the total gross operating revenues for all entities subject to the assessment.

SECTION 5. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, that the Public Service Commission may use an emergency procurement under § 13-108 of the State Finance and Procurement Article to obtain any outside experts or consultants necessary to conduct the studies required under this Act.”;

and in line 4, strike “3.” and substitute “6.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 463 – Senator Pugh (By Request) and Senators Della, Dyson, Jones, Kasemeyer, McFadden, Raskin, and Stone

AN ACT concerning

Maryland Transit Administration – Public Hearings

(Amendment ID: SB0463/257570/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 463 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the second “a” insert “certain”; in line 5, strike “or bus stop location”; in line 7, strike “policy” and substitute “certain”; in line 8, strike “on certain matters”; in line 9, strike “certain matters” and substitute “a certain change”; in line 10, strike “policy changes on those matters” and substitute “the change”; in line 11, after “time;” insert “requiring the Administration to accept written comments during a certain time period after a public hearing; authorizing the Administration to alter a bus

route alignment in a certain manner without holding a public hearing;” and in lines 11 and 12, strike “to the Public Service Commission”.

AMENDMENT NO. 2

On page 2, in line 2, strike “Until” and substitute “**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, UNTIL**”; in line 5, after “route” insert “**LISTED ON A PUBLISHED TIMETABLE**”; in lines 6 and 7, strike “OR BUS STOP LOCATION” and substitute “**LISTED ON A PUBLISHED TIMETABLE**”; in lines 10 and 11, strike “OF POLICY ON A MATTER”; in line 15, strike “MATTER” and substitute “**CHANGE**”; in lines 16 and 17, strike “A CHANGE OF POLICY ON THE MATTER” and substitute “**THE CHANGE**”; in line 22, strike “(C)” and substitute “**(D)**”; and in line 25, strike “(C)” and substitute “**(D)**”.

On page 3, after line 2, insert:

“(5) THE ADMINISTRATION SHALL ACCEPT WRITTEN COMMENTS FOR 30 DAYS AFTER A HEARING HELD ON A CHANGE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE ADMINISTRATION MAY ADD SERVICE ON A NEW ALIGNMENT BRANCHING OFF OF AN EXISTING ROUTE WITHOUT HOLDING A PUBLIC HEARING, IF THE ADDITION OF THE NEW ALIGNMENT DOES NOT ALTER THE EXISTING ROUTE.”;

in line 3, strike “(b)” and substitute “**(C)**”; in line 18, strike “(c)” and substitute “**(D)**”; in line 24, strike “its” and substitute “**THE**”; in the same line, after “stock” insert “**USED**”; and in the same line, after “service” insert “**BY THE MODE OF TRANSPORTATION THAT WILL BE AFFECTED BY THE PROPOSED ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION**”.

On page 4, in line 1, strike “(d)” and substitute “**(E)**”; in line 6, strike “(b)” and substitute “**(C)**”; in line 8, strike “(e)” and substitute “**(F)**”; and in the same line, strike “to the Public Service Commission”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 551 – Senator Garagiola

AN ACT concerning

**Public Service Commission – For–Hire Driver’s License – Review of Driving Record
of Applicant**

(Amendment ID: SB0551/207974/1)

BY: Finance Committee

AMENDMENTS TO SENATE BILL 551
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “require a”; in the same line, strike the second “of”; in line 6, strike “require a”; in the same line, strike “of certain portions of the” and substitute “the applicant’s”; in lines 6 and 7, strike “of an applicant”; and in line 8, after “circumstances;” insert “requiring the Commission to meet with certain representatives to consider certain options for licensing and regulating certain drivers; requiring the Commission to report by a certain date on certain options, findings, and recommendations;”.

AMENDMENT NO. 2

On page 2, in line 13, strike “require a”; in the same line, strike “OF”; strike beginning with “REQUIRE” in line 15 down through “YEARS” in line 17 and substitute “REVIEW THE APPLICANT’S DRIVING RECORD, FOR THE 10 YEARS PRECEDING THE DATE OF APPLICATION, FROM EACH STATE IN WHICH THE APPLICANT HAS HELD A DRIVER’S LICENSE DURING THAT TIME”; after line 21, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Public Service Commission shall meet with representatives of the Washington Metropolitan Area Transit Commission and of the transportation divisions of Prince George’s and Montgomery counties to consider possible options for licensing and regulating drivers operating within the Washington Metropolitan Area Transit Commission region in Maryland. On or before January 15, 2008, the Commission shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the options considered and the Commission’s findings and recommendations.”;

and in line 22, strike “2.” and substitute “3.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 770 – Senator Colburn

AN ACT concerning

Milk Products – Farmstead Cheese Production – Pilot Study

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 797 – Senators Stone and Gladden

AN ACT concerning

Business Regulation – Pet Cemeteries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 817 – Senator Della

AN ACT concerning

Thoroughbred Racing – Restrictions on Night and Sunday Racing – Repeal

Senator Gladden moved, duly seconded, to make the Bill and Report a Special Order for March 22, 2007.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 890 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Mental Health Advisory Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #18**

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 488 – Senators Britt, Conway, Currie, Gladden, Kelley, Pugh, and Rosapepe

AN ACT concerning

Voter Registration Protection Act

(Amendment ID: SB0488/184632/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 488
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “imposed” and substitute “of imprisonment, including any term of parole or probation,”; in line 7, after “vote;” insert “repealing a certain definition; altering the type of crimes for which the clerks of certain courts must report the names of individuals convicted of those crimes to the State Administrator of Elections;”; after line 10, insert:

“BY repealing

Article – Election Law

Section 1–101(aa)

Annotated Code of Maryland

(2003 Volume and 2006 Supplement)

BY renumberingArticle – Election LawSection 1–101(bb) through 1–101(zz), respectivelyto be Section 1–101(aa) through 1–101(yy), respectivelyAnnotated Code of Maryland(2003 Volume and 2006 Supplement)”;

in line 13, after “3–102” insert “, 3–504,”; after line 15, insert:

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–101(bb) through (zz), respectively, of Article – Election Law of the Annotated Code of Maryland be renumbered to be Section(s) 1–101(aa) through (yy), respectively.”;

in line 16, strike “1.” and substitute “2. AND”; and in the same line, after “IT” insert “FURTHER”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“1–101.

[(aa) “Infamous crime” means any felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption.]”.

AMENDMENT NO. 3

On page 2, in lines 19 and 28, in each instance, strike “**IMPOSED**” and substitute “OF IMPRISONMENT, INCLUDING ANY TERM OF PAROLE OR PROBATION,”; in line 20, strike “**OR**”; and in lines 21 and 22, in each instance, strike the bracket.

AMENDMENT NO. 4

On page 2, after line 25, insert:

“3–504.

(a) (1) (i) Information from the agencies specified in this paragraph shall be reported to the State Administrator in a format and at times prescribed by the State Board.

(ii) The Department of Health and Mental Hygiene shall report the names and residence addresses (if known) of all individuals at least 16 years of age reported deceased within the State since the date of the last report.

(iii) The clerk of the circuit court for each county and the administrative clerk for each District Court shall report the names and addresses of all

individuals convicted, in the respective court, of [theft or infamous crimes] A FELONY since the date of the last report.

(iv) The clerk of the circuit court for each county shall report the former and present names and residence addresses (if known) of all individuals whose names have been changed by decree or order of the court since the date of the last report.

(2) The State Administrator shall make arrangements with the clerk of the United States District Court for the District of Maryland to receive reports of names and addresses, if available, of individuals convicted of [infamous crimes] A FELONY in that court.

(b) (1) The State Administrator shall transmit to the appropriate local board information gathered pursuant to subsection (a) of this section.

(2) Every agency or instrumentality of any county which acquires or condemns or razes or causes to be condemned or razed any building used as a residence within the county shall promptly report this fact and the location of the building to the local board in the county or city.

(3) Registration cancellation information provided by an applicant on any voter registration application shall be provided to the appropriate local board by the State Administrator or another local board.

(4) A local board may:

(i) make arrangements to receive change of address information from an entity approved by the State Board; and

(ii) pay a reasonable fee to the entity for the information.

(c) (1) Whenever a local board becomes aware of an obituary or any other reliable report of the death of a registered voter, the election director shall mail a notice to the registered voter, as prescribed by the State Board, to verify whether the voter is in fact deceased.

(2) On receipt of a verification of the death of a voter, provided in accordance with the notice mailed under paragraph (1) of this subsection, the election director may remove the voter from the statewide voter registration list under § 3-501 of this subtitle.”.

The preceding 4 amendments were read only.

Senator Dyson moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 553 – Senators Pipkin, Miller, Britt, and Brochin

AN ACT concerning

Environment – Landfills – Termination Date

(Amendment ID: SB0553/124638/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 553
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “areas;” insert “repealing a prohibition against issuing a certain permit to construct or operate a landfill within a certain distance of certain tributaries in Prince George’s County;”.

AMENDMENT NO. 2

On page 2, in line 2, after “County,” insert “OR”; and strike beginning with “, or” in line 4 down through “River” in line 5 and substitute “IN PRINCE GEORGE’S COUNTY”.

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:

Senate Bill 9 – Senator Garagiola

AN ACT concerning

Education – Student Surveys – Youth Risk Behavior Surveillance System Survey

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

(Amendment ID: SB0009/214631/1)

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 9
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Education” and substitute “State Department of Education and Department of Health and Mental Hygiene”; in lines 2 and 3, strike “Youth Risk Behavior Surveillance System Survey” and substitute “Workgroup”; strike beginning with “requiring” in line 4 down through “terms;” in line 14 and substitute “requiring the Department of Education and the Department of Health and Mental Hygiene jointly to establish a certain Workgroup; providing for the composition, meeting requirements, purposes, and duties of the Workgroup; authorizing the Workgroup to consult with certain groups or individuals; requiring the Workgroup to submit a certain report to certain committees of the General Assembly on or before a certain date in certain years;”; strike beginning with “requiring” in line 14 down through “year” in line 15 and substitute “providing for the termination of this Act”; strike beginning with “the” in line 15 down through “survey” in line 17 and substitute “the establishment of a Workgroup relating to student surveys”; in line 18, strike “with” and substitute “without”; and in line 23, strike “repealing and reenacting, with amendments,” and substitute “adding to”.

AMENDMENT NO. 2

On page 2, in line 1, strike “Health – General” and substitute “Education”; in line 2, strike “13–1001(l) and (w) and 13–1003(d)” and substitute “7–420.1”; in line 4, strike “2005” and substitute “2006”; in the same line, strike “and 2006 Supplement”; strike in their entirety lines 5 through 9, inclusive; strike beginning with “provides” in line 17 down through “areas” in line 18 and substitute “has established and maintains, in collaboration with the states, systems for the collection of data regarding the use of tobacco, alcohol, and other drugs by youth, including the Youth Tobacco Survey and the Youth Risk Behavior Survey”; strike beginning with “the” in line 19 down through “survey” in line 20 and substitute “these surveys”; strike in their entirety lines 23 through 25, inclusive; and strike beginning with “The” in line 28 down through “drugs” in line 31 and substitute “It is desirable to minimize the administrative impact of these surveys on both students and schools as well as improve the quality and validity of the data collected”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 2 through 24, inclusive, and substitute:

“7-420.

(a) The Department shall establish procedures for the administration of the Centers for Disease Control and Prevention Youth Risk Behavior Surveillance System survey.

(b) The Department may omit up to a maximum of one-third of the survey questions if the Department considers the content of the questions inappropriate.”;

in line 25, strike the brackets; in the same line, strike “(D)”; in line 26, in each instance, strike the bracket; and in the same line, strike “NOTIFY PARENTS”.

On page 4, in line 1, in each instance, strike the bracket; strike beginning with “NOTIFICATION” in line 1 down through “SUBSECTION” in line 2; strike beginning with the colon in line 2 down through “(II)” in line 5; in line 5, strike the brackets; and in the same line, strike “A”.

On pages 4 and 5, strike in their entirety the lines beginning with line 9 on page 4 through line 17 on page 5, inclusive, and substitute:

“7-420.1.

(A) THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE JOINTLY SHALL ESTABLISH A WORKGROUP TO EVALUATE AND REDUCE:

(1) THE IMPACT ON SCHOOLS OF ADMINISTERING VARIOUS HEALTH-RELATED SURVEYS TO STUDENTS; AND

(2) THE IMPACT ON STUDENTS OF TAKING VARIOUS HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT.

(B) THE WORKGROUP SHALL BE COMPOSED OF THE FOLLOWING:

(1) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT;

(2) AT LEAST ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

(3) REPRESENTATIVES FROM LOCAL SCHOOL DISTRICTS OF VARYING SIZES;

(4) REPRESENTATIVES FROM LOCAL HEALTH DEPARTMENTS OF VARYING SIZES;

(5) AT LEAST ONE REPRESENTATIVE WHO IS A PARENT WITH A CHILD IN A PUBLIC SCHOOL;

(6) ONE EPIDEMIOLOGIST WHO HAS KNOWLEDGE OF AND EXPERIENCE WITH STATISTICAL ANALYSIS; AND

(7) REPRESENTATIVES WHO HAVE KNOWLEDGE OF AND EXPERIENCE WITH THE MARYLAND ADOLESCENT SURVEY, THE MARYLAND YOUTH TOBACCO SURVEY, THE YOUTH RISK BEHAVIOR SURVEY, OR ANY OTHER HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN A PUBLIC SCHOOL FROM:

(i) THE DEPARTMENT; AND

(ii) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

(C) THE WORKGROUP SHALL MEET AS A WHOLE AT LEAST FOUR TIMES EACH YEAR.

(D) THE PURPOSES OF THE WORKGROUP ARE TO:

(1) MINIMIZE THE IMPACT ON SCHOOLS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS DURING SCHOOL HOURS;

(2) MINIMIZE THE IMPACT ON STUDENTS OF TAKING HEALTH-RELATED SURVEYS WITH SIMILAR OR OVERLAPPING CONTENT; AND

(3) COLLECT VALID AND OBJECTIVE DATA FROM HEALTH-RELATED SURVEYS OF STUDENTS THAT MEET THE LEGAL DATA COLLECTION RESPONSIBILITIES OF THE DEPARTMENT AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO THE FEDERAL GOVERNMENT.

(E) THE WORKGROUP SHALL STUDY AND EVALUATE:

(1) THE FEASIBILITY AND DESIRABILITY OF DEVELOPING AND ADMINISTERING A SINGLE SURVEY INSTRUMENT;

(2) THE COORDINATED ADMINISTRATION OF SEVERAL SURVEYS DURING A SINGLE SESSION;

(3) THE COORDINATED ADMINISTRATION OF SURVEYS USING CORE SURVEY MODULES SUPPLEMENTED BY ADDITIONAL SURVEY MODULES;

(4) ALTERNATING THE ADMINISTRATION OF SURVEYS OVER MULTIPLE SCHOOL YEARS;

(5) METHODS OF ADMINISTERING HEALTH-RELATED SURVEYS TO STUDENTS USED BY OTHER STATES, WITH EMPHASIS ON STATES THAT CONDUCT COUNTY-SPECIFIC SURVEYS; AND

(6) USING A COMBINATION OF SURVEY ADMINISTRATION METHODS, INCLUDING ADMINISTERING COUNTY-SPECIFIC SURVEYS WITH STATEWIDE SURVEYS.

(F) THE WORKGROUP MAY CONSULT WITH THE FOLLOWING ENTITIES, GROUPS, OR INDIVIDUALS:

(1) THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION OR ANY OTHER UNIT OF FEDERAL GOVERNMENT THAT ISSUES GUIDELINES OR RECOMMENDATIONS REGARDING ANY HEALTH-RELATED SURVEY ADMINISTERED TO YOUTH;

(2) COUNTY HEALTH OFFICERS OR HEALTH EDUCATORS TO ASSESS:

(i) THE UTILITY OF SURVEY DATA; AND

(ii) WHETHER CHANGES TO SURVEY METHODOLOGY ARE NEEDED TO IMPROVE THE DATA COLLECTED; AND

(3) PARENTS, TEACHERS, AND PRINCIPALS TO:

(i) DETERMINE THE IMPACT OF ADMINISTERING SURVEYS;

AND

(ii) SOLICIT IDEAS FOR REDUCING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS.

(G) (1) ON OR BEFORE SEPTEMBER 1, 2008, THE WORKGROUP SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE ON ITS FINDINGS AND RECOMMENDATIONS.

(2) THE REPORT SHALL INCLUDE:

(i) A DESCRIPTION OF EACH HEALTH-RELATED SURVEY ADMINISTERED TO STUDENTS IN SCHOOLS BY THE DEPARTMENT OR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, INCLUDING:

1. THE NAME OF THE SPONSORING AGENCY;
2. ANY APPLICABLE FEDERAL OR STATE MANDATES THAT IMPACT THE METHODS OF ADMINISTERING THE SURVEY;
3. THE SURVEY METHODOLOGY;
4. A SAMPLE SURVEY QUESTIONNAIRE;
5. THE SAMPLE SIZE AND FREQUENCY OF THE SURVEY ADMINISTRATION;
6. FUNDING SOURCES AND SURVEY COSTS; AND
7. A COPY OF THE EXECUTIVE SUMMARY OF THE LATEST REPORT DEVELOPED FROM EACH SURVEY;

(II) AN EXPLANATION OF:

1. THE UTILITY OF THE DATA COLLECTED BY THE SURVEY; AND
2. HOW THE DATA WILL BE USED TO STUDY OR IMPROVE STATE AND LOCAL HEALTH EDUCATION OR SAFETY FOR YOUTH OF THE STATE;

(III) AN EXPLANATION OF METHODS OF SURVEY ADMINISTRATION USED IN OTHER STATES THAT ADMINISTER COUNTY-LEVEL HEALTH-RELATED SURVEYS TO STUDENTS;

(IV) A SUMMARY OF ANY CONCERNS EXPRESSED BY LOCAL SCHOOL DISTRICTS, PRINCIPALS, TEACHERS, OR PARENTS REGARDING:

1. THE IMPACT OF ADMINISTERING OR TAKING SURVEYS; AND
2. IDEAS FOR ALTERNATIVE WAYS OF MINIMIZING THE IMPACT OF ADMINISTERING OR TAKING SURVEYS;

(V) AN ANALYSIS OF ALTERNATIVE SURVEYS CONSIDERED, INCLUDING THE ADVANTAGES AND DISADVANTAGES OF EACH SURVEY CONSIDERED, INCLUDING:

1. THE FEASIBILITY OF USE AND IMPLEMENTATION;

2. CONSISTENCY WITH THE PURPOSES OF THE WORKGROUP; AND

3. COMPLIANCE WITH FEDERAL AND STATE LEGAL REQUIREMENTS;

(VI) AN ANALYSIS OF ANY CHANGES MADE TO THE ADMINISTRATION OF SURVEYS IN SCHOOLS AND HOW THE CHANGES HELPED TO REDUCE THE IMPACT ON SCHOOLS AND STUDENTS; AND

(VII) ANY OTHER RECOMMENDATIONS OF THE WORKGROUP, INCLUDING LEGAL, REGULATORY, OR POLICY CHANGES.”.

AMENDMENT NO. 4

On page 5, in line 18, strike “3.” and substitute “2.”; in line 19, strike “October” and substitute “July”; and in the same line, after “2007.” insert “It shall remain effective for a period of 2 years and, at the end of June 30, 2009, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Madaleno moved, duly seconded, to make the Bill a Special Order for March 22, 2007.

The motion was adopted.

Senate Bill 396 – Senators Gladden, Della, Conway, Jones, McFadden, and Pugh

AN ACT concerning

Ground Rents – Remedy for Nonpayment of Ground Rent

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

(Amendment ID: SB0396/928475/1)

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 396

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pugh” and substitute “Pugh, Frosh, and Stone”; in line 7, strike “sole”; in line 9, after “notice” insert “to certain persons”; and in line 14, after the semicolon insert “providing for the application and construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 5, strike in their entirety lines 15 through 25, inclusive, and substitute:

“(2) “GROUND LEASE” MEANS A RESIDENTIAL LEASE OR SUBLEASE FOR A TERM OF YEARS RENEWABLE FOREVER SUBJECT TO THE PAYMENT OF A PERIODIC GROUND RENT.

“(3) (I) “GROUND LEASE HOLDER” MEANS THE HOLDER OF THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

“(II) “GROUND LEASE HOLDER” INCLUDES AN AGENT OF THE GROUND LEASE HOLDER.

“(4) “GROUND RENT” MEANS A RENT ISSUING OUT OF, OR COLLECTIBLE IN CONNECTION WITH, THE REVERSIONARY INTEREST UNDER A GROUND LEASE.

“(5) “LEASEHOLD INTEREST” MEANS THE TENANCY IN REAL PROPERTY CREATED UNDER A GROUND LEASE.

“(6) “LEASEHOLD TENANT” MEANS THE HOLDER OF THE LEASEHOLD INTEREST UNDER A GROUND LEASE.

“(7) “PROPERTY” MEANS PROPERTY SUBJECT TO A GROUND LEASE AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED UNDER THIS SECTION.

“(B) (1) THIS SECTION APPLIES TO RESIDENTIAL PROPERTY THAT IS OR WAS USED, INTENDED TO BE USED, OR AUTHORIZED TO BE USED FOR FOUR OR FEWER DWELLING UNITS.

“(2) THIS SECTION DOES NOT APPLY TO PROPERTY:

“(I) LEASED FOR BUSINESS, COMMERCIAL, MANUFACTURING, MERCANTILE, OR INDUSTRIAL PURPOSES, OR ANY OTHER PURPOSE THAT IS NOT PRIMARILY RESIDENTIAL;

(II) IMPROVED OR TO BE IMPROVED BY ANY APARTMENT, CONDOMINIUM, COOPERATIVE, OR OTHER BUILDING FOR MULTIFAMILY USE OF GREATER THAN FOUR DWELLING UNITS; OR

(III) LEASED FOR DWELLINGS OR MOBILE HOMES THAT ARE ERECTED OR PLACED IN A MOBILE HOME DEVELOPMENT OR MOBILE HOME PARK.

AMENDMENT NO. 3

On page 5 in line 26, and on page 6 in lines 1 and 4, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “**(C) (1)**”, “**(D)**”, and “**(E)**”, respectively.

On page 5 in line 27, on page 6 in lines 2 and 4, and on page 10 in line 29, in each instance, strike “LANDLORD” and substitute “**GROUND LEASE HOLDER**”.

On page 10, in line 11, strike “§ 8-402.2(D)” and substitute “**§ 8-402.2(E)**”.

AMENDMENT NO. 4

On page 5, in line 28, strike “SOLE”; and after line 29, insert:

“(2) THIS SECTION DOES NOT AFFECT THE RIGHT OF A GROUND LEASE HOLDER TO BRING A CIVIL ACTION AGAINST THE LEASEHOLD TENANT SEEKING A MONEY JUDGMENT FOR THE AMOUNT OF THE PAST DUE GROUND RENT.”

AMENDMENT NO. 5

On page 6, in line 2, strike “AT LEAST” and substitute “**UNPAID**”; and in the same line, strike “IN ARREARS” and substitute “**AFTER ITS DUE DATE**”.

AMENDMENT NO. 6

On page 6, in line 5, strike “THE” and substitute “**:**”

(I) THE LEASEHOLD”;

strike beginning with “AGAINST” in line 5 down through “IMPOSED” in line 6 and substitute “**;** **AND**

(II) EACH MORTGAGEE OR TRUSTEE OF THE PROPERTY WHOSE LIEN IS ON RECORD”;

in line 7, after “(2)” insert “**(I)**”; in the same line, after “SERVED” insert “**ON THE LEASEHOLD TENANT**”; in line 8, strike “(I)”; in lines 9 and 11, in each instance, before “TENANT” insert “**LEASEHOLD**”; in lines 9 and 12, in each instance, before “TENANT’S” insert “**LEASEHOLD**”; in line 12, strike “; AND” and substitute a period; strike in their entirety lines 13 and 14 and substitute:

“(II) IF THE GROUND LEASE HOLDER IS UNABLE TO SERVE THE LEASEHOLD TENANT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, NOTICE UNDER THIS SUBSECTION SHALL BE GIVEN BY:

1. MAILING THE NOTICE TO THE LEASEHOLD TENANT’S LAST KNOWN ADDRESS; AND

2. POSTING THE NOTICE IN A CONSPICUOUS MANNER ON THE PROPERTY ON THE DOOR OR OTHER FRONT PART OF THE PROPERTY BY THE GROUND LEASE HOLDER IN THE PRESENCE OF A COMPETENT WITNESS.

(III) NOTICE TO ANY MORTGAGEE OR TRUSTEE UNDER THIS SUBSECTION SHALL BE GIVEN BY SENDING THE NOTICE BY CERTIFIED AND FIRST CLASS MAIL TO THE MOST CURRENT ADDRESS FOR NOTICES AS SET FORTH IN THE LAND RECORDS OR, IF NO SUCH ADDRESS IS CONTAINED IN THE LAND RECORDS, TO THE MORTGAGEE’S OR TRUSTEE’S CURRENT ADDRESS.”;

in line 15, strike “(E)” and substitute “(3)”; in the same line, after “UNDER” insert “THIS”; in the same line, strike “(D) OF THIS SECTION”; in lines 17, 19, 20, 21, 22, and 24, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; and strike beginning with “AGAINST” in line 22 down through “IMPOSED” in line 23; and strike beginning with “AGAINST” in line 24 down through “IMPOSED” in line 25 and substitute “TO WHOM NOTICE IS GIVEN UNDER THIS SUBSECTION”.

On page 7, in lines 3 and 5, strike “(7)” and “(8)”, respectively, and substitute “(VII)” and “(VIII)”, respectively; in lines 9 and 19, in each instance, strike “(D)” and substitute “(E)”; and in line 21, strike “AMOUNT OF” and substitute “UNPAID”.

AMENDMENT NO. 7

On page 8, strike in their entirety lines 1 through 3, inclusive; in lines 4, 8, and 13, strike “(I)”, “(J)”, and “(K)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively; in line 7, strike “(D)” and substitute “(E)”; and in line 10, strike “(I)” and substitute “(H)”.

AMENDMENT NO. 8

On page 8, in line 15, after “LIEN” insert “ON THE PROPERTY IDENTIFIED IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION”; strike in their entirety lines 18 through 22, inclusive, and substitute:

“(3) THE COURT MAY AWARD TO THE PREVAILING PARTY IN AN ACTION UNDER THIS SECTION:

(I) COURT COSTS; AND

(II) REASONABLE EXPENSES AND ATTORNEY'S FEES NOT EXCEEDING \$500.;

in line 23, strike “(4)” and substitute “(K) (1)”; in the same line, strike “THE” and substitute “IF A COMPLAINT WAS FILED UNDER SUBSECTION (F) OF THIS SECTION, THE”; in line 24, after “COSTS” insert “, EXPENSES,”; after line 25, insert:

“(II) IF A COMPLAINT WAS NOT FILED UNDER SUBSECTION (F) OF THIS SECTION AND THE PAST DUE GROUND RENT WAS NOT PAID, THE AMOUNT OF THE LIEN SHALL BE FOR THE AMOUNT ALLEGED TO BE DUE IN THE NOTICE UNDER SUBSECTION (E) OF THIS SECTION AND REASONABLE EXPENSES AND ATTORNEY'S FEES NOT EXCEEDING \$150.”;

in line 26, strike “(II)” and substitute “(2)”; in the same line, strike “ANNUALLY”; and in line 27, strike “DUE” and substitute “ACCRUING AFTER THE FILING OF THE STATEMENT OF LIEN IN THE LAND RECORDS”.

On page 9, strike in their entirety lines 1 through 3, inclusive; and in line 5, strike “(K)” and substitute “(J)”.

On page 10, strike in their entirety lines 17 through 19, inclusive; and in line 20, strike “(O)” and substitute “(N)”.

On page 11, in line 5, strike “(P)” and substitute “(O)”.

AMENDMENT NO. 9

On page 9, in line 5, strike “OWNER” and substitute “LEASEHOLD TENANT OR ANY MORTGAGEE”; in line 6, strike “AGAINST WHICH A LIEN IS INTENDED TO BE IMPOSED”; in lines 6 and 7, strike “PAST DUE GROUND RENT” and substitute “AMOUNT OF THE LIEN UNDER SUBSECTION (K)(1)(II) OF THIS SECTION”; in line 8, strike “PARTY SEEKING TO CREATE THE LIEN” and substitute “GROUND LEASE HOLDER”; and strike in their entirety lines 11 through 31, inclusive.

AMENDMENT NO. 10

On page 10, in line 1, strike “(4)” and substitute “(2)”; and in line 2, strike “STATEMENT OF LIEN IS FILED” and substitute “GROUND LEASE WAS CREATED”.

AMENDMENT NO. 11

On page 11, in lines 1 and 7, in each instance, strike “THE GREATER OF”; in lines 1 and 8, in each instance, strike “OR” and substitute “AND”; in line 2, strike “CALCULATED”; and in the same line, strike “§ 8-110(B)(2)(I)” and substitute “§ 8-110(B)(2)”.

The preceding 11 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

(Amendment ID: SB0396/213120/1)

BY: Senator Klausmeier

AMENDMENT TO SENATE BILL 396, AS AMENDED

On page 6 of the Judicial Proceedings Committee Amendments (SB0396/928475/1), in line 1, strike “AND REASONABLE EXPENSES”; and in line 2, after “\$150” insert “PLUS ACTUAL COSTS AND EXPENSES”.

The preceding amendment was read and rejected.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Britt moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1031 – Senators Britt, Currie, Exum, Miller, Muse, Peters, Pinsky, and Rosapepe

AN ACT concerning

Environment – Landfills – Prohibition

FOR the purpose of altering a prohibition against issuing a certain permit to construct or operate a landfill to include any location in Prince George’s County; expanding a certain prohibition against issuing a certain permit to construct or operate a landfill within a certain distance of certain areas in Queen Anne’s County; repealing the termination date of certain provisions of law relating to landfills in the State; and generally relating to permits for landfills.

BY repealing and reenacting, without amendments,

Article – Environment

Section 9–204(a) and (d)

Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–204(m)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Chapter 228 of the Acts of the General Assembly of 2006
Section 2

Senator Britt moved to suspend the rules to allow **Senate Bill 1031** to be referred to the Education, Health, and Environmental Affairs Committee.

The motion was adopted.

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1032 – Senator Middleton

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Charles County – Black Box Theatre

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to authorize the Board of Directors of the Chesapeake Bay Floating Theatre, Inc. to include in kind contributions in the matching fund.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006
Section 1(3) Item ZA02 (AJ)

Senator Middleton moved to suspend the rules to allow **Senate Bill 1032** to be referred to the Budget and Taxation Committee.

The motion was adopted.

Read the first time and referred to the Committee on Budget and Taxation.

Senator Currie moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two-thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1033 – Senator Currie

AN ACT concerning

Tax Credits for Individuals Facing Employment Barriers – Sunset Extension

FOR the purpose of altering certain termination provisions and dates of applicability for certain tax credits allowed to employers that hire certain qualified employment opportunity employees or certain qualifying individuals with disabilities; repealing certain obsolete provisions of law; recodifying certain provisions relating to certain tax credits allowed to employers that hire certain qualified employment opportunity employees; providing for the termination of certain provisions of this Act; and generally relating to certain tax credits allowed to employers that hire certain qualified employees facing certain employment barriers.

BY repealing

Article 88A – Department of Human Resources
Section 54
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

BY repealing

Article – Tax – General
Section 8–213
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General
Section 8–410 and 10–704.3
Annotated Code of Maryland
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Article – Insurance
Section 6–105.1
Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,

Chapter 492 of the Acts of the General Assembly of 1995, as amended by Chapter 10 of the Acts of the General Assembly of 1996, Chapters 598 and 599 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, and Chapter 394 of the Acts of the General Assembly of 2006

Section 3

BY repealing and reenacting, with amendments,

Chapter 112 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, and Chapter 394 of the Acts of the General Assembly of 2006

Section 4 and 6

BY repealing and reenacting, with amendments,

Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, and Chapter 394 of the Acts of the General Assembly of 2006

Section 4 and 6

Senator Currie moved to suspend the rules to allow **Senate Bill 1033** to be referred to the Budget and Taxation Committee.

The motion was adopted.

Read the first time and referred to the Committee on Budget and Taxation.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 483)

ADJOURNMENT

At 6:23 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 22, 2007.