

Journal *of* Proceedings
of the
Senate
of
Maryland

2013 Regular Session

Volume II

Compiled and edited by:

Donald G. Hopkins
Journal Clerk

...

William B.C. Addison, Jr.
Secretary of the Senate

Library and Information Services
and
Legislative Document Management
of the Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also call the
Maryland Relay Service to contact the General Assembly.

E-Mail: libr@mlis.state.md.us
Home Page: <http://mgaleg.maryland.gov>

The Department of Legislative Services does not discriminate on the basis of age, ancestry, color, creed, marital status, national origin, race, religion, gender, sexual orientation, or disability in the admission or access to its programs, services, or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at the telephone numbers shown above.

2013 SENATE JOURNAL INDEX OF DAYS

<u>Legislative Day</u>	<u>Page</u>	<u>Legislative Day</u>	<u>Page</u>
January 9	1	March 1	1332
January 10	92	March 4	1368
January 11	97	March 5	1427
January 14	102	March 6	1467
January 15	112	March 7	1475
January 16	115	March 8	1525
January 17	134	March 11	1569
January 18	162	March 12	1623
January 22	235	March 13	1664
January 23	250	March 14	1714
January 24	281	March 15	1745
January 25	302	March 16	1815
January 28	321	March 17	1843
January 29	354	March 18	1959
January 30	363	March 19	2046
January 31	411	March 20	2134
February 1	460	March 21	2272
February 5	687	March 22	2502
February 6	698	March 23	2585
February 7	719	March 24	2625
February 8	748	March 25	2642
February 11	769	March 26	2707
February 12	796	March 27	2709
February 13	821	March 28	2821
February 14	876	March 29	2945
February 15	953	March 30	3036
February 18	994	March 31	3173
February 19	1010	April 1	3242
February 20	1021	April 2	3385
February 21	1039	April 3	3475
February 22	1095	April 4	3550
February 25	1133	April 5	3607
February 26	1179	April 6	3642
February 27	1207	April 7	3719
February 28	1293		

Annapolis, Maryland
Friday, February 15, 2013
11:00 A.M. Session

The Senate met at 11:11 A.M.

Prayer by Rabbi Ben Biber, Humanist Chaplain at American University, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of February 14, 2013 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Glassman, Kasemeyer, and King be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 214)

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

February 15, 2013

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

**GOVERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS
REQUIRING CONFIRMATION
2013 SESSION OF THE MARYLAND GENERAL ASSEMBLY**

AFRICAN AMERICAN HISTORY AND CULTURE, COMMISSION ON	
Donna A. Cypress 3108 Auchentoroly Terrace Baltimore, Maryland 21217 Baltimore City/40	Appointment Member Term of 4 years from July 1, 2012
Rev. Tamara D. England, D.Min. 104 Hemison Court Pikesville, Maryland 21208 Baltimore County/11	Appointment Member Term to expire June 30, 2015
AIRPORT ZONING APPEALS, BOARD OF	
James W. Osborne, Jr. 1513 Tieman Drive Glen Burnie, Maryland 21061 Anne Arundel/31	Appointment Anne Arundel County Term of 4 years from July 1, 2013
AMUSEMENT RIDE SAFETY ADVISORY BOARD, STATE	
Christopher M. Trimper 10252 Bent Creek Road Ocean City, Maryland 21842 Worcester/38	Reappointment Amusement Park Owner Term of 4 years from July 1, 2013
Dawn Adekoya 3028 Schubert Drive Silver Spring, Maryland 20904 Montgomery/14	Reappointment Consumer Term of 4 years from July 1, 2012
APPALACHIAN STATES LOW-LEVEL RADIOACTIVE WASTE COMMISSION	
Robert M. Summers, Ph.D. 7315 Yorktown Drive Baltimore, Maryland 21204 Baltimore County/42	Reappointment Member Term of 2 years from May 7, 2013
Edward C. Hammerberg 1477 Roland Heights Avenue Baltimore, Maryland 21211 Baltimore City/40	Reappointment Alternate Term of 2 years from May 7, 2013

Joshua Sharfstein, M.D. 5820 Pimlico Road Baltimore, Maryland 21209 Baltimore City/41	Reappointment Member Term of 2 years from May 7, 2013
Clifford Seth Mitchell, M.D. 5705 Woodcrest Avenue Baltimore, Maryland 21215 Baltimore City/41	Reappointment Alternate Term of 2 years from May 7, 2013
ARCHAEOLOGY, ADVISORY COMMITTEE ON	
Marian Craig Creveling 1707 Forestville Road Edgewater, Maryland 21037 Anne Arundel/30	Reappointment Member Term of 3 years from July 1, 2013
Robert D. Wall, Ph.D. 1602 Beechwood Avenue Catonsville, Maryland 21228 Baltimore County/12	Reappointment Member Term of 3 years from July 1, 2013
ARTS COUNCIL, MARYLAND STATE	
Lora Bottinelli 218 W. Federal Street Snow Hill, Maryland 21863 Worcester/38	Reappointment Member Term of 3 years from July 1, 2013
Shelley Cole Morhaim 3502 Englemeade Road Baltimore, Maryland 21208 Baltimore County/11	Appointment Member Term of 3 years from July 1, 2013
Gary Vikan 214 Chancery Road Baltimore, Maryland 21218 Baltimore City/43	Appointment Member Term of 3 years from July 1, 2013
Margaret Footner 18329 Peters Avenue White Hall, Maryland 21161 Baltimore County/05	Reappointment Member Term of 3 years from July 1, 2013
BLIND INDUSTRIES AND SERVICES OF MARYLAND, BOARD OF TRUSTEES OF	
Michael L. Gosse, Ph.D. 2540 E. Baltimore Street Baltimore, Maryland 21224 Baltimore City/46	Reappointment Blind Member Term of 3 years from July 1, 2012
CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY	
Hon. Michael W. McKay 407 Washington Street Cumberland, Maryland 21502 Allegany/01	Appointment Member Remainder of a term of 4 years from June 1, 2011
CHESAPEAKE AND ATLANTIC COASTAL BAYS, CRITICAL AREA COMMISSION FOR THE	

Stephen Z. Meehan, Esq. 105 Riverview Place Chestertown, Maryland 21620 Queen Anne's/36	Appointment At Large Term of 4 years from July 1, 2011
CIVIL RIGHTS, COMMISSION ON	
Laura M. Esquivel 909 Elm Avenue Takoma Park, Maryland 20912 Montgomery/20	Appointment Member Term of 6 years from July 1, 2011
DENTAL EXAMINERS, STATE BOARD OF	
Sonia A. Stockton 5921 Simmonds Avenue Baltimore, Maryland 21215 Baltimore City/41	Reappointment Consumer Term of 4 years from June 1, 2013
Issie L. Shelton Jenkins, Esq. 12826 Forest Creek Court Sykesville, Maryland 21784 Howard/09	Reappointment Consumer Term of 4 years from June 1, 2013
ECONOMIC DEVELOPMENT COMMISSION, MARYLAND	
Ward W. Barney 24 Mallard Drive East Ocean Pines, Maryland 21811 Worcester/38	Appointment Member – Lower Eastern Shore Term of 3 years from July 1, 2012
Ricardo Martinez 10370 Pot Spring Road Timonium, Maryland 21093 Baltimore County/42	Reappointment Member Term of 3 years from July 1, 2013
A. Nayab Siddiqui 7005 Woodscape Drive Clarksville, Maryland 21029 Howard/13	Reappointment Member Term of 3 years from July 1, 2013
Robert N. Smelkinson 4603 Kerneway Baltimore, Maryland 21212 Baltimore City/43	Reappointment Member Term of 3 years from July 1, 2013
Manish D. Kothari 13213 Maplecrest Drive Potomac, Maryland 20850 Montgomery/15	Appointment Member Remainder of a term of 3 years from July 1, 2010 and a term of 3 years from July 1, 2013
Ellen Moyer 35 Eastern Avenue Annapolis, Maryland 21403 Anne Arundel/30	Appointment Member Term of 3 years from July 1, 2012
HEALTH BENEFIT EXCHANGE BOARD, MARYLAND	

Kenneth S. Apfel 304 Clopston Hill Sherwood Forest, Maryland 21405 Anne Arundel/33	Reappointment Expertise Term of 4 years from June 1, 2013
Tom S. Saquella 15 Greenwood Shoals Grasonville, Maryland 21638 Queen Anne's/36	Reappointment Employer/Individual Consumer Term of 4 years from June 1, 2013
HEALTH CARE COMMISSION, MARYLAND	
Diane Stollenwerk 3957 Cloverhill Road Baltimore, Maryland 21218 Baltimore City/43	Appointment No Industry Connection Remainder of a term of 4 years from October 1, 2009 and a term of 4 years from October 1, 2013
HEALTH AND MENTAL HYGIENE, BOARD OF REVIEW OF THE DEPARTMENT OF	
Betty Makell Coleman 8 Kirby Lane Annapolis, Maryland 21401 Anne Arundel/30	Reappointment General Public Term of 3 years from July 1, 2013
Anne Ruth Cullen 3024 Traymore Lane Bowie, Maryland 20715 Prince George's/23	Reappointment General Public Term of 3 years from July 1, 2013
HIGHER EDUCATION COMMISSION, MARYLAND	
Joel Packer 418 Neale Court Silver Spring, Maryland 20901 Montgomery/20	Appointment Member Remainder of a term of 5 years from July 1, 2008 and a term of 5 years from July 1, 2013
HISTORICAL TRUST BOARD OF TRUSTEES, MARYLAND	
Larry S. Gibson 237 Lambeth Road Baltimore, Maryland 21218 Baltimore City/43	Reappointment Member Term of 4 years from July 1, 2013
James P. Delgado, Ph.D. 218 Dale Drive Silver Spring, Maryland 20910 Montgomery/20	Reappointment Submerged Archaeology Term of 4 years from July 1, 2013
HOUSING TRUST BOARD OF TRUSTEES, MARYLAND AFFORDABLE	
Myriam A. Torrico 11901 New Hampshire Avenue Silver Spring, Maryland 20904 Montgomery/20	Appointment Local Government Term of 4 years from October 1, 2011
INDIAN AFFAIRS, COMMISSION ON	

Patricia Ward Carson P.O. Box 106 Crisfield, Maryland 21817 Somerset/38	Appointment Member Term of 3 years from July 1, 2013
Ashley C. Minner 3517 Sollers Point Road Baltimore, Maryland 21222 Baltimore County/06	Appointment Member Term of 3 years from July 1, 2012
INFANTS AND TODDLERS, INTERAGENCY COORDINATING COUNCIL FOR	
Mary L. O'Connor Leppert, M.B., B.Ch. 1403 Quick Fox Court Eldersburg, Maryland 21784 Carroll/09	Appointment Provider Term of 3 years from July 1, 2013
George P. Failla, Jr., Esq. 2517 Highcrest Court Manchester, Maryland 21102 Carroll/05	Appointment State Agency Term of 3 years from July 1, 2013
Abila Tazanu, M.D. 12303 Starling Lane Laurel, Maryland 20708 Prince George's/23	Appointment Parent Term of 3 years from July 1, 2012
Karen Larenas 8114 Mission Hill Place Jessup, Maryland 20794 Howard/13	Appointment Parent Term of 3 years from July 1, 2013
Laura Barbee-Matthews 10006 Graystone Drive Upper Marlboro, Maryland 20772 Prince George's/27	Appointment Parent Term of 3 years from July 1, 2013
Monica Ortiz Neustrup 10506 Apple Ridge Road Gaithersburg, Maryland 20886 Montgomery/39	Appointment Head Start Term of 3 years from July 1, 2012
LONGITUDINAL DATA SYSTEM CENTER GOVERNING BOARD, MARYLAND	
Carl D. Roberts, Ed.D. 1641 Ingleside Avenue Perryville, Maryland 21903 Cecil/34	Appointment Local Superintendent Term of 3 years from July 1, 2013
Jennifer Strong Mullinix 3626 Hineline Road Baltimore, Maryland 21229 Baltimore City/44	Appointment Member Term of 3 years from July 1, 2013
Brian A. Roberts 8 Ramsdell Terrace Gaithersburg, Maryland 20878 Montgomery/17	Reappointment Member Term of 3 years from July 1, 2013

Jason Perkins–Cohen 4818 Keswick Road Baltimore, Maryland 21210 Baltimore City/41	Reappointment Member Term of 3 years from July 1, 2013
Nicole C. Marano 6 Clynmalira Court Phoenix, Maryland 21131 Baltimore County/05	Reappointment Member Term of 3 years from July 1, 2013
MARINE CONTRACTORS LICENSING BOARD	
Richard J. Ayella 9879 Fox Hill Court Ellicott City, Maryland 21042 Howard/09	Reappointment MDE Term of 3 years from October 1, 2013
Jordan R. Loran 6701 Parkway Road Idlewylde, Maryland 21239 Baltimore County/42	Reappointment DNR Term of 3 years from October 1, 2013
Jack R. Beckwith 28799 Three Notch Road Mechanicsville, Maryland 20659 St. Mary's/29	Reappointment Marine Contractor – Anar, Clvt, Chas, Pgeo or Stma Term of 3 years from October 1, 2013
Milton Rehbein 1426 Burke Road Middle River, Maryland 21220 Baltimore County/07	Reappointment Marine Contractor – City, Blco, Cecl, Hrfd, Kent or Qann Term of 3 years from October 1, 2013
Joshua W. Schleupner 24620 Porter Mill Road Hebron, Maryland 21830 Wicomico/37	Reappointment Marine Contractor – Crln, Dorc, Smst, Tlbt, Wico or Worc Term of 3 years from October 1, 2013
Douglas F. Suess 18 Overshot Court Phoenix, Maryland 21131 Baltimore County/07	Reappointment Private Citizen – City, Anar, Blco, Clvt, Chas, Hrfd, Pgeo or Stma Term of 3 years from October 1, 2013
Christopher P. McCabe 29035 Tanager Way Eden, Maryland 21822 Wicomico/38	Reappointment Private Citizen – Crln, Cecl, Dorc, Kent, Qann, Stma, Tlbt, Wico or Worc Term of 3 years from October 1, 2013
NURSING, STATE BOARD OF	
Lois V. Rosedom–Boyd 6760 Real Princess Lane Baltimore, Maryland 21207 Baltimore County/10	Appointment Consumer Term of 4 years from July 1, 2012
PREVAILING WAGE RATES, ADVISORY COUNCIL ON	

Kenneth M. Grunley 8816 Twin Creek Court Potomac, Maryland 20854 Montgomery/15	Reappointment Management Term of 3 years from July 1, 2013
PROFESSIONAL ENGINEERS, STATE BOARD FOR	
H.C. Harclerode, II 1 Country Club Lane Phoenix, Maryland 21131 Baltimore County/07	Reappointment Chemical Engineer Term of 5 years from July 1, 2013
David G. Mongan 2341 Elderberry Lane Reisterstown, Maryland 21136 Carroll/05	Reappointment Civil Engineer Term of 5 years from July 1, 2013
Rosalind Lucille Yee 945 Tidewater Grove Court Annapolis, Maryland 21401 Anne Arundel/33	Reappointment Consumer Term of 5 years from July 1, 2012
PUBLIC SERVICE COMMISSION	
Walter Kevin Hughes 16404 Pebble Hill Lane North Potomac, Maryland 20878 Montgomery/39	Reappointment Chair Term of 5 years from July 1, 2013
REAL ESTATE APPRAISERS AND HOME INSPECTORS, STATE COMMISSION OF	
Steven P. O'Farrell 18826 Crofton Road Hagerstown, Maryland 21742 Washington/02	Reappointment Appraiser Term of 3 years from January 1, 2013
RESIDENTIAL BOARDING EDUCATION PROGRAMS, BOARD OF TRUSTEES OF	
Morton P. Fisher, Jr., Esq. 2435 Still Forest Road Baltimore, Maryland 21208 Baltimore County/42	Reappointment Member Term of 3 years from July 1, 2013
ST. MARY'S COLLEGE OF MARYLAND, BOARD OF TRUSTEES OF	
Ann Logan McDaniel 5409 Albemarle Street Bethesda, Maryland 20816 Montgomery/16	Appointment Member Term of 6 years from June 1, 2013
Hon. Stephanie Rawlings-Blake 100 Holliday Street, Room 250 Baltimore, Maryland 21202 Baltimore City/41	Appointment Member Term of 6 years from June 1, 2013
Peg Duchesne 12625 Laurel-Bowie Road, #3105 Laurel, Maryland 20709 Prince George's/23	Reappointment Member Term of 6 years from June 1, 2013

Timothy Louis Heely 21652 Joe Hazel Road Leonardtown, Maryland 20650 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2013
Hon. Steny H. Hoyer 1705 Longworth House Office Building Washington, DC 20515 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2013
Hon. Sven Erik Holmes 2429 Kalorama Road, NW Washington, DC 20008 Nonresident	Reappointment Member Term of 6 years from June 1, 2013
Katharine A. Russell 368 Cypress Point Drive Palm Desert, California 92211 Nonresident	Reappointment Member Term of 6 years from June 1, 2013
TOURISM DEVELOPMENT BOARD, MARYLAND	
Patricia C. Heffelfinger 12404 Frost Court Potomac, Maryland 20854 Montgomery/15	Reappointment Attractions Term of 3 years from July 1, 2013
TRANSPORTATION AUTHORITY, MARYLAND	
William K. Hellmann, P.E. 504 Harlequin Lane Severna Park, Maryland 21146 Anne Arundel/33	Appointment Member – Engineering Term of 4 years from July 1, 2012
UNIVERSITY SYSTEM OF MARYLAND, BOARD OF REGENTS OF THE	
Rev. Frank Madison Reid, III, Ph.D. 8950 Harkate Way Randallstown, Maryland 21133 Baltimore County/10	Reappointment Member Term of 5 years from July 1, 2013
Gary L. Attman 3712 Michelle Way Pikesville, Maryland 21208 Baltimore County/11	Reappointment Member Term of 5 years from July 1, 2013
Norman Augustine 9826 Sorrel Avenue Potomac, Maryland 20854 Montgomery/15	Reappointment Member Term of 5 years from July 1, 2013
Tracye Turner 3204 Dunwood Ridge Terrace Bowie, Maryland 20720 Prince George's/23	Appointment Member Term of 5 years from July 1, 2012

Robert D. Rauch 28466 Waterview Drive Easton, Maryland 21601 Talbot/37	Appointment Member Term of 5 years from July 1, 2012
Samim Manizade 500 W. College Avenue Salisbury, Maryland 21801 Wicomico/38	Appointment Student Term of 1 year from July 1, 2013
VETERANS HOME COMMISSION, MARYLAND	
Gary Douglas Knight 1035 Leeward Way Solomons, Maryland 20688 Calvert/29	Reappointment Member Term of 5 years from July 1, 2013
Andrew H. Anderson 29995 Bolingbroke Lane Trappe, Maryland 21673 Talbot/37	Reappointment Member Term of 5 years from July 1, 2013
Robert M. Johnson P.O. Box 1967 La Plata, Maryland 20646 Charles/28	Reappointment Member Term of 5 years from July 1, 2013
WELLMOBILE PROGRAM ADVISORY BOARD, GOVERNOR'S	
Elmer T. Carreno, M.D. 14625 Cutstone Way Silver Spring, Maryland 20905 Montgomery/14	Appointment Health Remainder of a term of 3 years from October 1, 2010 and a term of 3 years from October 1, 2013
WOMEN, MARYLAND COMMISSION FOR	
Wandra Ashley–Williams 4922 Water Grove Lane Ellicott City, Maryland 21043 Howard/09	Reappointment Member Term of 4 years from July 1, 2013
Darlene M. Breck 8425 Welcome Woods Place Welcome, Maryland 20693 Charles/28	Reappointment Member Term of 4 years from July 1, 2013
Anita Lombardi Riley 5887 Pawtucket Lane Eldersburg, Maryland 21784 Carroll/09	Reappointment Member Term of 4 years from July 1, 2013
Velvet D. Johnson, Esq. 2700 Berrywood Lane Springdale, Maryland 20774 Prince George's/24	Reappointment Member Term of 4 years from July 1, 2013

Lillian Cruz 18031 Vintage River Terrace Olney, Maryland 20832 Montgomery/19	Appointment Member Remainder of a term of 4 years from July 1, 2009 and a term of 4 years from July 1, 2013
Agnes Diane Williams 902 Jennings Mill Drive Bowie, Maryland 20721 Prince George's/23	Reappointment Member Term of 4 years from July 1, 2013
WORKERS' COMPENSATION COMMISSION, STATE	
Lauren A. Sfekas Godwin, Esq. 12019 Windsor Moss Ellicott City, Maryland 21042 Howard/09	Reappointment Member Term of 12 years from February 1, 2013
Cynthia S. Miraglia, Esq. 6444 Cloister Gate Drive Baltimore, Maryland 21212 Baltimore County/42	Reappointment Member Term of 12 years from February 1, 2013
ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Nchedochukwu C. Idahosa 211-E Woodhill Drive Glen Burnie, Maryland 21061 Anne Arundel/32	Appointment Student Term of 1 year from July 1, 2013
BALTIMORE CITY COMMUNITY COLLEGE, BOARD OF TRUSTEES OF	
Maria Harris Tildon 5616 Cross Country Boulevard Baltimore, Maryland 21209 Baltimore City/41	Reappointment Member Term of 6 years from July 1, 2012
Mary Elizabeth Owen-Southall, Ph.D. 3413 Rosedale Road Baltimore, Maryland 21215 Baltimore City/40	Reappointment Member Term of 6 years from July 1, 2011
CECIL COLLEGE BOARD OF TRUSTEES	
Donna L. Horgan 135 Riverside Drive Elkton, Maryland 21921 Cecil/36	Reappointment Member Term of 6 years from July 1, 2013
FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS	
Richard L. Stup 199 Fairfield Drive Frederick, Maryland 21702 Frederick/03	Appointment Member Remainder of a term of 5 years from July 1, 2008 and a term of 5 years from July 1, 2013
HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES	

L. William Proctor, Jr., Esq. 19625 Spring Creek Road Hagerstown, Maryland 21742 Washington/02	Reappointment Member Term of 6 years from July 1, 2013
Gregory I. Snook 16025 Cloverton Lane Williamsport, Maryland 21795 Washington/02	Reappointment Member Term of 6 years from July 1, 2013
HOWARD COMMUNITY COLLEGE BOARD OF TRUSTEES	
Mamie Johns Perkins 6812 Wolf Creek Court Clarksville, Maryland 21029 Howard/13	Appointment Member Term of 6 years from July 1, 2012
Katherine K. Rensin 3405 Shady Lane Glenwood, Maryland 21738 Howard/09	Reappointment Member Term of 6 years from July 1, 2013
SOUTHERN MARYLAND BOARD OF TRUSTEES, COLLEGE OF	
John W. Roache, M.D. 28140 Three Notch Road Mechanicsville, Maryland 20659 St. Mary's/29	Appointment Member Remainder of a term of 5 years from July 1, 2008 and a term of 5 years from July 1, 2013
WASHINGTON COUNTY BOARD OF LICENSE COMMISSIONERS	
Charles F. Mades 17223 Cloverleaf Road Hagerstown, Maryland 21740 Washington/02	Reappointment Democrat Term of 6 years from June 1, 2013

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 320 – Senator Joseph M. Getty & Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Corporal Craig Ream
in recognition of
his heroic actions while off duty on January 11, 2013, in which he pulled a young
woman from her burning vehicle.
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 15th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 215)

INTRODUCTION OF BILLS

Senate Bill 960 – Senator Manno

AN ACT concerning

Creation of a State Debt – Montgomery County – St. Luke's House Property Renovations and Repairs

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Board of Directors of St. Luke's House and Threshold Services United, 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 961 – Senator Peters

AN ACT concerning

Horse Racing – Special Takeout and Bowie Race Course Training Center

FOR the purpose of authorizing certain wagers under certain regulations adopted by the State Racing Commission; requiring a racing licensee to deduct certain amounts from the handle; authorizing a racing licensee to conduct certain wagers only with the consent of the Commission and certain groups; authorizing the owner of the Bowie Race Course Training Center to convey the Center to the City of Bowie; requiring the owner of the Center to provide certain services for certain purposes under a certain circumstance; requiring the owner of the Center to provide a certain notification to certain land owners under certain circumstances; prohibiting the City from being required to operate the Center as a certain facility under certain circumstances; providing that a certain conveyance may take place between the owner of the Center and the City under certain circumstances; providing for the application of certain provisions of this Act; repealing certain requirements that a certain racing licensee maintain the operation of the Center, or convey the certain property associated with the

Center as preserved land under certain circumstances; and generally relating to the operation of the Bowie Race Course Training Center and wagers authorized by the State Racing Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–514 and 11–519
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing
Article – State Government
Section 9–1A–09
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 962 – Senator Klausmeier

AN ACT concerning

Chesapeake Employers' Insurance Company – Rate Regulation

FOR the purpose of subjecting the Chesapeake Employers' Insurance Company to rate regulation under a certain competitive rating law; requiring the Company, the Maryland Insurance Administration, and a certain rating organization jointly to develop a certain plan to transition the Company through a phased-in approach to become a fully affiliated member of a certain rating organization beginning on a certain date; establishing requirements for the transition plan; providing for a delayed effective date for certain provisions of this Act; defining a certain term; and generally relating to rate regulation of the Company.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–303
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 570 of the Acts of the General Assembly of 2012)

BY repealing
Article – Insurance
Section 24–305
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 963 – Senators Mathias, Edwards, and Astle

AN ACT concerning

Task Force to Study a Post–Labor Day Start Date for Maryland Public Schools

FOR the purpose of establishing the Task Force to Study a Post–Labor Day Start Date for Maryland Public Schools; providing for the membership, chair, and staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to study issues relating to a post–Labor Day start date for Maryland public schools; requiring the Task Force to report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study a Post–Labor Day Start Date for Maryland Public Schools.

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

Senate Bill 964 – Senator Rosapepe

AN ACT concerning

Maryland College Sports Fans and Athletes Bill of Rights

FOR the purpose of establishing a Maryland College Sports Fans and Athletes Bill of Rights; providing that the final decision concerning the membership or association of certain institutions of higher education with certain athletics organizations rests with the governing board of that institution; defining certain terms; providing for the application of this Act; specifying certain responsibilities for certain public institutions of higher education and the athletic programs with regard to student athletes; specifying certain rights for student athletes at certain public institutions of higher education; providing that certain provisions of this Act may not take effect until the Secretary of Higher Education makes a certain certification to the Legislative Policy Committee of the General Assembly; and generally relating to the Maryland College Sports Fans and Athletes Bill of Rights.

BY repealing and reenacting, without amendments,
Article – Education
Section 12–104(a), 14–101(a), and 14–402(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Education

Section 12–104(o), 14–104(s), and 14–404(i); and 15–201 through 15–204 to be under the new subtitle “Subtitle 2. Student Athletes Bill of Rights”

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

Senate Bill 965 – Senator Rosapepe

AN ACT concerning

Maryland Smart Growth Investment Fund Workgroup

FOR the purpose of requiring the Secretary of Housing and Community Development to convene a workgroup to examine creating the Maryland Smart Growth Investment Fund; requiring the workgroup to include certain representatives; prohibiting a member of the workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the workgroup to evaluate and make recommendations regarding certain matters; requiring the Secretary to report the findings and any recommendations of the workgroup on or before a certain date; providing for the termination of this Act; and generally relating to creating the Maryland Smart Growth Investment Fund.

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

Senate Bill 966 – Senator Benson

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Peppermill Village
Community Center Renovations**

FOR the purpose of authorizing the creation of a State Debt in the amount of \$100,000, the proceeds to be used as a grant to the Board of Directors of the Peppermill Village Civic Association, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 967 – Senator Benson

AN ACT concerning

Business Regulation – Retail Service Stations – Video Cameras Required

FOR the purpose of requiring each retail service station dealer to maintain at least one operational video camera on the exterior of the premises of the service station for certain purposes; requiring each retail service station dealer to preserve recordings made by the video camera for at least a certain period of time; establishing a penalty for a violation of this Act; providing for a delayed effective date; and generally relating to video cameras at retail service stations.

BY renumbering

Article – Business Regulation

Section 10–324

to be Section 10–325

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Regulation

Section 10–324

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

Senate Bill 968 – Senator Jones–Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Garrett–Jacobs Mansion Access and Safety Project

FOR the purpose of authorizing the creation of a State Debt not to exceed \$100,000, the proceeds to be used as a grant to the Board of Trustees of the Garrett–Jacobs Mansion Endowment Fund, 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 969 – Senators Glassman, Dyson, and Mathias

AN ACT concerning

Public Safety – Fire Protection and Prevention – Residential Smoke Alarms

FOR the purpose of repealing and recodifying certain provisions of law dealing with smoke detection systems; clarifying that the installation of certain smoke alarms is required in certain areas of certain buildings; providing that this Act is applicable statewide; authorizing a local jurisdiction to adopt certain regulations; requiring a minimum number of smoke alarms be installed in certain areas of certain residential occupancies; requiring a certain smoke alarm to activate other smoke alarms in certain circumstances; requiring certain power sources for certain smoke alarms; requiring a certain upgrading of certain smoke alarm placement under certain circumstances; requiring certain existing residential occupancies to be upgraded on or before a certain date; requiring a certain smoke alarm for a sleeping room occupied by a deaf or hard of hearing individual; requiring a landlord to respond to a certain notice in a certain manner; requiring hotels and motels to make a certain minimum number of smoke alarm notification appliances available under certain circumstances and to post a certain notice; authorizing a hotel or motel to charge a certain deposit; providing for enforcement of and responsibility for installation and maintenance of smoke alarms; authorizing a smoke alarm to be combined with a carbon monoxide alarm in certain circumstances; authorizing certain authorities to issue a certain order; requiring a certain person to respond within a certain period of time; defining certain terms; and generally relating to residential smoke alarms.

BY repealing

Article – Public Safety
Section 9–101 through 9–106
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Public Safety
Section 9–101 through 9–106
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 9–107 and 9–109
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 9–108
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 970 – Senator Pipkin

AN ACT concerning

Private Property Rights – Regulatory Infringement – Compensation

FOR the purpose of creating a cause of action under certain circumstances for a property owner to use against the Department of Agriculture, the Department of the Environment, the Department of Natural Resources, or the Department of Planning if the application of a regulation adopted by any of the agencies infringes on a private property right of the property owner; providing that the cause of action shall be filed in a certain court; providing for the sum that a private property owner may recover under a certain cause of action; requiring the award or judgment under a certain cause of action to be paid from certain funds and prohibiting payment from the General Fund; providing for the venue of a certain cause of action; establishing a certain statute of limitations; providing for the application of this Act; defining a certain term; and generally relating to the rights of private property owners.

BY adding to

Article – Courts and Judicial Proceedings

Section 5–120

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 6–203(b)

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Government

Section 12–601 through 12–604 to be under the new subtitle “Subtitle 6.
Infringement on Private Property Rights”

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 971 – Senator Pipkin

AN ACT concerning

Regulations – Fees and Fines – Legislative Approval Required

FOR the purpose of prohibiting a certain regulation from taking effect until the General Assembly takes certain action; and generally relating to the effective date of regulations.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–117
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 972 – Senator Pipkin

AN ACT concerning

Mental Hygiene Administration – Upper Shore Community Mental Health Center – Reopening and Maintenance

FOR the purpose of requiring that the Upper Shore Community Mental Health Center be maintained under the direction of the Mental Hygiene Administration; declaring the intent of the General Assembly for the State to reopen the Center and the Administration to maintain the Center in accordance with certain provisions of law; and generally relating to the Mental Hygiene Administration and the reopening and maintenance of the Upper Shore Community Mental Health Center.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–406(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 973 – Senator Pipkin

AN ACT concerning

Environment – On-Site Sewage Disposal Systems – Nitrogen Removal Technology

FOR the purpose of prohibiting the Department of the Environment from requiring a person to install, or have installed, an on-site sewage disposal system that

utilizes nitrogen removal technology on certain property in the State; and generally relating to on-site sewage disposal systems.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1108
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

Senate Bill 974 – Senator Pipkin

AN ACT concerning

Renewable Energy Portfolio Standard – Repeal of Solar Energy Requirement

FOR the purpose of repealing the requirement that an electricity supplier's renewable energy portfolio include a certain percent of solar energy in certain years; repealing certain compliance fees for a shortfall from certain solar energy requirements; altering the responsibilities of a certain individual designated by the Public Service Commission; repealing a requirement that certain compliance fees be accounted for and used in a certain manner; providing for a delayed effective date; and generally relating to the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–703, 7–705, 7–709(c), and 7–711
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 975 – Senator Pipkin

AN ACT concerning

Maryland Health Care Commission – Certificate of Need Review – Interested Party

FOR the purpose of altering the definition of interested party, for purposes of certificate of need review of certain projects, to include a jurisdiction that does not contain a general hospital; and generally relating to interested parties in certificate of need reviews by the Maryland Health Care Commission.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–126(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 976 – Senator Pipkin

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Sources – Qualifying Natural Gas

FOR the purpose of expanding the definition of a Tier 1 renewable source to include qualifying natural gas; making technical changes; defining a certain term; providing for a delayed effective date; and generally relating to natural gas and Tier 1 renewable sources applied to the renewable energy portfolio standard.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701 and 7–704(a)(2) through (4) and (c)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

Senate Bill 977 – Senator Pipkin

AN ACT concerning

Task Force to Evaluate Regional Health Delivery and Health Planning in Rural Areas

FOR the purpose of establishing the Task Force to Evaluate Regional Health Delivery and Health Planning in Rural Areas; providing for the composition, cochair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to evaluate regional health delivery and health planning in rural areas, with a certain emphasis, to include certain items in its evaluation, and to make certain recommendations; requiring the Task

Force to report its findings and recommendations to the Governor and certain legislative committees on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Evaluate Regional Health Delivery and Health Planning in Rural Areas.

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

Senate Bill 978 – Senator Pipkin

AN ACT concerning

Corporate Income Tax – Foreign and Domestic Corporations – Capital Investments

FOR the purpose of altering the Maryland corporate income tax rate for certain taxable years for foreign and domestic corporations that make certain investments in the State; requiring certain corporations to disclose certain information to the Comptroller; requiring the Comptroller to adopt certain regulations; providing for the application of this Act; and generally relating to the Maryland corporate income tax.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–101(n) and (p) and 7–203(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY repealing, and reenacting, with amendments,
Article – Tax – General
Section 10–105(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Tax – General
Section 10–105.1
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

Senate Bill 979 – Senator Pipkin

AN ACT concerning

**Environment – Watershed Implementation Plan – Conowingo Dam
Environmental Assessment**

FOR the purpose of prohibiting a person from engaging in an activity or strategy to implement a State Watershed Implementation Plan until the State completes a full assessment of the environmental impacts of opening the Conowingo Dam floodgates in a certain month following Hurricane Irene and Tropical Storm Lee; defining certain terms; and generally relating to implementation of a State Watershed Implementation Plan.

BY adding to

Article – Environment

Section 4–801 and 4–802 to be under the new subtitle “Subtitle 8.
Implementation of the Chesapeake Bay Total Maximum Daily Load”

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 12 – Delegate Arora

AN ACT concerning

Crimes – Aiming Laser Pointer at Aircraft

FOR the purpose of making it a misdemeanor to knowingly and willfully shine, point, or focus the beam of a laser pointer on an individual operating an aircraft; exempting certain individuals from this Act under certain circumstances; specifying a penalty; specifying that a sentence imposed under this Act is in addition to a certain other sentence; defining a certain term; and generally relating to the criminal use of a laser pointer.

BY adding to

Article – Criminal Law

Section 3–807

Annotated Code of Maryland

(2002 Volume and 2012 Supplement)

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

House Bill 116 – Delegates Mitchell, Clippinger, Cluster, Conaway, Cullison, Gutierrez, Haynes, McDermott, Oaks, B. Robinson, and Rosenberg

AN ACT concerning

**Courts and Judicial Proceedings – Interception of Communications – Abuse
or Neglect of Vulnerable Adult and Medicaid Fraud**

FOR the purpose of adding abuse or neglect of a vulnerable adult and offenses relating to Medicaid fraud to those crimes for which certain evidence may be gathered by, and a judge may grant an order authorizing, interception of oral, wire, or electronic communications; and generally relating to interception of communications.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10–402(c)(2) and 10–406(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

**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 16 – Senator Reilly

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Refillable Container License

SB0016/944130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 16

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike the first “the” and substitute “a”.

AMENDMENT NO. 2

On page 2, in line 15, strike “**182**” and substitute “**128**”; and in line 19, strike “**THE**” and substitute “**A**”.

On page 3, in line 28, strike “THE” and substitute “A”.

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 139 – Senator Conway

AN ACT concerning

**Health Care Practitioners – Prescription Drug or Device Dispensing –
Medical Facilities or Clinics That Specialize in Treatment Reimbursable
Through Workers’ Compensation Insurance**

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 230 – Senators Getty and Ferguson

AN ACT concerning

Open Meetings Act – Public Body – Definition

SB0230/334833/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 230

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “Association;” in line 9.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 3 on page 4, inclusive.

On page 4, in line 4, strike “3.” and substitute “2.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 237 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Health Occupations – Sunset Extension and Program Evaluation

Favorable report adopted.

FLOOR AMENDMENT

SB0237/593326/1

BY: Senator Conway

AMENDMENTS TO SENATE BILL 237

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “date;” insert “making a technical correction to the period for renewal of certain permits under the sunset extension law that continued the State Board of Pharmacy;”; strike beginning with “State” in line 12 down through “Practice” in line 14 and substitute “sunset extension of certain health occupation boards”.

On page 2, after line 1, insert:

“BY repealing and reenacting, with amendments,

Chapter 658 of the Acts of the General Assembly of 2012

Section 2”.

AMENDMENT NO. 2

On page 5, after line 2, insert:

“Chapter 658 of the Acts of 2012

SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of Pharmacy shall extend the renewal of permits required under §§ 12–407 and 12–6C–06 of the Health Occupations Article, as enacted by Section 1 of this Act, to [May 31, 2013, and May 31, 2014,] MAY 31, 2014, AND MAY 31, 2013, respectively, for pharmacy permits and wholesale distributor permits expiring on [December 31, 2012, and December 31, 2013,] DECEMBER 31, 2013, AND DECEMBER 31, 2012, respectively, to accommodate the revised permit renewal date of May 31.”.

The preceding 2 amendments were 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 238 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Public Accountancy – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 254 – Senators Montgomery, Benson, Ferguson, Forehand, Jacobs, Klausmeier, Peters, and Pinsky

AN ACT concerning

State Board of Examiners of Psychologists – License Renewal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 280 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**Landscape Architects – License Renewal – Continuing Professional
Competency Requirement**

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:

Executive Nomination Report Number 1, Nominee Number 17, Joseph L. Wright, Esq.
for Judge of District Court of Maryland, Prince George's County

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

The President of the Senate put the following question: "Will the Senate advise and
consent to the above nomination of the Executive?"

Senator Ramirez moved, duly seconded, to make this Nomination a Special Order for
February 22, 2013.

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
Chair

Senate Executive Nominations Committee
Report #3
February 14, 2013

Certified Interior Designers, State Board of

1. Danielle M. Bush Marsalek District 5
7 Copewood Court
Millers, MD 21102

Member of the State Board of Certified Interior Designers; appointed to serve a term of three years from July 1, 2010

Community Health Resources Commission, Maryland

2. Charlene M. Dukes, Ed.D. District 23
10602 Wood Pointe Terrace
Glenn Dale, MD 20769

Member of the Maryland Community Health Resources Commission; appointed to serve a term of four years from July 1, 2011

3. Kendall D. Hunter District 16
8220 Coach Street
Potomac, MD 20854

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2010

4. William Jaquis, M.D. District 46
1216 S. Bouldin Street
Baltimore, MD 21224

Member of the Maryland Community Health Resources Commission; appointed to serve remainder of a term of four years from July 1, 2009

5. Paula Brooks McLellan District 9
4533 Doncaster Drive
Ellicott City, MD 21043

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2012

Economic Development Corporation Board of Directors, Maryland

6. Barbara G. Buehl District 1
20020 Potomac Overlook S.E.
Oldtown, MD 21555

Member of the Maryland Economic Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2012

Elections, State Board of

7. Patrick H. Murray District 46
3114 East Baltimore Street
Baltimore, MD 21224

Member of the State Board of Elections; appointed to serve remainder of a term of four years from July 1, 2009

Environmental Health Specialists, State Board of

8. Linda Rudie District 32
309 Sheridan Drive
Glen Burnie, MD 21061

Member of the State Board of Environmental Health Specialists; appointed to serve remainder of a term to expire June 30, 2015

Food Center Authority, Maryland

9. Michael T. Isen District 15
9201 Marseille Drive
Potomac, MD 20854

Member of the Maryland Food Center Authority; reappointed to serve a term of five years from July 1, 2011

Health and Mental Hygiene, Board of Review of the Department of

10. Charles J. Gast District 33
844 Sunny Chapel Road
Odenton, MD 21113

Member of the Board of Review of the Department of Health and Mental

Hygiene; appointed to serve remainder of a term of three years from July 1, 2011

Health Care Commission, Maryland

11. Paul Fronstin District 17
102 Massbury Street
Gaithersburg, MD 20878

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2011

Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors, State Board of

12. Fontaine W. Smallwood District 45
3518 Elmley Avenue
Baltimore, MD 21213

Member of the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors; appointed to serve a term of three years from January 1, 2012

Heritage Areas Authority, Maryland

13. Pete Leshner District 37
P.O. Box 144
St. Michaels, MD 21663

Member of the Maryland Heritage Areas Authority; appointed to serve a term of four years from October 1, 2012

Higher Education Commission, Maryland

14. Lisa Marie Latour District 17
420 Kent Square Road
Gaithersburg, MD 20878

Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2012

Historical Trust, Board of Trustees of the Maryland

15. Charles A. Stek District 14
18611 Mink Hollow Road
Highland, MD 20777

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve a term of four years from July 1, 2012

Infants and Toddlers, Interagency Coordinating Council for

16. Marcelle Franczkowski District 9
3005 Pebble Beach Drive
Columbia, MD 21042

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2009

Labor Relations Board, State

17. Susie C. Jablinske District 30
109 Maple Lane
Annapolis, MD 21403

Member of the State Labor Relations Board; reappointed to serve a term of six years from July 1, 2012

Lottery and Gaming Control Commission, State

18. F. Vernon Boozer, Esq. District 5
1106 Lower Glencoe Road
Sparks, MD 21152

Member of the State Lottery and Gaming Control Commission; appointed to serve a term to expire September 30, 2013

19. Bert J. Hash, Jr. District 9
11705 Farside Road
Ellicott City, MD 21042

Member of the State Lottery and Gaming Control Commission; appointed to serve a term to expire September 30, 2016

20. E. Randolph Marriner District 30
1920 Hidden Point Road
Annapolis, MD 21409

Member of the State Lottery and Gaming Control Commission; appointed to serve a term to expire September 30, 2014

21. Diane L. McGraw District 38
7 Central Parke West
Ocean Pines, MD 21811

Member of the State Lottery and Gaming Control Commission; appointed to serve a term to expire September 30, 2016

22. Kimberly Robertson Pannell District 26
910 Othman Drive
Fort Washington, MD 20744

Member of the State Lottery and Gaming Control Commission; appointed to serve a term to expire September 30, 2017

Marine Contractors Licensing Board

23. Jordan R. Loran District 42
6701 Parkway Road
Idlewylde, MD 21239

Member of the Marine Contractors Licensing Board; appointed to serve remainder of a term of three years from October 1, 2010

Maryland Legal Services Corporation Board of Directors

24. M. Natalie McSherry, Esq. District 41
5705 Roland Avenue
Baltimore, MD 21210

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2012

25. Mark F. Scurti, Esq. District 41
3101 Tilden Drive
Baltimore, MD 21211

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve a term of three years from July 1, 2012

Master Electricians, State Board of

26. Brett H. Warner District 32
7637 9th Court
Glen Burnie, MD 21061

Member of the State Board of Master Electricians; appointed to serve remainder of a term of three years from July 1, 2011

Morticians and Funeral Directors, State Board of

27. Ahmed A. Elzaree, M.D. District 22
9145 Lanham Severn Road
Lanham, MD 20706

Member of the State Board of Morticians and Funeral Directors; appointed to serve remainder of a term of four years from July 1, 2009

Professional Land Surveyors, State Board for

28. Brian M. Dunne District 11
10 Hillis Court
Lutherville, MD 21093

Member of the State Board for Professional Land Surveyors; appointed to serve remainder of a term of five years from July 1, 2009

29. Daniel P. Lavelle District 3
9791 Chestnut Oak Court
Frederick, MD 21701

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2012

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Affordable Housing Trust Board of Trustees, Maryland

- S-1. Paul K. Casey, Esq. District 12
4037 Dado Court
Ellicott City, MD 21042

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2012

- S-2. Elizabeth S. Glenn District 6
1308 Nautical Circle
Essex, MD 21221

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2012

- S-3. Dale R. McArdle District 41
2101 Uffington Road

Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees;
reappointed to serve a term of four years from October 1, 2011

- S-4. Alice G. Pinderhughes, Esq. District 40
3521 Hilton Road
Baltimore, MD 21215

Member of the Maryland Affordable Housing Trust Board of Trustees;
reappointed to serve a term of four years from October 1, 2012

- S-5. Linda L. Rose District 33
516 Bingham Court
Millersville, MD 21108

Member of the Maryland Affordable Housing Trust Board of Trustees;
reappointed to serve a term of four years from October 1, 2011

- S-6. Albert Winchester, III District 30
P.O. 129, 4840 Riverside Drive
Galesville, MD 20765

Member of the Maryland Affordable Housing Trust Board of Trustees;
reappointed to serve a term of four years from October 1, 2011

Assistive Technology Loan Program Board of Directors

- S-7. Joel S. Zimba District 40
2824 St. Paul Street, Apt. 1
Baltimore, MD 21218

Member of the Assistive Technology Loan Program Board of Directors;
appointed to serve a term of four years from October 1, 2011

Community Health Resources Commission, Maryland

- S-8. Nelson Sabatini District 31
391 South Drive
Severna Park, MD 21146

Member of the Maryland Community Health Resources Commission;
reappointed to serve a term of four years from July 1, 2011

- S-9. Maria Harris Tildon, Esq. District 41
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the Maryland Community Health Resources Commission;
reappointed to serve a term of four years from July 1, 2011

Health and Mental Hygiene, Board of Review of the Department of

S-10. Joy C. Naden District 41
20 Cross Keys Road
Baltimore, MD 21210

Member of the Board of Review of the Department of Health and Mental
Hygiene; reappointed to serve a term of three years from July 1, 2012

Health Care Commission, Maryland

S-11. John E. Fleig, Jr. District 27
1120 Jewell Road
Dunkirk, MD 20754

Member of the Maryland Health Care Commission; reappointed to serve a term
of four years from October 1, 2012

S-12. Kenny W. Kan District 13
12823 Macbeth Farm Lane
Clarksville, MD 21029

Member of the Maryland Health Care Commission; reappointed to serve a term
of four years from October 1, 2012

S-13. Robert L. Lyles, Jr., M.D. District 30
923 Childs Point Road
Annapolis, MD 21401

Member of the Maryland Health Care Commission; reappointed to serve a term
of four years from October 1, 2012

S-14. Craig P. Tanio, M.D. District 5
15610 Chilcoat Lane
Sparks, MD 21152

Member of the Maryland Health Care Commission; reappointed to serve a term
of four years from October 1, 2012

Judicial Disabilities, Commission on

S-15. Susan J. Matlick District 13
6896 Mink Hollow Road

Highland, MD 20777

Member of the Commission on Judicial Disabilities; reappointed to serve a term to expire December 31, 2015

Labor Relations Board, Public School

S-16. Charles I. Ecker

District 12

5002 Durham Road East
Columbia, MD 21044

Member of the Public School Labor Relations Board; reappointed to serve a term of five years from July 1, 2012

Land Reclamation Committee

S-17. Timothy J. Carney

District 1

13900 Bald Knob Road
Mount Savage, MD 21545

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2012

Professional Land Surveyors, State Board for

S-18. John F. Jensen

District 34

310 Goldeneye Court
Havre de Grace, MD 21078

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2012

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 – 44 Negative – 0 (See Roll Call No. 216)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 217)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

**Senate Bill 77 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**State Board of Plumbing – Continuing Professional Competency – Master
Plumbers and Master Natural Gas Fitters**

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

Affirmative – 35 Negative – 9 (See Roll Call No. 218)

The Bill was then sent to the House of Delegates.

Senate Bill 161 – Senator Kelley

AN ACT concerning

Real Property – Common Ownership Communities – Foreclosure of Liens

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

Affirmative – 37 Negative – 7 (See Roll Call No. 219)

The Bill was then sent to the House of Delegates.

Senate Bill 162 – Senators Kelley and Miller

AN ACT concerning

**Condominiums and Homeowners Associations – Transition of Control –
Termination of Contracts**

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

Affirmative – 37 Negative – 7 (See Roll Call No. 220)

The Bill was then sent to the House of Delegates.

Senate Bill 167 – Senator Kelley

AN ACT concerning

Residential Condominiums – Governing Documents – Claims Provisions

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

Affirmative – 44 Negative – 0 (See Roll Call No. 221)

The Bill was then sent to the House of Delegates.

Senate Bill 197 – Senator Frosh

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

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

Affirmative – 44 Negative – 0 (See Roll Call No. 222)

The Bill was then sent to the House of Delegates.

Senate Bill 211 – Senator Shank

AN ACT concerning

Natural Resources – Tree Experts – Prohibition

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

Affirmative – 44 Negative – 0 (See Roll Call No. 223)

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. 224)

ADJOURNMENT

At 11:43 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 18, 2013.

Annapolis, Maryland
Monday, February 18, 2013
8:00 P.M. Session

The Senate met at 8:02 P.M.

Prayer by Archbishop William Edward Lori, Archdiocese of Baltimore, guest of Senate of Maryland.

(See Exhibit A of Appendix III)

The Journal of February 15, 2013 was read and approved.

On motion of Senator Garagiola 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. 229)

INTRODUCTION OF BILLS

Senate Bill 980 – Senator Pipkin

AN ACT concerning

Queen Anne's County – Winery Special Event Permits – Farmers' Markets

FOR the purpose of authorizing the Comptroller to issue a winery special event permit to a Class 4 Maryland limited winery in Queen Anne's County for unlimited use for a certain amount of time each week at certain farmers' markets in Queen Anne's County; and generally relating to the issuance of a winery special event permit for use at a farmers' market in Queen Anne's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2-101(u)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 2–101(u)(15)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 981 – Senator Montgomery

AN ACT concerning

State Board of Physicians – Quasi–Judicial Powers – Revision

FOR the purpose of authorizing the State Board of Physicians to issue a cease and desist order or obtain injunctive relief for taking any action that may be grounds for discipline under a certain provision of law and that poses a certain risk to a patient; requiring the Board to adopt certain regulations to carry out a certain provision of law; and generally relating to the quasi–judicial powers of the State Board of Physicians.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 14–206

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 982 – Senator Young

AN ACT concerning

**Estates – Closing – Statement of Compensation and Reporting of Income
(The Mike Cady Act)**

FOR the purpose of requiring a court or a register of wills, after an estate has been closed, to provide the personal representative of the estate a certain document stating the amount of compensation received and informing the personal representative of a certain requirement; providing for the application of this Act; and generally relating to registers of wills and personal representatives.

BY adding to

Article – Estates and Trusts

Section 10–106

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 983 – Senator Young

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2011 – Frederick County –
Cultural Arts Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to alter the deadline for the Board of Directors of the Frederick Arts Council, Inc. to present evidence of a certain matching fund; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(AK) and Item ZA03(AF)

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

**Senate Bill 984 – Senators Colburn, Dyson, Jacobs, Mathias, Middleton,
Pipkin, and Reilly**

AN ACT concerning

Natural Resources – Designation of Oyster Sanctuaries – Moratorium

FOR the purpose of prohibiting the Department of Natural Resources from designating a new oyster sanctuary in State waters before a certain date; providing for the termination of this Act; and generally relating to the designation of oyster sanctuaries.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1006.2
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 985 – Senator Zirkin

AN ACT concerning

Public Safety – Gas Pipelines – Public Nuisance Suits

FOR the purpose of granting the District Court exclusive original civil jurisdiction in a certain proceeding to abate a public nuisance; providing that a gas pipeline shall be considered a public nuisance under certain circumstances; authorizing certain persons to bring a certain action against the owner or operator of a gas pipeline to abate a public nuisance under this Act; authorizing a court to order a certain relief if, after a hearing, the court determines that a public nuisance exists; authorizing a court to award certain costs and fees to a certain prevailing plaintiff; defining certain terms; and generally relating to gas pipeline safety.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(17) and (18)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 4–401(19)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY adding to
Article – Public Safety
Section 15–101 and 15–102 to be under the new title “Title 15. Gas Pipeline Safety”
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 986 – Senator Zirkin

AN ACT concerning

Courts and Judicial Proceedings – Cases of Gas Explosion or Gas Leak – Damages, Fees, and Costs

FOR the purpose of authorizing a person bringing a certain action for damages resulting from a gas explosion or gas leak to be awarded a certain amount of compensatory damages, punitive damages, reasonable attorney’s fees and expert fees, and court costs; providing for the application of this Act; and generally relating to damages, fees, and costs awarded in cases of gas explosions or gas leaks.

BY adding to
Article – Courts and Judicial Proceedings
Section 11–113

Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

Senate Bill 987 – Senator Forehand

AN ACT concerning

Vehicle Laws – Towing or Removal of Vehicles – Mailing Charges

FOR the purpose of altering the costs that a person who tows or removes a vehicle from a parking lot may charge certain persons for providing the required notice of the tow or removal; and generally relating to authorized charges for the towing or removal of a vehicle from a parking lot.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–10A–04
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 988 – Senator Muse

AN ACT concerning

Crimes – Threat of Mass Violence

FOR the purpose of prohibiting a person from threatening to commit, or causing to be committed, a certain crime of violence that would place others at substantial risk of death or serious physical injury if there are certain probable consequences of the threat; establishing that this Act applies to a threat made by oral or written communication or electronic mail; establishing that a person who violates this Act is guilty of the felony of making a threat of mass violence; establishing a penalty for a violation of this Act; requiring a court to order a person convicted under this Act to reimburse certain persons; providing for the venue for a prosecution under this Act; defining certain terms; and generally relating to the felony of making a threat of mass violence.

BY adding to
Article – Criminal Law
Section 3–1001 to be under the new subtitle “Subtitle 10. Threat of Mass Violence”
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

Senate Bill 989 – Senator Muse

AN ACT concerning

Task Force to Study Court–Ordered Drug Testing

FOR the purpose of establishing a Task Force to Study Court–Ordered Drug Testing; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; requiring the Governor to appoint the chair of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the establishment of a Task Force to Study Court–Ordered Drug Testing.

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

Senate Bill 990 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipping – Means of Transmitting Orders

FOR the purpose of specifying that a direct wine shipper’s permit entitles the holder to sell certain wine by receiving and filling orders that the consumer transmits directly to the permit holder; prohibiting an order to be transmitted to the permit holder by a retailer, a wholesaler, or any other third party, including a marketplace site on the Internet in which sellers offer products to customers; and generally relating to the direct shipment of wine to consumers.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7.5–105
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 991 – Senator Raskin

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Citation Authority

FOR the purpose of authorizing a police officer to charge by citation for certain crimes; making this Act an emergency measure; and generally relating to criminal citations.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 4–101(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

Senate Bill 992 – Howard County Senators

AN ACT concerning

**Creation of a State Debt – Howard County – Vantage House Retirement
Community Renovations
Ho. Co. 18–13**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$75,000, the proceeds to be used as a grant to the Board of Directors of the Columbia Vantage House Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 993 – Senator Reilly

AN ACT concerning

Anne Arundel County – Board of Education – Selection of Members

FOR the purpose of requiring that certain members of the Anne Arundel County Board of Education be elected at certain elections; requiring that certain members of the county board be appointed; providing for the residency, the terms of office, and the filling of a vacancy of certain members of the county board; authorizing the Anne Arundel County Board of Elections to adopt certain regulations; providing that a certain member elected to the county board from a certain geographic area but whose district boundaries subsequently are altered may remain as a member of the county board for a certain period of time;

providing for the termination of the terms of certain appointed members of the county board; making certain conforming changes; and generally relating to the Anne Arundel County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108(a), 3–110, and 3–114
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Education
Section 3–2A–01 to be under the new subtitle “Subtitle 2A. Anne Arundel County”
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

Senate Bill 994 – Senators Kittleman and Brinkley

AN ACT concerning

Inheritance, Recordation, and Transfer Taxes – Exemptions for Domestic Partners – Repeal

FOR the purpose of repealing an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a domestic partner of a decedent under certain circumstances; repealing an exemption from recordation tax and State and county transfer taxes for certain instruments of writing transferring property between domestic partners and former domestic partners under certain circumstances; providing for the application of this Act; and generally relating to certain exemptions from inheritance, recordation, and transfer taxes for domestic partners.

BY repealing
Article – Tax – General
Section 7–203(l)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing
Article – Tax – Property
Section 12–101(e–1) through (e–5)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 12–108(c) and (d), 13–207(a)(2) and (3), and 13–403
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 995 – Senator Montgomery

AN ACT concerning

Teaching Techniques – Students with Special Needs and Limited English Proficiency

FOR the purpose of requiring the State Department of Education to ensure that certain teachers receive adequate instruction in certain techniques for teaching certain students and in appropriate behavior interventions; providing for the application of this Act; requiring the Department to adopt certain regulations; and generally relating to techniques for teaching students with special needs and limited English proficiency.

BY adding to
Article – Education
Section 6–122
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 230)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 269 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Correction of Errors in Benefits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 231)

The Bill was then sent to the House of Delegates.

Senate Bill 278 – The President (By Request – Administration) and Senators Klausmeier, Kasemeyer, Miller, Currie, DeGrange, Ferguson, Forehand, Garagiola, ~~King, Madaleno, Manno, McFadden, Middleton, Montgomery, Peters, Glassman, King, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pugh, Ramirez, Robey, and Young~~

AN ACT concerning

Maryland Employment Advancement Right Now (EARN) Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the House of Delegates.

Senate Bill 305 – Chair, Finance Committee (By Request – Department of Legislative Services)

AN ACT concerning

Division of Labor and Industry and Associated Boards and Councils – 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. 233)

The Bill was then sent to the House of Delegates.

Senate Bill 334 – Senators Jones–Rodwell, Benson, Brinkley, Conway, Currie, Ferguson, Forehand, Frosh, Garagiola, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Muse, Peters, Pinsky, Pugh, Raskin, Reilly,

Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, Astle, Glassman, Pipkin, and Ramirez

AN ACT concerning

Mammograms – Dense Breast Tissue – Notification

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

Affirmative – 46 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the House of Delegates.

Senate Bill 346 – Senator Kelley

AN ACT concerning

Innovations in Aging Services Program – Commission on Aging – Responsibilities

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 380 – Senators Muse, Colburn, Conway, Dyson, Ferguson, Jacobs, Klausmeier, Madaleno, Manno, Mathias, Middleton, Peters, Pugh, Raskin, Simonaire, Stone, Young, ~~and Zirkin~~ Zirkin, Astle, Garagiola, Glassman, Kelley, Kittleman, and Ramirez

AN ACT concerning

Department of Health and Mental Hygiene – Workgroup on Cancer Clusters and Environmental Causes of Cancer

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 476 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Unused Sick Leave Calculation –
Clarification**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 237)

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. 238)

RECESS

At 8:19 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 8:20 P.M. on Monday, February 18, 2013 to the Old House Chamber in honor of George Washington's Birthday.

AFTER RECESS
Annapolis, Maryland
Monday, February 18, 2013

At 8:22 P.M. the Senate resumed its session.

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

Ceremony to Honor George Washington's Birthday

The Senate moved into the Old House Chamber to continue its session.

Address Given by Governor Martin O'Malley

- Thank you President Miller,... **what a great tradition this is** – to gather year-after-year on Washington's birthday and reflect on the many things we can still learn from his legacy of leadership, service, and citizenship,...
- **In so many ways, this man of modest words and powerfully eloquent action remains in our collective memory the Man/Superman of the American Revolution.**
- To borrow Norman Mailer's words, Washington was "*the existential hero — central to his time, a man whose personality might suggest contradictions and mysteries which would reach into the alienated circuits of the underground, because only a hero can capture the secret imagination of a people, and so be good for the vitality of a nation,... a hero embodies his time and is not so very much better than his time,... but he is larger than life, and so, capable of giving direction to the time,... able to encourage a nation to discover the deepest colors of its character,... a man who has lived with death...*".
- One can only wonder what Washington would tell us if he were somehow able to join us today. I suppose he'd probably comment on the traffic congestion on 495. Getting here from Mt. Vernon, at this time of night, can be brutal. Even on a federal holiday like Washington's birthday.
- **I believe that Washington would warn us about a deeper type of congestion — of which our transportation woes are merely a symptom.** I speak of the congestive failure that increasingly grips democracy's heart: that integrating, synthesizing center of our collective being as a people; the heart, whose function it is to

sort through divisions, conflicts, and competing fears in order to hold the creative tension necessary to advance,... the common good.¹

- Washington would remind us that **we are One people**.
- **He would tell us that we are all in this together.** That each of us is needed.²
- He would state again the American truth that **the stronger we make our country, the more she gives back to us**, to our children and to our grandchildren.³
- But he would warn us that **the Spirit of the Revolution is in danger of being swallowed up by a spirit of hedonism**.⁴
- **He would tell us that our country has a higher and larger purpose** than securing gated communities for the few.⁵
- **He would lament the degree to which the ruling financial elite of our times had been allowed to risk bringing the whole country down** in ruin for the sake of their personal profit and gain.⁶
- **He would lambast the divisions, and factions, and ultra-ideologies of these times which turn the public dialogue toxic and make principled compromise nearly impossible**,...⁷

¹ Father David Hollenbach of Boston College teaches that freedom and self-determination – a *res publica* – calls for “*a common life in which freedom is more fully shared, for a society in which all people more fully participate in the common goods that can be achieved in their social, political, and economic activity together.*” This, in a nutshell, was Washington’s governing philosophy.

² Washington led by example, choosing to cast a wide net in filling out his own Cabinet. People like Alexander Hamilton and Thomas Jefferson were diametrically opposed in philosophy. But Washington expected them to serve together in the spirit of advancing the common good. And he had very little patience for their infighting.

³ Washington’s record says a lot about his philosophy in this regard: he invested in public enterprises like canals and roads. He proposed the creation of a national university. He was willing to make difficult choices about federal taxation in order to move our country forward, in order to stabilize our economy, and in order to prevent future generations from having to shoulder the financial burden of wars that had already been fought.

⁴ Biographer John Ferling on Washington’s views: “*Unless this ‘avarice and thirst for gain’ was brought under control, it would inevitably destroy the gains realized through ‘the expense of blood and treasure’ during the four years of war. The spirit of hedonism had supplanted the spirit of 1776, threatening to ‘plunge everything’ into ‘one common ruin’.*”

⁵ Washington’s governing philosophy is described well by Parker Palmer’s description of the founders: “*The founders believed that citizens who took advantage of that right to improve their own lot in life would turn around and use their gains to contribute to the common good.*” Palmer notes that “*Something happened on the way to the modern era. Many Americans seem to believe that this nation’s entire reason for being is to secure a self-contained private realm that we can pursue our own happiness without regard for the needs of others, even at their expense.*”

⁶ In a letter to George Mason written in the spring of 1779, General Washington warned that quite a few high flying traders and speculators would just as soon, “*continue the War for their own private emolument, without considering that their avarice, and thirst for gain must plunge everything (including themselves) in one common Ruin,... preying upon the vitals of this great Country and putting everything to the utmost hazard.*”

- **Washington would challenge us to return to first principles.**⁸ To put consideration of the common good before consideration of personal gain. To understand that our personal economic security depends upon the well-being of our nation as a whole.
- **He would call upon us all to practice once again the habits of heart that allow us to see our own good in the common good we share with our neighbors;** the habits of the heart that allow us to see the goodness of one another even in our disagreements.
- **And he would warn us that our ability to overcome our current difficulties depends first and foremost on our capacity to hold in our own hearts the best interests of our countrymen as a whole,**⁹ and to therefore act accordingly.
- Washington -- this man who lived with death, who knew betrayal, and loss, and bitter defeat -- would tell us that the essence of our democracy is not found in the words of the Declaration of Independence or even in the structures ingeniously established by the Constitution, he would tell us that **the tabernacle of democracy is in our own hearts, and there it must be reformed and made new,...**
- **And he would, of course, speak with the greatest authority. For advancing the common good of our new nation was the life's work of George Washington – first in war, first in peace, and first in the hearts of his countrymen.**

CONCLUSION

- In reflecting back on his public service late in life, Washington wrote that *“In every act of my administration, I have sought the happiness of my fellow-citizens. My system for the attainment of this object has uniformly been to overlook all personal, local and partial considerations: to contemplate the United States, as one great whole,... to consult only the substantial and permanent interests of our country.”*
- Prior to resigning his military commission in this very state house, he wrote a friend about his happy anticipation of being quote *“translated into a private Citizen.”*

⁷ Washington held his fellow countrymen to the same high standard he had set for himself. He had very little tolerance for those who would put either private gain, personal squabbles, or partisan differences before the progress of all.

⁸ In his letter to George Mason, Washington warned that the only hope is for the broader body politick to bring things back to our “common principles.”

⁹ Washington would often warn against North–South factionalism, most famously in his farewell address.

- He capitalized the letter “C” in “Citizen” -- a visible symbol of his contemplation in action; a symbol of the faith he placed in the goodness that must be found, and formed, in hearts of his countrymen.
- Keeping in mind how far he had to come tonight through rush hour beltway traffic, let’s make sure we don’t let the old fella down.
- Thank you.

ADJOURNMENT

At 8:50 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 19, 2013.

Annapolis, Maryland
Tuesday, February 19, 2013
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Reverend Doctor Matthew Poole, Glen Mar Church, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of February 18, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 241)

INTRODUCTION OF BILLS

Senate Bill 996 – Senator Kasemeyer

AN ACT concerning

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

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 Maryland Food Bank, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 997 – Senator Jones–Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Carroll’s Hundred Archaeology Project

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 Carroll Park Restoration 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.

QUORUM CALL

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

(See Roll Call No. 242)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 16 – Senator Reilly

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Refillable Container License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 243)

The Bill was then sent to the House of Delegates.

Senate Bill 139 – Senator Conway

AN ACT concerning

**Health Care Practitioners – Prescription Drug or Device Dispensing –
Medical Facilities or Clinics That Specialize in Treatment Reimbursable
Through Workers’ Compensation Insurance**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 244)

The Bill was then sent to the House of Delegates.

Senate Bill 230 – Senators Getty and Ferguson

AN ACT concerning

Open Meetings Act – Public Body – Definition

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

Affirmative – 46 Negative – 0 (See Roll Call No. 245)

The Bill was then sent to the House of Delegates.

Senate Bill 237 – The President (By Request – Department of Legislative Services)

AN ACT concerning

Health Occupations – Sunset Extension and Program Evaluation

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 238 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Public Accountancy – Sunset Extension and Program Evaluation

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 254 – Senators Montgomery, Benson, Ferguson, Forehand, Jacobs, Klausmeier, Peters, and Pinsky

AN ACT concerning

State Board of Examiners of Psychologists – License Renewal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 248)

The Bill was then sent to the House of Delegates.

Senate Bill 280 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Landscape Architects – License Renewal – Continuing Professional Competency Requirement

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

Affirmative – 41 Negative – 5 (See Roll Call No. 249)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #9

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

Senate Bill 148 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Alcoholic Beverages – Micro-Brewery 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 149 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Micro-Breweries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS**Senate Resolution No. 346 – The President and All Members:**

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Students of Towson University
in recognition of
your 15th successful Tiger Pride Advocacy Day. We applaud the efforts of Towson
University's students and gratefully acknowledge your spirit, enthusiasm and
dedication to your school.

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 19th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 250)

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #9**

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

Senate Bill 150 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Refillable Containers

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 244 – Senator Astle

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Refillable Container License

SB0244/344036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 244

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike the second “the” and substitute “a”.

AMENDMENT NO. 2

On page 2, in line 13, strike “**THE**” and substitute “A”.

On page 3, in line 21, strike “**THE**” and substitute “A”.

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 321 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – License Fees

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for February 20, 2013.

The motion was adopted.

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

Senate Bill 349 – Senators Colburn and Mathias

AN ACT concerning

Wicomico County Liquor Act of 2013

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 351 – Senator Mathias

AN ACT concerning

Somerset County – Alcoholic Beverages – Beer and Wine Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 392 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Refillable Containers

SB0392/424531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 392

(First Reading File Bill)

On page 2, in line 12, strike “**120**” and substitute “**128**”.

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 471 – Senator Mathias

AN ACT concerning

Somerset County – Alcoholic Beverages – Location Restrictions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Introduction of Chopticon Marching Band

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #6

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

Senate Bill 19 – Senator Jennings

AN ACT concerning

Crimes – Aiming Laser Pointer at Aircraft

SB0019/648273/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 19

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the second “specifying” in line 6 down through “sentence;” in line 7.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 19 through 21, 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 182 – Senators Brochin and Kittleman

AN ACT concerning

**Maryland Transit Administration – Activation of Audio Recording Devices on
Vehicles Used for Transit Service – Prohibition**

SB0182/458573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 182

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “device;” in line 7.

AMENDMENT NO. 2

On page 2, in line 13, strike “(A)”; and strike in their entirety lines 18 through 24, inclusive.

The preceding 2 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 205 – Senator Shank

AN ACT concerning

Vehicle Laws – Fleeing or Eluding Police**SB0205/918971/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 205

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Shank” and substitute “Senators Shank and Forehand”; in line 3, after “of” insert “prohibiting a driver who has been given a visual or audible signal to stop by a police officer in a vehicle that is not an appropriately marked police vehicle but is displaying an activated flashing blue or red and blue light from attempting to elude the police officer;”; strike beginning with “against” in line 3 down through “light” in line 7 and substitute “under this Act to allow a driver”; and strike beginning with “altering” in line 8 down through “person;” in line 15.

AMENDMENT NO. 2

On page 3, strike beginning with “POSES” in line 12 down through “OR” in line 13; and strike line 16 in its entirety.

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 216 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Correctional Officers’ Bill of Rights

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 217 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

**Vehicle Laws – Registration Plates for Individuals with Disabilities –
Parking in Baltimore County**

Favorable report adopted.

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. 251)

ADJOURNMENT

At 10:48 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 20, 2013.

Annapolis, Maryland
Wednesday, February 20, 2013
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Reverend Adam B. Snell, St. Paul's United Methodist Church, guest of Senator Madaleno.

(See Exhibit A of Appendix III)

The Journal of February 19, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 253)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 333 – Senator Jim Rosapepe:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Dr. Sylvester James Gates, Jr.
in recognition of
his outstanding achievement in receiving the National Medal of Science, the highest
honor bestowed by the U.S. Government upon scientists. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 20th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 254)

Introduction and remarks by Jane Kirschling, PhD, RN, FAAN

INTRODUCTION OF BILLS**Senate Bill 998 – Senator Brinkley**

AN ACT concerning

**Secondhand Precious Metal Object Dealers and Pawnbrokers – Exemptions
for Auctioneers**

FOR the purpose of exempting auctioneers from the licensing and regulatory requirements for secondhand precious metal object dealers and pawnbrokers; defining certain terms; and generally relating to auctioneers and secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–101 and 12–102
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

Senate Bill 999 – Senator Astle

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2003 – Anne Arundel County –
Annapolis Recreational Center at 9 St. Mary's Street**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2003 to alter the purpose of a certain grant; extending the deadline for a certain grantee to present evidence of a certain matching fund; extending the deadline for certain funds to be expended or encumbered; making a technical correction; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2003.

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003, as amended by
Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 396
of the Acts of the General Assembly of 2011
Section 13(3)(i) Item (A)

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

Senate Bill 1000 – Senator Currie

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Prince George’s County
– Walker Mill Daycare and Training Center**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Directors of Walker Mill Development, Inc. to present evidence that a certain matching fund will be provided; providing that a certain grant may not terminate before a certain date; altering the purpose of a certain grant; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2010.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by
Chapter 639 of the Acts of the General Assembly of 2012
Section 1(3) Item ZA03(BI)

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

Senate Bill 1001 – Senator Ramirez

AN ACT concerning

Family Law – Protective Orders – Notification of Service – Sunset Extension

FOR the purpose of extending the termination date of certain provisions of law that provide for notice of the service on a respondent of certain protective orders; and generally relating to notification of the service of a protective order.

BY repealing and reenacting, with amendments,
Chapter 711 of the Acts of the General Assembly of 2009, as amended by
Chapter 103 of the Acts of the General Assembly of 2011
Section 2

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

Senate Bill 1002 – Senator Ramirez

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Cheverly American
Legion Post 108**

FOR the purpose of authorizing the creation of a State Debt in the amount of \$40,000, the proceeds to be used as a grant to the Executive Committee of the Cheverly American Legion Post 108, 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 Raskin

AN ACT concerning

**Creation of a State Debt – Montgomery County – Easter Seals
Inter-Generational Center Expansion**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Easter Seals of Greater Washington–Baltimore Region, 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 1004 – Calvert County Senators

AN ACT concerning

Calvert County – Alcoholic Beverages – Sunday Sales

FOR the purpose of making inapplicable in Calvert County the prohibition against a holder of a Class B or Class C license from selling alcoholic beverages at a bar or counter on Sunday; and generally relating to alcoholic beverages sales in Calvert County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–403(a)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 1005 – Senator Klausmeier

AN ACT concerning

**Baltimore County – Commission to Study the Establishment of a Truancy
Reduction Program**

FOR the purpose of establishing the Commission to Study the Establishment of a Truancy Reduction Program in Baltimore County; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Baltimore County Executive, the Superintendent of the Baltimore County Public Schools, the Baltimore County Board of Education, certain committees of the General Assembly, and the Chair of the Baltimore County Senators and the Chair of the Baltimore County Delegation of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Commission to Study the Establishment of a Truancy Reduction Program in Baltimore County.

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

Senate Bill 1006 – Senator Pipkin

AN ACT concerning

Vehicle–Miles–Traveled Tax – Prohibited Acts

FOR the purpose of prohibiting the State from imposing or levying a vehicle–miles–traveled tax or certain other similar fees, tolls, or taxes; prohibiting the State from requiring the installation of a device in or on a privately owned vehicle or using an odometer reading to facilitate the reporting of the number of vehicle miles traveled for a certain purpose; and generally relating to prohibited acts related to a measurement of vehicle miles traveled.

BY adding to

Article – Tax – General

Section 9–401 to be under the new subtitle “Subtitle 4. Vehicle–Miles–Traveled
Tax – Prohibited”

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Transportation

Section 22–107

Annotated Code of Maryland

(2012 Replacement Volume)

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

Senate Bill 1007 – Senator Pipkin

AN ACT concerning

**Creation of a State Debt – Queen Anne’s County – Kennard High School
Restoration Project**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Directors of Kennard Alumni Association, 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 Pipkin

AN ACT concerning

**Sewage Sludge Utilization Permits – Chesapeake and Atlantic Coastal Bays
Critical Area – Judicial Review**

FOR the purpose of applying certain standing requirements, legal processes for judicial review of environmental permits, and a certain prohibition against contested case hearings to certain sewage sludge utilization permits issued for land in the Chesapeake and Atlantic Coastal Bays Critical Area; and generally relating to standing in certain environmental protection proceedings and certain judicial actions.

BY repealing and reenacting, without amendments,

Article – Environment

Section 1–101(b), 1–605, and 1–606

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 1–601

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

Senate Bill 1009 – Senator Middleton

AN ACT concerning

Special Thoroughbred Racing – State Fair Society – Racing Days

FOR the purpose of altering the maximum number of days authorized for a race meeting held by the State Fair Society; and generally relating to special thoroughbred racing conducted by the State Fair Society.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–524(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 3 – Senator Peters

A Senate Joint Resolution concerning

**Crisis in Waiting Periods for Veterans with Disabilities to Receive Services
from the Federal Veterans Benefits Administration**

FOR the purpose of urging that certain actions be taken by certain entities to address the long waiting periods for veterans with disabilities who file disability compensation claims with a certain office to receive services and compensation from the federal Veterans Benefits Administration; providing that a copy of the resolution be forwarded by the Department of Legislative Services to certain individuals; and generally relating to the crisis in waiting periods for veterans with disabilities to receive services from the federal Veterans Benefits Administration.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 209 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

**State Board of Public Accountancy – Sunset Extension and Program
Evaluation**

FOR the purpose of continuing the State Board of Public Accountancy 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; requiring the Board to submit a certain report on or before a certain date; and generally relating to the State Board of Public Accountancy.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–702
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(57)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

**House Bill 334 – Delegates M. Washington, Anderson, Bobo, Braveboy, Carr,
Clippinger, Frick, Frush, Gaines, Glenn, Howard, McIntosh, Mitchell,
Nathan–Pulliam, B. Robinson, and S. Robinson**

AN ACT concerning

Commercial Law – Consumer Protection – Rental–Purchase Transactions

FOR the purpose of requiring a lessor to disclose to a consumer in each rental–purchase agreement the cost of lease services of certain items of rental property; altering a certain form that must be used to satisfy certain disclosure requirements; establishing a certain form that must be used to satisfy certain disclosure requirements; requiring the Attorney General’s Web site to include

certain forms; defining a certain term; and generally relating to rental–purchase transactions.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–1101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

BY adding to
Article – Commercial Law
Section 12–1101(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–1103, 12–1104, 12–1111, and 12–1111.1
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

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

**House Bill 392 – Chair, Economic Matters Committee (By Request –
Departmental – Insurance Administration, Maryland)**

AN ACT concerning

**Motor Vehicle Liability Insurance – Personal Injury Protection Coverage –
Prohibition on Premium Increase**

FOR the purpose of prohibiting an insurer that issues a motor vehicle liability insurance policy that contains personal injury protection coverage from increasing the premium on the policy due to a claim or payment made under that coverage; requiring the insurer, at the time the policy is issued, to notify the policyholder in writing that the insurer may not increase the premium on the policy due to a claim made under the policy’s personal injury protection coverage; defining “increase the premium” to include an increase in total premium for a policy due to a surcharge, retiering or other reclassification of the policy, or removal or reduction of a discount; making certain stylistic and conforming changes; providing for the application of this Act; and generally relating to motor vehicle liability insurance and personal injury protection coverage.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–507

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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 182 – Senators Brochin and Kittleman

AN ACT concerning

Maryland Transit Administration – Activation of Audio Recording Devices on Vehicles Used for Transit Service – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE
AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0182/458573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 182

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “device;” in line 7.

AMENDMENT NO. 2

On page 2, in line 13, strike “(A)”; and strike in their entirety lines 18 through 24, inclusive.

The preceding 2 amendments were read only.

Senator Jones–Rodwell moved, duly seconded, to make the Bill and Amendments a Special Order for February 25, 2013.

The motion was adopted.

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

Senate Bill 67 – Chair, Budget and Taxation Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Central Collection Unit – Monitoring and Recording of Telephone Calls

SB0067/759738/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 67

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Calls” insert “– Training and Quality Control Purposes”; and in line 6, after “notice,” insert “prohibiting the Central Collection Unit from recording or monitoring calls to or from certain lines of employees of the Unit; prohibiting the recording of a certain incoming telephone call to be offered in evidence in certain proceedings, except under certain circumstances; prohibiting a recording of a telephone call to be retained for longer than a certain number of days, except under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 18, strike “**PARAGRAPH (2)**” and substitute “**PARAGRAPHS (2) THROUGH (5)**”; strike beginning with “**TO**” in line 20 down through “**UNIT**” in line 22 and substitute “**:**”

(I) TO THE AUTOMATED CALL DISTRIBUTION SYSTEM; AND

(II)”.

On page 2, after line 3, insert:

“(3) THE CENTRAL COLLECTION UNIT MAY NOT RECORD OR MONITOR CALLS TO OR FROM A DIRECT INDIVIDUAL LINE OF AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT.

(4) THE RECORDING OF AN INCOMING TELEPHONE CALL TO AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT MAY NOT BE OFFERED AS EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST ANY CALLER UNLESS:

(I) THE CALLER HAS MADE A PERSONAL OR IMMINENT THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE; OR

(II) THE CALLER OR CALLER'S REPRESENTATIVE FIRST INTRODUCES THE CONTENTS OR EXISTENCE OF THE RECORDED TELEPHONE CALL IN THE CRIMINAL OR CIVIL PROCEEDING.

(5) A RECORDING OF A TELEPHONE CALL MAY NOT BE RETAINED BY THE CENTRAL COLLECTION UNIT FOR LONGER THAN 60 DAYS, UNLESS THE RECORDING IS BEING USED OR IS TO BE USED:

(I) FOR TRAINING OR QUALITY CONTROL PURPOSES; OR

(II) IN A CRIMINAL OR CIVIL PROCEEDING UNDER PARAGRAPH (4) OF THIS SUBSECTION.”.

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

Senate Bill 130 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Charitable Gaming

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 158 – Senators Conway, Ferguson, Gladden, Jones–Rodwell, McFadden, and Pugh

EMERGENCY BILL

AN ACT concerning

Homestead Tax Credit – Eligibility Verification and Application – Extension

SB0158/539134/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 158

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Extension”; in line 3, strike “date by which” and substitute “dates by which certain applications for”; strike beginning with “may” in line 3 down through “is” in line 4 and substitute “for certain dwellings are required to be”; and in line 5, after “Taxation;” insert “altering the taxable years in which the tax credit may not be granted for certain dwellings under certain circumstances;”.

AMENDMENT NO. 2

On page 2, in line 17, after “4.” insert “EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH,”; in the same line, strike “July 1 of” and substitute “THE MAY 1 PRECEDING”; in line 20, after “2007,” insert “AN APPLICATION SHALL BE FILED WITH THE DEPARTMENT ON OR BEFORE DECEMBER 30, 2013, OR”; in line 22, strike “after”; and strike beginning with “JUNE” in line 22 down through “paragraph” in line 23 and substitute “:

1. FOR THE TAXABLE YEAR BEGINNING JULY 1, 2014; AND

2. FOR A TAXABLE YEAR BEGINNING AFTER JUNE 30, 2015, UNLESS AN APPLICATION IS FILED AS REQUIRED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 164 – Senator Pipkin

AN ACT concerning

**Queen Anne’s County – Property Tax Credit – Commercial Investment and
Economic Development**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 183 – Chair, Budget and Taxation Committee (By Request –
Departmental – Business and Economic Development) and Senator
Kasemeyer**

EMERGENCY BILL

AN ACT concerning

**Income Tax – Business and Economic Development – Film Production
Activity Tax Credit**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 243 – Senator Astle

AN ACT concerning

**Maryland Income Tax Refund – Anne Arundel County Warrant Intercept
Program – Extension**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 245 – Senator Robey

AN ACT concerning

School Buildings – Solar Technology – Design Development Documents

SB0245/149534/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 245

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “or” insert “major”; in line 10, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 12, strike “5–301.1” and substitute “5–301.2”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 7 on page 3, inclusive.

On page 3, after line 7, insert “5–301.2”; in line 8, strike “(G)” and substitute “(A)”; in line 9, after “OR” insert “MAJOR”; in line 16, after “OR” insert “MAJOR”; in line 19, strike “(H)” and substitute “(B)”; and in line 21, after “AND” insert “MAJOR”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 315 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Gaming Permits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 369 – Senator Edwards

AN ACT concerning

Garrett County – Bonds for Garrett County Memorial Hospital

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 404 – Senators Middleton, Brinkley, Colburn, DeGrange, Dyson, Edwards, Garagiola, Glassman, Jennings, Kasemeyer, King, Mathias, Montgomery, Pinsky, Reilly, Shank, and Young

AN ACT concerning

Income Tax – Subtraction Modification – Enhanced Agricultural Management Equipment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 430 – Carroll County Senators

AN ACT concerning

Carroll County – Gaming

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 321 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – License Fees

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

Favorable report adopted.

FLOOR AMENDMENT

SB0321/293222/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 321

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Board” in line 4 down through “Treasurer” in line 6 and substitute “County Treasurer receive all of the license fees that the Board of License Commissioners collects”; in line 6, after “that” insert “all of”; and in line 8, strike “making certain stylistic changes;”.

AMENDMENT NO. 2

On page 2, strike beginning with “**THE**” in line 1 down through “**KEEPS**” in line 10 and substitute “**THE COUNTY TREASURER SHALL:**

(I) RECEIVE ALL OF THE LICENSE FEES THAT THE BOARD OF LICENSE COMMISSIONERS COLLECTS; AND

(II) FROM THOSE FEES, PAY ALL OF THE SALARIES AND EXPENSES OF THE BOARD".

The preceding 2 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 46 Members present.

(See Roll Call No. 255)

ADJOURNMENT

At 11:09 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, February 21, 2013.

Annapolis, Maryland
Thursday, February 21, 2013
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Reverend Mark Adams, Redland Baptist Church, guest of Senator Manno.

(See Exhibit A of Appendix III)

The Journal of February 20, 2013 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Brochin and Jennings be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 257)

INTRODUCTION OF BILLS

**Senate Bill 1010 – Senators Brinkley, Forehand, Kelley, King, Kittleman,
Klausmeier, Madaleno, Middleton, Pipkin, and Pugh**

AN ACT concerning

**Children with Developmental Disabilities in State Custody – Continuation of
Placement and Services**

FOR the purpose of continuing the jurisdiction of a juvenile court over a child who is medically fragile, has a developmental disability, and is committed to the custody of a local department of social services for a certain period of time after the child attains 21 years of age for the court to review, as necessary, the implementation and enforcement of certain plans; requiring the juvenile court to review a certain transition plan and change the plan if necessary to ensure that the Developmental Disabilities Administration provides a certain level of care, supervision, and treatment services for a certain child; requiring a certain local department of social services at certain times to coordinate with the Administration to plan for the transfer of responsibility for the case management, care, supervision, and treatment of a certain child at a certain

time, to notify the Administration of the date when a certain child will require certain services to begin, and to develop jointly with the Administration a transition plan that ensures continuity of a certain child's residential placement and maintains a certain level of care, supervision, and treatment services and placement support for the child; requiring the Administration to coordinate with each local department to plan for the transfer of responsibility for the case management, care, supervision, and treatment of certain children; prohibiting the Department of Health and Mental Hygiene from requiring a certain child to submit an application for certain services in certain circumstances; requiring the Administration, after receiving a certain notice, at certain times to develop jointly with a local department a transition plan that ensures continuity of a certain child's residential placement and maintains a certain level of care, supervision, and treatment services and placement support for the child, to submit the transition plan to the court that has jurisdiction over the child, to develop and approve a certain individual service plan for the child, to enter into a certain service funding plan, to investigate, license, approve, or otherwise qualify a certain residence, and to implement and continue for a certain time period a certain individual service plan and level of support and funding for the child; defining certain terms; and generally relating to medically fragile children with developmental disabilities.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–801(a), (e), (f), (g), (i), (k), (l), (p), and (bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–804
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–823.1
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 1–101(a), (f), and (g)
Annotated Code of Maryland
(2012 Replacement Volume)

BY adding to
Article – Family Law

Section 5–327.1 and 5–525.3
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–328
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(a) and (c), 7–101(a), (b), (e), and (n), and 7–403
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – Health – General
Section 7–804
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 1011 – Cecil County Senators

AN ACT concerning

Cecil County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Cecil County; and generally relating to school bus operation in Cecil County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

Senate Bill 1012 – Cecil County Senators

AN ACT concerning

Alcohol and Drug Abuse Administration – Opioid Maintenance Therapy Program – Requirements

FOR the purpose of requiring the Alcohol and Drug Abuse Administration to require a certain opioid maintenance therapy program to have certain standards in certain areas; defining a certain term; and generally relating to opioid maintenance therapy programs and the Alcohol and Drug Abuse Administration.

BY adding to

Article – Health – General

Section 8–406

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 1013 – Senators Pipkin and Brinkley

AN ACT concerning

Transportation Trust Fund – Use of Funds – Transit Financing

FOR the purpose of requiring that certain funds in the Transportation Trust Fund be allocated for highway expenditures, transit expenditures, and other transportation expenditures in a certain manner; establishing the Mass Transit Account in the Transportation Trust Fund; requiring that certain revenues be credited to the Mass Transit Account; requiring that funds in the Mass Transit Account be used to pay certain costs of transit facilities and transit service; requiring that revenues attributable to certain county taxes be used to pay the cost of transit facilities and transit service in the county where the tax was collected; authorizing the governing body of a county that is served by certain transit agencies to impose a county transportation property tax; requiring a county transportation property tax to be imposed on the same property that is subject to the county property tax in the same manner as the county property tax; authorizing the governing body of a county that is served by certain transit agencies to impose a county motor fuel tax on each gallon of motor fuel that is sold by a distributor to a retail service station dealer in the county; requiring the tax to be imposed at a certain time and collected and paid in a certain manner; requiring a distributor to file a county motor fuel tax return at certain times; allowing a distributor to deduct a certain amount of the county motor fuel tax due to reimburse the distributor for certain expenses; requiring persons that hold motor fuel on a date that the county motor fuel tax is adjusted to remit any county motor fuel tax that is due on the motor fuel; providing that certain exemptions, refunds, procedures, and penalties that apply to the motor fuel tax also apply to the county motor fuel tax, unless certain regulations provide otherwise; requiring the Comptroller to adopt regulations implementing the county motor fuel tax; requiring regulations adopted by the Comptroller to address certain matters; requiring that county motor fuel tax revenues be

distributed in a certain manner; defining certain terms; and generally relating to the use of funds in the Transportation Trust Fund and the financing of transit facilities and transit service.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 3–216(a), (b), and (c)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–216(c)(2)(i) and (d)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Transportation
Section 3–216(d)(7), 7–309, and 7–310
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Tax – General
Section 1–101(f–1); 2–11A–01 through 2–11A–03 to be under the new subtitle
“Subtitle 11A. County Motor Fuel Tax Distribution”; and 9–401 through
9–406 to be under the new subtitle “Subtitle 4. County Motor Fuel Tax”
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

Senate Bill 1014 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George’s County – Olde Mill Community and Teaching Center

FOR the purpose of authorizing the creation of a State Debt not to exceed \$150,000, the proceeds to be used as a grant to the Board of Directors of the Olde Mill 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 1015 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – MTR Land Enhancement Project

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Board of Directors of Maryland Therapeutic Riding, 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.

MESSAGE TO THE SENATE

February 21, 2013

BY THE MAJORITY LEADER:

Ladies and Gentlemen of the Senate:

With your concurrence we propose a Joint Meeting of the General Assembly in the House Chamber on Friday, February 22, 2013 at 11 a.m. for the purpose of commemorating the 100th Anniversary of the Woman Suffrage March of 1913.

We have appointed Delegates DeBoy and Hogan to escort your Honorable Body to the House Chamber for the Joint Meeting.

We have invited the Lieutenant Governor to attend this session. We propose the appointment of a committee of six, three on the part of the House and three on the part of the Senate, to escort the Lieutenant Governor to the House Chamber. We have appointed on the part of the House, Delegates Tarrant, Carr and Otto.

By Order, Sylvia Siegert, Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

February 21, 2013

By the Majority Leader,

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing a Joint Meeting of the General Assembly in the House Chamber on Friday, February 22, 2013 at 11 a.m. for the purpose of commemorating the 100th Anniversary of the Women's Suffrage March of 1913.

We respectfully concur in your message and have appointed on behalf of the Senate, Senators Garagiola, Pipkin and Currie as members of the joint committee to escort the Lieutenant Governor to the House Chamber.

By Order,
William B.C. Addison, Secretary

Read and adopted.

LAID OVER BILLS

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

Senate Bill 67 – Chair, Budget and Taxation Committee (By Request – Departmental – Budget and Management)

AN ACT concerning

Central Collection Unit – Monitoring and Recording of Telephone Calls

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0067/759738/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 67 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Calls” insert “– Training and Quality Control Purposes”; and in line 6, after “notice,” insert “prohibiting the Central Collection Unit from recording or monitoring calls to or from certain lines of employees of the Unit;”

prohibiting the recording of a certain incoming telephone call to be offered in evidence in certain proceedings, except under certain circumstances; prohibiting a recording of a telephone call to be retained for longer than a certain number of days, except under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 18, strike “**PARAGRAPH (2)**” and substitute “**PARAGRAPHS (2) THROUGH (5)**”; strike beginning with “**TO**” in line 20 down through “**UNIT**” in line 22 and substitute “**:**”

(I) TO THE AUTOMATED CALL DISTRIBUTION SYSTEM; AND

(II)”.

On page 2, after line 3, insert:

“(3) THE CENTRAL COLLECTION UNIT MAY NOT RECORD OR MONITOR CALLS TO OR FROM A DIRECT INDIVIDUAL LINE OF AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT.

(4) THE RECORDING OF AN INCOMING TELEPHONE CALL TO AN EMPLOYEE OF THE CENTRAL COLLECTION UNIT MAY NOT BE OFFERED AS EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST ANY CALLER UNLESS:

(I) THE CALLER HAS MADE A PERSONAL OR IMMINENT THREAT AGAINST AN EMPLOYEE OR PROPERTY OF THE STATE; OR

(II) THE CALLER OR CALLER’S REPRESENTATIVE FIRST INTRODUCES THE CONTENTS OR EXISTENCE OF THE RECORDED TELEPHONE CALL IN THE CRIMINAL OR CIVIL PROCEEDING.

(5) A RECORDING OF A TELEPHONE CALL MAY NOT BE RETAINED BY THE CENTRAL COLLECTION UNIT FOR LONGER THAN 60 DAYS, UNLESS THE RECORDING IS BEING USED OR IS TO BE USED:

(I) FOR TRAINING OR QUALITY CONTROL PURPOSES; OR

**(II) IN A CRIMINAL OR CIVIL PROCEEDING UNDER
PARAGRAPH (4) OF THIS SUBSECTION.”.**

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**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 179 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**Architects, Landscape Architects, and Professional Land Surveyors – Firm
Permits**

SB0179/564036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 179
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 10, after “**PERMIT;**” insert “**OR**”; strike beginning with the semicolon in line 12 down through “**SUBTITLE**” in line 15; and strike in their entirety lines 16 through 19, inclusive, and substitute:

**“(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION
(A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING
\$5,000 FOR EACH:**

(I) VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.”.

AMENDMENT NO. 2

On page 9, in line 28, after “PERMIT;” insert “OR”; and in line 30, strike “; OR” and substitute a period.

On page 10, strike in their entirety lines 1 through 7, inclusive, and substitute:

“(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH:

(I) VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.”.

AMENDMENT NO. 3

On page 15, in line 28, after “PERMIT;” insert “OR”; and in line 30, strike “; OR” and substitute a period.

On page 16, strike in their entirety lines 1 through 7, inclusive; and after line 7, insert:

“(B) (1) IN ADDITION TO A SANCTION IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH:

(I) VIOLATION FOR WHICH A DENIAL, REPRIMAND, SUSPENSION, OR REVOCATION WAS IMPOSED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) FAILURE TO MEET OR CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN THIS SUBTITLE.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 371 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Sunday 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 with amendments:

Senate Joint Resolution 1 – Senators Jones–Rodwell, Benson, Conway, Garagiola, Klausmeier, Madaleno, Peters, and Pugh

A Senate Joint Resolution concerning

International Education – Support

SJ0001/774637/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE JOINT RESOLUTION 1

(First Reading File Joint Resolution)

AMENDMENT NO. 1

On page 1, in line 4, strike the second “and”; and in line 5, after “Colleges” insert “, the University System of Maryland, Morgan State University, and St. Mary’s College of Maryland”.

AMENDMENT NO. 2

On page 2, in line 28, strike “and”; and in the same line, after “Colleges” insert “, the University System of Maryland, Morgan State University, and St. Mary’s College of Maryland”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

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

Senate Bill 272 – Senators Currie, DeGrange, Kasemeyer, McFadden, Peters, and Robey

EMERGENCY BILL

AN ACT concerning

State Lottery Agency – Tickets – Electronic Devices Connected to the Internet

SB0272/979331/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 272

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike “EMERGENCY BILL”; in line 4, strike “the Director of”; strike beginning with the comma in line 4 down through “allow” in line 6 and substitute “from allowing”; and in line 7, strike “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 9 through 15, inclusive, and substitute:

“BY renumbering

Article – State Government

Section 9–125

to be Section 9–126

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Government

Section 9–125

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–125 of Article – State Government of the Annotated Code of Maryland be renumbered to be Section(s) 9–126.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 11 on page 2, inclusive, and substitute:

“9–125.

THE AGENCY MAY NOT ALLOW A PERSON TO PURCHASE A STATE LOTTERY TICKET THROUGH AN ELECTRONIC DEVICE THAT CONNECTS TO THE INTERNET, SUCH AS A PERSONAL COMPUTER OR MOBILE DEVICE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 282 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Video Lottery Facilities – Employee Licenses – Crimes of Moral Turpitude or Gambling

SB0282/889931/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 282

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, after “Administration”) insert “and Senator McFadden”; and in line 7, after “period;” insert “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 32 and 33 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #3

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 876 – Senator DeGrange

AN ACT concerning

Correctional Services – Standards for Correctional Facilities – Funding

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 877 – Senator Manno

AN ACT concerning

Project Open Space – Use of Funds – Artificial Turf Surfaces

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 878 – Senator Manno

AN ACT concerning

Procurement – Prevailing Wage Rates for School Construction – Application

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 879 – Senators Edwards and Brinkley

AN ACT concerning

Natural Gas Severance Tax and Impact Account

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 880 – Senator Getty

AN ACT concerning

Public Information Act – Electronic Mail Address – Database and Disclosure

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 881 – Senator Middleton

AN ACT concerning

Community Health Resources Commission – Revisions

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 882 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Talbot County – Oxford Community Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 883 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – The Baltimore Museum of Industry Capital Improvements

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 884 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Creative Alliance Project

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 885 – Senator Colburn

AN ACT concerning

State Retirement and Pension System – Board of Trustees – County Representation

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 887 – Senator Garagiola

AN ACT concerning

Public Utilities – Solar Photovoltaic Systems

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 888 – Senator Garagiola

AN ACT concerning

Task Force to Study Temporary Disability Insurance Programs

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 889 – Senator Ferguson

AN ACT concerning

**Nancy Grasmick Teacher Award and Walter Sondheim Jr. Public Service
Summer Internship Scholarship – Qualifications**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 891 – Senator Zirkin

AN ACT concerning

Courts – Service of Process – Driver of Motor Vehicle or Driver’s Estate

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 892 – Senator McFadden

AN ACT concerning

**Creation of a State Debt – Baltimore County – New Creation Christian
Academy Day Care Playground**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 893 – Senator Manno

AN ACT concerning

Municipal Property Taxes – Annual Budget Ordinance and Special Rates

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 894 – Senator Montgomery

AN ACT concerning

**Prosecution of Offenses Related to Practicing Medicine Without a License –
Statute of Limitations – Repeal**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 895 – Senator Astle

AN ACT concerning

Creation of a State Debt – Maryland Artificial Reef Initiative

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 896 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Sterile Compounding – Permits

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 897 – Senator Klausmeier

AN ACT concerning

Consumer Protection – Security Freezes – Children in Foster Care Settings

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 898 – Senator Klausmeier

AN ACT concerning

**Task Force to Study the Process for Assisting Cancer Patients at Local
Departments of Social Services**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

**Senate Bill 899 – Senators Mathias, Brinkley, Colburn, DeGrange, Edwards,
Forehand, Glassman, Jennings, Manno, Middleton, Montgomery,
Simonaire, and Stone**

AN ACT concerning

**Local Government – Fire, Rescue, and Ambulance Funds – Distribution of
Money to Volunteer Companies**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 900 – Senator Jones–Rodwell

AN ACT concerning

**Baltimore City – Community Development Projects – Payment in Lieu of
Taxes Agreements**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 901 – Senators Dyson and Conway

AN ACT concerning

Election Law – Elections by Mail

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 902 – Senators Muse and Zirkin

AN ACT concerning

Statewide Building Codes – Maryland Accessibility Code – Enforcement

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 903 – Senator Raskin

AN ACT concerning

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

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 904 – Senator Klausmeier

AN ACT concerning

**Health Insurance – Vision Services – Provider Contracts and Delivery
Systems**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 905 – Senator DeGrange

AN ACT concerning

Video Lottery Facilities – Table Game Proceeds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 907 – Senator Zirkin

AN ACT concerning

Pipeline Safety and Community Protection Act

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 908 – Senator Robey

AN ACT concerning

Law Enforcement Officers' Pension System – Reemployment of Retirees

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 909 – Senator Kasemeyer

AN ACT concerning

**Creation of a State Debt – Baltimore County – Comet Booster Club
Concession Stand**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 911 – Senator Gladden

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Swann
Avenue Firehouse**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 912 – Senator Astle

AN ACT concerning

**Creation of a State Debt – Anne Arundel County – Southern Middle School
and Southern High School Improvements**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 913 – Senator McFadden

AN ACT concerning

**Creation of a State Debt – Baltimore City – LAMB Community Resource
Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 914 – Senator Klausmeier

AN ACT concerning

**Workers' Compensation – Reimbursement for Drugs – Fee Schedule and
Requirements**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 915 – Senator Klausmeier

AN ACT concerning

Health Occupations – Massage Therapy – Authority to Practice

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 916 – Senator Klausmeier

AN ACT concerning

Task Force to Study Licensing and Continuing Education Requirements for Electricians

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 917 – Senator Edwards

AN ACT concerning

Allegany County – Video Lottery Terminals – Distribution of Proceeds

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 919 – Senators Garagiola, Astle, Kelley, Kittleman, Klausmeier, Mathias, and Pugh

AN ACT concerning

Vehicle Laws – Rental Vehicle Companies – Right of Indemnification

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 920 – Senator Dyson**EMERGENCY BILL**

AN ACT concerning

Chesapeake Bay – Submerged Land and Water Column Leases – Riparian Owners

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 921 – Senators Manno, Raskin, Frosh, Garagiola, and Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Melvin J. Berman Hebrew Academy Restorations

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 922 – Senators Manno, Raskin, Frosh, Garagiola, and Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Silver Spring Learning Center Expansion

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 923 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

**Harford County – Appointment of Fire Company Members as Deputy Sheriffs
– Number**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 924 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Catonsville Clubhouse Renovations

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 925 – Senator Pinsky

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Prince George’s County
– Community Forklift Project**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 926 – Senator Pinsky

AN ACT concerning

**Education – State and Local Aid Program for Certification or Renewal of
Certification – Sunset Repeal**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs:

Senate Bill 928 – Senator Pugh

AN ACT concerning

Health Insurance – Pharmacy Benefits Managers – Specialty Drugs

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 929 – Senators Pugh and Muse

AN ACT concerning

**Public Schools – Cardiopulmonary Resuscitation and Automated External
Defibrillator Instruction – Graduation Requirement**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

**Senate Bill 930 – Senators Pugh, Conway, Ferguson, Middleton, Montgomery,
Muse, Ramirez, and Young**

AN ACT concerning

**Maryland Automobile Insurance Fund – Acceptance of Premiums on
Installment Payment Basis**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 931 – Senators Stone, Kelley, and Zirkin

AN ACT concerning

Baltimore County – Orphans’ Court Judges – Salary

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 932 – Senator Robey

AN ACT concerning

**Criminal Law – Deadly Weapons on the Property of an Institution of Higher
Education**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 933 – Senator McFadden

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Baltimore City – Mary Harvin Transformation Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 934 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 935 – Senator Young

AN ACT concerning

Housing – Energy-Efficient and Green Homes – Construction Financing

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 937 – Senator Conway

AN ACT concerning

Morgan State University – Board of Regents – Residency Requirement

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 938 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Mattie B. Uzzle Outreach Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 939 – Senator Muse

AN ACT concerning

Juvenile Services – Group Homes and Institutions – Notice

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 940 – Senators Klausmeier and Getty

AN ACT concerning

Baltimore County and Carroll County – Authority to Place Boundary Monuments

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 941 – Senators Mathias and Colburn

AN ACT concerning

Creation of a State Debt – Wicomico County – YMCA of the Chesapeake

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 942 – Senator Reilly

EMERGENCY BILL

AN ACT concerning

State Board of Physicians – Licensing Qualifications – Additional Training Exemption

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 943 – Senator Shank

AN ACT concerning

Vehicle Emissions Inspection Program – Decentralization – Study

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 944 – Senators Raskin, Garagiola, Madaleno, and Manno

AN ACT concerning

Creation of a State Debt – Montgomery County – Maryland Youth Ballet Institutional Capacity Building

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 945 – Senator Pinsky

AN ACT concerning

Higher Education – Maryland Longitudinal Data System – Governing Board and Data Transfers

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 946 – Senator Robey

AN ACT concerning

Issuance of Search Warrant by Electronic Means Act of 2013

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 947 – Senator Jennings**EMERGENCY BILL**

AN ACT concerning

**Baltimore County – Property Tax Credit – Bowerman-Loreley Beach
Community Association, Inc.**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs:

Senate Bill 948 – Senator Madaleno

AN ACT concerning

Environment – Retail Service Stations – Setback Certification

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 949 – Senator Mathias

AN ACT concerning

Worcester County – Alcoholic Beverages

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 950 – Senator Mathias

AN ACT concerning

**Personal Automobile Insurance – Rescission of Policy or Binder –
Misrepresentations by Applicant**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 951 – Senator Benson

AN ACT concerning

**Health Occupations – Polysomnographic Technologists – Licensure and
Discipline**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 952 – Senator Benson

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2012 – Prince George’s County
– Labor of Love Learning Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 953 – Senator Benson

AN ACT concerning

**Creation of a State Debt – Prince George’s County – City of Seat Pleasant
Public Works Facility**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 954 – Senator Benson

AN ACT concerning

**Maryland Board of Physicians – Authority to Issue Temporary Licenses and
Radiation Therapy, Radiography, Nuclear Medicine Technology, and
Radiology Assistance Advisory Committee**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 955 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Refillable Containers – Class 5 Manufacturer’s License

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 956 – Senator Brinkley

AN ACT concerning

State Government – Mental Health and Law Enforcement Advisory Board

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 957 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Banquet Facility License

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 959 – Senator Getty

AN ACT concerning

Drugged Driving – Drug Recognition Expert – Testimony

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 960 – Senator Manno

AN ACT concerning

Creation of a State Debt – Montgomery County – St. Luke's House Property Renovations and Repairs

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 961 – Senator Peters

AN ACT concerning

Horse Racing – Special Takeout and Bowie Race Course Training Center

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 963 – Senators Mathias, Edwards, and Astle

AN ACT concerning

Task Force to Study a Post-Labor Day Start Date for 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 moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 965 – Senator Rosapepe

AN ACT concerning

Maryland Smart Growth Investment Fund Workgroup

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 966 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George’s County – Peppermill Village Community Center Renovations

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 967 – Senator Benson

AN ACT concerning

Business Regulation – Retail Service Stations – Video Cameras Required

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 968 – Senator Jones-Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Garrett–Jacobs Mansion Access and Safety Project

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 969 – Senators Glassman, Dyson, and Mathias

AN ACT concerning

Public Safety – Fire Protection and Prevention – Residential Smoke Alarms

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 970 – Senator Pipkin

AN ACT concerning

Private Property Rights – Regulatory Infringement – Compensation

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 971 – Senator Pipkin

AN ACT concerning

Regulations – Fees and Fines – Legislative Approval Required

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re–referred to the Committee on Finance:

Senate Bill 972 – Senator Pipkin

AN ACT concerning

**Mental Hygiene Administration – Upper Shore Community Mental Health
Center – Reopening and Maintenance**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 973 – Senator Pipkin

AN ACT concerning

**Environment – On-Site Sewage Disposal Systems – Nitrogen Removal
Technology**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 974 – Senator Pipkin

AN ACT concerning

Renewable Energy Portfolio Standard – Repeal of Solar Energy Requirement

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 976 – Senator Pipkin

AN ACT concerning

**Renewable Energy Portfolio Standard – Tier 1 Renewable Sources –
Qualifying Natural Gas**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 978 – Senator Pipkin

AN ACT concerning

Corporate Income Tax – Foreign and Domestic Corporations – Capital Investments

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 979 – Senator Pipkin

AN ACT concerning

**Environment – Watershed Implementation Plan – Conowingo Dam
Environmental Assessment**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 980 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – Winery Special Event Permits – Farmers’ Markets

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 981 – Senator Montgomery

AN ACT concerning

State Board of Physicians – Quasi-Judicial Powers – Revision

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 982 – Senator Young

AN ACT concerning

**Estates – Closing – Statement of Compensation and Reporting of Income
(The Mike Cady Act)**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 983 – Senator Young

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2011 – Frederick County –
Cultural Arts Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

**Senate Bill 984 – Senators Colburn, Dyson, Jacobs, Mathias, Middleton,
Pipkin, and Reilly**

AN ACT concerning

Natural Resources – Designation of Oyster Sanctuaries – Moratorium

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 985 – Senator Zirkin

AN ACT concerning

Public Safety – Gas Pipelines – Public Nuisance Suits

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 986 – Senator Zirkin

AN ACT concerning

**Courts and Judicial Proceedings – Cases of Gas Explosion or Gas Leak –
Damages, Fees, and Costs**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 987 – Senator Forehand

AN ACT concerning

Vehicle Laws – Towing or Removal of Vehicles – Mailing Charges

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 988 – Senator Muse

AN ACT concerning

Crimes – Threat of Mass Violence

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 989 – Senator Muse

AN ACT concerning

Task Force to Study Court-Ordered Drug Testing

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 990 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Direct Wine Shipping – Means of Transmitting Orders

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 991 – Senator Raskin**EMERGENCY BILL**

AN ACT concerning

Criminal Procedure – Citation Authority

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 992 – Howard County Senators

AN ACT concerning

**Creation of a State Debt – Howard County – Vantage House Retirement
Community Renovations****Ho. Co. 18-13**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 993 – Senator Reilly

AN ACT concerning

Anne Arundel County – Board of Education – Selection of Members

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 994 – Senators Kittleman and Brinkley

AN ACT concerning

Inheritance, Recordation, and Transfer Taxes – Exemptions for Domestic Partners – Repeal

The bill was re-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 #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
Chair

Senate Executive Nominations Committee
Report #4
February 21, 2013

Community Health Resources Commission, Maryland

1. Sue Kullen District 27
2847 Governors Run Road
Port Republic, MD 20676

Member of the Maryland Community Health Resources Commission; appointed to serve remainder of a term of four years from July 1, 2010

Dietetic Practice, State Board of

2. Nancy Ferrone District 11

2141 Kimrick Place
Lutherville, MD 21093

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2012

Higher Education Commission, Maryland

3. Vivian S. Boyd, Ph.D. District 14
16907 Harbour Town Drive
Silver Spring, MD 20905

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2007 and a term of five years from July 1, 2012

Historic St. Mary's City Commission

4. Roland M. Colina, Sr. District 29
19132 Hamlet Court
Lexington Park, MD 20653

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2009

5. Edward C. Papenfuse, Ed.D. District 41
206 Oakdale Road
Baltimore, MD 21210

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2011

6. Jean B. Russo, Ph.D. District 30
318 Kingsberry Drive
Annapolis, MD 21409

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2011

Judicial Disabilities, Commission on

7. Robert Alan Greenberg District 17
50 Maryland Avenue
Rockville, MD 20850

Member of the Commission on Judicial Disabilities; reappointed to serve a term to expire December 31, 2015

Labor Relations Board, State

8. Sherry Lynn Mason District 2
13117 Resh Road
Hagerstown, MD 21740

Member of the State Labor Relations Board; reappointed to serve a term of six years from July 1, 2012

Maryland Agricultural and Resource–Based Industry Development Corporation (MARBIDCO) Board of Directors

9. Megan E. Keyes District 35
3712 Aldino Road
Aberdeen, MD 21001

Member of the Maryland Agricultural and Resource–Based Industry Development Corporation (MARBIDCO) Board of Directors; appointed to serve remainder of a term of four years from July 1, 2011

Physicians, State Board of

10. Carmen M. Contee District 17
302 Bristol Downs Drive
Gaithersburg, MD 20877

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2012

11. Celeste M. Lombardi, M.D. District 13
7749 Tilghman Street
Fulton, MD 20759

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

12. Ahmed Nawaz, M.D. District 15
12528 Greyfox Lane
Potomac, MD 20854

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

Port Commission, Maryland

13. William B. Dockser, Esq. District 15

8906 Clewerwall Drive
Bethesda, MD 20817

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2012

14. Charles H. White, Jr. District 30
1200 Britania Lane
Annapolis, MD 21403

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2012

Professional Engineers, State Board for

15. Sallye E. Perrin, P.E. District 40
225 West Lanvale Street
Baltimore, MD 21217

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2012

16. Karl Rickert District 42
936 Beaver Bank Circle
Towson, MD 21286

Member of the State Board for Professional Engineers; appointed to serve a term of five years from July 1, 2012

Property Tax Assessment Appeal Board

17. Kent T. Finkelsen District 9
13755 Barberry Way
Sykesville, MD 21784

Administrator of the Property Tax Assessment Appeal Board; reappointed to serve a term of six years from July 1, 2012

Public Defender, Office of the Board of Trustees of the

18. Victor M. Del Pino, Esq. District 19
5 Horizon Court
Derwood, MD 20855

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve remainder of a term of three years from June 1, 2010

Public Service Commission

19. Harold D. Williams District 5
3 Falls Glen Court
Parkton, MD 21120

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2012

Real Estate Commission, State

20. Anne S. Cooke District 9
9821 Gwynn Park Drive
Ellicott City, MD 21042

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2011

21. Georgiana S. Tyler District 43
205 Gittings Avenue
Baltimore, MD 21212

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2011

Residential Boarding Education Programs, Board of Trustees of

22. Earl Adams, Jr. District 26
12603 LaGrange Court
Fort Washington, MD 20744

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve a term of three years from July 1, 2012

Retirement and Pension Systems, Board of Trustees for the Maryland State

23. David Blitzstein District 14
17439 Cherokee Lane
Olney, MD 20832

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from August 1, 2012

Seafood Marketing Advisory Commission

24. William R. Fitzhugh, Jr. District 37
303 Sandy Hill Road

Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2011

25. Scott Fritze District 42
246 Blenheim Road
Baltimore, MD 21212

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2011

26. Edwin W. Rhodes District 46
1529 Byrd Street
Baltimore, MD 21230

Member of the Seafood Marketing Advisory Commission; appointed to serve remainder of a term of four years from July 1, 2009

27. William R. Woodfield District 30
P.O. Box 144, 4707 Woodfield Road
Galesville, MD 20765

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2010

28. Jody Kelly Wright District 38
9702 Shady Grove Court
Ocean City, MD 21842

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2010

Stadium Authority, Maryland

29. John P. Coale District 30
179 Duke of Gloucester Street
Annapolis, MD 21401

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2011

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Physicians, State Board of

- S–1. Brenda G. Baker District 40
3015 Elgin Avenue
Baltimore, MD 21216

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2012

Real Estate Appraisers and Home Inspectors, State Commission of

- S–2. Christopher M. Pirtle District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2012

Real Estate Commission, State

- S–3. Robin L. Pirtle District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2012

- S–4. Jeff M. Thaler District 38
607 S. Pacific Avenue
Ocean City, MD 21842

Member of the State Real Estate Commission; reappointed to serve a term of three years from June 1, 2011

Residential Boarding Education Programs, Board of Trustees of

- S–5. Lynn Morrison Venetoulis District 11
24 Woodward Lane
Lutherville, MD 21093

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2012

Stadium Authority, Maryland

- S-6. Joseph C. Bryce, Esq. District 33
802 Vacation Drive
Odenton, MD 21113

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2011

- S-7. John Morton, III District 30
P.O. Box 9765, 10 Waveland Farm
Annapolis, MD 21409

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2012

- S-8. Kaliope Parthemos, Esq. District 44
1821 Bolton Street
Baltimore, MD 21217

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2012

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Baltimore City Community College, Board of Trustees for

- L-1. Shelley Payne District 40
1004 N. Bentalou Street
Baltimore, MD 21216

Student Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2012

Baltimore County Community College, Board of Trustees

- L-2. Michael P. Ertle, Sr. District 42
505 West Joppa Road
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2012

- L-3. Wayne McDowell District 12
37 Anderson Ridge Road
Catonsville, MD 21228

Member of the Board of Trustees of Baltimore County Community College;
reappointed to serve a term of five years from July 1, 2012

- L–4. Gloria K. McJilton District 6
7260 Meadow Lane
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College;
reappointed to serve a term of five years from July 1, 2012

Calvert County Board of Electrical Examiners and Supervisors

- L–5. Robert F. Heinrich District 27
1008 Adelina Road
Prince Frederick, MD 20678

Member of the Calvert County Board of Electrical Examiners and Supervisors;
appointed to serve a term of two years from June 1, 2011

- L–6. David L. Swann District 27
1290 Adelina Road
Prince Fredrick, MD 20678

Member of the Calvert County Board of Electrical Examiners and Supervisors;
reappointed to serve a term of two years from June 1, 2011

- L–7. James W. VanDuzer District 29
3916 South Shore Drive
Port Republic, MD 20676

Member of the Calvert County Board of Electrical Examiners and Supervisors;
appointed to serve a term of two years from June 1, 2011

Caroline County Board of Education

- L–8. George J. Abner District 37
217 Apple Lane
Preston, MD 21655

Member of the Caroline County Board of Education; appointed to serve a term
of six years from December 3, 2012

- L–9. Walter B. Palmer, III District 36
121 Butler Drive
Denton, MD 21629

Member of the Caroline County Board of Education; appointed to serve a term of four years from December 3, 2012

Carroll Community College Board of Trustees

L-10. Diane A. Foster District 4
116 Clubside Drive
Taneytown, MD 21787

Member of the Carroll Community College Board of Trustees; appointed to serve a term of six years from July 1, 2012

Cecil College Board of Trustees

L-11. Cydney T. Teal, M.D. District 36
10 Ground Pine Path
Elkton, MD 21921

Member of the Cecil College Board of Trustees; appointed to serve a term of six years from July 1, 2012

Frederick Community College Board of Trustees

L-12. David F. Bufter District 3
5382 Stone Road
Frederick, MD 21703

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

Frederick County Alcoholic Beverages Inspector

L-13. Harold C. DeLauter District 4
1418 Teal Lane
Frederick, MD 21703

Member of the Frederick County Alcoholic Beverages Inspector; reappointed to serve a term of five years from July 1, 2012

Frederick County Board of License Commissioners

L-14. Margaret T. Hays District 4
201 Cobble Way
Walkersville, MD 21793

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2012

Frederick County Orphans' Court

- L–15. Rosemary A. McDermott District 4
9929 Ebby Road
Rocky Ridge, MD 21778

Member of the Frederick County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Prince George's Community College Board of Trustees

- L–16. C. Michael Walls, Esq. District 21
414 Prince George Street
Laurel, MD 20707

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2012

Prince George's County Board of Elections

- L–17. James W. Allen, Jr. District 24
4411 Saddle River Drive
Bowie, MD 20720

Member of the Prince George's County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

- L–18. Lester W. Jones District 26
11605 Hickory Drive
Ft. Washington, MD 20744

Member of the Prince George's County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

Prince George's County Board of License Commissioners

- L–19. David Deasok Son District 23
13610 United Lane
Bowie, MD 20720

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2012

Senator Kelley moved, duly seconded, to make the Report, with the exception of Nominee No. 29, a Special Order for February 22, 2013.

The motion was adopted.

Senator Kelley moved, duly seconded, to make Nominee No. 29 a Special Order for February 28, 2013.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 258)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 19 – Senator Jennings

AN ACT concerning

Crimes – Aiming Laser Pointer at Aircraft

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

Affirmative – 46 Negative – 0 (See Roll Call No. 259)

The Bill was then sent to the House of Delegates.

Senate Bill 148 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Alcoholic Beverages – Micro-Brewery Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 260)

The Bill was then sent to the House of Delegates.

Senate Bill 149 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Micro-Breweries

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

Affirmative – 46 Negative – 0 (See Roll Call No. 261)

The Bill was then sent to the House of Delegates.

Senate Bill 150 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages – Refillable Containers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 262)

The Bill was then sent to the House of Delegates.

Senate Bill 205 – ~~Senator Shank~~ Senators Shank and Forehand

AN ACT concerning

Vehicle Laws – Fleeing or Eluding Police

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

Affirmative – 46 Negative – 0 (See Roll Call No. 263)

The Bill was then sent to the House of Delegates.

Senate Bill 216 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Correctional Officers’ Bill of Rights

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

Affirmative – 46 Negative – 0 (See Roll Call No. 264)

The Bill was then sent to the House of Delegates.

Senate Bill 217 – Senator Klausmeier (By Request – Baltimore County Administration)

AN ACT concerning

**Vehicle Laws – Registration Plates for Individuals with Disabilities –
Parking in Baltimore County**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 265)

The Bill was then sent to the House of Delegates.

Senate Bill 244 – Senator Astle

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Refillable Container License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the House of Delegates.

Senate Bill 349 – Senators Colburn and Mathias

AN ACT concerning

Wicomico County Liquor Act of 2013

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

Affirmative – 46 Negative – 0 (See Roll Call No. 267)

The Bill was then sent to the House of Delegates.

Senate Bill 351 – Senator Mathias

AN ACT concerning

Somerset County – Alcoholic Beverages – Beer and Wine Tasting License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 268)

The Bill was then sent to the House of Delegates.

Senate Bill 392 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Refillable Containers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 269)

The Bill was then sent to the House of Delegates.

Senate Bill 471 – Senator Mathias

AN ACT concerning

Somerset County – Alcoholic Beverages – Location Restrictions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 271)

ADJOURNMENT

At 10:43 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:45 A.M. on Friday, February 22, 2013.

Annapolis, Maryland
Friday, February 22, 2013
10:45 A.M. Session

The Senate met at 10:51 A.M.

Prayer by Reverend Gary L. Moore, Easton District Superintendent of the United Methodist Church, guest of Senator Colburn.

(See Exhibit A of Appendix III)

The Journal of February 21, 2013 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Benson, Conway, Dyson, Forehand, Gladden, Jacobs, Jones–Rodwell, Kelley, King, Klausmeier, McFadden, Montgomery and Pugh be excused from today’s session.

QUORUM CALL

The presiding officer announced a quorum call, showing 34 Members present.

(See Roll Call No. 273)

INTRODUCTION OF BILLS

Senate Bill 1016 – Senator Frosh

AN ACT concerning

**Clean Energy Loan Programs – Private Lenders – Collection of Loan
Payments**

FOR the purpose of authorizing a private lender to provide capital for a loan provided under a local Clean Energy Loan Program; providing that, with the consent of any holder of a mortgage on the property, a county or municipality may collect loan payments owed to a private lender through a surcharge on a property owner’s property tax bill; providing that an unpaid surcharge constitutes a lien against the property on which it is imposed under certain circumstances; providing that certain provisions of law that apply to a tax lien also apply to a lien created under this Act; providing for the effective date of this Act; and generally relating to the collection of loan payments owed to private lenders under local Clean Energy Loan Programs.

BY repealing and reenacting, without amendments,

Article – Local Government

Section 1–1102 and 1–1104

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 1–1103 and 1–1105

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)

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

Senate Bill 1017 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George’s County – Bethel Recreation Center

FOR the purpose of authorizing the creation of a State Debt in the amount of \$100,000, the proceeds to be used as a grant to the Board of Trustees of Union Bethel A.M.E. Church for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1018 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Harvesting – Bulk Oyster Tags

FOR the purpose of requiring the Department of Natural Resources to develop a bulk oyster tag for use by individuals licensed to catch oysters in the State; requiring the Department to authorize an individual to use a single bulk oyster tag to identify multiple containers of oysters harvested from a single bar on a single day; establishing certain requirements for a bulk oyster tag; prohibiting the Department from requiring additional tagging of certain containers; defining a certain term; and generally relating to oyster harvesting.

BY adding to

Article – Natural Resources

Section 4–1018.1

Annotated Code of Maryland

(2012 Replacement Volume)

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

Senate Bill 1019 – Senator Brinkley

AN ACT concerning

**Creation of a State Debt – Frederick County – Oakdale High School
Concession Stand Construction**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$50,000, the proceeds to be used as a grant to the Board of Directors of Oakdale Athletic Boosters, 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 1020 – Senator Muse

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Glassmanor Recreational
Center Renovations**

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission 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 1021 – Senator Colburn

AN ACT concerning

**Creation of a State Debt – Dorchester County – Sailwinds Wharf
Development 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 Mayor and City Commission of the City of Cambridge 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 1022 – Senator Benson

AN ACT concerning

Prince George’s County – Green Business Zones

FOR the purpose of creating the Capitol Heights, Fairmount Heights, Glenarden, and Seat Pleasant green business zones in Prince George’s County; requiring the Secretary of Business and Economic Development to designate a not-for-profit entity to establish certain job training, internship, and apprenticeship standards that a green business must meet to receive certain incentives; establishing the benefits available in the zones; requiring the Department of Business and Economic Development and the Comptroller to assess annually the effectiveness of certain tax credits provided to certain businesses located in the zones and to submit a certain report; establishing a certain credit against the State income tax for certain businesses located in the zones; establishing a certain credit against certain property taxes imposed on certain real property located in the zones; requiring a local governing body to certify to the State Department of Assessments and Taxation the real properties in the zones that qualify for a tax credit and the date of qualification; requiring that Department to submit certain information to a local governing body before tax bills are sent; requiring the State to remit funds to the county or municipal corporation to offset a certain amount of property tax revenues not collected by the county or municipal corporation because of the property tax credit; defining certain terms; providing for the application of this Act; providing for the termination of this Act; and generally relating to green business zones in Prince George’s County and the benefits available in the green business zones.

BY adding to

Article – Economic Development

Section 12–601 through 12–605 to be under the new subtitle “Subtitle 6. Green Business Zones”

Annotated Code of Maryland

(2008 Volume and 2012 Supplement)

BY adding to

Article – Tax – General

Section 10–702.1

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Tax – Property

Section 9–103.1

Annotated Code of Maryland

(2012 Replacement Volume)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 8	Sen. Astle	Gas Companies – Rate Regulation – Infrastructure Replacement Surcharge

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 919 – Senators Garagiola, Astle, Kelley, Kittleman, Klausmeier, Mathias, and Pugh

AN ACT concerning

Vehicle Laws – Rental Vehicle Companies – Right of Indemnification

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT**Senate Bill 935 – Senator Young**

AN ACT concerning

Housing – Energy-Efficient and Green Homes – Construction Financing

Reassigned to the Committee on Budget and Taxation and the Committee on Finance under Rule 33(d).

Read and ordered journalized.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS****House Bill 7 – Delegate Bohanan**

AN ACT concerning

Southern Maryland Higher Education Council – Modifications

FOR the purpose of altering the number of members on the Southern Maryland Higher Education Council; requiring the Maryland Higher Education Commission to provide staff for the Council; altering the deadline for the Council to submit a certain final report; extending the termination provisions relating to the Council; and generally relating to the Southern Maryland Higher Education Council.

BY repealing and reenacting, with amendments,
Chapter 622 of the Acts of the General Assembly of 2011

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

House Bill 8 – Delegate Vitale

AN ACT concerning

Estates and Trusts – Guardianship Accounts – Form and Limits

FOR the purpose of authorizing a guardian of the property of a minor ~~in a certain proceeding or disabled person~~ to petition ~~an orphan~~ the court to deposit certain cash not exceeding a certain amount into a single restricted account; requiring certain excess amounts to be deposited into additional restricted accounts not

exceeding a certain amount; prohibiting the aggregate amount deposited in any financial institution from exceeding a certain amount; authorizing a deposit under this Act to be made into ~~a certain type of account~~ certain types of accounts in certain financial institutions; and generally relating to guardianship accounts.

BY adding to

Article – Estates and Trusts

Section 13–209.1

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 72 – Delegate O'Donnell

AN ACT concerning

Natural Resources – Aquaculture Coordinating Council – Reporting Date

FOR the purpose of altering the date by which the Aquaculture Coordinating Council must make certain proposals and recommendations to the Governor and certain legislative committees each year; and generally relating to the Aquaculture Coordinating Council.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–11A–03.2(a)

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4–11A–03.2(c)(1)(i)

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 78 – Delegates Simmons, Anderson, Bromwell, Cardin, K. Kelly, Kramer, Smigiel, and Vallario

EMERGENCY BILL

AN ACT concerning

**Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable
Presumption**

FOR the purpose of establishing that certain evidence creates a certain rebuttable presumption in an action against an owner of a dog for damages for personal injury or death caused by the dog; establishing that certain common law is retained as to certain ~~owners of real property and certain other~~ persons; providing for the construction and application of this Act; stating the intent of the General Assembly; making this Act an emergency measure; and generally relating to civil liability for personal injury or death caused by a dog.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–1901 to be under the new subtitle “Subtitle 19. Personal Injury or Death Caused by Dog”

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

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

House Bill 88 – Delegates Arora and ~~Feldman~~, Feldman, Kramer, Beidle, Gilchrist, Glenn, Healey, McMillan, Niemann, Norman, and Stein

AN ACT concerning

Real Property – Refinance Mortgage – Priority over Junior Liens

FOR the purpose of authorizing a mortgagor or grantor to refinance the indebtedness secured by a first mortgage or deed of trust without obtaining permission from the holder of a certain junior lien under certain circumstances; providing that a certain refinance mortgage shall have, on recordation, the same lien priority as the first mortgage or deed of trust that ~~it~~ the refinance mortgage replaces; requiring a certain statement to be ~~printed~~ included on a refinance mortgage; defining certain terms; providing for the construction and application of this Act; and generally relating to lien priority and refinance mortgages.

BY repealing and reenacting, without amendments,

Article – Real Property

Section 3–203

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Real Property

Section 7–112

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 127 – Delegate Davis

AN ACT concerning

Labor and Employment – Payment of Overtime Wages

FOR the purpose of limiting the applicability of an overtime wage provision of law to exclude a certain employer that is subject to Title II of the federal Railway Labor Act, under certain circumstances; and generally relating to the payment of overtime wages.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–415
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–420
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 156 – Delegates Reznik, Barkley, Elliott, Frank, B. Robinson, and M. Washington

AN ACT concerning

Criminal Law – Theft of Wheeled Cart – ~~Penalty~~ Repeal

FOR the purpose of ~~altering the penalty for the crime of~~ repealing a certain prohibition on theft of a wheeled cart; and generally relating to theft of a wheeled cart.

BY repealing ~~and reenacting, with amendments,~~
Article – Criminal Law
Section 7–201
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

**House Bill 180 – Delegates Glenn, Morhaim, Anderson, Carter, Conaway,
Mitchell, Oaks, B. Robinson, and Vallario**

AN ACT concerning

Medical Marijuana – Caregiver – Affirmative Defense

FOR the purpose of establishing that it is an affirmative defense to a prosecution for the possession of marijuana or the possession of certain drug paraphernalia that the marijuana or drug paraphernalia was intended for medical use by an individual with a certain debilitating medical condition for whom the defendant is a certain caregiver; prohibiting a certain defendant from asserting a certain affirmative defense unless, ~~at least a certain number of days before trial,~~ the defendant notifies the State's Attorney of the defendant's intention to assert the affirmative defense and provides the State's Attorney with certain documentation in accordance with certain rules of discovery; prohibiting a certain affirmative defense from being used under certain circumstances; defining a certain term; and generally relating to the medical use of marijuana.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–601(c)(3) and 5–619(c)(4)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 182 – Delegate Kramer

AN ACT concerning

**Business Regulation – Other Tobacco Products Wholesalers – License Fee
Exception for Cigarette Subwholesalers**

FOR the purpose of exempting a person who is licensed under a certain provision of law to act as a cigarette subwholesaler from the requirement that an applicant for a license to act as an other tobacco products wholesaler pay a certain license fee; and generally relating to license fee requirements for other tobacco products wholesalers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16.5–203(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 187 – Delegate W. Miller

AN ACT concerning

Consumer Protection – Health Clubs – Surety Bond Requirements

FOR the purpose of ~~altering a certain cap on the amount of a surety bond, letter of credit, or cash that persons who sell health club services agreements must file or maintain under the Maryland Health Club Services Act;~~ establishing requirements for certain surety bonds that a person who sells health club services agreements must purchase under the Maryland Health Club Services Act; ~~altering the circumstances under which the amount of certain surety bonds must be increased or may be decreased by persons who sell health club services agreements;~~ specifying the manner in which the amount of certain surety bonds must be increased or may be decreased; ~~repealing a certain prohibition on the sale of health club services agreements by certain registrants under certain circumstances;~~ and generally relating to the Maryland Health Club Services Act and surety bond requirements.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 14–12B–02(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 14–12B–02(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2012 Supplement)

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

House Bill 238 – Delegates Oaks, Anderson, Branch, Carter, Conaway, Glenn, Haynes, Mitchell, B. Robinson, Stukes, ~~Tarrant, and F. Turner~~ and Tarrant

AN ACT concerning

Morgan State University – Board of Regents – Length and Limitation of Terms and Residency Requirement

FOR the purpose of altering the length of time of the term of office of a member of the Board of Regents of Morgan State University; setting a limit on the number of terms that ~~a member~~ certain members may serve; limiting the number of certain members who are not residents of Maryland; and generally relating to

the terms and residency of members of the Board of Regents of Morgan State University.

BY repealing and reenacting, with amendments,
Article – Education
Section 14–102
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 257 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Adult ~~Protective Services~~ Public Guardianship Review Board – Membership Requirements

FOR the purpose of repealing the requirement that a psychiatrist or psychologist member of the Adult ~~Protective Services~~ Public Guardianship Review Board in St. Mary’s County be from the local health department; and generally relating to the Adult ~~Protective Services~~ Public Guardianship Review Board in St. Mary’s County.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 14–402(a)(2)
Annotated Code of Maryland
(2012 Replacement Volume)

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

House Bill 268 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

University of Maryland Center for Environmental Science – Joint Graduate Degree Granting Authority

FOR the purpose of authorizing the Board of Regents of the University System of Maryland, subject to certain approvals, to authorize the University of Maryland Center for Environmental Science to award certain joint graduate degrees and post baccalaureate certificates; altering the definition of “public senior higher education institution” to include the Center; and generally relating to the

degree granting authority of the University of Maryland Center for Environmental Science.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 3–403(a)

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education

Section 10–101(a)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 10–101(m)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Education

Section 12–104(o)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 288 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Public Facility Bonds

FOR the purpose of authorizing and empowering the County Commissioners of St. Mary’s County, from time to time, to borrow not more than \$30,000,000 in order to finance the construction, improvement, or development of certain public facilities in St. Mary’s 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 relating generally to the issuance and sale of such bonds.

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

House Bill 305 – Carroll County Delegation

AN ACT concerning

Carroll County – Budgeting and Finance Procedures – Surplus Funds

FOR the purpose of repealing a certain requirement that budgeting and finance procedures established by the County Commissioners of Carroll County provide that certain surplus funds of the County be included as revenue for the budget for the next fiscal year; and generally relating to the budgeting and finance procedures established by the County Commissioners of Carroll County.

BY repealing

The Public Local Laws of Carroll County

Section 3–601(19)

Article 7 – Public Local Laws of Maryland

(2004 Edition and October 2011 Supplement, as amended)

BY repealing and reenacting, with amendments,

The Public Local Laws of Carroll County

Section 3–601(20) and (21)

Article 7 – Public Local Laws of Maryland

(2004 Edition and October 2011 Supplement, as amended)

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

House Bill 338 – Delegates Clippinger, Anderson, and Summers

AN ACT concerning

Criminal Law – Robbery – Charging Document

FOR the purpose of altering the minimum value of property or service specified in a charging document for robbery; and generally relating to robbery of property or service.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–404
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 342 – Delegates Hucker, Barkley, Love, Olszewski, and Vaughn

AN ACT concerning

**Homeowner’s or Renter’s Insurance and Private Passenger Motor Vehicle
Insurance – Bundling Requirement – Prohibited**

FOR the purpose of prohibiting an insurer, with respect to homeowner’s insurance or renter’s insurance, from denying, refusing to renew, or canceling coverage solely because the applicant or policyholder does not carry private passenger motor vehicle insurance with ~~the insurer~~ certain insurers; prohibiting an insurer, with respect to private passenger motor vehicle insurance, from denying, refusing to renew, or canceling coverage solely because the applicant or policyholder does not carry homeowner’s insurance or renter’s insurance with ~~the insurer~~ certain insurers; providing that this Act does not prohibit certain actions by an applicant, a policyholder, or an insurer with respect to certain insurance policies; providing for the application of this Act; and generally relating to bundling policies of homeowner’s insurance or renter’s insurance and private passenger motor vehicle insurance.

BY adding to
Article – Insurance
Section 27–501(r)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

**House Bill 356 – Chair, Economic Matters Committee (By Request –
Departmental – Veterans Affairs)**

AN ACT concerning

**Military Personnel and Veteran–Owned Small Business No–Interest Loan
Program**

FOR the purpose of altering the name of the Military Personnel and Service–Disabled Veterans No–Interest Loan Program to be the Military Personnel and Veteran–Owned Small Business No–Interest Loan Program; expanding the

no-interest loan program to include all veteran-owned businesses; and generally relating to the Military Personnel and Veteran-Owned Small Business No-Interest Loan Program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5–1001 through 5–1003 to be under the amended subtitle “Subtitle 10. Military Personnel and Veteran-Owned Small Business No-Interest Loan Program”

Annotated Code of Maryland

(2008 Volume and 2012 Supplement)

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

House Bill 374 – Delegates Malone, Glenn, Frush, and Norman

AN ACT concerning

Vehicle Laws – Registration Plates for Motorcycles – Individuals with Disabilities

FOR the purpose of authorizing an individual to possess a certain number of certain special registration plates for individuals with disabilities for certain motorcycles in addition to the special registration plate and parking placards authorized under certain provisions of law; and generally relating to special registration plates and parking placards for individuals with disabilities.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–616(c) and 13–616.1(c)

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 376 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Correction of Errors in Benefits

FOR the purpose of altering the conditions under which the Board of Trustees for the State Retirement and Pension System is required to correct an error that results in a retiree or beneficiary receiving a benefit that differs from the benefit the retiree or beneficiary is entitled to receive; and generally relating to administering benefits from the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–113(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 382 – Delegate Niemann

AN ACT concerning

**Courts and Judicial Proceedings – Criminal Injuries Compensation Fund –
Court Costs**

FOR the purpose of requiring the imposition of certain court costs if a defendant is sentenced to probation before judgment for or pleads nolo contendere to a certain crime or offense; and generally relating to court costs deposited into the Criminal Injuries Compensation Fund.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–819(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–409(b), (c), and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 7–409(e) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 452 – Delegate Beitzel

AN ACT concerning

Garrett County – Bonds for Garrett County Memorial Hospital

FOR the purpose of authorizing and empowering the County Commissioners of Garrett County, from time to time, to borrow not more than \$15,000,000 in order to assist in the financing of the cost of certain hospital improvements in Garrett County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County and directing the County to enter into an agreement with the Board of Governors of Garrett County Memorial Hospital for the payment of debt service requirements of the bonds from the revenues of the Garrett County Memorial Hospital; 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 495 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Unused Sick Leave Calculation – Clarification

FOR the purpose of clarifying the calculation used by the Board of Trustees for the State Retirement and Pension System to determine the amount of creditable service a member of the State Retirement and Pension System is eligible to receive for unused sick leave at retirement; and generally relating to the clarification of the unused sick leave calculation used to determine additional creditable service at retirement for members of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 20–206
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 496 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Funding Method and Amortization of Unfunded Liabilities or Surpluses

FOR the purpose of altering the amortization periods to be used for certain unfunded liabilities or surpluses of the State Retirement and Pension System; clarifying the application of a certain amortization period to certain changes; phasing out a certain method for determining certain employer contribution rates for the employees' and teachers' retirement and pension systems; and generally relating to the funding of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–304(d), (e), and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

THE COMMITTEE ON RULES REPORT #4

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 998 – Senator Brinkley

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Exemptions for Auctioneers

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 999 – Senator Astle

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2003 – Anne Arundel County –
Annapolis Recreational Center at 9 St. Mary's Street**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1000 – Senator Currie

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County
– Walker Mill Daycare and Training Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1001 – Senator Ramirez

AN ACT concerning

Family Law – Protective Orders – Notification of Service – Sunset Extension

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1002 – Senator Ramirez

AN ACT concerning

**Creation of a State Debt – Prince George's County – Cheverly American
Legion Post 108**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1003 – Senator Raskin

AN ACT concerning

**Creation of a State Debt – Montgomery County – Easter Seals
Inter-Generational Center Expansion**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1004 – Calvert County Senators

AN ACT concerning

Calvert County – Alcoholic Beverages – Sunday Sales

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1005 – Senator Klausmeier

AN ACT concerning

**Baltimore County – Commission to Study the Establishment of a Truancy
Reduction Program**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1006 – Senator Pipkin

AN ACT concerning

Vehicle-Miles-Traveled Tax – Prohibited Acts

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1007 – Senator Pipkin

AN ACT concerning

**Creation of a State Debt – Queen Anne’s County – Kennard High School
Restoration Project**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1008 – Senator Pipkin

AN ACT concerning

**Sewage Sludge Utilization Permits – Chesapeake and Atlantic Coastal Bays
Critical Area – Judicial Review**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Joint Resolution be re-referred to the Committee on Budget and Taxation:

Senate Joint Resolution 2 – Senator Brinkley

A Senate Joint Resolution concerning

**U.S. Constitution – Article V Amendments Convention – State Approval of
Federal Debt Increases**

The bill was re-referred to the Committee on Budget and Taxation.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #1

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

Delores G. Kelley
Chair

Report #1, Nominee No. 17, Joseph L. Wright, Esq. for District Court Judge, Prince George's County

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

The President of the Senate put the following question: "Will the Senate advise and consent to the above nomination of the Executive?"

The above nomination of the Executive was confirmed.

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
Chair

Senate Executive Nominations Committee
Report #4
February 21, 2013

Community Health Resources Commission, Maryland

1. Sue Kullen District 27
2847 Governors Run Road
Port Republic, MD 20676

Member of the Maryland Community Health Resources Commission; appointed to serve remainder of a term of four years from July 1, 2010

Dietetic Practice, State Board of

2. Nancy Ferrone District 11
2141 Kimrick Place
Lutherville, MD 21093

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2012

Higher Education Commission, Maryland

3. Vivian S. Boyd, Ph.D. District 14
16907 Harbour Town Drive

Silver Spring, MD 20905

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2007 and a term of five years from July 1, 2012

Historic St. Mary's City Commission

4. Roland M. Colina, Sr. District 29
19132 Hamlet Court
Lexington Park, MD 20653

Member of the Historic St. Mary's City Commission; appointed to serve remainder of a term of four years from July 1, 2009

5. Edward C. Papenfuse, Ed.D. District 41
206 Oakdale Road
Baltimore, MD 21210

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2011

6. Jean B. Russo, Ph.D. District 30
318 Kingsberry Drive
Annapolis, MD 21409

Member of the Historic St. Mary's City Commission; appointed to serve a term of four years from July 1, 2011

Judicial Disabilities, Commission on

7. Robert Alan Greenberg District 17
50 Maryland Avenue
Rockville, MD 20850

Member of the Commission on Judicial Disabilities; reappointed to serve a term to expire December 31, 2015

Labor Relations Board, State

8. Sherry Lynn Mason District 2
13117 Resh Road
Hagerstown, MD 21740

Member of the State Labor Relations Board; reappointed to serve a term of six years from July 1, 2012

Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) Board of Directors

9. Megan E. Keyes District 35
3712 Aldino Road
Aberdeen, MD 21001

Member of the Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) Board of Directors; appointed to serve remainder of a term of four years from July 1, 2011

Physicians, State Board of

10. Carmen M. Contee District 17
302 Bristol Downs Drive
Gaithersburg, MD 20877

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2012

11. Celeste M. Lombardi, M.D. District 13
7749 Tilghman Street
Fulton, MD 20759

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

12. Ahmed Nawaz, M.D. District 15
12528 Greyfox Lane
Potomac, MD 20854

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

Port Commission, Maryland

13. William B. Dockser, Esq. District 15
8906 Clewerwall Drive
Bethesda, MD 20817

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2012

14. Charles H. White, Jr. District 30
1200 Britania Lane
Annapolis, MD 21403

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2012

Professional Engineers, State Board for

15. Sallye E. Perrin, P.E. District 40
225 West Lanvale Street
Baltimore, MD 21217

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2012

16. Karl Rickert District 42
936 Beaver Bank Circle
Towson, MD 21286

Member of the State Board for Professional Engineers; appointed to serve a term of five years from July 1, 2012

Property Tax Assessment Appeal Board

17. Kent T. Finkelsen District 9
13755 Barberry Way
Sykesville, MD 21784

Administrator of the Property Tax Assessment Appeal Board; reappointed to serve a term of six years from July 1, 2012

Public Defender, Office of the Board of Trustees of the

18. Victor M. Del Pino, Esq. District 19
5 Horizon Court
Derwood, MD 20855

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve remainder of a term of three years from June 1, 2010

Public Service Commission

19. Harold D. Williams District 5
3 Falls Glen Court
Parkton, MD 21120

Member of the Public Service Commission; reappointed to serve a term of five years from July 1, 2012

Real Estate Commission, State

20. Anne S. Cooke District 9
9821 Gwynn Park Drive
Ellicott City, MD 21042

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2011

21. Georgiana S. Tyler District 43
205 Gittings Avenue
Baltimore, MD 21212

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2011

Residential Boarding Education Programs, Board of Trustees of

22. Earl Adams, Jr. District 26
12603 LaGrange Court
Fort Washington, MD 20744

Member of the Board of Trustees of Residential Boarding Education Programs; appointed to serve a term of three years from July 1, 2012

Retirement and Pension Systems, Board of Trustees for the Maryland State

23. David Blitzstein District 14
17439 Cherokee Lane
Olney, MD 20832

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from August 1, 2012

Seafood Marketing Advisory Commission

24. William R. Fitzhugh, Jr. District 37
303 Sandy Hill Road
Cambridge, MD 21613

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2011

25. Scott Fritze District 42
246 Blenheim Road
Baltimore, MD 21212

Member of the Seafood Marketing Advisory Commission; reappointed to serve a

term of four years from July 1, 2011

26. Edwin W. Rhodes District 46
1529 Byrd Street
Baltimore, MD 21230

Member of the Seafood Marketing Advisory Commission; appointed to serve remainder of a term of four years from July 1, 2009

27. William R. Woodfield District 30
P.O. Box 144, 4707 Woodfield Road
Galesville, MD 20765

Member of the Seafood Marketing Advisory Commission; reappointed to serve a term of four years from July 1, 2010

28. Jody Kelly Wright District 38
9702 Shady Grove Court
Ocean City, MD 21842

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2010

Stadium Authority, Maryland

29. John P. Coale District 30
179 Duke of Gloucester Street
Annapolis, MD 21401

Member of the Maryland Stadium Authority; appointed to serve remainder of a term of four years from July 1, 2011

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Physicians, State Board of

- S-1. Brenda G. Baker District 40
3015 Elgin Avenue
Baltimore, MD 21216

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2012

Real Estate Appraisers and Home Inspectors, State Commission of

- S-2. Christopher M. Pirtle District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2012

Real Estate Commission, State

- S-3. Robin L. Pirtle District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2012

- S-4. Jeff M. Thaler District 38
607 S. Pacific Avenue
Ocean City, MD 21842

Member of the State Real Estate Commission; reappointed to serve a term of three years from June 1, 2011

Residential Boarding Education Programs, Board of Trustees of

- S-5. Lynn Morrison Venetoulis District 11
24 Woodward Lane
Lutherville, MD 21093

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2012

Stadium Authority, Maryland

- S-6. Joseph C. Bryce, Esq. District 33
802 Vacation Drive
Odenton, MD 21113

Member of the Maryland Stadium Authority; appointed to serve a term of four years from July 1, 2011

- S-7. John Morton, III District 30
P.O. Box 9765, 10 Waveland Farm
Annapolis, MD 21409

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2012

- S–8. Kalliope Parthemos, Esq. District 44
1821 Bolton Street
Baltimore, MD 21217

Member of the Maryland Stadium Authority; reappointed to serve a term of four years from July 1, 2012

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Baltimore City Community College, Board of Trustees for

- L–1. Shelley Payne District 40
1004 N. Bentalou Street
Baltimore, MD 21216

Student Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2012

Baltimore County Community College, Board of Trustees

- L–2. Michael P. Ertle, Sr. District 42
505 West Joppa Road
Towson, MD 21204

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2012

- L–3. Wayne McDowell District 12
37 Anderson Ridge Road
Catonsville, MD 21228

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2012

- L–4. Gloria K. McJilton District 6
7260 Meadow Lane
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2012

Calvert County Board of Electrical Examiners and Supervisors

- L-5. Robert F. Heinrich District 27
1008 Adelina Road
Prince Frederick, MD 20678

Member of the Calvert County Board of Electrical Examiners and Supervisors;
appointed to serve a term of two years from June 1, 2011

- L-6. David L. Swann District 27
1290 Adelina Road
Prince Fredrick, MD 20678

Member of the Calvert County Board of Electrical Examiners and Supervisors;
reappointed to serve a term of two years from June 1, 2011

- L-7. James W. VanDuzer District 29
3916 South Shore Drive
Port Republic, MD 20676

Member of the Calvert County Board of Electrical Examiners and Supervisors;
appointed to serve a term of two years from June 1, 2011

Caroline County Board of Education

- L-8. George J. Abner District 37
217 Apple Lane
Preston, MD 21655

Member of the Caroline County Board of Education; appointed to serve a term
of six years from December 3, 2012

- L-9. Walter B. Palmer, III District 36
121 Butler Drive
Denton, MD 21629

Member of the Caroline County Board of Education; appointed to serve a term
of four years from December 3, 2012

Carroll Community College Board of Trustees

- L-10. Diane A. Foster District 4
116 Clubside Drive
Taneytown, MD 21787

Member of the Carroll Community College Board of Trustees; appointed to
serve a term of six years from July 1, 2012

Cecil College Board of Trustees

- L–11. Cydney T. Teal, M.D. District 36
10 Ground Pine Path
Elkton, MD 21921

Member of the Cecil College Board of Trustees; appointed to serve a term of six years from July 1, 2012

Frederick Community College Board of Trustees

- L–12. David F. Bufter District 3
5382 Stone Road
Frederick, MD 21703

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

Frederick County Alcoholic Beverages Inspector

- L–13. Harold C. DeLauter District 4
1418 Teal Lane
Frederick, MD 21703

Member of the Frederick County Alcoholic Beverages Inspector; reappointed to serve a term of five years from July 1, 2012

Frederick County Board of License Commissioners

- L–14. Margaret T. Hays District 4
201 Cobble Way
Walkersville, MD 21793

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2012

Frederick County Orphans' Court

- L–15. Rosemary A. McDermott District 4
9929 Ebby Road
Rocky Ridge, MD 21778

Member of the Frederick County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Prince George's Community College Board of Trustees

L-16. C. Michael Walls, Esq. District 21
414 Prince George Street
Laurel, MD 20707

Member of the Prince George's Community College Board of Trustees;
reappointed to serve a term of five years from July 1, 2012

Prince George's County Board of Elections

L-17. James W. Allen, Jr. District 24
4411 Saddle River Drive
Bowie, MD 20720

Member of the Prince George's County Board of Elections; appointed to serve
remainder of a term of four years from June 6, 2011

L-18. Lester W. Jones District 26
11605 Hickory Drive
Ft. Washington, MD 20744

Member of the Prince George's County Board of Elections; appointed to serve
remainder of a term of four years from June 6, 2011

Prince George's County Board of License Commissioners

L-19. David Deasok Son District 23
13610 United Lane
Bowie, MD 20720

Member of the Prince George's County Board of License Commissioners;
reappointed to serve a term of three years from June 1, 2012

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

The President of the Senate put the following question: "With the exception of
Nominee No. 29, will the Senate advise and consent to the above nominations of the
Executive?"

The above nominations of the Executive, with the exception of nominee #29, were all
confirmed.

Senator Peters was excused from voting on Nominee No. L-19.

L-19. David Deasok Son District 23
13610 United Lane

Bowie, MD 20720

Member of the Prince George's County Board of License Commissioners;
reappointed to serve a term of three years from June 1, 2012

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 234 – Senators Currie, Benson, Miller, Muse, Peters, Pinsky, and Ramirez

AN ACT concerning

**Office of the Attorney General – Establishment of a Consumer Affairs
Satellite Office in Prince George's County**

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 375 – Senator Middleton

AN ACT concerning

Commercial Law – Maryland Credit Services Businesses Act – Scope

SB0375/697272/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 375

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Pugh, and Ramirez”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 384 – Senators Pugh, Astle, Benson, Conway, Currie, DeGrange, Dyson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, McFadden, Montgomery, Muse, Peters, Raskin, Robey, and Stone

AN ACT concerning

Economic Development – Sick Cell Disease Research Program

SB0384/847876/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 384

(First Reading File Bill)

On page 2, in line 25, strike “USING BONE MARROW AND UMBILICAL CORD BLOOD”; and in the same line, after “DEVELOP” insert “TREATMENTS AND”.

On page 3, in line 5, after “DEVELOP” insert “TREATMENTS AND”; and in line 6, strike “USING BONE MARROW AND UMBILICAL CORD BLOOD”.

On page 4, in line 8, strike “A CURE” and substitute “TREATMENTS AND CURES”; in line 19, after “THAT” insert “:

(I) USE BONE MARROW OR UMBILICAL CORD BLOOD; AND

(II)”;

and in the same line, after “A” insert “TREATMENT OR”.

The preceding amendment was read only.

Senator Madaleno moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS**Senate Resolution No. 375 – Senator Christopher B. Shank:**

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Williamsport High School Girls Volleyball Team
in recognition of
winning the 2012 Maryland State MPSSAA Class 2A Volleyball Championship. We
applaud your outstanding season and wish you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 31 Negative – 0 (See Roll Call No. 274)

Senate Resolution No. 376 – Senator Christopher B. Shank:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Williamsport High School Boys Baseball Team
in recognition of
winning the 2012 Maryland State Class 2A Championship. We applaud your
outstanding season and wish
you many more. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 31 Negative – 0 (See Roll Call No. 275)

RECESS

At 11:19 A.M. on motion of Senator Robey, seconded, the Senate recessed until 11:25 A.M. on Friday, February 22, 2013, for a Joint Session in the House Chamber to commemorate the 100th Anniversary of the Women's Suffrage March of 1913.

AFTER RECESS
Annapolis, Maryland
Friday, February 22, 2013

At 11:21 A.M. the Senate resumed its session.

JOINT SESSION

Delegates DeBoy and Hogan escorted the Senate into the House Chamber.

President Miller called for the Senate roll.

QUORUM CALL

The presiding officer announced a quorum call, showing 34 Members present.

(See Senate Roll Call No. 275A)

On motion of Senator Garagiola it was ordered that Senators Benson, Conway, Dyson, Forehand, Gladden, Jacobs, Jones–Rodwell, Kelley, King, Klausmeier, McFadden, Montgomery and Pugh be excused from today’s session.

Speaker Busch called for the House roll.

QUORUM CALL

The presiding officer announced a quorum call, showing 90 Members present.

(See Roll Call No. 127)

A majority of both the House and the Senate being present, Speaker Busch declared both bodies in Joint Session.

JOINT SESSION

Senators Garagiola, Pipkin and Currie and Delegates Tarrant, Carr and Otto escorted the Lieutenant Governor Anthony G. Brown to the House Chamber.

Joint Session in the House Chamber to commemorate the 100th Anniversary of the Women’s Suffrage March of 1913.

INTRODUCTION OF RESOLUTIONS**Senate Resolution No. 405 – The President and All Members:**

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Women Legislators of Maryland
in recognition of
the 100th Anniversary of the “Army of the Hudson’s” March from Newark, New Jersey
to Washington, DC, passing through Maryland en route to the Woman Suffrage
Parade of 1913.

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 22nd day of February 2013.

Read and ordered journalized.

ADJOURNMENT

At 11:59 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until
8:00 P.M. on Monday, February 25, 2013.

**Annapolis, Maryland
Monday, February 25, 2013
8:00 P.M. Session**

The Senate met at 7:59 P.M.

Prayer by Reverend Mitchell Lee, Grace Community Church, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of February 22, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 277)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 343 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
River Hill High School Varsity Boys Football Team
in recognition of
your exceptional 2012 football performance and for winning the Maryland 3A State
Title for the 4th time. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 278)

Senate Resolution No. 418 – Senator C. Anthony Muse:

Be it hereby known to all that

The Senate of Maryland
offers its sincerest congratulations to
Tuskegee Airmen
in recognition of
your service and commitment to protect America
by serving in the Army Air Corps during WWII.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 279)

Senate Resolution No. 404 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Corporal Franklin Beaird
in recognition of
your courageous, capable and dedicated service
in having earned the Congressional Gold Medal
as one of the first African Americans to serve in
the United States Marine Corps from 1943–1946.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Senate Resolution No. 406 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Corporal Lee Douglas
in recognition of
your courageous, capable and dedicated service
in having earned the Congressional Gold Medal
as one of the first African Americans to serve in
the United States Marine Corps from 1943–1946.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Senate Resolution No. 407 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Private William Foreman
in recognition of
your courageous, capable and dedicated service
in having earned the Congressional Gold Medal
as one of the first African Americans to serve in
the United States Marine Corps from 1943–1946.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Senate Resolution No. 408 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Corporal William Lane
in recognition of
your courageous, capable and dedicated service
in having earned the Congressional Gold Medal
as one of the first African Americans to serve in
the United States Marine Corps from 1943–1946.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

Senate Resolution No. 409 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Private First Class Howard Williams
in recognition of
your courageous, capable and dedicated service
in having earned the Congressional Gold Medal
as one of the first African Americans to serve in
the United States Marine Corps from 1943–1946.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 25th day of February 2013.

The preceding five resolutions were read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 280)

Presentation by Message of Hope Choir

Tribute to Maryland's Fallen Heroes

Sergeant Julian C. Chase	District 30 Astle
Lance Corporal Eugene C. Mills, III	District 13 Robey
Staff Sergeant Daniel A. Rodriguez	District 8 Klausmeier
Staff Sergeant Brandon R. Pepper	District 7 Jennings
Petty Officer 1st Class Patrick D. Feeks	District 30 Astle
Sergeant David V. Williams	District 3 Young

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 446 – Senators Pugh, Benson, Conway, Forehand, Madaleno, McFadden, Montgomery, and Peters

AN ACT concerning

Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle Insurance – Bundling Requirement – Prohibited

SB0446/297474/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 446

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Peters” and substitute “Peters, Garagiola, and Ramirez”; and in lines 7 and 10, in each instance, strike “the insurer” and substitute “certain insurers”.

AMENDMENT NO. 2

On page 2, in line 1, after “(1)” insert “THIS SUBSECTION APPLIES TO HOMEOWNER’S INSURANCE, RENTER’S INSURANCE, AND PRIVATE PASSENGER MOTOR VEHICLE INSURANCE.”

(2)”;

in lines 6 and 11, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; and in lines 5 and 10, in each instance, after “INSURER” insert “OR ANOTHER INSURER IN THE SAME INSURANCE HOLDING COMPANY SYSTEM, AS DEFINED IN § 7-101 OF THIS ARTICLE”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 589 – Senators Pugh, Benson, Forehand, Kasemeyer, Montgomery, and Muse

AN ACT concerning

Commercial Law – Consumer Protection – Rental–Purchase Transactions

SB0589/667472/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 589

(First Reading File Bill)

On page 5, in line 33, after “PROPERTY.” insert “THE COST OF LEASE SERVICES FOR THE RENTAL PROPERTY IS \$_____.”.

On page 7, in line 12, strike “_____ %”; and in line 13, strike “OR”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 745 – Senator Middleton

AN ACT concerning

**Public Safety – 9–1–1 Emergency Telephone Systems – Prepaid Service –
Collection of Surcharge**

SB0745/127376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 745

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “transactions;” insert “providing that the fee is not subject to the sales and use tax.”.

AMENDMENT NO. 2

On page 12, in line 22, after “(1)” insert “(I)”; and after line 24, insert:

**“(II) THE PREPAID WIRELESS E 9–1–1 FEE COLLECTED BY
THE SELLER UNDER THIS SECTION IS NOT SUBJECT TO THE SALES AND USE TAX
UNDER THE TAX – GENERAL ARTICLE.”.**

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:

Executive Nominations Committee Report #4, Nominee No. 29, John P. Coale, Member of the Maryland Stadium Authority

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

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

The above nomination of the Executive was confirmed.

QUORUM CALL

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

(See Roll Call No. 282)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 130 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Harford County – Charitable Gaming

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

Affirmative – 46 Negative – 0 (See Roll Call No. 283)

The Bill was then sent to the House of Delegates.

Senate Bill 158 – Senators Conway, Ferguson, Gladden, Jones–Rodwell, McFadden, and Pugh

EMERGENCY BILL

AN ACT concerning

Homestead Tax Credit – Eligibility Verification and Application – ~~Extension~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 284)

The Bill was then sent to the House of Delegates.

Senate Bill 164 – Senator Pipkin

AN ACT concerning

**Queen Anne’s County – Property Tax Credit – Commercial Investment and
Economic Development**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 285)

The Bill was then sent to the House of Delegates.

**Senate Bill 183 – Chair, Budget and Taxation Committee (By Request –
Departmental – Business and Economic Development) and Senator
Kasemeyer**

EMERGENCY BILL

AN ACT concerning

**Income Tax – Business and Economic Development – Film Production
Activity Tax Credit**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 286)

The Bill was then sent to the House of Delegates.

Senate Bill 243 – Senator Astle

AN ACT concerning

**Maryland Income Tax Refund – Anne Arundel County Warrant Intercept
Program – Extension**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

Senate Bill 245 – Senator Robey

AN ACT concerning

School Buildings – Solar Technology – Design Development Documents

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

Affirmative – 42 Negative – 4 (See Roll Call No. 288)

The Bill was then sent to the House of Delegates.

Senate Bill 315 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Gaming Permits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 289)

The Bill was then sent to the House of Delegates.

Senate Bill 321 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – License Fees

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

Affirmative – 46 Negative – 0 (See Roll Call No. 290)

The Bill was then sent to the House of Delegates.

Senate Bill 369 – Senator Edwards

AN ACT concerning

Garrett County – Bonds for Garrett County Memorial Hospital

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

Affirmative – 46 Negative – 0 (See Roll Call No. 291)

The Bill was then sent to the House of Delegates.

Senate Bill 404 – Senators Middleton, Brinkley, Colburn, DeGrange, Dyson, Edwards, Garagiola, Glassman, Jennings, Kasemeyer, King, Mathias, Montgomery, Pinsky, Reilly, Shank, and Young

AN ACT concerning

Income Tax – Subtraction Modification – Enhanced Agricultural Management Equipment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 292)

The Bill was then sent to the House of Delegates.

Senate Bill 430 – Carroll County Senators

AN ACT concerning

Carroll County – Gaming

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

Affirmative – 45 Negative – 0 (See Roll Call No. 293)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senate Bill 1023 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George’s County – Prince George’s Arts and Humanities Council Creative Business Incubator

FOR the purpose of authorizing the creation of a State Debt not to exceed \$75,000, the proceeds to be used as a grant to the Board of Directors of the Prince George’s Arts and Humanities Council, 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 1024 – Senator Shank

AN ACT concerning

Family Law – Domestic Violence Incident Report – Dissemination

FOR the purpose of repealing a requirement that a certain law enforcement unit provide a copy of a certain domestic violence incident report to the Department of State Police; making a stylistic change; and generally relating to the dissemination of domestic violence incident reports.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–502
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–503.1
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 1025 – Senator Garagiola

AN ACT concerning

**Creation of a State Debt – Montgomery County – Potomac Community
Resources Home**

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 Potomac Community Resources, 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 1026 – Senator Colburn

AN ACT concerning

Honey – License Exemptions

FOR the purpose of altering the definition of “raw agricultural product” to include honey and herb mixtures and flavored honey; exempting a person that manufactures, processes, and sells honey and herb mixtures or flavored honey from the requirement to obtain an on–farm home processing facility license or permit; and generally relating to honey and herb mixtures and flavored honey.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 21–304(d) and 21–308(c)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 21–308(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Senate Bill 1027 – Senator Forehand

AN ACT concerning

**Creation of a State Debt – Montgomery County – Metropolitan Ballet Theatre
Relocation and Expansion**

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 Metropolitan Ballet Theatre & Academy, 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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 1 – Delegates K. Kelly, Dumais, ~~and Simmons~~ Simmons, Sophocleus, Vitale, Eckardt, Clagett, Hogan, Burns, Dwyer, George, Kipke, McConkey, Minnick, Stocksdales, Valentino-Smith, Wood, Afzali, Aumann, Beidle, Costa, Frank, Krebs, W. Miller, Wilson, Elliott, Hough, and Schulz

AN ACT concerning

Criminal Law – Cannabimimetic Agents – Prohibition

FOR the purpose of listing cannabimimetic agents on Schedule I to designate controlled dangerous substances that may not be legally used, possessed, or distributed; defining a certain term; and generally relating to controlled dangerous substances.

BY renumbering

Article – Criminal Law

Section 5–101(e) through (ee), respectively

to be Section 5–101(f) through (ff), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5–101(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY adding to

Article – Criminal Law

Section 5–101(e)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–402(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

House Bill 70 – Delegate Carr

AN ACT concerning

**State Government – Access to Public Records in Electronic Formats –
Termination Date**

FOR the purpose of ~~extending~~ repealing the termination date for certain provisions of law related to access to public records in certain electronic formats; and generally relating to access to public records in electronic formats.

BY repealing and reenacting, with amendments,
Chapter 536 of the Acts of the General Assembly of 2011
Section 2

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

House Bill 99 – ~~Delegate Hubbard~~ Delegates Hubbard and V. Turner

AN ACT concerning

**Public Health – Child Care Products Containing Flame–Retardant Chemicals
~~(TRIS)~~ (TCEP) – Prohibition**

FOR the purpose of prohibiting a person from importing, selling, or offering for sale certain child care products containing certain flame–retardant chemicals ~~(TRIS)~~ (TCEP) on or after a certain date; providing that this Act does not apply to the sale or distribution of a child care product that is resold, offered for resale, or distributed by a consumer for consumer use; providing for certain penalties; authorizing a court to enjoin certain actions; authorizing the Secretary of Health and Mental Hygiene to suspend implementation of certain provisions of this Act if the Secretary makes a certain determination; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date; defining certain terms; and generally relating to child care products containing ~~TRIS~~ TCEP.

BY adding to
Article – Health – General
Section 24–306
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 103 – Delegates Morhaim, Barve, Cardin, Cluster, Feldman, Frank, Griffith, Hammen, Ivey, Kramer, Lafferty, Luedtke, Mitchell, Mizeur, Murphy, Nathan–Pulliam, Proctor, Reznik, S. Robinson, Stein, F. Turner, Walker, and Zucker

AN ACT concerning

School Buildings – Solar Technology – Design Development Documents

FOR the purpose of requiring the Board of Public Works to adopt certain regulations requiring certain design development documents for the construction or major renovation of school buildings to include certain information relating to the use of solar technology; requiring the Interagency Committee on School Construction to submit a certain report that includes certain information to the Governor and the General Assembly on or before a certain date each year; and generally relating to school buildings and solar technology.

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

Article – Education

Section ~~5-301.1~~ 5-301.2

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 206 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Health Occupations – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Acupuncture Board, the State Board of Dietetic Practice, and the State Board of Occupational Therapy Practice 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 boards; requiring that an evaluation of certain boards and the statutes and regulations that relate to certain boards be performed on or before a certain date; requiring the State Acupuncture Board and the State Board of Dietetic Practice to submit certain reports to certain committees of the General Assembly on or before a certain date; making a technical correction to the period for renewal of certain permits under the sunset extension law that continued the State Board of Pharmacy; making technical changes; and generally relating to the ~~State Acupuncture Board, the State Board of Dietetic Practice, and the State Board of Occupational Therapy Practice~~ sunset extension of certain health occupation boards.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 1A-502, 5-101(i), 5-202(b), 5-302(d), 5-305, 5-502, and 10-502

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(1), (16), and (43)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Chapter 658 of the Acts of the General Assembly of 2012
Section 2

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

**House Bill 226 – The Speaker (By Request – Administration) and Delegates
Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch,
Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais,
Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen,
Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly,
Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell,
Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson,
Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama,
Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and
Zucker**

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

FOR the purpose of altering the Maryland renewable energy portfolio standard program to include a certain amount of energy derived from offshore wind energy; prohibiting the portion of the renewable energy portfolio standard that represents offshore wind energy from applying to certain sales in excess of a certain amount of industrial process load and certain sales in excess of a certain amount of electricity sold to certain customers who are owners of agricultural land; altering the definition of “renewable energy credit” for purposes of the renewable energy portfolio standard program; requiring an electricity supplier to exclude certain retail electricity sales before calculating the number of credits required under the renewable portfolio standard; providing that certain provisions concerning the transfer of renewable energy credits do not apply to certain offshore wind renewable energy credits; authorizing a person to submit

to the Public Service Commission an application for approval of a proposed offshore wind project after the effective date of certain regulations; requiring the Commission to open a certain application period and provide certain notice under certain circumstances; authorizing the Commission to provide for additional application periods; requiring the Commission to approve, conditionally approve, or deny an application within a certain time; providing for the contents of an application; requiring the Commission to use certain criteria to evaluate and compare proposed offshore wind projects; prohibiting the Commission from approving an offshore wind project unless certain criteria are met; requiring the Commission to contract for the services of independent consultants and experts when evaluating and comparing proposed offshore wind projects and when calculating a proposed offshore wind project's net benefits to the State; requiring the Commission to verify that representatives of the United States Department of Defense and the maritime industry have had a certain opportunity to express concerns regarding certain project siting; requiring an applicant to take certain steps if the applicant is seeking investors in a proposed offshore wind project; requiring the Governor's Office of Minority Affairs, in consultation with the Attorney General, to provide certain assistance to potential applicants and minority investors; requiring the Commission to apply the same net cost per megawatt-hour to residential and nonresidential customers when calculating certain rate impacts; incorporating certain findings and evidence associated with a certain Minority Business Enterprise Program; requiring that approved applicants comply with the Minority Business Enterprise Program; prohibiting the Commission from approving an application until certain goals and procedures are established; requiring that an order approving a proposed offshore wind project include certain information, restrictions, and conditions; providing that a certain order vests the owner of a qualified offshore wind project with a certain right; requiring a qualified offshore wind project to deposit a certain amount into a certain fund at certain times; requiring the Commission to determine the offshore wind energy component of the renewable portfolio standard based on certain projections and requiring electricity suppliers to purchase a certain number of offshore wind renewable energy credits; requiring the Commission to adopt regulations establishing a certain escrow account; requiring a certain overpayment to be refunded to ratepayers, subject to certain reserve requirements, under certain circumstances; requiring a qualified offshore wind project to sell certain energy, capacity, and ancillary services into certain markets and distribute the proceeds to electric companies to be refunded or credited to ratepayers; requiring the Commission to adopt certain regulations regarding the creation of excess offshore wind renewable energy credits; authorizing the Commission to extend the term of an OREC pricing schedule for a certain amount of time under certain circumstances; stating that an OREC transaction that takes place during an extended OREC term is subject to certain provisions and regulations applicable to the original OREC order; providing that certain provisions regarding certain compliance fees do not apply to a shortfall from the offshore wind renewable energy credit requirement; reducing a certain fee for industrial process load under certain circumstances; providing that certain provisions

authorizing a delay of certain scheduled Tier 1 credits do not apply to offshore wind renewable energy credits; exempting certain energy lines from a certain prohibition on construction or installation in a beach erosion control district under certain circumstances; providing that an application for a certificate of public convenience and necessity to construct certain energy lines is subject to certain review; prohibiting the Commission from approving an application for the construction or installation of certain energy lines within a certain area; requiring the Commission to provide certain notice to the Maryland Energy Administration for certain purposes; authorizing the Commission to implement a special assessment not to exceed a certain amount in certain fiscal years for certain purposes; requiring the transfer of certain funds to the Commission in certain fiscal years for certain costs and authorizing the Commission to implement a special assessment in certain fiscal years to recover certain costs; establishing a Maryland Offshore Wind Business Development Fund in the Maryland Energy Administration; authorizing the Fund to provide certain financial assistance, business development assistance, and employee training opportunities; stating the purpose and providing for the administration of the Fund; establishing the Maryland Offshore Wind Business Development Advisory Committee; requiring the Advisory Committee to make certain recommendations regarding the use of money in the Fund; requiring a certain transfer from a certain fund to the Fund; adding the Fund to the list of exceptions to the requirement that the earnings of special funds accrue to the General Fund; defining certain terms; making stylistic changes; requiring the Commission to open a certain evidentiary proceeding to evaluate a certain application; establishing the Clean Energy Program Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force; making the provisions of this Act severable; repealing an obsolete provision; providing for the termination of a portion of this Act under a certain circumstance; providing for the termination of certain provisions of this Act; and generally relating to the Maryland renewable energy portfolio standard program, development of offshore wind energy projects, and qualified submerged renewable energy lines.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–208, 7–701, 7–703, 7–704(a)(2)(i), (3), and (4), (c)(3), and (e), and 7–705(b) and (f)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Public Utilities

Section 7–704.1 and 7–704.2
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–705(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1102
Annotated Code of Maryland
(2012 Replacement Volume)

BY adding to
Article – State Government
Section 9–20C–01 through 9–20C–04 to be under the new subtitle “Subtitle 20C.
Maryland Offshore Wind Business Development Fund”
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)69. and 70.
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)71.
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–704.1(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of this Act)

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

House Bill 262 – Delegates Haddaway–Riccio, Conway, Eckardt, Hershey, Hogan, Krebs, McComas, McDermott, Otto, Rudolph, Schuh, Schulz, and Vitale

AN ACT concerning

Criminal Law – Distribution of Faked Controlled Dangerous Substance – Substantially Similar Chemical Structure

FOR the purpose of requiring a court, in determining if a person has violated the prohibition against distributing, attempting to distribute, or possessing with intent to distribute a certain noncontrolled substance, to consider whether the chemical structure of the noncontrolled substance is substantially similar to the chemical structure of a controlled dangerous substance; and generally relating to controlled dangerous substances.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 5–617

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

House Bill 312 – Delegates Pena–Melnyk, Afzali, Barkley, Beidle, Bobo, Braveboy, Bromwell, Carr, Carter, Costa, Cullison, Eckardt, Elliott, Frank, Frush, Gaines, George, Glenn, Griffith, Gutierrez, Haddaway–Riccio, Healey, Holmes, Hubbard, Ivey, Jameson, Jones, A. Kelly, Kipke, Krebs, Lee, Luedtke, McComas, A. Miller, Mizeur, Morhaim, Murphy, Nathan–Pulliam, O'Donnell, Oaks, Ready, Reznik, Rosenberg, Schuh, Sophocleus, Summers, Szeliga, Tarrant, V. Turner, Valderrama, Vitale, Walker, and Wilson

AN ACT concerning

Mammograms – Dense Breast Tissue – Notification

FOR the purpose of requiring, subject to a certain provision of law, certain centers that produce, develop, or interpret mammograms to provide a certain notice to certain patients under certain circumstances; authorizing the Department of Health and Mental Hygiene, under certain circumstances, to adopt certain regulations to change the content of a certain notice; providing for the application and construction of this Act; altering a certain definition; defining a

certain term; and generally relating to mammograms, dense breast tissue, and notification.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–115
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

**House Bill 346 – ~~Delegates Impallaria and McDonough~~ Harford County
Delegation**

AN ACT concerning

Harford County – Correctional Officers’ Bill of Rights

FOR the purpose of adding Harford County to the provisions of law relating to the Cecil County, Garrett County, and St. Mary’s County Correctional Officers’ Bill of Rights; providing that certain provisions of law relating to hearing board procedures and the finality of certain hearing board decisions do not apply in Harford County; defining certain terms; and generally relating to the Correctional Officers’ Bill of Rights.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–1001, 11–1002, 11–1008, and 11–1009
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

**House Bill 359 – Chair, Health and Government Operations Committee (By
Request – Departmental – Military)**

AN ACT concerning

Militia – Maryland Defense Force – Enlistment Period

FOR the purpose of altering the enlistment period for the Maryland Defense Force to a period determined by the commanding officer based on the specialty of the recruit and the needs of the militia; and generally relating to the Maryland Defense Force.

BY repealing and reenacting, with amendments,
Article – Public Safety

Section 13–504
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 425 – ~~Delegate Nathan Pulliam~~ Delegates Nathan Pulliam and V. Turner

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Medication Technician Graduates and Certified Medication Technicians – Sunset Extension

FOR the purpose of extending the termination date for certain provisions of law relating to medication technician graduates and certified medication technicians; making this Act an emergency measure; and generally relating to the State Board of Nursing and medication technician graduates and certified medication technicians.

BY repealing and reenacting, with amendments,
Chapter 123 of the Acts of the General Assembly of 2011
Section 3

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

House Bill 494 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Employment of Retirees – Required Break in Service

FOR the purpose of prohibiting certain retired members of the State Retirement and Pension System from being employed on a certain basis by certain employers within a certain period of time; deleting certain obsolete provisions; making certain clarifying changes; 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 the requirement of a break in service prior to the employment of certain retirees of the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions

Section 22-406(b), (d), (n), (o), and (p), 23-407(b), (d), (n), (o), and (p), 24-405.1,
25-403(h), 26-403(f), ~~27-406(b)~~ 27-406(a) and (b), and 28-402(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 25-403(a), 26-403(a), ~~27-406(a)~~, and 28-402(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 22-406(m) and 23-407(m)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29-117(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 27-406(a) ~~and (b)~~
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27-406(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

BY adding to
Article – State Personnel and Pensions
Section 27-406(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)

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

LAID OVER BILLS

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

Senate Bill 384 – Senators Pugh, Astle, Benson, Conway, Currie, DeGrange, Dyson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, McFadden, Montgomery, Muse, Peters, Raskin, Robey, and Stone

AN ACT concerning

Economic Development – Sickle Cell Disease Research Program

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

SB0384/847876/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 384

(First Reading File Bill)

On page 2, in line 25, strike “**USING BONE MARROW AND UMBILICAL CORD BLOOD**”; and in the same line, after “**DEVELOP**” insert “**TREATMENTS AND**”.

On page 3, in line 5, after “**DEVELOP**” insert “**TREATMENTS AND**”; and in line 6, strike “**USING BONE MARROW AND UMBILICAL CORD BLOOD**”.

On page 4, in line 8, strike “**A CURE**” and substitute “**TREATMENTS AND CURES**”; in line 19, after “**THAT**” insert “**:**”

(I) USE BONE MARROW OR UMBILICAL CORD BLOOD; AND

(II)”;

and in the same line, after “**A**” insert “**TREATMENT OR**”.

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 BUDGET AND TAXATION REPORT #6

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

Senate Bill 318 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Property Tax Credit to Offset Income Tax Revenues – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 429 – Carroll County Senators

AN ACT concerning

Carroll County – Budgeting and Finance Procedures – Surplus Funds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 470 – Senator Mathias

AN ACT concerning

Employees' Pension System – Somerset County Economic Development Commission – Eligible Governmental Unit

SB0470/909738/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 470

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 5 down through “System;” in line 7; in line 9, after “System” insert “in the same manner as certain other individuals”; strike beginning with “providing” in line 9 down through “benefit;” in line 13; strike beginning with “prohibiting” in line 15 down through “System;” in line 17; and in line 22, strike “23–225” and substitute “23–221”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 2 on page 3, inclusive, and substitute:

“23–221.

(a) In this section, “active member” means a member who is not separated from employment with the State or a participating employer of the State.

(b) Except as provided in subsection [(c)] (D) of this section, this part applies to an individual who on or after June 30, 2006, is:

(1) an active member of the Employees’ Pension System or the Teachers’ Pension System; or

(2) a member of the Teachers’ Retirement System or Employees’ Retirement System who is subject to Selection C (Combination Formula) as provided in § 22–221 of this article.

(c) **(1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO WAS AN EMPLOYEE OF THE SOMERSET COUNTY ECONOMIC DEVELOPMENT COMMISSION ON JUNE 30, 2011, AND WHO REMAINS AN EMPLOYEE THROUGH THE EFFECTIVE DATE OF PARTICIPATION FOR THE SOMERSET COUNTY ECONOMIC DEVELOPMENT COMMISSION AS A PARTICIPATING GOVERNMENTAL UNIT.**

(2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION BENEFIT UNDER PART III OF THIS SUBTITLE IN THE

SAME MANNER AS AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM ON JUNE 30, 2011.

(D) This Part III does not apply to:

(1) an employee of a participating governmental unit participating in the Employees' Pension System that has not elected to participate in the Alternate Contributory Pension Selection under § 31-116.1 of this article or a former participating governmental unit, other than Frederick County, that has withdrawn from the Employees' Pension System; or

(2) a member of the Employees' Pension System or the Teachers' Pension System who transferred from the Employees' Retirement System or the Teachers' Retirement System after April 1, 1998.”.

AMENDMENT NO. 3

On page 5, in line 2, strike “(1)”; in the same line, strike “PARAGRAPH (2)” and substitute “SUBSECTION (B)”; in the same line, strike “SUBSECTION” and substitute “SECTION”; in line 11, strike “(2)” and substitute “(B)”; in the same line, strike “PARAGRAPH (1)” and substitute “SUBSECTION (A)”; in line 12, strike “SUBSECTION” and substitute “SECTION”; and strike in their entirety lines 16 through 25, inclusive.

On page 6, strike beginning with “(I)” in line 10 down through “AN” in line 13 and substitute “AN”; in line 15, after “ARTICLE” insert “IN THE SAME MANNER AS AN INDIVIDUAL WHO WAS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM ON JUNE 30, 2011”; and strike in their entirety lines 16 through 22, 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 Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 751 – Senator Robey

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 801 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Cost-of-Living Adjustments – Simplification and Clarification

SB0801/289237/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 801
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after “terms;” insert “declaring the intent of the General Assembly that this Act be construed in a certain manner;”.

AMENDMENT NO. 2

On page 7, in line 10, strike “SUBTITLE” and substitute “ARTICLE”.

On page 14, in line 34, after “§ 29–404” insert “OF THIS SUBTITLE”.

On page 17, after line 7, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act shall be construed as clarifying the provisions providing for the calculations of cost-of-living adjustments for recipients of benefits from the State Retirement and Pension System and may not be construed to substantively alter the benefits an individual is receiving or is entitled to receive.”;

and in line 8, strike “3.” 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.

QUORUM CALL

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

(See Roll Call No. 294)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

**Senate Bill 67 – Chair, Budget and Taxation Committee (By Request –
Departmental – Budget and Management)**

AN ACT concerning

**Central Collection Unit – Monitoring and Recording of Telephone Calls –
Training and Quality Control Purposes**

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

Affirmative – 43 Negative – 0 (See Roll Call No. 295)

The Bill was then sent to the House of Delegates.

**Senate Bill 179 – Chair, Education, Health, and Environmental Affairs
Committee (By Request – Departmental – Labor, Licensing and
Regulation)**

AN ACT concerning

**Architects, Landscape Architects, and Professional Land Surveyors – Firm
Permits**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 296)

The Bill was then sent to the House of Delegates.

Senate Bill 272 – Senators Currie, DeGrange, Kasemeyer, McFadden, Peters, and Robey

~~EMERGENCY BILL~~

AN ACT concerning

State Lottery Agency – Tickets – Electronic Devices Connected to the Internet

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

Affirmative – 46 Negative – 0 (See Roll Call No. 297)

The Bill was then sent to the House of Delegates.

Senate Bill 282 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senator McFadden

EMERGENCY BILL

AN ACT concerning

Video Lottery Facilities – Employee Licenses – Crimes of Moral Turpitude or Gambling

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

Affirmative – 45 Negative – 0 (See Roll Call No. 298)

The Bill was then sent to the House of Delegates.

Senate Bill 371 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Sunday Sales

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 Joint Resolution 1 – Senators Jones–Rodwell, Benson, Conway,
Garagiola, Klausmeier, Madaleno, Peters, and Pugh**

A Senate Joint Resolution concerning

International Education – Support

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.

SPECIAL ORDERS

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

Senate Bill 182 – Senators Brochin and Kittleman

AN ACT concerning

**Maryland Transit Administration – Activation of Audio Recording Devices on
Vehicles Used for Transit Service – Prohibition**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE
AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0182/458573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 182

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 6 down through “device;” in line 7.

AMENDMENT NO. 2

On page 2, in line 13, strike “(A)”; and strike in their entirety lines 18 through 24, inclusive.

The preceding 2 amendments were read and adopted.

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

Affirmative – 22 Negative – 23 (See Roll Call No. 301)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

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

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

SB0281/628575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Jones–Rodwell”; strike beginning with “authorizing” in line 7 down through “weapons” in line 9 and substitute “providing that certain prohibitions relating to certain assault weapons and detachable magazines do not apply to certain persons”; in line 11, after the semicolon insert “providing that certain registration requirements for certain assault weapons do not apply under certain circumstances”; in line 18, after “circumstances,” insert “requiring the Secretary of State Police to disapprove an application for a State–regulated firearms dealer’s license if the Secretary determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that the Secretary suspend a dealer’s license if the licensee is not in compliance with certain record keeping and reporting requirements”; in line 21, strike “of State Police” and substitute “or certain credentials or identification”; in the same line, before “establishing” insert “providing for certain exceptions to the requirement to present and possess a certain handgun qualification license under certain circumstances”; and

in line 25, after “circumstances;” insert “establishing certain requirements and procedures for the issuance of a replacement handgun qualification license under certain circumstances;”.

On page 2, in line 1, after “circumstances;” insert “altering the information required in a certain statement for a certain firearm application;”; in line 15, after “manner;” insert “requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer’s business; requiring the Secretary to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after receipt of a request from the Secretary for certain information; authorizing the Secretary to implement a system by which a certain person may request certain information; requiring the Secretary to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary to conduct a certain inspection during a certain time;”; in line 20, after “circumstances;” insert “authorizing the Secretary to issue a certain handgun qualification license without an additional application or fee under certain circumstances;”; in line 24, after “4–306” insert “to be under the amended subtitle “Subtitle 3. Assault Weapons and Detachable Magazines””; in line 34, after “5–101,” insert “5–110(a), 5–114(a), 5–115,”; and in line 40, strike “and 5–143” and substitute “5–143, and 5–145”.

AMENDMENT NO. 2

On page 4, after line 34, insert:

“Subtitle 3. Assault [Pistols]**WEAPONS** and Detachable Magazines.”.

On page 6, in lines 5 and 18, in each instance, after “ANY” insert “**TWO**”.

AMENDMENT NO. 3

On page 8, in line 8, strike the second “or”; in line 9, before the semicolon, insert “, OR A RAILROAD POLICE OFFICER AUTHORIZED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101”; in line 11, before “purchases,” insert “**POSSESSION,**”; in line 22, strike “or”; and in line 25, after “estate” insert “**; OR**

(7) POSSESSION BY A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE STATE

OR A LOCAL UNIT IN THE STATE AND IS NOT OTHERWISE PROHIBITED FROM RECEIVING AN ASSAULT WEAPON OR DETACHABLE MAGAZINE IF:

(I) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS SOLD OR TRANSFERRED TO THE PERSON BY THE LAW ENFORCEMENT AGENCY ON RETIREMENT; OR

(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW ENFORCEMENT AGENCY BEFORE RETIREMENT”.

AMENDMENT NO. 4

On page 9, strike beginning with “A” in line 10 down through “(3)” in line 14 and substitute “(I)”; in line 18, strike “(I)” and substitute “1.”; in line 20, strike “(II)” and substitute “2.”; and after line 27, insert:

“(II) A PERSON WHO PURCHASED AN ASSAULT LONG GUN BEFORE OCTOBER 1, 2013, AND REGISTERED THE ASSAULT LONG GUN WITH THE SECRETARY OF STATE POLICE IS NOT REQUIRED TO REREGISTER THE ASSAULT LONG GUN UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 16, after line 11, insert:

“5-110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; [or]

(3) the Secretary receives a written notification from the applicant’s licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; OR

(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER'S LICENSE OR WHOSE DEALER'S LICENSE HAS BEEN REVOKED OR SUSPENDED:

(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR

(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.

5-114.

(a) The Secretary shall suspend a dealer's license if the licensee:

(1) is under indictment for a crime of violence; [or]

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND REPORTING REQUIREMENTS OF § 5-145 OF THIS SUBTITLE.

5-115.

(a) (1) A person whose dealer's license is suspended or revoked OR WHO IS FINED FOR A VIOLATION OF THIS SUBTITLE and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article.”.

On page 34, after line 4, insert:

“5-145.

(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN CONNECTION WITH THE LICENSED DEALER'S BUSINESS.

(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE INFORMATION THAT THE RECORDS SHALL CONTAIN;

(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE KEPT; AND

(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.

(3) THE RECORDS SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR OTHERWISE DISPOSES OF A FIREARM;

(II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL, CALIBER, AND SERIAL NUMBER OF EACH FIREARM ACQUIRED, SOLD, OR OTHERWISE DISPOSED OF; AND

(III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER DISPOSITION.

(4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

(B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS SPECIFIED BY THE SECRETARY.

(2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD BY WHICH THE RECORDS SHALL BE MAINTAINED.

(C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL INVESTIGATION.

(2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE SECRETARY.

(3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST THE INFORMATION.

(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

(F) THE SECRETARY:

(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.”.

AMENDMENT NO. 6

On page 16, before line 13, insert:

“(A) THIS SECTION DOES NOT APPLY TO:

(1) A LICENSED FIREARMS MANUFACTURER;

(2) A LAW ENFORCEMENT OFFICER OR PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE; OR

(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD.”;

in lines 13, 19, and 26, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 16, strike “REGULATED FIREARM” and substitute “HANDGUN”; in line 21, after “(1)” insert “(I)”; in line 23, strike “AND”; after line 23, insert:

“(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY; OR

(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; AND”;

and in line 26, strike “(E) AND (F)” and substitute “(F) AND (G)”.

On page 17, in lines 1, 15, 17, and 24, strike “(D)”, “(D)”, “(C)”, and “(E)”, respectively, and substitute “(E)”, “(E)”, “(D)”, and “(F)”, respectively; strike beginning with “IS” in line 18 down through “(3)” in line 22; and in line 23, after “SECRETARY” insert “; OR”

(2) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION”.

On page 19, in lines 1, 13, 18, 20, 27, and 30 strike “(F)”, “(G)”, “(J)”, “(H)”, “(I)”, and “(C)”, respectively, and substitute “(G)”, “(H)”, “(L)”, “(I)”, “(K)”, and “(D)”, respectively.

On page 20, in line 5, strike “(J)” and substitute “(L)”.

AMENDMENT NO. 7

On page 17, in line 5, strike “8” and substitute “4”; and strike beginning with “IN” in line 27 down through “CHECK” in line 29 and substitute “**THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN QUALIFICATION LICENSE**”.

On page 18, in line 2, strike “APPLICANT” and substitute “**SECRETARY**”; and in line 4, strike “TWO COMPLETE SETS” and substitute “**A COMPLETE SET**”.

AMENDMENT NO. 8

On page 19, in line 3, after the first “THE” insert “**MANNER AND**”; in line 5, strike “OF \$100” and substitute “**TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$50**”; in line 7, after “SECRETARY” insert “**OR A VALID FIREARMS**”

INSTRUCTOR CERTIFICATION"; in line 20, strike "(1)"; in line 22, strike "(2)" and substitute "(J)(1)"; and strike beginning with "POSSESSES" in line 24 down through "SECTION" in line 26, and substitute ":

(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION LICENSE; AND

(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$20.

(2) AN APPLICANT RENEWING A HANDGUN QUALIFICATION LICENSE UNDER THIS SUBSECTION IS NOT REQUIRED TO:

(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR

(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION".

AMENDMENT NO. 9

On page 19, in lines 21 and 23, in each instance, strike "5" and substitute "10".

AMENDMENT NO. 10

On page 20, after line 18, insert:

"(M) (1) IF AN ORIGINAL OR RENEWAL HANDGUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.

(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT HANDGUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT UP TO \$20."

AMENDMENT NO. 11

On page 22, in line 11, before "copy" insert "A".

On page 26, in line 5, after “5-133” insert “(B) OR (C)”.

AMENDMENT NO. 12

On page 21, after line 2, insert:

“(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A HISTORY OF VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER;”;

in line 3, strike “(vii)” and substitute “(VIII)”; strike beginning with “spent” in line 3 down through “Article” in line 9 and substitute “BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;”

(IX) HAS NEVER BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(X) HAS NEVER BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XI) HAS NEVER BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XII) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;

(XIII) IS NOT A RESPONDENT AGAINST WHOM:

1. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

2. AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT”;

and in line 10, strike “(ix)” and substitute “(XIV)”.

On page 23, in line 5, strike the bracket; strike beginning with the comma in line 7 down through the bracket in line 8 and substitute “;

(7)”;

in line 13, strike “[confined” and substitute “VOLUNTARILY ADMITTED”; strike beginning with the fourth bracket in line 13 down through “IN” in line 14; in line 16, strike “AND:” and substitute “;”; in line 17, strike “(I)” and substitute “(10)”; strike beginning with “A” in line 17 down through “OTHERS” in line 21 and substitute “INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE”; and in lines 11, 13, 22, and 25, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(8)”, “(9)”, “(11)”, and “(12)”, respectively.

On page 24, in line 1, strike “(11)” and substitute “(13)”.

AMENDMENT NO. 13

On page 27, in line 11, strike “OR COMMITTED”; and strike beginning with “IN” in line 13 down through “OTHERS” in line 16 and substitute “THE PERSON HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY”.

AMENDMENT NO. 14

On page 28, strike beginning with “AND” in line 20 down through “PSYCHOLOGY” in line 21.

AMENDMENT NO. 15

On page 27 in line 29, on page 28 in line 14, and on page 32 in line 16, in each instance, strike “OR (9)” and substitute “(9), (10), OR (11)”.

On page 29, in line 1, strike “FIREARM” and substitute “HANDGUN”; in line 2, strike “§ 5-117” and substitute “§ 5-117.1”; in line 8, after the second “THE” insert “DISQUALIFICATION AND HEARING”; in line 22, strike “§ 5-133(B)(9)” and substitute “§ 5-133(B)(11)”; and in line 32, strike “OR (8)” and substitute “(8), (9), OR (10)”.

On page 32, in line 22, after “THE” insert “HEALTH”.

AMENDMENT NO. 16

On page 32, in line 18, strike “STATE POLICE” and substitute “PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

AMENDMENT NO. 17

On page 36, in line 28, after “(I)” insert “1. FOR AN INITIAL APPLICATION,”; and in line 29, after “INSTRUCTOR;” insert “OR

2. FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;”.

AMENDMENT NO. 18

On page 34, after line 18, insert:

“(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY A DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(11) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;”;

in line 19, strike “(6)” and substitute “(12) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,”; and in line 25, strike “(7)” and substitute “(13)”.

AMENDMENT NO. 19

On page 37, in line 17, after “OFFICER” insert “OR A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY”; in line 19, after “MEMBER” insert “OR RETIRED MEMBER”; in line 20, strike “OR”; after line 20, insert:

“(3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION; OR”;

and in line 21, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 20

On page 38, after line 4, insert:

“(D) THE SECRETARY MAY ISSUE A HANDGUN QUALIFICATION LICENSE, WITHOUT AN ADDITIONAL APPLICATION OR FEE, TO A PERSON WHO:

(1) MEETS THE REQUIREMENTS FOR ISSUANCE OF A PERMIT UNDER THIS SECTION; AND

(2) DOES NOT HAVE A HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE.”.

The preceding 20 amendments were read only.

Senator Frosh 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 276 – The President (By Request – Administration) and Senators Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe

AN ACT concerning

Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims

SB0276/258274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Victims” in line 3 and substitute “– Substitution of Life Without the Possibility of Parole”; and strike beginning with “requiring” in line 12 down through “Fund;” in line 14 and substitute “altering the authorization for the Governor to commute or change a sentence of death into a certain period of confinement;”.

On page 2, strike line 15 in its entirety and substitute “and 7–107(b)”.

On page 3, strike in their entirety lines 21 through 29, inclusive.

AMENDMENT NO. 2

On page 5, strike beginning with the bracket in line 11 down through “expedient” in line 12 and substitute “**CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE**”; in lines 13 and 15, in each instance, strike the bracket; and in line 15, strike “(2)”.

AMENDMENT NO. 3

On pages 10 and 11, strike in their entirety the lines beginning with line 15 on page 10 through line 2 on page 11, inclusive.

The preceding 3 amendments were read only.

Senator Frosh moved, duly seconded, to make the Bill and Amendments a Special Order for February 27, 2013.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 302)

ADJOURNMENT

At 10:04 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 26, 2013.

Annapolis, Maryland
Tuesday, February 26, 2013
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Rabbi Ari Israel, Executive Director of the Ben and Esther Rosenbloom Center, guest of Senator Manno.

(See Exhibit A of Appendix III)

The Journal of February 25, 2013 was read and approved.

On motion of Senator Garagiola 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. 304)

INTRODUCTION OF BILLS

Senate Bill 1028 – Senator Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – License Transfers

FOR the purpose of providing in Baltimore County that Class B or Class D alcoholic beverages licenses transferred under certain provisions of law be added to certain totals of transferred licenses that are computed for certain purposes; making certain technical changes; and generally relating to alcoholic beverages licenses in Baltimore County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–204.8
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 1029 – Senator Middleton

AN ACT concerning

Maryland Agricultural Certainty Program

FOR the purpose of establishing the Maryland Agricultural Certainty Program; stating the intent of the General Assembly; establishing the purpose of the Program; requiring the Department of Agriculture to develop the Program in coordination with the Department of the Environment; requiring that the Program be self-sustaining and revenue neutral; requiring the Department of Agriculture to administer the Program; authorizing the Department of Agriculture to establish by regulation reasonable fees to cover operation of the Program; requiring a person applying for certification to submit a certain application to the Department of Agriculture; establishing certain requirements for certification and recertification; authorizing the Department of Agriculture to certify an agricultural operation after certain requirements are met; requiring the Department of Agriculture to, on request, make certain records and information available to the Department of the Environment; requiring that a certified agricultural operation be in compliance with certain laws, regulations, rules, and permit conditions at the end of the certification period; exempting an agricultural operation certified under the Program from certain nitrogen, phosphorus, and sediment reduction requirements; prohibiting a local government entity from adopting or enforcing certain laws, regulations, rules, ordinances, or standards for a certified agricultural operation; requiring a person that manages a certified agricultural operation to submit annually certain documentation to the Department of Agriculture; requiring a person that manages a certified agricultural operation to report certain changes to the Department of Agriculture within a certain amount of time; requiring the Department of Agriculture to make certain information available to the Department of the Environment; requiring the Department of Agriculture to conduct an on-site inspection of each certified agricultural operation with a certain frequency; requiring the Department of the Environment to, if applicable, assure compliance with certain requirements administered by the Department of the Environment with a certain frequency; requiring a certified verifier who conducts an on-site inspection to submit a certain report and information to the Department of Agriculture, the Department of the Environment if applicable, and the certified agricultural operation; requiring the Department of Agriculture, in coordination with the Department of the Environment, to establish a program to certify a person to verify whether an agricultural operation meets certain requirements; requiring the Department of Agriculture to maintain and publish on the Department of Agriculture's Web site a list of all certified verifiers; requiring the certification program to provide verifiers with certain training and education; prohibiting a certified verifier from verifying an agricultural operation in which the certified verifier holds an

interest or that the certified verifier initially determined met certain requirements; authorizing the Department of Agriculture to charge a reasonable fee to administer the certification program; authorizing the Department of Agriculture to require continuing education or training for verifiers; authorizing the Department of Agriculture to designate an entity to train, certify, and recertify verifiers; authorizing the Department of Agriculture to recognize the training program of an entity employing verifiers if the program meets certain requirements; requiring the Department of Agriculture to maintain certain information and make the information available for public review in a manner that protects the identity of a certain person; requiring a certified verifier to maintain certain information in a manner that protects the identity of a certain person; requiring the Department of the Environment to maintain certain information in a manner that protects the identity of a certain person; prohibiting the Department of Agriculture from disclosing certain records before an agricultural operation is certified; requiring the Department of Agriculture to submit a certain annual report to the Governor and relevant committees of the General Assembly; authorizing the Department of Agriculture to suspend or revoke a certification under certain circumstances; requiring the Department of Agriculture, with approval from the Department of the Environment, to adopt certain regulations; requiring the Department of Agriculture, with approval from the Department of the Environment, to establish a certain committee to assist with the development of the regulations; requiring the committee to meet with a certain frequency; defining certain terms; and generally relating to the Maryland Agricultural Certainty Program.

BY adding to

Article – Agriculture

Section 8–1001 through 8–1013 to be under the new subtitle “Subtitle 10.
Maryland Agricultural Certainty Program”

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

LAID OVER BILLS

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

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (20) AND THE FAVORABLE REPORT.

SB0281/628575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Jones–Rodwell”; strike beginning with “authorizing” in line 7 down through “weapons” in line 9 and substitute “providing that certain prohibitions relating to certain assault weapons and detachable magazines do not apply to certain persons”; in line 11, after the semicolon insert “providing that certain registration requirements for certain assault weapons do not apply under certain circumstances”; in line 18, after “circumstances,” insert “requiring the Secretary of State Police to disapprove an application for a State–regulated firearms dealer’s license if the Secretary determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that the Secretary suspend a dealer’s license if the licensee is not in compliance with certain record keeping and reporting requirements”; in line 21, strike “of State Police” and substitute “or certain credentials or identification”; in the same line, before “establishing” insert “providing for certain exceptions to the requirement to present and possess a certain handgun qualification license under certain circumstances”; and in line 25, after “circumstances,” insert “establishing certain requirements and procedures for the issuance of a replacement handgun qualification license under certain circumstances”.

On page 2, in line 1, after “circumstances,” insert “altering the information required in a certain statement for a certain firearm application”; in line 15, after “manner,” insert “requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer’s business; requiring the Secretary to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after receipt of a request from the Secretary for certain information; authorizing the Secretary to implement a system by which a certain person may request certain”.

information; requiring the Secretary to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary to conduct a certain inspection during a certain time;"; in line 20, after "circumstances;" insert "authorizing the Secretary to issue a certain handgun qualification license without an additional application or fee under certain circumstances;"; in line 24, after "4-306" insert "to be under the amended subtitle "Subtitle 3. Assault Weapons and Detachable Magazines";"; in line 34, after "5-101," insert "5-110(a), 5-114(a), 5-115,"; and in line 40, strike "and 5-143" and substitute "5-143, and 5-145".

AMENDMENT NO. 2

On page 4, after line 34, insert:

"Subtitle 3. Assault [Pistols]WEAPONS and Detachable Magazines."

On page 6, in lines 5 and 18, in each instance, after "ANY" insert "TWO".

AMENDMENT NO. 3

On page 8, in line 8, strike the second "or"; in line 9, before the semicolon, insert ", OR A RAILROAD POLICE OFFICER AUTHORIZED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101"; in line 11, before "purchases," insert "POSSESSION,"; in line 22, strike "or"; and in line 25, after "estate" insert "; OR

(7) POSSESSION BY A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE STATE OR A LOCAL UNIT IN THE STATE AND IS NOT OTHERWISE PROHIBITED FROM RECEIVING AN ASSAULT WEAPON OR DETACHABLE MAGAZINE IF:

(I) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS SOLD OR TRANSFERRED TO THE PERSON BY THE LAW ENFORCEMENT AGENCY ON RETIREMENT; OR

(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW ENFORCEMENT AGENCY BEFORE RETIREMENT".

AMENDMENT NO. 4

On page 9, strike beginning with “A” in line 10 down through “(3)” in line 14 and substitute “(I)”; in line 18, strike “(I)” and substitute “1.”; in line 20, strike “(II)” and substitute “2.”; and after line 27, insert:

“(II) A PERSON WHO PURCHASED AN ASSAULT LONG GUN BEFORE OCTOBER 1, 2013, AND REGISTERED THE ASSAULT LONG GUN WITH THE SECRETARY OF STATE POLICE IS NOT REQUIRED TO REREGISTER THE ASSAULT LONG GUN UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 16, after line 11, insert:

“5–110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; [or]

(3) the Secretary receives a written notification from the applicant’s licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; OR

(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER’S LICENSE OR WHOSE DEALER’S LICENSE HAS BEEN REVOKED OR SUSPENDED:

(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR

(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.

5–114.

(a) The Secretary shall suspend a dealer's license if the licensee:

(1) is under indictment for a crime of violence; [or]

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND REPORTING REQUIREMENTS OF § 5-145 OF THIS SUBTITLE.

5-115.

(a) (1) A person whose dealer's license is suspended or revoked OR WHO IS FINED FOR A VIOLATION OF THIS SUBTITLE and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article."

On page 34, after line 4, insert:

"5-145.

(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN CONNECTION WITH THE LICENSED DEALER'S BUSINESS.

(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE INFORMATION THAT THE RECORDS SHALL CONTAIN;

(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE KEPT; AND

(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.

(3) THE RECORDS SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR OTHERWISE DISPOSES OF A FIREARM;

(II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL, CALIBER, AND SERIAL NUMBER OF EACH FIREARM ACQUIRED, SOLD, OR OTHERWISE DISPOSED OF; AND

(III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER DISPOSITION.

(4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

(B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS SPECIFIED BY THE SECRETARY.

(2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD BY WHICH THE RECORDS SHALL BE MAINTAINED.

(C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE

INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL INVESTIGATION.

(2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE SECRETARY.

(3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST THE INFORMATION.

(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

(F) THE SECRETARY:

(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH."

AMENDMENT NO. 6

On page 16, before line 13, insert:

"(A) THIS SECTION DOES NOT APPLY TO:

(1) A LICENSED FIREARMS MANUFACTURER;

(2) A LAW ENFORCEMENT OFFICER OR PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE; OR

(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD.”;

in lines 13, 19, and 26, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 16, strike “REGULATED FIREARM” and substitute “HANDGUN”; in line 21, after “(1)” insert “(I)”; in line 23, strike “AND”; after line 23, insert:

“(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY; OR

(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; AND”;

and in line 26, strike “(E) AND (F)” and substitute “(F) AND (G)”.

On page 17, in lines 1, 15, 17, and 24, strike “(D)”, “(D)”, “(C)”, and “(E)”, respectively, and substitute “(E)”, “(E)”, “(D)”, and “(F)”, respectively; strike beginning with “IS” in line 18 down through “(3)” in line 22; and in line 23, after “SECRETARY” insert “; OR

(2) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE
ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A
NATIONAL ORGANIZATION”.

On page 19, in lines 1, 13, 18, 20, 27, and 30 strike “(F)”, “(G)”, “(J)” “(H)”, “(I)”, and “(C)”, respectively, and substitute “(G)”, “(H)”, “(L)”, “(I)”, “(K)”, and “(D)”, respectively.

On page 20, in line 5, strike “(J)” and substitute “(L)”.

AMENDMENT NO. 7

On page 17, in line 5, strike “8” and substitute “4”; and strike beginning with “IN” in line 27 down through “CHECK” in line 29 and substitute “THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN QUALIFICATION LICENSE”.

On page 18, in line 2, strike “APPLICANT” and substitute “SECRETARY”; and in line 4, strike “TWO COMPLETE SETS” and substitute “A COMPLETE SET”.

AMENDMENT NO. 8

On page 19, in line 3, after the first “THE” insert “MANNER AND”; in line 5, strike “OF \$100” and substitute “TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$50”; in line 7, after “SECRETARY” insert “OR A VALID FIREARMS INSTRUCTOR CERTIFICATION”; in line 20, strike “(1)”; in line 22, strike “(2)” and substitute “(J) (1)”; and strike beginning with “POSSESSES” in line 24 down through “SECTION” in line 26, and substitute “:

(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE
OF THE HANDGUN QUALIFICATION LICENSE; AND

(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO
COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$20.

(2) AN APPLICANT RENEWING A HANDGUN QUALIFICATION LICENSE UNDER THIS SUBSECTION IS NOT REQUIRED TO:

(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR

(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION”.

AMENDMENT NO. 9

On page 19, in lines 21 and 23, in each instance, strike “5” and substitute “10”.

AMENDMENT NO. 10

On page 20, after line 18, insert:

“(M) (1) IF AN ORIGINAL OR RENEWAL HANDGUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.

(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT HANDGUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT UP TO \$20.”.

AMENDMENT NO. 11

On page 22, in line 11, before “copy” insert “A”.

On page 26, in line 5, after “5-133” insert “(B) OR (C)”.

AMENDMENT NO. 12

On page 21, after line 2, insert:

“(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A HISTORY OF VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER;”;

in line 3, strike “(vii)” and substitute “(VIII)”; strike beginning with “spent” in line 3 down through “Article” in line 9 and substitute “BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;”

(IX) HAS NEVER BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(X) HAS NEVER BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XI) HAS NEVER BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XII) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;

(XIII) IS NOT A RESPONDENT AGAINST WHOM:

1. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

2. AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT”;

and in line 10, strike “(ix)” and substitute “(XIV)”.

On page 23, in line 5, strike the bracket; strike beginning with the comma in line 7 down through the bracket in line 8 and substitute “;”

(7)”;

in line 13, strike “[confined” and substitute “VOLUNTARILY ADMITTED”; strike beginning with the fourth bracket in line 13 down through “IN” in line 14; in line 16,

strike “AND:” and substitute “;”; in line 17, strike “(I)” and substitute “(10)”; strike beginning with “A” in line 17 down through “OTHERS” in line 21 and substitute “INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE”; and in lines 11, 13, 22, and 25, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(8)”, “(9)”, “(11)”, and “(12)”, respectively.

On page 24, in line 1, strike “(11)” and substitute “(13)”.

AMENDMENT NO. 13

On page 27, in line 11, strike “OR COMMITTED”; and strike beginning with “IN” in line 13 down through “OTHERS” in line 16 and substitute “THE PERSON HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY”.

AMENDMENT NO. 14

On page 28, strike beginning with “AND” in line 20 down through “PSYCHOLOGY” in line 21.

AMENDMENT NO. 15

On page 27 in line 29, on page 28 in line 14, and on page 32 in line 16, in each instance, strike “OR (9)” and substitute “(9), (10), OR (11)”.

On page 29, in line 1, strike “FIREARM” and substitute “HANDGUN”; in line 2, strike “§ 5–117” and substitute “§ 5–117.1”; in line 8, after the second “THE” insert “DISQUALIFICATION AND HEARING”; in line 22, strike “§ 5–133(B)(9)” and substitute “§ 5–133(B)(11)”; and in line 32, strike “OR (8)” and substitute “(8), (9), OR (10)”.

On page 32, in line 22, after “THE” insert “HEALTH”.

AMENDMENT NO. 16

On page 32, in line 18, strike “STATE POLICE” and substitute “PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

AMENDMENT NO. 17

On page 36, in line 28, after “(I)” insert “1. FOR AN INITIAL APPLICATION,”; and in line 29, after “INSTRUCTOR,” insert “OR”.

2. FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;”.

AMENDMENT NO. 18

On page 34, after line 18, insert:

“(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY A DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(11) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;”;

in line 19, strike “(6)” and substitute “(12) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION;”; and in line 25, strike “(7)” and substitute “(13)”.

AMENDMENT NO. 19

On page 37, in line 17, after “OFFICER” insert “OR A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY”; in line 19, after “MEMBER” insert “OR RETIRED MEMBER”; in line 20, strike “OR”; after line 20, insert:

“(3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION; OR”;

and in line 21, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 20

On page 38, after line 4, insert:

“(D) THE SECRETARY MAY ISSUE A HANDGUN QUALIFICATION LICENSE, WITHOUT AN ADDITIONAL APPLICATION OR FEE, TO A PERSON WHO:

(1) MEETS THE REQUIREMENTS FOR ISSUANCE OF A PERMIT UNDER THIS SECTION; AND

(2) DOES NOT HAVE A HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE.”.

The preceding 20 amendments were read only.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #11**

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

Senate Bill 289 – Senators Simonaire, Ferguson, Glassman, Jennings, Montgomery, Reilly, and Young

AN ACT concerning

Environment – Water Pollution Control – Penalty

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

The motion was adopted.

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

Senate Bill 464 – Senator Klausmeier**EMERGENCY BILL**

AN ACT concerning

Natural Resources – Aquaculture – Shellfish Nursery Permits

SB0464/124736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 464

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 7 down through “operations;” in line 9; and in line 11, after “operations;” insert “exempting shellfish nursery products from certain water quality classifications and restrictions;”.

AMENDMENT NO. 2

On page 2, in line 23, strike “**WATER**” and substitute “**SHELLFISH NURSERY PRODUCTS ARE EXEMPT FROM WATER**”; and strike beginning with “**OR**” in line 25 down through “**OPERATION**” in line 26.

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 586 – Senators Middleton and Dyson

AN ACT concerning

**Task Force to Study the Implementation of a Hub and Spoke Program in the
Southern Maryland Region**

SB0586/234738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 586

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Dyson” and substitute “, Dyson, Conway, Benson, Ferguson, Jennings, Montgomery, Pinsky, Reilly, Simonaire, and Young”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #12**

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

Senate Bill 18 – Senator Young

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

SB0018/764038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 18

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “inspections” insert “by certain professional inspectors”; in line 7, after “or” insert “, in certain circumstances,”; in line 8, after “inspector” insert “employed by the owner of a multifamily dwelling”; and in line 9, after “manner,” insert “requiring a political subdivision to provide a certain notice to the owner of a multifamily dwelling,”.

AMENDMENT NO. 2

On page 2, in line 3, strike “BUILDING” and substitute “PROPERTY”; in line 16, strike “OR”; and in line 19, after “BUILDINGS” insert “; OR”

(III) FOR PURPOSES OF THE INSPECTION OF A MULTIFAMILY DWELLING CONTAINING MORE THAN 10 DWELLING UNITS, A QUALIFIED PERSON WITH AT LEAST 5 YEARS OF EXPERIENCE IN MULTIFAMILY DWELLING OPERATIONS, UPKEEP, AND MAINTENANCE.

AMENDMENT NO. 3

On page 3, in line 20, after “INSPECTION” insert “BY A PROFESSIONAL INSPECTOR”.

AMENDMENT NO. 4

On page 4, in line 1, after “3.” insert “IN THE CASE OF A MULTIFAMILY DWELLING CONTAINING MORE THAN 10 DWELLING UNITS,”; and after line 20, insert:

“(IV) A POLITICAL SUBDIVISION SHALL:

1. PROVIDE NOTICE TO THE OWNER OF A MULTIFAMILY DWELLING AT LEAST 10 DAYS BEFORE ANY INSPECTION OF THE DWELLING CONDUCTED UNDER SUBPARAGRAPH(II)2 OR 3 OF THIS PARAGRAPH;
OR

2. A. NOTIFY THE OWNER OF A MULTIFAMILY DWELLING OF THE NEED TO HAVE A PROFESSIONAL INSPECTOR COMPLETE AN INSPECTION UNDER SUBPARAGRAPH (II) 3 OF THIS PARAGRAPH; AND

B. ALLOW THE OWNER OF THE MULTIFAMILY DWELLING A REASONABLE PERIOD OF TIME TO HAVE THE INSPECTION COMPLETED.”.

AMENDMENT NO. 5

On page 6, strike beginning with “that” in line 2 down through “inspections” in line 3 and substitute “to inspect a balcony inspected before the effective date of this Act more than once within a 10–year period”; and strike beginning with “change” in line 3 down through “made” in line 4 and substitute “balcony inspection conducted”.

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:

Senate Bill 304 – Senators Miller and Dyson

AN ACT concerning

Calvert County – Election Judges – 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 424 – Senator Mathias

AN ACT concerning

Somerset County – Emergency Burning Ban – Adoption and Enforcement

SB0424/284730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 424
(First Reading File Bill)

On page 1, in line 6, strike “supervised”.

On page 2, after line 13, insert:

“(I) OPEN AIR BURNING ON STATE-OWNED PROPERTY THAT IS CONDUCTED IN ACCORDANCE WITH STATE LAW;”;

and in lines 14 and 18, strike “(I)” and “(II)”, respectively, and substitute “**(II)**” and “**(III)**”, respectively.

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 526 – Senators Colburn and Pipkin

AN ACT concerning

**Counties and Municipalities – Required Legislation or Regulations –
Adoption by Reference**

SB0526/204038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 526

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY renumbering

Article – Local Government

Section 1–1302 through 1–1308, respectively

to be Section 1–1303 through 1–1309, respectively

Annotated Code of Maryland

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)

BY adding to

Article – Local Government

Section 1–1302

Annotated Code of Maryland

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)”.

AMENDMENT NO. 2

On page 1, in line 15, after “That” insert “Section(s) 1–1302 through 1–1308, respectively, of Article – Local Government of the Annotated Code of Maryland be renumbered to be Section(s) 1–1303 through 1–1309, respectively.”

SECTION 2. AND BE IT FURTHER ENACTED, That”;

and strike in their entirety lines 16 and 17 and substitute:

“Article – Local Government

1–1302.”

On page 2, in line 1, strike “**WHETHER**” and substitute “WHETHER”; in line 4, strike “**ANY**” and substitute “ANY”; and in line 6, strike “2.” and substitute “3.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 671 – Senator Conway

AN ACT concerning

Land Use – Local Comprehensive Planning and Zoning Cycle

SB0671/654331/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 671

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Conway” and substitute “Senators Conway and Dyson”; in line 4, after the first “a” insert “certain”; in line 18, after “date;” insert “requiring certain local jurisdictions to incorporate certain growth tiers into a comprehensive plan according to a certain schedule notwithstanding certain provisions of this Act; requiring a local jurisdiction to make a certain statement regarding the failure to adopt a growth tier under certain circumstances; providing that certain growth tiers are not considered adopted for certain purposes under certain circumstances; providing that this Act does not prohibit a local jurisdiction from amending its comprehensive plan, certain laws, or certain ordinances or regulations at any time;”.

AMENDMENT NO. 2

On page 3, in line 6, strike “IN THE FIFTH YEAR” and substitute “AT LEAST ONCE WITHIN THE 5-YEAR PERIOD”; in line 9, after “PLAN” insert “, INCLUDING:”

(I) A SUMMARY OF THE DEVELOPMENT TRENDS CONTAINED IN THE PREVIOUS ANNUAL REPORTS FILED DURING THE PERIOD COVERED BY THE NARRATIVE;

(II) THE STATUS OF COMPREHENSIVE PLAN IMPLEMENTATION TOOLS SUCH AS ZONING AND ORDINANCES TO CARRY OUT THE PROVISIONS OF THE COMPREHENSIVE PLAN;

(III) IDENTIFICATION OF ANY CHANGES TO EXISTING PROGRAMS, ZONING ORDINANCES, REGULATIONS, OR FINANCING PROGRAMS NECESSARY TO ACHIEVE THE VISIONS AND GOALS OF THE COMPREHENSIVE PLAN DURING THE REMAINING PLANNING TIMEFRAME;

(IV) IDENTIFICATION OF ANY STATE OR FEDERAL LAWS, REGULATIONS, OR REQUIREMENTS THAT HAVE IMPEDED LOCAL SMART

GROWTH INITIATIVES IDENTIFIED IN THE COMPREHENSIVE PLAN AND
RECOMMENDATIONS TO REMOVE ANY IMPEDIMENTS;

(V) FUTURE LAND USE CHALLENGES AND ISSUES; AND

(VI) SCHEDULED, PLANNED, AND POTENTIAL UPDATES TO
THE COMPREHENSIVE PLAN”.

AMENDMENT NO. 3

On page 5, after line 25, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 1–509 of the Land Use Article, as enacted by this Act, a local jurisdiction that, as of the effective date of this Act, has not incorporated the growth tiers under Title 1, Subtitle 5 of the Land Use Article into the comprehensive plan shall incorporate the growth tiers at the time that the local jurisdiction was scheduled to conduct its 6–year review of the comprehensive plan in accordance with § 1–509 of the Land Use Article as it was in effect on July 1, 2012.

(b) If a local jurisdiction does not incorporate all of the growth tiers into the comprehensive plan or an element of the plan in accordance with this section:

(1) the local jurisdiction shall state that a growth tier is not adopted;
and

(2) the growth tiers will not be considered as adopted for purposes of § 9–206 of the Environment Article.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act prohibits a local jurisdiction from amending its comprehensive plan, zoning laws, or any other land use ordinance or regulation at any time.”;

and in line 26, strike “3.” and substitute “5.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #13**

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

Senate Bill 31 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – Beer, Wine and Liquor Tasting License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 35 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Micro-Brewery Licenses

SB0035/174435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 35

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 3, 4, and 7, in each instance, after “County” insert “and St. Mary’s County”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“(XVIII) ST. MARY’S COUNTY;”;

and in lines 17, 18, 19, and 20, respectively, strike “(XVIII)”, “(XIX)”, “(XX)”, and “(XXI)”, respectively, and substitute “(XIX)”, “(XX)”, “(XXI)”, and “(XXII)”, respectively.

On page 5, after line 10, insert:

“18. ST. MARY’S COUNTY;”;

and in lines 11, 12, 13, and 14, respectively, strike “18.”, “19.”, “20.”, and “21.”, respectively, and substitute “19.”, “20.”, “21.”, and “22.”, 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 49 – Senator Pipkin

AN ACT concerning

Alcoholic Beverages – Queen Anne’s County – Beer and Wine Festivals

Favorable report adopted.

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. 305)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 234 – Senators Currie, Benson, Miller, Muse, Peters, Pinsky, and Ramirez

AN ACT concerning

**Office of the Attorney General – Establishment of a Consumer Affairs
Satellite Office in Prince George’s County**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 306)

The Bill was then sent to the House of Delegates.

**Senate Bill 375 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola,
Glassman, Kelley, Kittleman, Klausmeier, Mathias, Pugh, and Ramirez**

AN ACT concerning

Commercial Law – Maryland Credit Services Businesses Act – Scope

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

Affirmative – 46 Negative – 0 (See Roll Call No. 307)

The Bill was then sent to the House of Delegates.

RECONSIDERATION

Senator Madaleno moved, duly seconded, to reconsider the vote by which **Senate Bill 182** failed Second Reading.

The motion was adopted.

Senate Bill 182 – Senators Brochin and Kittleman

AN ACT concerning

**Maryland Transit Administration – Activation of Audio Recording Devices on
Vehicles Used for Transit Service – Prohibition**

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 308)

ADJOURNMENT

At 1:04 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 A.M. on Wednesday, February 27, 2013.

**Annapolis, Maryland
Wednesday, February 27, 2013
8:00 A.M. Session**

The Senate met at 8:18 A.M.

Prayer by Reverend Monsignor John A. Dietzenback, The Church of the Resurrection, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of February 26, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 310)

UNFINISHED BUSINESS

LAI D OVER BILLS

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

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (20) AND THE FAVORABLE REPORT.

SB0281/628575/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Jones–Rodwell”; strike beginning with “authorizing” in line 7 down through “weapons” in line 9 and substitute “providing that certain prohibitions relating to certain assault weapons and detachable magazines do not apply to certain persons”; in line 11, after the semicolon insert “providing that certain registration requirements for certain assault weapons do not apply under certain circumstances”; in line 18, after “circumstances;” insert “requiring the Secretary of State Police to disapprove an application for a State–regulated firearms dealer’s license if the Secretary determines that the applicant intends a certain person to participate or hold a certain interest in the management or operation of the business for which the license is sought; requiring that the Secretary suspend a dealer’s license if the licensee is not in compliance with certain record keeping and reporting requirements”; in line 21, strike “of State Police” and substitute “or certain credentials or identification”; in the same line, before “establishing” insert “providing for certain exceptions to the requirement to present and possess a certain handgun qualification license under certain circumstances”; and in line 25, after “circumstances;” insert “establishing certain requirements and procedures for the issuance of a replacement handgun qualification license under certain circumstances”.

On page 2, in line 1, after “circumstances;” insert “altering the information required in a certain statement for a certain firearm application”; in line 15, after “manner;” insert “requiring that a licensed dealer keep records of all receipts, sales, and other dispositions of firearms affected in connection with the licensed dealer’s business; requiring the Secretary to adopt certain regulations specifying certain information; requiring that the records that licensed dealers maintain include certain information; specifying certain record keeping requirements to be met when a firearms business is discontinued; requiring that a licensee respond in a certain way after receipt of a request from the Secretary for certain information; authorizing the Secretary to implement a system by which a certain person may request certain information; requiring the Secretary to inspect the inventory and records of a licensed dealer under certain circumstances; authorizing the Secretary to conduct a certain inspection during a certain time”; in line 20, after “circumstances;” insert “authorizing the Secretary to issue a certain handgun qualification license without an additional application or fee under certain circumstances”; in line 24, after “4–306” insert “to be under the amended subtitle “Subtitle 3. Assault Weapons and Detachable

Magazines”; in line 34, after “5–101,” insert “5–110(a), 5–114(a), 5–115,”; and in line 40, strike “and 5–143” and substitute “5–143, and 5–145”.

AMENDMENT NO. 2

On page 4, after line 34, insert:

“Subtitle 3. Assault [~~Pistols~~WEAPONS and Detachable Magazines.”.

On page 6, in lines 5 and 18, in each instance, after “ANY” insert “TWO”.

AMENDMENT NO. 3

On page 8, in line 8, strike the second “or”; in line 9, before the semicolon, insert “, OR A RAILROAD POLICE OFFICER AUTHORIZED UNDER TITLE 3 OF THE PUBLIC SAFETY ARTICLE OR 49 U.S.C. § 28101”; in line 11, before “purchases,” insert “POSSESSION,”; in line 22, strike “or”; and in line 25, after “estate” insert “; OR

(7) POSSESSION BY A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE STATE OR A LOCAL UNIT IN THE STATE AND IS NOT OTHERWISE PROHIBITED FROM RECEIVING AN ASSAULT WEAPON OR DETACHABLE MAGAZINE IF:

(I) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE IS SOLD OR TRANSFERRED TO THE PERSON BY THE LAW ENFORCEMENT AGENCY ON RETIREMENT; OR

(II) THE ASSAULT WEAPON OR DETACHABLE MAGAZINE WAS PURCHASED OR OBTAINED BY THE PERSON FOR OFFICIAL USE WITH THE LAW ENFORCEMENT AGENCY BEFORE RETIREMENT”.

AMENDMENT NO. 4

On page 9, strike beginning with “A” in line 10 down through “(3)” in line 14 and substitute “(I)”; in line 18, strike “(I)” and substitute “1.”; in line 20, strike “(II)” and substitute “2.”; and after line 27, insert:

“(II) A PERSON WHO PURCHASED AN ASSAULT LONG GUN BEFORE OCTOBER 1, 2013, AND REGISTERED THE ASSAULT LONG GUN WITH

THE SECRETARY OF STATE POLICE IS NOT REQUIRED TO REREGISTER THE ASSAULT LONG GUN UNDER THIS SUBSECTION.”.

AMENDMENT NO. 5

On page 16, after line 11, insert:

“5–110.

(a) The Secretary shall disapprove an application for a dealer’s license if:

(1) the Secretary determines that the applicant supplied false information or made a false statement;

(2) the Secretary determines that the application is not properly completed; [or]

(3) the Secretary receives a written notification from the applicant’s licensed attending physician that the applicant suffers from a mental disorder and is a danger to the applicant or to another; OR

(4) THE SECRETARY DETERMINES THAT THE APPLICANT INTENDS THAT A PERSON WHO IS NOT ELIGIBLE TO BE ISSUED A DEALER’S LICENSE OR WHOSE DEALER’S LICENSE HAS BEEN REVOKED OR SUSPENDED:

(I) WILL PARTICIPATE IN THE MANAGEMENT OR OPERATION OF THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT; OR

(II) HOLDS A LEGAL OR EQUITABLE INTEREST IN THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT.

5–114.

(a) The Secretary shall suspend a dealer’s license if the licensee:

(1) is under indictment for a crime of violence; [or]

(2) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm; OR

(3) IS NOT IN COMPLIANCE WITH THE RECORD KEEPING AND REPORTING REQUIREMENTS OF § 5-145 OF THIS SUBTITLE.

5-115.

(a) (1) A person whose dealer's license is suspended or revoked OR WHO IS FINED FOR A VIOLATION OF THIS SUBTITLE and who is aggrieved by the action of the Secretary may request a hearing by writing to the Secretary within 30 days after the Secretary forwards notice to the applicant under § 5-114(c) of this subtitle.

(2) The Secretary shall grant the hearing within 15 days after receiving the request.

(b) The hearing shall be held in accordance with Title 10, Subtitle 2 of the State Government Article."

On page 34, after line 4, insert:

"5-145.

(A) (1) A LICENSED DEALER SHALL KEEP RECORDS OF ALL RECEIPTS, SALES, AND OTHER DISPOSITIONS OF FIREARMS AFFECTED IN CONNECTION WITH THE LICENSED DEALER'S BUSINESS.

(2) THE SECRETARY SHALL ADOPT REGULATIONS SPECIFYING:

(I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE INFORMATION THAT THE RECORDS SHALL CONTAIN;

(II) THE TIME PERIOD FOR WHICH THE RECORDS ARE TO BE KEPT; AND

(III) THE FORM IN WHICH THE RECORDS ARE TO BE KEPT.

(3) THE RECORDS SHALL INCLUDE:

(I) THE NAME AND ADDRESS OF EACH PERSON FROM WHOM THE DEALER ACQUIRES A FIREARM AND TO WHOM THE DEALER SELLS OR OTHERWISE DISPOSES OF A FIREARM;

(II) A PRECISE DESCRIPTION, INCLUDING MAKE, MODEL, CALIBER, AND SERIAL NUMBER OF EACH FIREARM ACQUIRED, SOLD, OR OTHERWISE DISPOSED OF; AND

(III) THE DATE OF EACH ACQUISITION, SALE, OR OTHER DISPOSITION.

(4) THE SECRETARY MAY PROVIDE THAT RECORDS MAINTAINED UNDER 18 U.S.C. § 923(G)(1)(A) MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SECTION.

(B) (1) WHEN REQUIRED BY A LETTER ISSUED BY THE SECRETARY, A LICENSEE SHALL SUBMIT TO THE SECRETARY THE INFORMATION REQUIRED TO BE KEPT UNDER SUBSECTION (A) OF THIS SECTION FOR THE TIME PERIODS SPECIFIED BY THE SECRETARY.

(2) THE SECRETARY SHALL DETERMINE THE FORM AND METHOD BY WHICH THE RECORDS SHALL BE MAINTAINED.

(C) WHEN A FIREARMS BUSINESS IS DISCONTINUED AND SUCCEDED BY A NEW LICENSEE, THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION SHALL REFLECT THE BUSINESS DISCONTINUANCE AND SUCCESSION AND SHALL BE DELIVERED TO THE SUCCESSOR LICENSEE.

(D) (1) A LICENSEE SHALL RESPOND WITHIN 48 HOURS AFTER RECEIPT OF A REQUEST FROM THE SECRETARY FOR INFORMATION CONTAINED IN THE RECORDS REQUIRED TO BE KEPT UNDER THIS SECTION WHEN THE INFORMATION IS REQUESTED IN CONNECTION WITH A BONA FIDE CRIMINAL INVESTIGATION.

(2) THE INFORMATION REQUESTED UNDER THIS SUBSECTION SHALL BE PROVIDED ORALLY OR IN WRITING, AS REQUIRED BY THE SECRETARY.

(3) THE SECRETARY MAY IMPLEMENT A SYSTEM BY WHICH A LICENSEE CAN POSITIVELY ESTABLISH THAT A PERSON REQUESTING INFORMATION BY TELEPHONE IS AUTHORIZED BY THE SECRETARY TO REQUEST THE INFORMATION.

(E) THE SECRETARY MAY MAKE AVAILABLE TO A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT AGENCY ANY INFORMATION THAT THE SECRETARY OBTAINS UNDER THIS SECTION RELATING TO THE IDENTITIES OF PERSONS WHO HAVE UNLAWFULLY PURCHASED OR RECEIVED FIREARMS.

(F) THE SECRETARY:

(1) SHALL INSPECT THE INVENTORY AND RECORDS OF A LICENSED DEALER AT LEAST ONCE EVERY 2 YEARS; AND

(2) MAY INSPECT THE INVENTORY AND RECORDS AT ANY TIME DURING THE NORMAL BUSINESS HOURS OF THE LICENSED DEALER'S BUSINESS.

(G) (1) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH."

AMENDMENT NO. 6

On page 16, before line 13, insert:

“(A) THIS SECTION DOES NOT APPLY TO:

(1) A LICENSED FIREARMS MANUFACTURER;

(2) A LAW ENFORCEMENT OFFICER OR PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY OF THE

UNITED STATES, THE STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE; OR

(3) A MEMBER OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD.”;

in lines 13, 19, and 26, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; in line 16, strike “REGULATED FIREARM” and substitute “HANDGUN”; in line 21, after “(1)” insert “(I)”; in line 23, strike “AND”; after line 23, insert:

“(II) POSSESSES VALID CREDENTIALS FROM A LAW ENFORCEMENT AGENCY OR RETIREMENT CREDENTIALS FROM A LAW ENFORCEMENT AGENCY; OR

(III) IS AN ACTIVE OR RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD AND POSSESSES A VALID MILITARY IDENTIFICATION CARD; AND”;

and in line 26, strike “(E) AND (F)” and substitute “(F) AND (G)”.

On page 17, in lines 1, 15, 17, and 24, strike “(D)”, “(D)”, “(C)”, and “(E)”, respectively, and substitute “(E)”, “(E)”, “(D)”, and “(F)”, respectively; strike beginning with “IS” in line 18 down through “(3)” in line 22; and in line 23, after “SECRETARY” insert “;OR

(2) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION”.

On page 19, in lines 1, 13, 18, 20, 27, and 30 strike “(F)”, “(G)”, “(J)” “(H)”, “(I)”, and “(C)”, respectively, and substitute “(G)”, “(H)”, “(L)”, “(I)”, “(K)”, and “(D)”, respectively.

On page 20, in line 5, strike “(J)” and substitute “(L)”.

AMENDMENT NO. 7

On page 17, in line 5, strike “8” and substitute “4”; and strike beginning with “IN” in line 27 down through “CHECK” in line 29 and substitute “THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A HANDGUN QUALIFICATION LICENSE”.

On page 18, in line 2, strike “APPLICANT” and substitute “SECRETARY”; and in line 4, strike “TWO COMPLETE SETS” and substitute “A COMPLETE SET”.

AMENDMENT NO. 8

On page 19, in line 3, after the first “THE” insert “MANNER AND”; in line 5, strike “OF \$100” and substitute “TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$50”; in line 7, after “SECRETARY” insert “OR A VALID FIREARMS INSTRUCTOR CERTIFICATION”; in line 20, strike “(1)”; in line 22, strike “(2)” and substitute “(J) (1)”; and strike beginning with “POSSESSES” in line 24 down through “SECTION” in line 26, and substitute “:

(I) POSSESSES THE QUALIFICATIONS FOR THE ISSUANCE OF THE HANDGUN QUALIFICATION LICENSE; AND

(II) SUBMITS A NONREFUNDABLE APPLICATION FEE TO COVER THE COSTS TO ADMINISTER THE PROGRAM UP TO \$20.

(2) AN APPLICANT RENEWING A HANDGUN QUALIFICATION LICENSE UNDER THIS SUBSECTION IS NOT REQUIRED TO:

(I) COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED IN SUBSECTION (D)(3) OF THIS SECTION; OR

(II) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK AS REQUIRED IN SUBSECTION (F) OF THIS SECTION.

AMENDMENT NO. 9

On page 19, in lines 21 and 23, in each instance, strike “5” and substitute “10”.

AMENDMENT NO. 10

On page 20, after line 18, insert:

“(M) (1) IF AN ORIGINAL OR RENEWAL HANDGUN QUALIFICATION LICENSE IS LOST OR STOLEN, A PERSON MAY SUBMIT A WRITTEN REQUEST TO THE SECRETARY FOR A REPLACEMENT LICENSE.

(2) UNLESS THE APPLICANT IS OTHERWISE DISQUALIFIED, THE SECRETARY SHALL ISSUE A REPLACEMENT HANDGUN QUALIFICATION LICENSE ON RECEIPT OF A WRITTEN REQUEST AND A NONREFUNDABLE FEE TO COVER THE COST OF REPLACEMENT UP TO \$20.”.

AMENDMENT NO. 11

On page 22, in line 11, before “copy” insert “A”.

On page 26, in line 5, after “5-133” insert “(B) OR (C)”.

AMENDMENT NO. 12

On page 21, after line 2, insert:

“(VII) DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A HISTORY OF VIOLENT BEHAVIOR AGAINST THEMSELVES OR ANOTHER;” ;

in line 3, strike “(vii)” and substitute “(VIII)”; strike beginning with “spent” in line 3 down through “Article” in line 9 and substitute “BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(IX) HAS NEVER BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(X) HAS NEVER BEEN VOLUNTARILY ADMITTED FOR MORE

THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XI) HAS NEVER BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(XII) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;

(XIII) IS NOT A RESPONDENT AGAINST WHOM:

1. A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE; OR

2. AN ORDER FOR PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT”;

and in line 10, strike “(ix)” and substitute “(XIV)”.

On page 23, in line 5, strike the bracket; strike beginning with the comma in line 7 down through the bracket in line 8 and substitute “;

(7)”;

in line 13, strike “[confined” and substitute “VOLUNTARILY ADMITTED”; strike beginning with the fourth bracket in line 13 down through “IN” in line 14; in line 16, strike “AND:” and substitute “;”; in line 17, strike “(I)” and substitute “(10)”; strike beginning with “A” in line 17 down through “OTHERS” in line 21 and substitute “INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE”; and in lines 11, 13, 22, and 25, strike “(7)”, “(8)”, “(9)”, and “(10)”, respectively, and substitute “(8)”, “(9)”, “(11)”, and “(12)”, respectively.

On page 24, in line 1, strike “(11)” and substitute “(13)”.

AMENDMENT NO. 13

On page 27, in line 11, strike “OR COMMITTED”; and strike beginning with “IN” in line 13 down through “OTHERS” in line 16 and substitute “THE PERSON HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY”.

AMENDMENT NO. 14

On page 28, strike beginning with “AND” in line 20 down through “PSYCHOLOGY” in line 21.

AMENDMENT NO. 15

On page 27 in line 29, on page 28 in line 14, and on page 32 in line 16, in each instance, strike “OR (9)” and substitute “(9), (10), OR (11)”.

On page 29, in line 1, strike “FIREARM” and substitute “HANDGUN”; in line 2, strike “§ 5–117” and substitute “§ 5–117.1”; in line 8, after the second “THE” insert “DISQUALIFICATION AND HEARING”; in line 22, strike “§ 5–133(B)(9)” and substitute “§ 5–133(B)(11)”; and in line 32, strike “OR (8)” and substitute “(8), (9), OR (10)”.

On page 32, in line 22, after “THE” insert “HEALTH”.

AMENDMENT NO. 16

On page 32, in line 18, strike “STATE POLICE” and substitute “PUBLIC SAFETY AND CORRECTIONAL SERVICES”.

AMENDMENT NO. 17

On page 36, in line 28, after “(I)” insert “1. FOR AN INITIAL APPLICATION,”; and in line 29, after “INSTRUCTOR;” insert “OR

2. FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;”.

AMENDMENT NO. 18

On page 34, after line 18, insert:

“(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10–101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF

VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY A DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(11) IS NOT UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;”;

in line 19, strike “(6)” and substitute “(12) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,”; and in line 25, strike “(7)” and substitute “(13)”.

AMENDMENT NO. 19

On page 37, in line 17, after “OFFICER” insert “OR A PERSON WHO IS RETIRED IN GOOD STANDING FROM SERVICE WITH A LAW ENFORCEMENT AGENCY”; in line 19, after “MEMBER” insert “OR RETIRED MEMBER”; in line 20, strike “OR”; after line 20, insert:

“(3) IS CURRENTLY A CERTIFIED FIREARMS INSTRUCTOR WHO:

(I) IS RECOGNIZED BY THE MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS;

(II) HAS A QUALIFIED HANDGUN INSTRUCTOR LICENSE ISSUED BY THE SECRETARY; OR

(III) HAS A CERTIFICATION ISSUED AND RECOGNIZED BY A NATIONAL ORGANIZATION; OR;

and in line 21, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 20

On page 38, after line 4, insert:

“(D) THE SECRETARY MAY ISSUE A HANDGUN QUALIFICATION LICENSE, WITHOUT AN ADDITIONAL APPLICATION OR FEE, TO A PERSON WHO:

(1) MEETS THE REQUIREMENTS FOR ISSUANCE OF A PERMIT UNDER THIS SECTION; AND

(2) DOES NOT HAVE A HANDGUN QUALIFICATION LICENSE ISSUED UNDER § 5-117.1 OF THIS TITLE.”.

Amendment No. 1 was read and adopted.

Amendment No. 2 was read and adopted.

Amendment No. 3 was read and adopted.

Amendment No. 4 was read and adopted.

Amendment No. 5 was read and adopted.

Amendment No. 6 was read and adopted.

Amendment No. 7 was read and adopted.

Amendment No. 8 was read and adopted.

Amendment No. 9 was read and adopted.

Amendment No. 10 was read and adopted.

Amendment No. 11 was read and adopted.

Amendment No. 12 was read and adopted.

Amendment No. 13 was read and adopted.

Amendment No. 14 was read and adopted.

Amendment No. 15 was read and adopted.

Amendment No. 16 was read and adopted.

Amendment No. 17 was read and adopted.

Amendment No. 18 was withdrawn.

Amendment No. 19 was read and adopted.

Amendment No. 20 was read and adopted.

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

Affirmative – 28 Negative – 19 (See Roll Call No. 311)

FLOOR AMENDMENT

SB0281/803221/1

BY: Senator Frosh

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 8, in line 15, strike “or”; and in line 17, after “state,” insert “OR

**(III) ACTING TO RETURN TO A CUSTOMER IN ANOTHER STATE
AN ASSAULT WEAPON TRANSFERRED TO THE LICENSED FIREARMS DEALER OR
MANUFACTURER UNDER THE TERMS OF A WARRANTY OR FOR REPAIR;”.**

The preceding amendment was read and adopted.

QUORUM CALL

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

(See Roll Call No. 312)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #22**Senate Bill 318 – Senators Brinkley and Young**

AN ACT concerning

Frederick County – Property Tax Credit to Offset Income Tax Revenues – Eligibility

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

Affirmative – 47 Negative – 0 (See Roll Call No. 313)

The Bill was then sent to the House of Delegates.

Senate Bill 384 – Senators Pugh, Astle, Benson, Conway, Currie, DeGrange, Dyson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jones–Rodwell, Kelley, King, Kittleman, Klausmeier, Madaleno, Mathias, McFadden, Montgomery, Muse, Peters, Raskin, Robey, and Stone

AN ACT concerning

Economic Development – Sickle Cell Disease Research Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 314)

The Bill was then sent to the House of Delegates.

Senate Bill 429 – Carroll County Senators

AN ACT concerning

Carroll County – Budgeting and Finance Procedures – Surplus Funds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 315)

The Bill was then sent to the House of Delegates.

**Senate Bill 446 – Senators Pugh, Benson, Conway, Forehand, Madaleno,
McFadden, Montgomery, ~~and Peters~~ Peters, Garagiola, and Ramirez**

AN ACT concerning

**Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle
Insurance – Bundling Requirement – Prohibited**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 316)

The Bill was then sent to the House of Delegates.

Senate Bill 470 – Senator Mathias

AN ACT concerning

**Employees' Pension System – Somerset County Economic Development
Commission – Eligible Governmental Unit**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 317)

The Bill was then sent to the House of Delegates.

**Senate Bill 589 – Senators Pugh, Benson, Forehand, Kasemeyer, Montgomery,
and Muse**

AN ACT concerning

Commercial Law – Consumer Protection – Rental–Purchase Transactions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 318)

The Bill was then sent to the House of Delegates.

Senate Bill 745 – Senator Middleton

AN ACT concerning

**Public Safety – 9–1–1 Emergency Telephone Systems – Prepaid Service –
Collection of Surcharge**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 319)

The Bill was then sent to the House of Delegates.

Senate Bill 751 – Senator Robey

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 320)

The Bill was then sent to the House of Delegates.

Senate Bill 801 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Cost-of-Living Adjustments – Simplification and Clarification

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

Affirmative – 47 Negative – 0 (See Roll Call No. 321)

The Bill was then sent to the House of Delegates.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bill.

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

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

FLOOR AMENDMENT

SB0281/453725/1

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “circumstances” insert “; prohibiting an individual, while hunting for any wild bird or mammal, from shooting or discharging a firearm within a certain distance of a public or nonpublic school”.

On page 2, after line 31, insert:

“BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(g)

Annotated Code of Maryland

(2012 Replacement Volume)”.

AMENDMENT NO. 2

On page 11, after line 7, insert:

“Article – Natural Resources

10–410.

(g) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A PERSON, WHILE HUNTING FOR ANY WILD BIRD OR MAMMAL, MAY NOT SHOOT OR DISCHARGE ANY FIREARM WITHIN 300 YARDS OF A PUBLIC OR NONPUBLIC SCHOOL.

[(2)] (3) For archery hunters in Carroll County or Frederick County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

[(3)] (4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.”.

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0281/503923/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after “terms;” insert “requiring a contract for sale of residential property to an out-of-state purchaser to include notice of a certain regulated firearms registration requirement.”.

On page 3, after line 5, insert:

“BY adding to

Article – Real Property

Section 10–711

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 38, before line 5, insert:

“Article – Real Property10-711.

A CONTRACT FOR SALE OF RESIDENTIAL PROPERTY TO A PURCHASER WHO IS NOT A RESIDENT OF THE STATE SHALL INCLUDE NOTICE TO THE PURCHASER OF THE REGULATED FIREARMS REGISTRATION REQUIREMENT OF § 5-143 OF THE PUBLIC SAFETY ARTICLE.”.

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

Affirmative – 19 Negative – 28 (See Roll Call No. 322)

FLOOR AMENDMENT

SB0281/903224/2

BY: Senator Klausmeier

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 9 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 8 of Amendment No. 6, strike “OR”; and in line 9, after “(2)” insert “IS AN HONORABLY DISCHARGED VETERAN OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD;

(3) HAS COMPLETED A HUNTER’S SAFETY TRAINING COURSE GIVEN IN ANY STATE;

(4) PROVIDES EVIDENCE TO THE SECRETARY THAT THE APPLICANT HAS COMPETED IN AN ORGANIZED SHOOTING COMPETITION; OR

(5)”.

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0281/693227/1

BY: Senator Dyson

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 3 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 7 of Amendment No. 4, after “SUBSECTION” insert “.

(III) A PERSON WHO LAWFULLY POSSESSES AN ASSAULT WEAPON THAT IS REGISTERED WITH THE SECRETARY OF STATE POLICE MAY TRANSPORT THE ASSAULT WEAPON INTO THE STATE”.

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0281/923023/1

BY: Senator Frosh

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 1, in line 9, after “circumstances;” insert “authorizing a person to transport certain assault weapons under certain circumstances;”.

On page 9, in line 4, after “possess” insert “AND TRANSPORT”; and in line 18, after “POSSESS” insert “AND TRANSPORT”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/673027/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 281, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 4 of Amendment No. 3, strike “OR”.

On page 3 of the Judicial Proceedings Committee Amendments, in line 6 of Amendment No. 3, after “RETIREMENT” insert “.

(8) IF ACTING WITHIN THE SCOPE OF THE LICENSE, POSSESSION OR TRANSPORT BY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(9) IF ACTING WITHIN THE SCOPE OF OFFICIAL BUSINESS, POSSESSION OR TRANSPORT BY AN EMPLOYEE OF AN ARMORED CAR AGENCY”.

On page 9 of the Judicial Proceedings Committee Amendments, in line 8 of Amendment No. 6, strike “OR”; and in line 15, after “ORGANIZATION” insert “;

(3) IS CURRENTLY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

(4) IS AN EMPLOYEE OF AN ARMORED CAR AGENCY”.

AMENDMENT NO. 2

On page 37 of the bill, in line 20, strike “OR”.

AMENDMENT NO. 3

On page 16 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 19, strike “OR” and substitute:

“(4) IS CURRENTLY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY

LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

(5) IS AN EMPLOYEE OF AN ARMORED CAR AGENCY; OR”;

and in line 5, strike “**(4)**” and substitute “**(6)**”.

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

Affirmative – 20 Negative – 27 (See Roll Call No. 323)

RECESS

At 11:25 A.M. on motion of Senator Garagiola, seconded, the Senate recessed until 11:40 A.M. on Wednesday, February 27, 2013.

**AFTER RECESS
Annapolis, Maryland
Wednesday, February 27, 2013**

At 11:52 A.M. the Senate resumed its session.

LAID OVER BILLS

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

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

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

FLOOR AMENDMENT

SB0281/473524/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 281
(First Reading File Bill)

On page 6, strike beginning with “A” in line 8 down through “**3.**” in line 9; and in lines 10, 11, and 12, strike “**4.**”, “**5.**”, and “**6.**”, respectively, and substitute “**3.**”, “**4.**”, and “**5.**”, respectively.

On page 7, in line 8, strike “, **THUMBHOLE STOCK,**”.

On page 8, strike in their entirety lines 1 through 3, inclusive.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/963222/2

BY: Senator Frosh

AMENDMENTS TO SENATE BILL 281, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 9, before line 28, insert:

“(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO VOLUNTARILY REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER NOVEMBER 1, 2013, IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS SUBTITLE.

(II) A PERSON WHO VOLUNTARILY REGISTERS AN ASSAULT LONG GUN OR A COPYCAT WEAPON AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000.

(4) (I) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT LONG GUN OR A COPYCAT WEAPON BEFORE OCTOBER 1, 2013, AND WHO REGISTERS THE ASSAULT LONG GUN OR COPYCAT WEAPON ON OR AFTER NOVEMBER 1, 2013, ONLY AFTER BEING DISCOVERED IN POSSESSION OF THE ASSAULT LONG GUN OR COPYCAT WEAPON BY A LAW ENFORCEMENT OFFICER IS NOT SUBJECT TO THE PENALTIES IN § 4-306 OF THIS SUBTITLE.

(II) A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS.”.

AMENDMENT NO. 2

On page 10, in line 5, strike “A” and substitute “EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0281/513129/1

BY: Senator Getty

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 9 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 8 of Amendment No. 6, strike “OR”; and in line 9, after “(2)” insert “PROVIDES EVIDENCE TO THE SECRETARY THAT THE APPLICANT HAS COMPLETED A HUNTER’S SAFETY TRAINING COURSE; OR

(3)”.

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

Affirmative – 22 Negative – 25 (See Roll Call No. 324)

FLOOR AMENDMENT

SB0281/853023/1

BY: Senator Reilly

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 17, in line 2, strike “**1 YEAR**” and substitute “**3 YEARS**”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/143527/2

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with “prohibiting” in line 18 down through “fees;” in line 26.

On page 1 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 13 of Amendment No. 1, strike “or certain credentials or identification”; strike beginning with “providing” in line 14 down through “circumstances,” in line 15; and strike beginning with “establishing” in line 16 down through “circumstances,” in line 18.

On page 2 of the Judicial Proceedings Committee Amendments, in line 9 of Amendment No. 1, strike “5–110(a), 5–114(a), 5–115.”

On page 2 of the bill, in line 34, strike “5–101,”; and in line 40, strike “5–117.1, 5–118(b)(4),”.

On page 3 of the bill, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On pages 11 through 20 of the bill, strike in their entirety the lines beginning with line 9 on page 11 through line 18 on page 20, inclusive.

On pages 3 through 5 of the Judicial Proceedings Committee Amendments, in Amendment No. 5, strike beginning with “5–110.” in line 2 on page 3 down through “Article.” in line 6 on page 5.

In the Judicial Proceedings Committee Amendments, strike Amendments Nos. 6 through 10 in their entirety.

On page 20 of the bill, in line 22, strike the brackets.

On page 21 of the bill, strike beginning with the semicolon in line 16 down through “**LICENSE**” in line 18.

AMENDMENT NO. 3

On page 28 of the bill, in line 30, after the semicolon insert “**AND**”; and in line 33, strike “**AND**”.

On page 29 of the bill, strike in their entirety lines 1 through 3, inclusive.

On page 14 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 15, strike “**HANDGUN**”; and in line 2, strike “**§ 5–117.1**”.

On page 36 of the bill, in lines 7 and 8, strike “HAS THE MEANING STATED IN § 5–101 OF THIS TITLE” and substitute “MEANS A PERSON CERTIFIED BY THE SECRETARY WHO MEETS THE REQUIREMENTS ESTABLISHED BY THE SECRETARY TO PROVIDE TRAINING IN THE CARE, SAFETY, AND USE OF HANDGUNS”.

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

Affirmative – 20 Negative – 27 (See Roll Call No. 325)

FLOOR AMENDMENT

SB0281/243420/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 10 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 3 of Amendment No. 8, strike “**\$50**” and substitute “**\$25**”.

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

Affirmative – 28 Negative – 19 (See Roll Call No. 326)

FLOOR AMENDMENT

SB0281/683224/2

BY: Senator Astle

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 9 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 8 of Amendment No. 6, strike “OR”; and in line 15, after “ORGANIZATION” insert “;OR

(3) IS AN HONORABLY DISCHARGED MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE NATIONAL GUARD”.

On page 15 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 19, strike “OR” and substitute a comma; and in the same line, after “MEMBER” insert “, OR HONORABLY DISCHARGED MEMBER”.

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

Affirmative – 45 Negative – 1 (See Roll Call No. 328)

FLOOR AMENDMENT

SB0281/453725/2

BY: Senator Garagiola

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “circumstances” insert “; prohibiting an individual, while hunting for any wild bird or mammal, from shooting or discharging a firearm within a certain distance of a public or nonpublic school during certain times”.

On page 2, after line 31, insert:

“BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(g)

Annotated Code of Maryland

(2012 Replacement Volume)”.

AMENDMENT NO. 2

On page 11, after line 7, insert:

“Article – Natural Resources

10–410.

(g) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church,

or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A PERSON, WHILE HUNTING FOR ANY WILD BIRD OR MAMMAL, MAY NOT SHOOT OR DISCHARGE ANY FIREARM WITHIN 300 YARDS OF A PUBLIC OR NONPUBLIC SCHOOL DURING SCHOOL HOURS OR AT A TIME WHEN A SCHOOL-APPROVED ACTIVITY IS TAKING PLACE.

[(2)] (3) For archery hunters in Carroll County or Frederick County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

[(3)] (4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0281/133025/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 6, strike in their entirety lines 6 and 7; and in lines 8, 9, 10, 11, and 12, strike “**2.**”, “**3.**”, “**4.**”, “**5.**”, and “**6.**”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, “**4.**”, and “**5.**”, respectively.

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

Affirmative – 20 Negative – 27 (See Roll Call No. 329)

FLOOR AMENDMENT

SB0281/573323/1

BY: Senator Getty

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 5 of Amendment No. 3, after “**(7)**” insert “**PURCHASE OR**”; and in line 8, strike “**IF:**”.

On page 3 of the Judicial Proceedings Committee Amendments, strike in their entirety lines 1 through 6 of Amendment No. 3, inclusive.

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

Affirmative – 21 Negative – 25 (See Roll Call No. 330)

FLOOR AMENDMENT

SB0281/703221/1

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 4 of Amendment No. 3, strike “**OR**”.

On page 3 of the Judicial Proceedings Committee Amendments, in line 6 of Amendment No. 3, after “**RETIREMENT**” insert “**; OR**”.

(8) THE POSSESSION OR TRANSPORT OF AN ASSAULT WEAPON OR DETACHABLE MAGAZINE BY A PERSON WHO IS STOPPED IN THE STATE ON A TEMPORARY BASIS WHILE TRAVELING THROUGH THE STATE WITH AN INTENDED DESTINATION OUTSIDE OF THE STATE”.

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

Affirmative – 20 Negative – 26 (See Roll Call No. 331)

FLOOR AMENDMENT

SB0281/623128/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 1, before “altering” insert “repealing certain provisions of law that establish a certain procedure for the collection and reporting of certain handgun shell casing information;”.

On page 3, in line 3, after “5-119” insert “and 5-131”.

AMENDMENT NO. 2

On page 22, after line 21, insert:

“5-131.

(a) (1) In this section the following words have the meanings indicated.

(2) “Manufacturer” means a person who possesses a federal license to engage in the business of manufacturing firearms or ammunition for sale or distribution.

(3) “Projectile” means the part of handgun ammunition that is expelled through the barrel of the handgun by an explosion.

(4) “Shell casing” means the part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

(b) A manufacturer that ships or transports a handgun for sale, rental, or transfer in the State shall include in the box with the handgun in a separate, sealed container:

(1) a shell casing of a projectile discharged from the handgun; and

(2) additional information that the Secretary requires to identify the type of handgun and shell casing.

(c) (1) On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with subsection (b) of this section.

(2) On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.

(d) On receipt of a shell casing and information as required in subsection (b) of this section, the Department of State Police Crime Laboratory shall enter the information in each relevant database.】

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

Affirmative – 21 Negative – 26 (See Roll Call No. 332)

FLOOR AMENDMENT

SB0281/433224/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after “surrender” insert “or consign”.

AMENDMENT NO. 2

On page 11, in line 3, after “**(1)**” insert “**(I)**”; and in line 4, after “**POSSESSION**” insert “**;OR**

(II) TEMPORARILY CONSIGN ANY FIREARMS IN THE INDIVIDUAL’S POSSESSION TO A LICENSED DEALER FOR STORAGE OR CONSIGNMENT”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0281/673027/2

BY: Senator Shank

AMENDMENTS TO SENATE BILL 281, AS AMENDEDAMENDMENT NO. 1

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 4 of Amendment No. 3, strike "OR".

On page 3 of the Judicial Proceedings Committee Amendments, in line 6 of Amendment No. 3, after "RETIREMENT" insert ".

(8) IF ACTING WITHIN THE SCOPE OF THE LICENSE, POSSESSION OR TRANSPORT BY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE IF THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF THEIR LICENSE AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; OR

(9) IF ACTING WITHIN THE SCOPE OF OFFICIAL BUSINESS, POSSESSION OR TRANSPORT BY AN EMPLOYEE OF AN ARMORED CAR AGENCY IF THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF EMPLOYMENT AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE".

On page 9 of the Judicial Proceedings Committee Amendments, in line 8 of Amendment No. 6, strike "OR"; and in line 15, after "ORGANIZATION" insert ";

(3) IS CURRENTLY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; OR

(4) IS AN EMPLOYEE OF AN ARMORED CAR AGENCY AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE".

AMENDMENT NO. 2

On page 37 of the bill, in line 20, strike “OR”.

AMENDMENT NO. 3

On page 16 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 19, strike “OR” and substitute:

“(4) IS CURRENTLY A LICENSED PRIVATE DETECTIVE OR AGENCY LICENSED UNDER TITLE 13 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR A CERTIFIED SECURITY GUARD OR AGENCY LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;

(5) IS AN EMPLOYEE OF AN ARMORED CAR AGENCY AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;
OR”;

and in line 5, strike “(4)” and substitute “(6)”.

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

Affirmative – 22 Negative – 25 (See Roll Call No. 333)

FLOOR AMENDMENT

SB0281/353523/1

BY: Senator Jennings

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 6, in line 17, after “SEMIAUTOMATIC” insert “CENTERFIRE”.

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

Affirmative – 21 Negative – 25 (See Roll Call No. 334)

FLOOR AMENDMENT

SB0281/293027/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 23 of the bill, in line 7, after “another” insert “, UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

On page 13 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 9 of Amendment No. 12, after “ARTICLE” insert “UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 2

On page 12 of the Judicial Proceedings Committee Amendments, in line 19 of Amendment No. 12, after “EFFECT” insert “;

(XIV) HAS NEVER BEEN INVOLUNTARILY OR VOLUNTARILY ADMITTED TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE AFTER AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”;

and in line 20, strike “(XIV)” and substitute “(XV)”.

AMENDMENT NO. 3

On page 27 of the bill, in line 12, strike “OR”.

On page 13 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 13, after “FACILITY” insert “; OR”

(III) THE PERSON HAS BEEN INVOLUNTARILY OR VOLUNTARILY COMMITTED TO A FACILITY AFTER AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 4

On page 13 of the Judicial Proceedings Committee Amendments, in line 8 of Amendment No. 12, before “INVOLUNTARILY” insert “:

(I)”;

and in line 9, after “ARTICLE” insert “; OR

(II) INVOLUNTARILY OR VOLUNTARILY COMMITTED TO A FACILITY AFTER AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 5

On page 15 of the Judicial Proceedings Committee Amendments, in line 5 of Amendment No. 18, after “ARTICLE” insert “UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”; after line 5, insert:

“(10) HAS NEVER BEEN INVOLUNTARILY OR VOLUNTARILY ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE AFTER AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”;

in lines 6 and 8, strike “(10)” and “(11)”, respectively, and substitute “(11)” and “(12)”, respectively; in line 11, strike “(12)” and substitute “(13)”; and in line 13, strike “(13)” and substitute “(14)”.

The preceding 5 amendments were read only.

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

The motion was adopted.

FLOOR AMENDMENT

SB0281/323522/1

BY: Senator McFadden

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 1 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in lines 1 and 2 of Amendment No. 1, strike “and Jones–Rodwell” and substitute “Jones–Rodwell, and McFadden”.

The preceding amendment was read and adopted.

QUORUM CALL

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

(See Roll Call No. 335)

RECESS

At 1:54 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 5:30 P.M. on Wednesday, February 27, 2013.

AFTER RECESS
Annapolis, Maryland
Wednesday, February 27, 2013

At 5:46 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 337)

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

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bill.

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, and Zirkin

AN ACT concerning

Firearm Safety Act of 2013

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

FLOOR AMENDMENT

SB0281/293027/2

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 23 of the bill, in line 7, after “another” insert “, UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

On page 13 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 9 of Amendment No. 12, after “ARTICLE” insert “UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 2

On page 12 of the Judicial Proceedings Committee Amendments, in line 19 of Amendment No. 12, after “EFFECT” insert “;”

(XIV) HAS NEVER BEEN INVOLUNTARILY OR VOLUNTARILY ADMITTED TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE AFTER AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”;

and in line 20, strike “(XIV)” and substitute “(XV)”.

AMENDMENT NO. 3

On page 27 of the bill, in line 12, strike “OR”.

On page 13 of the Judicial Proceedings Committee Amendments, in line 3 of Amendment No. 13, after “FACILITY” insert “; OR”

(III) THE PERSON HAS BEEN INVOLUNTARILY OR VOLUNTARILY COMMITTED TO A FACILITY AFTER AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 4

On page 13 of the Judicial Proceedings Committee Amendments, in line 8 of Amendment No. 12, before “INVOLUNTARILY” insert “:

(I)”;

and in line 9, after “ARTICLE” insert “; OR

(II) INVOLUNTARILY OR VOLUNTARILY COMMITTED TO A FACILITY AFTER AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”.

AMENDMENT NO. 5

On page 15 of the Judicial Proceedings Committee Amendments, in line 5 of Amendment No. 18, after “ARTICLE” insert “UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”; after line 5, insert:

“(10) HAS NEVER BEEN INVOLUNTARILY OR VOLUNTARILY ADMITTED TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE AFTER AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE UNLESS THE PERSON HAS A PHYSICIAN’S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER”;

in lines 6 and 8, strike “(10)” and “(11)”, respectively, and substitute “(11)” and “(12)”, respectively; in line 11, strike “(12)” and substitute “(13)”; and in line 13, strike “(13)” and substitute “(14)”.

The preceding 5 amendments were withdrawn.

FLOOR AMENDMENT

SB0281/673027/3

BY: Senator Shank

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 4 of Amendment No. 3, strike “OR”.

On page 3 of the Judicial Proceedings Committee Amendments, in line 6 of Amendment No. 3, after “RETIREMENT” insert “.

(8) POSSESSION OR TRANSPORT BY AN EMPLOYEE OF AN ARMORED CAR COMPANY IF THE INDIVIDUAL IS ACTING WITHIN THE SCOPE OF EMPLOYMENT AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE”.

In Senator Astle’s Amendment (SB0281/683224/2), in line 3, strike “OR”; and in line 5, after “GUARD” insert “; OR

(4) IS AN EMPLOYEE OF AN ARMORED CAR COMPANY AND HAS A PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/853726/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 23 of the bill, strike in their entirety lines 13 through 16, inclusive.

AMENDMENT NO. 2

On page 13 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 4 of Amendment No. 12, strike “VOLUNTARILY ADMITTED”; in line 6, strike “;”; in the same line, strike “(10)” and substitute “(9)”; in 10, strike “(9)”; in the same line, strike “(11)” and “(12)” and substitute “(10)” and “(11)”, respectively; and in line 12, strike “(13)” and substitute “(12)”.

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

Affirmative – 17 Negative – 29 (See Roll Call No. 338)

FLOOR AMENDMENT

SB0281/383927/2

BY: Senator Shank

AMENDMENT TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

On page 18 of the bill, strike in their entirety lines 4 through 7, inclusive; in lines 8 and 11, strike “**(II)**” and “**(III)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; and in lines 15 and 16, strike “**(3)(II) AND (III)**” and substitute “**(3)(I) AND (II)**”.

On page 10 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 7 of Amendment No. 7, strike “**A COMPLETE SET**”.

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

Affirmative – 21 Negative – 25 (See Roll Call No. 339)

FLOOR AMENDMENT

SB0281/743626/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 18, in line 7, after “**INVESTIGATION**” insert “**, UNLESS THE APPLICANT HAS PRESENTED PROOF TO THE SECRETARY OF A PHYSICAL DISABILITY MAKING THE APPLICANT UNABLE TO SUBMIT A COMPLETE SET OF FINGERPRINTS**”.

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

Affirmative – 20 Negative – 26 (See Roll Call No. 340)

FLOOR AMENDMENT

SB0281/723428/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 17, in line 2, strike the comma and substitute “:

(I)”;

in lines 5, 7, 8, 9, and 10, strike “(I)”, “(II)”, “1.”, “2.”, and “3.”, respectively, and substitute “1.”, “2.”, “A.”, “B.”, and “C.”, respectively; and in line 11, strike “(III)” and substitute “(II) WITHIN 10 YEARS PRIOR TO THE SUBMISSION OF THE APPLICATION, OF A FIREARMS SAFETY TRAINING COURSE APPROVED BY THE SECRETARY THAT INCLUDES”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/603126/1

BY: Senator Getty

AMENDMENT TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

On page 9 of the bill, in line 17, strike “**NOVEMBER 1, 2013**” and substitute “**JANUARY 1, 2014**”.

On page 1 of Senator Frosh’s amendments (SB0281/963222/2), in lines 5 and 13 of Amendment No. 1, in each instance, strike “**NOVEMBER 1, 2013**” and substitute “**JANUARY 1, 2014**”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/953327/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting the earning of diminution credits to reduce the term of confinement of an inmate who is serving a sentence for a certain crime of violence involving a firearm in a State or local correctional facility; eliminating parole eligibility for a person who is serving a term of confinement for a certain crime of violence involving a firearm; providing that certain provisions of this Act do not restrict a certain authority of the Governor to pardon or remit a certain sentence;”; and in line 16, after “violence;” insert “prohibiting a person who has been convicted of a certain crime of violence involving a firearm from entering into a plea agreement;”.

On page 2, after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3–702, 7–301, and 11–502

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”;

and after line 26, insert:

“BY adding to

Article – Criminal Procedure

Section 6–234

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”.”

AMENDMENT NO. 2

On page 3, after line 7, insert:

“Article – Correctional Services

3-702.

(a) Subject to subsections (b) [and], (c), AND (D) of this section, § 3-711 of this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner is entitled to a diminution of the inmate's term of confinement as provided under this subtitle.

(b) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate's term of confinement as provided under this subtitle.

(c) An inmate who is serving a sentence for a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate's term of confinement as provided under this subtitle, if the inmate was previously convicted of a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

(D) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM IS NOT ENTITLED TO A DIMINUTION OF THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.

7-301.

(a) (1) Except as otherwise provided in this section, the Commission shall request that the Division of Parole and Probation make an investigation for inmates in a local correctional facility and the Division of Correction make an investigation for inmates in a State correctional facility that will enable the Commission to determine the advisability of granting parole to an inmate who:

(i) has been sentenced under the laws of the State to serve a term of 6 months or more in a correctional facility; and

(ii) has served in confinement one-fourth of the inmate's aggregate sentence.

(2) Except as provided in paragraph (3) of this subsection, or as otherwise provided by law or in a predetermined parole release agreement, an inmate is not eligible for parole until the inmate has served in confinement one-fourth of the inmate's aggregate sentence.

(3) An inmate may be released on parole at any time in order to undergo drug or alcohol treatment, mental health treatment, or to participate in a residential program of treatment in the best interest of an inmate's expected or newborn child if the inmate:

(i) is not serving a sentence for a crime of violence, as defined in § 14–101 of the Criminal Law Article;

(ii) is not serving a sentence for a violation of Title 3, Subtitle 6, § 5–608(d), § 5–609(d), § 5–612, § 5–613, § 5–614, § 5–621, § 5–622, or § 5–628 of the Criminal Law Article; and

(iii) has been determined to be amenable to treatment.

(4) The Division of Parole and Probation shall complete and submit to the Commission each investigation of an inmate in a local correctional facility required under paragraph (1) of this subsection within 60 days of commitment.

(b) Except as provided in subsection (c) of this section, if an inmate has been sentenced to a term of imprisonment during which the inmate is eligible for parole and a term of imprisonment during which the inmate is not eligible for parole, the inmate is not eligible for parole consideration under subsection (a) of this section until the inmate has served the greater of:

(1) one-fourth of the inmate's aggregate sentence; or

(2) a period equal to the term during which the inmate is not eligible for parole.

(c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, an inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, is not eligible for parole until the inmate has served the greater of:

1. one-half of the inmate's aggregate sentence for violent crimes; or

2. one-fourth of the inmate's total aggregate sentence.

(ii) An inmate who has been sentenced to the Division of Correction after being convicted of a violent crime committed on or after October 1, 1994, and who has been sentenced to more than one term of imprisonment, including a term during which the inmate is eligible for parole and a term during which the inmate is not eligible for parole, is not eligible for parole until the inmate has served the greater of:

1. one-half of the inmate's aggregate sentence for violent crimes;

2. one-fourth of the inmate's total aggregate sentence;
or

3. a period equal to the term during which the inmate is not eligible for parole.

(2) An inmate who is serving a term of imprisonment for a violent crime committed on or after October 1, 1994, shall receive an administrative review of the inmate's progress in the correctional facility after the inmate has served the greater of:

(i) one-fourth of the inmate's aggregate sentence; or

(ii) if the inmate is serving a term of imprisonment that includes a mandatory term during which the inmate is not eligible for parole, a period equal to the term during which the inmate is not eligible for parole.

(D) (1) AN INMATE IS NOT ELIGIBLE FOR PAROLE CONSIDERATION AND MAY NOT BE GRANTED PAROLE AT ANY TIME DURING THE INMATE'S SENTENCE IF THE INMATE IS SERVING A TERM OF IMPRISONMENT FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM.

(2) THIS SUBSECTION DOES NOT RESTRICT THE AUTHORITY OF THE GOVERNOR TO PARDON OR REMIT ANY PART OF A SENTENCE UNDER § 7-601 OF THIS TITLE.

~~[(d)]~~ **(E) (1) Except as provided in paragraphs (2) and (3) of this subsection, an inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years considering the allowances for diminution of the inmate's term of confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.**

(2) An inmate who has been sentenced to life imprisonment as a result of a proceeding under § 2-303 or § 2-304 of the Criminal Law Article is not eligible for parole consideration until the inmate has served 25 years or the equivalent of 25 years considering the allowances for diminution of the inmate's term of confinement under § 6-218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(3) (i) If an inmate has been sentenced to imprisonment for life without the possibility of parole under § 2-203 or § 2-304 of the Criminal Law Article, the inmate is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence.

(ii) This paragraph does not restrict the authority of the Governor to pardon or remit any part of a sentence under § 7-601 of this title.

(4) Subject to paragraph (5) of this subsection, if eligible for parole under this subsection, an inmate serving a term of life imprisonment may only be paroled with the approval of the Governor.

(5) (i) If the Commission decides to grant parole to an inmate sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, the decision shall be transmitted to the Governor.

(ii) The Governor may disapprove the decision by written transmittal to the Commission.

(iii) If the Governor does not disapprove the decision within 180 days after receipt, the decision becomes effective.

(a) Except as provided in subsections (b) [and], (c), AND (D) of this section, an inmate who has been sentenced to a term of imprisonment shall be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(b) (1) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a child under the age of 16 years may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(c) (1) An inmate who is serving a sentence for a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, who has previously been convicted of violating § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(D) (1) AN INMATE WHO IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO REQUIRE AN INMATE TO SERVE A LONGER SENTENCE OF CONFINEMENT THAN IS AUTHORIZED BY THE STATUTE UNDER WHICH THE INMATE WAS CONVICTED."

On page 10, after line 27, insert:

“Article – Criminal Procedure

6–234.

**A PERSON WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS
DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, INVOLVING A FIREARM
MAY NOT ENTER INTO A PLEA AGREEMENT.”.**

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

Affirmative – 20 Negative – 26 (See Roll Call No. 341)

FLOOR AMENDMENT

SB0281/323829/3

BY: Senator Frosh

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 17, after “circumstances;” insert “repealing a provision of law that prohibits a certain person from possessing a rifle or shotgun unless the person possesses a certain physician’s certificate.”.

AMENDMENT NO. 2

On page 27, in line 29, after “SUBTITLE” insert **“OR A RIFLE OR SHOTGUN DISQUALIFICATION UNDER § 5–205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE”.**

On page 28, in line 14, strike “REGULATED”; and in line 15, after “SUBTITLE” insert **“OR A RIFLE OR SHOTGUN UNDER § 5–205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE”.**

On page 29, in line 2, after “SUBTITLE” insert **“OR AUTHORIZING A PERSON TO POSSESS A RIFLE OR SHOTGUN”;** in line 22, after “SUBTITLE” insert **“OR §**

5-205(B)(11) OF THIS TITLE"; and in line 32, after "SUBTITLE" insert "OR § 5-205(B)(6), (7), (8), (9), OR (10) OF THIS TITLE".

On page 31, in line 1, after "FIREARM" insert "OR AUTHORIZING THE POSSESSION OF A RIFLE OR SHOTGUN"; and in lines 7 and 10, in each instance, strike "REGULATED".

On page 32, in line 16, after "SUBTITLE" insert "OR § 5-205(B)(6), (7), (8), (9), (10), OR (11) OF THIS TITLE".

On page 34, after line 18, insert:

"(6) SUFFERS FROM A MENTAL DISORDER AS DEFINED IN § 10-101(F)(2) OF THE HEALTH – GENERAL ARTICLE AND HAS A HISTORY OF VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;

(7) HAS BEEN FOUND INCOMPETENT TO STAND TRIAL UNDER § 3-106 OF THE CRIMINAL PROCEDURE ARTICLE;

(8) HAS BEEN FOUND NOT CRIMINALLY RESPONSIBLE UNDER § 3-110 OF THE CRIMINAL PROCEDURE ARTICLE;

(9) HAS BEEN VOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(10) HAS BEEN INVOLUNTARILY COMMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE;

(11) IS UNDER THE PROTECTION OF A GUARDIAN APPOINTED BY A COURT UNDER § 13-201(C) OR § 13-705 OF THE ESTATES AND TRUSTS ARTICLE;";

in line 19, strike "(6)" and substitute "(12) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,"; and in line 25, strike "(7)" and substitute "(13)".

On pages 34 and 35, strike in their entirety the lines beginning with line 28 on page 34 through line 5 on page 35, inclusive.

On page 35, in lines 6 and 15, strike “(D)” and “(E)”, respectively, and substitute “(C)” and “(D)”, respectively; and after line 17, insert:

“(E) A PERSON WHO IS DISQUALIFIED FROM OWNING A RIFLE OR SHOTGUN UNDER SUBSECTION (B)(6), (7), (8), (9), (10), OR (11) OF THIS SECTION MAY SEEK RELIEF FROM THE DISQUALIFICATION IN ACCORDANCE WITH § 5-133.3 OF THIS TITLE.”.

On page 37, in line 19, after “STATES” insert “OR”; and in line 20, strike “; OR” and substitute a semicolon.

The preceding 2 amendments were read and adopted.

SB0281/353222/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting the earning of diminution credits to reduce the term of confinement of an inmate committed to the custody of the Commissioner of Correction or sentenced to a term of imprisonment in a local correctional facility who is serving a sentence for the use of certain firearms in the commission of certain crimes; clarifying that a court may not impose less than a certain mandatory minimum sentence for the use of certain firearms in the commission of certain crimes; prohibiting a court from suspending any part of a certain mandatory minimum sentence;”.

On page 2, in line 20, after “terms;” insert “providing for the application of certain provisions of this Act;”; after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3-702 and 11-502

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”;

and in line 24, after “4–203(b)” insert “4–204.”

AMENDMENT NO. 2

On page 3, after line 7, insert:

“Article – Correctional Services

3–702.

(a) Subject to subsections (b) [and], (c), AND (D) of this section, § 3–711 of this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner is entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(b) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, § 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(c) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle, if the inmate was previously convicted of a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 4–204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.

11–502.

(a) Except as provided in subsections (b) [and], (c), AND (D) of this section, an inmate who has been sentenced to a term of imprisonment shall be allowed deductions from the inmate’s term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(b) (1) An inmate who is serving a sentence for a violation of § 3–303, § 3–304, § 3–305, or § 3–306 of the Criminal Law Article involving a victim who is a child under the age of 16 years may not be allowed deductions from the inmate’s term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(c) (1) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, who has previously been convicted of violating § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate’s term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 4–204 OF THE CRIMINAL LAW ARTICLE MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:”.

AMENDMENT NO. 3

On page 4, in line 34, after “station.” insert:

“4–204.

(a) (1) In this section, “firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) [The] NOTWITHSTANDING § 14–102 OF THIS ARTICLE, THE court may not impose less than the MANDATORY minimum sentence of 5 years [and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years].

(III) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.”.

AMENDMENT NO. 4

On page 38, in line 5, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any inmate who committed an offense before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That”.

The preceding 4 amendments were read and adopted by a roll call vote as follows:

Affirmative – 24 Negative – 22 (See Roll Call No. 342)

FLOOR AMENDMENT

SB0281/783626/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “weapon” insert “; altering a certain minimum sentence; clarifying that a sentence for a certain offense is mandatory”.

On page 2, in line 24, after “4–203(b)” insert “and (c)(3)”.

AMENDMENT NO. 2

On page 4, in line 34, after “station” insert “.

(c) (3) (i) If the person has previously been convicted once under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than [1 year] 18 MONTHS and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. The court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 18 MONTHS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3. EXCEPT AS OTHERWISE PROVIDED IN § 4–305 OF THE CORRECTIONAL SERVICES ARTICLE, THE PERSON IS NOT ELIGIBLE FOR PAROLE DURING THE MANDATORY MINIMUM SENTENCE.

4. THE COURT MAY NOT ORDER PROBATION BEFORE JUDGMENT IN A CASE ARISING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH”.

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

Affirmative – 21 Negative – 26 (See Roll Call No. 343)

Senator Ferguson moved, duly seconded, to reconsider the vote by which the floor amendments (SB0281/353222/1) were adopted.

The motion was adopted by a roll call vote as follows:

Affirmative – 27 Negative – 20 (See Roll Call No. 344)

FLOOR AMENDMENT

SB0281/353222/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “prohibiting the earning of diminution credits to reduce the term of confinement of an inmate committed to the custody of the Commissioner of Correction or sentenced to a term of imprisonment in a local correctional facility who is serving a sentence for the use of certain firearms in the commission of certain crimes; clarifying that a court may not impose less than a certain mandatory minimum sentence for the use of certain firearms in the commission of certain crimes; prohibiting a court from suspending any part of a certain mandatory minimum sentence;”.

On page 2, in line 20, after “terms;” insert “providing for the application of certain provisions of this Act;”; after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 3–702 and 11–502

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)”;

and in line 24, after “4-203(b)” insert “4-204”.

AMENDMENT NO. 2

On page 3, after line 7, insert:

“Article – Correctional Services

3-702.

(a) Subject to subsections (b) [and], (c), AND (D) of this section, § 3-711 of this subtitle, and Title 7, Subtitle 5 of this article, an inmate committed to the custody of the Commissioner is entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(b) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle.

(c) An inmate who is serving a sentence for a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years is not entitled to a diminution of the inmate’s term of confinement as provided under this subtitle, if the inmate was previously convicted of a violation of § 3-307 of the Criminal Law Article involving a victim who is a child under the age of 16 years.

(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 4-204 OF THE CRIMINAL LAW ARTICLE IS NOT ENTITLED TO A DIMINUTION OF THE INMATE’S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE.

11-502.

(a) Except as provided in subsections (b) [and], (c), AND (D) of this section, an inmate who has been sentenced to a term of imprisonment shall be allowed deductions from the inmate’s term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(b) (1) An inmate who is serving a sentence for a violation of § 3-303, § 3-304, § 3-305, or § 3-306 of the Criminal Law Article involving a victim who is a

child under the age of 16 years may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(c) (1) An inmate who is serving a sentence for a violation of § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, who has previously been convicted of violating § 3–307 of the Criminal Law Article involving a victim who is a child under the age of 16 years, may not be allowed deductions from the inmate's term of confinement as provided under this subtitle for any period of presentence or postsentence confinement in a local correctional facility.

(2) This subsection may not be construed to require an inmate to serve a longer sentence of confinement than is authorized by the statute under which the inmate was convicted.

(D) AN INMATE WHO IS SERVING A SENTENCE FOR A VIOLATION OF § 4–204 OF THE CRIMINAL LAW ARTICLE MAY NOT BE ALLOWED DEDUCTIONS FROM THE INMATE'S TERM OF CONFINEMENT AS PROVIDED UNDER THIS SUBTITLE FOR ANY PERIOD OF PRESENTENCE OR POSTSENTENCE CONFINEMENT IN A LOCAL CORRECTIONAL FACILITY.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On page 4, in line 34, after "station." insert:

"4–204.

(a) (1) In this section, "firearm" means:

(i) a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or

(ii) the frame or receiver of such a weapon.

(2) “Firearm” includes an antique firearm, handgun, rifle, shotgun, short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether loaded or unloaded.

(b) A person may not use a firearm in the commission of a crime of violence, as defined in § 5–101 of the Public Safety Article, or any felony, whether the firearm is operable or inoperable at the time of the crime.

(c) (1) (i) A person who violates this section is guilty of a misdemeanor and, in addition to any other penalty imposed for the crime of violence or felony, shall be sentenced to imprisonment for not less than 5 years and not exceeding 20 years.

(ii) [The] NOTWITHSTANDING § 14–102 OF THIS ARTICLE, THE court may not impose less than the MANDATORY minimum sentence of 5 years [and, except as otherwise provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole in less than 5 years].

(III) THE COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY MINIMUM SENTENCE OF 5 YEARS.

(2) For each subsequent violation, the sentence shall be consecutive to and not concurrent with any other sentence imposed for the crime of violence or felony.”.

AMENDMENT NO. 4

On page 38, in line 5, strike “2.” and substitute “3.”; in the same line, after “That” insert “Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any inmate who committed an offense before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That”.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 28 (See Roll Call No. 345)

FLOOR AMENDMENT

SB0281/353826/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, strike beginning with “requiring” in line 13 down through “manner;” in line 15; and in line 34, strike “5–143,”.

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 10 of Amendment No. 1, strike “5–143,”.

AMENDMENT NO. 2

In the Judicial Proceedings Committee Amendments, strike Amendment No. 4 in its entirety.

On page 9 of the bill, strike beginning with “A” in line 10 down through “(3)” in line 14; and strike beginning with “AND” in line 15 down through the second comma in line 17.

AMENDMENT NO. 3

On pages 33 and 34 of the bill, strike in their entirety the lines beginning with line 4 on page 33 through line 4 on page 34, inclusive.

The preceding 3 amendments were withdrawn.

FLOOR AMENDMENT

SB0281/933123/1

BY: Senator Brochin

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 3 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 7 of Amendment No. 4, after “SUBSECTION,” insert:

“(III) A PERSON WHO REGISTERS IN ACCORDANCE WITH THIS PARAGRAPH IS EXEMPT FROM PAYING A REGISTRATION FEE.”

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

Affirmative – 21 Negative – 26 (See Roll Call No. 346)

FLOOR AMENDMENT

SB0281/853028/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 11 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 8 of Amendment No. 10, after “**\$20.**” insert:

“(N) A VETERAN OF THE UNITED STATES ARMED SERVICES WITH VALID PROOF OF A PHYSICAL DISABILITY IS EXEMPT FROM APPLICATION AND RENEWAL FEES IDENTIFIED IN THIS SECTION.”

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

Affirmative – 23 Negative – 24 (See Roll Call No. 347)

FLOOR AMENDMENT

SB0281/313327/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 9 of the bill, in line 14, strike “**PERSON**” and substitute “**RESIDENT OF THE STATE**”; in line 17, after “**2013,**” insert “**OR A PERSON WHO BECOMES A RESIDENT OF THE STATE ON OR AFTER OCTOBER 1, 2013, AND WHO REGISTERS ANY ASSAULT LONG GUN OR COPYCAT WEAPON IN THE PERSON’S POSSESSION WITHIN 30 DAYS OF OBTAINING THE RESIDENCY,**”; in line 18, after “**POSSESS**” insert “**AND TRANSPORT**”; in line 19, strike “**OR**”; and after line 19, insert:

“2. TRANSFER POSSESSION OF THE ASSAULT LONG GUN OR COPYCAT WEAPON TO, AND RECEIVE THE ASSAULT LONG GUN OR COPYCAT WEAPON FROM, A GUNSMITH FOR THE PURPOSE OF REPAIR OR MAINTENANCE;

3. SELL OR OTHERWISE TRANSFER OWNERSHIP OF THE ASSAULT LONG GUN OR COPYCAT WEAPON TO A PERSON LICENSED UNDER 18 U.S.C. § 923 OR;”.

AMENDMENT NO. 2

On page 3 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 3 of Amendment No. 4, strike “2.” and substitute “4.”; and in line 7, after “SUBSECTION.” insert:

“(C) (1) (I) THE TIME LIMITS IMPOSED BY THIS SECTION FOR THE REGISTRATION OF AN ASSAULT LONG GUN OR COPYCAT WEAPON SHALL BE TOLLED IF, AT THE TIME THE REGISTRATION REQUIREMENT AROSE, THE APPLICANT IS:

1. ON ACTIVE DUTY IN THE UNITED STATES ARMED FORCES AND DEPLOYED OR PERMANENTLY STATIONED IN ANOTHER STATE OR COUNTRY;

2. TEMPORARILY RESIDING IN ANOTHER STATE OR COUNTRY AS A STUDENT;

3. INCAPACITATED BY ILLNESS OR PREGNANCY; OR

4. TRAVELING IN ANOTHER STATE OR COUNTRY.

(II) THE TOLLING OF THE TIME PERIODS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTINUE FOR THE PERIOD DURING WHICH AN APPLICANT’S STATUS AS SPECIFIED IN SUBPARAGRAPH (I)1 THROUGH 4 OF THIS PARAGRAPH CONTINUES TO APPLY TO THE APPLICANT.

(2) (I) THE SECRETARY MAY NOT REFUSE OR DENY A REGISTRATION APPLICATION AS UNTIMELY IF THE APPLICANT CLAIMS ANY OF THE EXCEPTIONS IN PARAGRAPH (1) OF THIS SUBSECTION, AND THE APPLICATION MAY NOT BE USED IN A CRIMINAL PROSECUTION AS EVIDENCE THAT THE APPLICANT POSSESSED AN UNREGISTERED ASSAULT LONG GUN OR COPYCAT WEAPON.

(II) THE TOLLING OF THE REGISTRATION PERIOD IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR POSSESSION OF AN UNREGISTERED ASSAULT LONG GUN OR COPYCAT WEAPON.”.

AMENDMENT NO. 3

On page 33 of the bill, after line 24, insert:

“(E) (1) (I) THE TIME LIMIT IMPOSED BY THIS SECTION FOR THE REGISTRATION OF A REGULATED FIREARM SHALL BE TOLLED IF, AT THE TIME THE REGISTRATION REQUIREMENT AROSE, THE APPLICANT IS:

1. ON ACTIVE DUTY IN THE UNITED STATES ARMED FORCES AND DEPLOYED OR PERMANENTLY STATIONED IN ANOTHER STATE OR COUNTRY;

2. TEMPORARILY RESIDING IN ANOTHER STATE OR COUNTRY AS A STUDENT;

3. INCAPACITATED BY ILLNESS OR PREGNANCY; OR

4. TRAVELING IN ANOTHER STATE OR COUNTRY.

(II) THE TOLLING OF THE TIME PERIODS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONTINUE FOR THE PERIOD DURING WHICH AN APPLICANT’S STATUS AS SPECIFIED IN SUBPARAGRAPH (I)1 THROUGH 4 OF THIS PARAGRAPH CONTINUES TO APPLY TO THE APPLICANT.

(2) (I) THE SECRETARY MAY NOT REFUSE OR DENY A REGISTRATION APPLICATION AS UNTIMELY IF THE APPLICANT CLAIMS ANY OF

THE EXCEPTIONS IN PARAGRAPH (1) OF THIS SUBSECTION, AND THE APPLICATION MAY NOT BE USED IN A CRIMINAL PROSECUTION AS EVIDENCE THAT THE APPLICANT POSSESSED AN UNREGISTERED REGULATED FIREARM.

(II) THE TOLLING OF THE REGISTRATION PERIOD IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR POSSESSION OF AN UNREGISTERED REGULATED FIREARM.”.

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

Affirmative – 21 Negative – 26 (See Roll Call No. 348)

FLOOR AMENDMENT

SB0281/393424/2

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after “terms;” insert “requiring a vendor to deliver to an out-of-state purchaser notice of a certain regulated firearms registration requirement; requiring the notice to be delivered at a certain time and in a certain manner; requiring a purchaser to date and sign a certain written acknowledgement of receipt at a certain time;”.

On page 3, after line 5, insert:

“BY adding to

Article – Real Property

Section 10–711

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 38, before line 5, insert:

“Article – Real Property

10-711.

(A) A VENDOR OF RESIDENTIAL REAL PROPERTY SHALL DELIVER TO EACH PURCHASER WHO IS NOT A RESIDENT OF THE STATE NOTICE OF THE REGULATED FIREARMS REGISTRATION REQUIREMENT OF § 5-143 OF THE PUBLIC SAFETY ARTICLE.

(B) THE VENDOR SHALL DELIVER THE NOTICE REQUIRED BY THIS SECTION TO THE PURCHASER:

(1) ON OR BEFORE ENTERING INTO A CONTRACT OF SALE BY THE VENDOR AND THE PURCHASER; AND

(2) ON A FORM THAT IS SEPARATE FROM ANY OTHER NOTICE OR DISCLOSURE DELIVERED TO THE PURCHASER.

(C) AT THE TIME THE NOTICE IS DELIVERED, THE PURCHASER SHALL DATE AND SIGN A WRITTEN ACKNOWLEDGEMENT OF RECEIPT, WHICH SHALL BE INCLUDED IN OR ATTACHED TO THE CONTRACT OF SALE.”.

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

Affirmative – 17 Negative – 30 (See Roll Call No. 349)

FLOOR AMENDMENT

SB0281/903428/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 281, AS AMENDED

In Senator Frosh’s amendment (SB0281/963222/2), in line 9 of Amendment No. 1, strike “A CIVIL PENALTY NOT EXCEEDING \$1,000” and substitute “:

1. BEFORE MAY 1, 2014, A CIVIL PENALTY NOT EXCEEDING \$290 PER REGISTERED FIREARM;

2. ON OR AFTER MAY 1, 2014 AND BEFORE NOVEMBER 1, 2015, A CIVIL PENALTY NOT EXCEEDING \$580 PER REGISTERED FIREARM; AND

3. ON OR AFTER NOVEMBER 1, 2015 AND BEFORE MAY 1, 2016, A CIVIL PENALTY NOT EXCEEDING \$1,000 PER REGISTERED FIREARM”;

and in line 18, strike “18 MONTHS” and substitute “1 YEAR FOR EACH INCIDENT IN WHICH THE PERSON IS DISCOVERED WITH UNREGISTERED FIREARMS”.

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

Affirmative – 25 Negative – 22 (See Roll Call No. 350)

FLOOR AMENDMENT

SB0281/913428/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after “circumstances” insert “; repealing a requirement that the Secretary make a certain finding before issuing a certain permit”.

AMENDMENT NO. 2

On page 37, in line 7, strike the colon; in line 8, strike “(i)”; and strike beginning with the semicolon in line 10 down through “danger” in line 13.

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

Affirmative – 20 Negative – 27 (See Roll Call No. 352)

FLOOR AMENDMENT

SB0281/623524/1

BY: Senator Mathias

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after “terms;” insert “requiring the General Assembly to undertake a certain study; providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 38, in line 5, after “That” insert “the Department of Legislative Services, in consultation with other State agencies and law enforcement agencies, shall monitor and evaluate the effect that this Act has on gun violence in the State and shall report periodically to the General Assembly on its findings.”

SECTION 3. AND BE IT FURTHER ENACTED, That”;

and in line 6, after “2013.” insert “It shall remain effective for a period 10 years and, at the end of September 30, 2023, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

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

Affirmative – 20 Negative – 27 (See Roll Call No. 353)

FLOOR AMENDMENT

SB0281/553025/1

BY: Senator Klausmeier

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 20, after “terms;” insert “requiring certain revenues raised under this Act to be transferred to the Maryland State Police for certain purposes;”.

AMENDMENT NO. 2

On page 38, in line 5, after “That” insert “the first \$2,000,000 in revenues raised under this Act shall be transferred to the Maryland State Police for purposes including the hiring of new personnel to handle the additional workload created under this Act.”

SECTION 3. AND BE IT FURTHER ENACTED, That”.

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

Affirmative – 21 Negative – 26 (See Roll Call No. 354)

FLOOR AMENDMENT

SB0281/753829/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 281
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with “requiring” in line 5 down through “understanding” in line 13 and substitute “requiring a certain court or other authority to forward certain information to the Department of Public Safety and Correctional Services; requiring the Department to forward certain information to the Federal Bureau of Investigation for a certain purpose; requiring a certain court to make a certain notification; authorizing a certain person to petition a court for relief from certain disabilities or disqualifications; requiring a court to take certain actions on receipt of a certain petition for relief; requiring a court to hold a certain hearing under certain circumstances; requiring a court to grant a certain petition under certain circumstances; providing that certain records may not be disclosed except to certain parties; providing for a certain appeal; requiring the Department to take a certain action under certain circumstances; providing certain restrictions on the filing of a certain petition”; and in line 40, strike “5–133.3.”.

AMENDMENT NO. 2

On pages 26 through 33, strike in their entirety the lines beginning with line 11 on page 26 through line 3 on page 33, inclusive, and substitute:

“(A) (1) IF A COURT OR OTHER ADJUDICATIVE AUTHORITY ORDERS A COMMITMENT OR MAKES A FINDING OR ADJUDICATION IN ACCORDANCE WITH STATE LAW BY WHICH A PERSON BECOMES SUBJECT TO THE PROVISIONS OF 18 U.S.C. § 922(D)(4) AND (G)(4), THE COURT SHALL FORWARD ONLY THE INFORMATION THAT IS NECESSARY TO IDENTIFY THE PERSON TO THE DEPARTMENT.

(2) THE DEPARTMENT SHALL FORWARD THE INFORMATION RECEIVED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE SOLE PURPOSE OF INCLUSION IN THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM DATABASE.

(3) THE COURT SHALL ALSO NOTIFY THE PERSON OF THE PROHIBITIONS OF 18 U.S.C. § 922(D)(4) AND (G)(4).

(B) (1) A PERSON WHO IS SUBJECT TO THE DISABILITIES OF 18 U.S.C. § 922(D)(4) AND (G)(4) OR THE DISQUALIFICATIONS LISTED IN § 5-133(B)(6), (7), (8), OR (9) OF THIS SUBTITLE BECAUSE OF AN ADJUDICATION OR COMMITMENT THAT OCCURRED UNDER THE LAWS OF THIS STATE MAY PETITION THE COURT IN WHICH THE ADJUDICATION OR COMMITMENT PROCEEDINGS OCCURRED OR THE COURT WITH JURISDICTION OVER THE COUNTY IN WHICH THE PERSON CURRENTLY RESIDES TO SEEK RELIEF FROM THE DISABILITIES OR DISQUALIFICATIONS.

(2) A COPY OF THE PETITION FOR RELIEF SHALL BE SERVED ON THE STATE'S ATTORNEY WHO APPEARED IN THE UNDERLYING CASE, OR THE STATE'S ATTORNEY'S SUCCESSOR.

(3) THE STATE'S ATTORNEY MAY REPRESENT THE INTERESTS OF THE STATE IN THE PROCEEDINGS ON A PETITION FOR RELIEF.

(C) (1) THE COURT SHALL RECEIVE AND CONSIDER EVIDENCE IN A CLOSED PROCEEDING, INCLUDING EVIDENCE OFFERED BY THE PETITIONER, CONCERNING:

(I) THE CIRCUMSTANCES REGARDING THE FIREARM DISABILITIES OR DISQUALIFICATIONS FROM WHICH RELIEF IS SOUGHT;

(II) THE PETITIONER'S MENTAL HEALTH AND CRIMINAL HISTORY RECORDS, IF ANY;

(III) THE PETITIONER'S REPUTATION, DEVELOPED AT A MINIMUM THROUGH CHARACTER WITNESS STATEMENTS, TESTIMONY, OR OTHER CHARACTER EVIDENCE; AND

(IV) CHANGES IN THE PETITIONER'S CONDITION OR CIRCUMSTANCES SINCE THE ORIGINAL ADJUDICATION OR COMMITMENT RELEVANT TO THE RELIEF SOUGHT.

(2) THE COURT SHALL GRANT THE PETITION FOR RELIEF IF IT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT:

(I) THE PETITIONER WILL NOT BE LIKELY TO ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY; AND

(II) GRANTING THE RELIEF WILL NOT BE CONTRARY TO THE PUBLIC INTEREST.

(3) (I) A CONFIDENTIAL RECORD SHALL BE KEPT OF THE PROCEEDINGS ON A PETITION FOR RELIEF.

(II) THE RECORD SHALL BE DISCLOSED ONLY TO A COURT OR THE PARTIES.

(4) (I) THE PETITIONER MAY APPEAL A DENIAL OF THE REQUESTED RELIEF.

(II) THE APPEAL SHALL BE HEARD DE NOVO.

(D) (1) THE CLERK OF THE COURT SHALL PROMPTLY NOTIFY THE DEPARTMENT OF AN ORDER GRANTING RELIEF UNDER THIS SECTION.

(2) THE DEPARTMENT SHALL, AS SOON AS PRACTICABLE BUT NOT LATER THAN 10 BUSINESS DAYS:

(I) UPDATE, CORRECT, MODIFY, OR REMOVE THE PERSON’S RECORD IN ANY DATABASE THAT THE DEPARTMENT MAKES AVAILABLE TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM; AND

(II) NOTIFY THE UNITED STATES ATTORNEY GENERAL THAT THE BASIS FOR THE RECORD BEING MADE AVAILABLE NO LONGER APPLIES.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT PETITION FOR RELIEF UNDER THIS SECTION MORE THAN ONCE EVERY 2 YEARS.

(2) A PERSON WHO WAS COMMITTED TO A FACILITY, AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE, MAY NOT PETITION FOR RELIEF UNDER THIS SECTION UNTIL THE PERSON HAS BEEN DISCHARGED FROM THE COMMITMENT.”.

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

Affirmative – 18 Negative – 28 (See Roll Call No. 355)

FLOOR AMENDMENT

SB0281/383426/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 281, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 23 of the bill, in line 7, after “another” insert “, unless the person has a physician’s certificate that the person is capable of possessing a regulated firearm without undue danger to the person or to another”; in line 14, after “Article” insert “BEFORE OCTOBER 1, 2013”; and in line 22, before “IS” insert “HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10–622 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A

REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;

(12)".

On page 13 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 10 of Amendment No. 12, strike "(12)" and substitute "(13)".

AMENDMENT NO. 2

On page 11 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 12, after "ANOTHER" insert ", UNLESS THE PERSON HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER".

On page 12 of the Judicial Proceedings Committee Amendments, in line 6 of Amendment No. 12, strike "HAS NEVER BEEN" and substitute "BEFORE OCTOBER 1, 2013, WAS NEVER"; in line 11, after "(XII)" insert "HAS NEVER BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE OR, IF THE PERSON HAS BEEN ADMITTED TO A FACILITY, POSSESSES A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;

(XIII)";

in line 14, strike "(XIII)" and substitute "(XIV)"; and in line 20, strike "(XIV)" and substitute "(XV)".

On page 13 of the Judicial Proceedings Committee Amendments, in line 2 of Amendment No. 15, strike "OR (11)" and substitute "(11), OR (12)".

On page 14 of the Judicial Proceedings Committee Amendments, in line 4 of Amendment No. 15, strike "§ 5-133(B)(11)" and substitute "§ 5-133(B)(12)".

AMENDMENT NO. 3

On page 1 of Senator Frosh's Amendments (SB0281/323829/3), in lines 2, 5, and 15, in each instance, strike "OR (11)" and substitute "(11), OR (12)"; in line 10, strike "OR (10)" and substitute "(10), OR (11)"; and in lines 8 and 9, strike "§ 5-205(B)(11)" and substitute "§ 5-205(B)(12)".

On page 2 of Senator Frosh's Amendments, in line 3 of Amendment No. 2, after "ANOTHER" insert ", UNLESS THE PERSON HAS A PHYSICIAN'S CERTIFICATE THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER"; in line 8, strike "HAS BEEN" and substitute "BEFORE OCTOBER 1, 2013, WAS"; after line 10, insert:

"(10) HAS BEEN ADMITTED TO A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH – GENERAL ARTICLE AS THE RESULT OF AN EMERGENCY EVALUATION UNDER § 10-622 OF THE HEALTH – GENERAL ARTICLE, UNLESS THE PERSON HAS A CERTIFICATE FROM THE FACILITY THAT THE PERSON IS CAPABLE OF POSSESSING A REGULATED FIREARM WITHOUT UNDUE DANGER TO THE PERSON OR TO ANOTHER;";

in lines 11 and 13, strike "(10)" and "(11)", respectively, and substitute "(11)" and "(12)", respectively; in line 16, strike "(12)" and substitute "(13)"; and in line 18, strike "(13)" and substitute "(14)".

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

Affirmative – 44 Negative – 2 (See Roll Call No. 356)

FLOOR AMENDMENT

SB0281/753621/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "violence;" insert "requiring each county superintendent of schools to enter into an agreement with an appropriate law

enforcement agency to provide a full-time school resource officer to each public elementary and secondary school;”.

On page 2, in line 20, before “defining” insert “providing that additional funding required for certain school resource officers shall be paid from the Education Trust Fund from funds allocated from a certain source;”.”

On page 2, after line 26, insert:

“BY repealing and reenacting, with amendments,
Article – Education
Section 26–102
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)”.”

On page 3, after line 5, insert:

“BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–30
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)”.”

AMENDMENT NO. 2

On page 10, after line 27, insert:

“Article – Education

26–102.

(a) In this section, “school resource officer” means a law enforcement officer as defined under § 3–101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of understanding between the chief of a law enforcement agency as defined under § 3–101(b) of the Public Safety Article and the local education agency.

(b) The governing board, president, superintendent, principal, or school resource officer of any public institution of elementary, secondary, or higher education,

or a person designated in writing by the board or any of these persons, may deny access to the buildings or grounds of the institution to any other person who:

(1) Is not a bona fide, currently registered student, or staff or faculty member at the institution, and who does not have lawful business to pursue at the institution;

(2) Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or

(3) Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

(c) Administrative personnel, authorized employees of any public institution of elementary, secondary, or higher education, and persons designated in subsection (b) of this section may demand identification and evidence of qualification from any person who desires to use or enter the premises of the institution.

(D) (1) EACH COUNTY SUPERINTENDENT, AS DEFINED IN § 1-101 OF THIS ARTICLE, SHALL ENTER INTO AN AGREEMENT WITH AN APPROPRIATE LAW ENFORCEMENT AGENCY TO PROVIDE A FULL-TIME SCHOOL RESOURCE OFFICER TO EACH PUBLIC INSTITUTION OF ELEMENTARY OR SECONDARY EDUCATION TO CARRY OUT THE RESPONSIBILITIES OF THIS SECTION.

(2) ANY ADDITIONAL FUNDING REQUIRED BY A LOCAL EDUCATION AGENCY TO MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION THAT EXCEEDS THE AMOUNT PROVIDED IN THAT AGENCY'S FISCAL YEAR 2013 OPERATING BUDGET SHALL BE PAID FROM THE EDUCATION TRUST FUND FROM THE FUNDS ALLOCATED UNDER § 9-1A-27 OF THE STATE GOVERNMENT ARTICLE.

[(d)] (E) The governing board of any public institution of [elementary, secondary, or] higher education may enter into an agreement with appropriate law enforcement agencies to carry out the responsibilities of this section when:

(1) The institution is closed; or

(2) None of the persons designated in subsection (b) of this section are present in the buildings or on the grounds of the institution.

~~[(e)]~~ (F) A person is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:

(1) Trespasses on the grounds of any public institution of elementary, secondary, or higher education;

(2) Fails or refuses to leave the grounds of any of these institutions after being requested to do so by a person designated in subsection (b) of this section as being authorized to deny access to the buildings or grounds of the institution; or

(3) Willfully damages or defaces any building, furnishing, statue, monument, memorial, tree, shrub, grass, or flower on the grounds of any of these institutions.”.

On page 38, before line 5, insert:

“Article – State Government

9–1A–30.

(a) There is an Education Trust Fund which is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.

(b) (1) There shall be credited to the Education Trust Fund all proceeds allocated to the Fund under § 9–1A–27 of this subtitle.

(2) Money in the Education Trust Fund shall be invested and reinvested by the Treasurer, and interest and earnings shall accrue to the Fund.

(c) Money in the Education Trust Fund shall be used to:

(1) provide funding for public elementary and secondary education, through continuation of the funding and formulas established under the programs commonly known as the Bridge to Excellence in Public Schools Act, first enacted by Chapter 288 of the Acts of the General Assembly of 2002, including the funding for regional differences in the cost of education under § 5–202(f) of the Education Article;

(2) provide funds to construct public school buildings and provide public school capital improvements in accordance with §§ 5–301 through 5–303 of the Education Article;

(3) provide funds for capital projects at community colleges and public senior higher education institutions; [and]

(4) provide funds to expand public early childhood education programs in the State; AND

(5) PROVIDE FUNDS FOR SCHOOL RESOURCE OFFICERS FOR PUBLIC ELEMENTARY AND SECONDARY INSTITUTIONS OF EDUCATION, AS SPECIFIED IN § 26–102(D) OF THE EDUCATION ARTICLE.

(d) Expenditures from the Education Trust Fund shall be made each fiscal year in accordance with the State budget.”.

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0281/903826/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 281

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “circumstances;” insert “exempting a certain firearm from certain provisions of this Act;”.

AMENDMENT NO. 2

On page 8, in line 10, after “firearm” insert “:

(I)”;

and in the same line, after “inoperative;” insert “**OR**

(II) DEFINED AS A C&R FIREARM BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES UNDER 27 C.F.R. § 478.11;

AMENDMENT NO. 3

On page 34, in line 6, after “IS” insert “;

(1)”;

and in line 7, after “ARTICLE” insert “;**OR**

(2) A FIREARM DEFINED AS A C&R FIREARM BY THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES UNDER 27 C.F.R. § 478.11”.

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

Affirmative – 16 Negative – 29 (See Roll Call No. 357)

FLOOR AMENDMENT

SB0281/613823/1

BY: Senator Brinkley

AMENDMENT TO SENATE BILL 281

(First Reading File Bill)

On page 1, in line 2, strike “Firearm Safety” and substitute “Innocently Owned Weapons”.

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

Affirmative – 16 Negative – 30 (See Roll Call No. 358)

FLOOR AMENDMENT

SB0281/933227/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB281/628575/1), in line 4 of Amendment No. 3, after “POSSESSION,” insert “MANUFACTURE, RECEIPT FOR MANUFACTURE, SHIPMENT FOR MANUFACTURE,”.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0281/993224/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 281, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB0281/628575/1), in line 2 of Amendment No. 3, after the comma insert “A MEMBER OF A POLICE AUXILIARY OR RESERVE VOLUNTEER PROGRAM AS DEFINED IN COMAR 12.04.07.02B(6),”.

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

Affirmative – 13 Negative – 31 (See Roll Call No. 359)

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 276 – The President (By Request – Administration) and Senators Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe

AN ACT concerning

Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims

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

SB0276/258274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Victims” in line 3 and substitute “– Substitution of Life Without the Possibility of Parole”; and strike beginning with “requiring” in line 12 down through “Fund;” in line 14 and substitute “altering the authorization for the Governor to commute or change a sentence of death into a certain period of confinement;”.

On page 2, strike line 15 in its entirety and substitute “and 7–107(b)”.

On page 3, strike in their entirety lines 21 through 29, inclusive.

AMENDMENT NO. 2

On page 5, strike beginning with the bracket in line 11 down through “expedient” in line 12 and substitute “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”; in lines 13 and 15, in each instance, strike the bracket; and in line 15, strike “(2)”.

AMENDMENT NO. 3

On pages 10 and 11, strike in their entirety the lines beginning with line 15 on page 10 through line 2 on page 11, inclusive.

The preceding 3 amendments were read only.

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

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS****House Bill 69 – Dorchester County Delegation**

AN ACT concerning

Dorchester County – Restriction on Sunday Gaming – Repeal

FOR the purpose of repealing a restriction that limits a certain gaming licensee in Dorchester County from holding a gaming event or carnival on a Sunday; and generally relating to Sunday charitable gaming in Dorchester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1202 and 13–1203(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1204
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 253 – Washington County Delegation

AN ACT concerning

Washington County – Amusement Devices – Tip Jars

FOR the purpose of altering the definition of “amusement device” as it relates to the operation and regulation of amusement devices in Washington County to include a game activated by an object or another consideration of value; altering the definition of “gross profits” as it relates to the operation of tip jars in Washington County to require the deduction of the cost of a gaming sticker; and generally relating to the operation and regulation of amusement devices and tip jars in Washington County.

~~BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–202
Annotated Code of Maryland
(2011 Replacement Volume 2012 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–441(a) and 17–442
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 17–441(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 13–2435

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

House Bill 401 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

**Military Department – Powers of the Adjutant General – Summary
Courts–Martial**

FOR the purpose of authorizing the Adjutant General to adopt certain rules and regulations; requiring certain rules and regulations to conform to a certain code and certain rules, regulations, and statutes; providing that when certain rules and regulations have been adopted and published by the Adjutant General, they shall have the force and effect of law and constitute a lawful order; providing that adoption and publication of rules and regulations by the Adjutant General are exempt from the requirements of the Administrative Procedure Act; altering the procedures for and penalties that may be imposed by summary courts–martial for the organized militia; and generally relating to powers of the Adjutant General and summary courts–martial.

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 13–302 and 13–812

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article – Public Safety

Section 13–808

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Public Safety
Section 13–808 and 13–808.1
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 10–102
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

Read the first time and 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. 360)

ADJOURNMENT

At 9:26 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 A.M. on Thursday, February 28, 2013.

Annapolis, Maryland
Thursday, February 28, 2013
8:00 A.M. Session

The Senate met at 8:21 A.M.

Prayer by Father Kevin Regan, The Parochial Vicar at St. John Neumann, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of February 27, 2013 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Colburn, Madaleno and Stone be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 362)

INTRODUCTION OF BILLS

Senate Bill 1030 – Senators Conway, McFadden, and Pugh

AN ACT concerning

Creation of a State Debt – Baltimore City – Morgan State University Athletic Facility Renovations

FOR the purpose of authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Morgan State University Board of Regents 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 1031 – Senator Colburn

AN ACT concerning

Hunting – Domesticated, Stray, or Feral Animals – Prohibited Acts

FOR the purpose of prohibiting a person from intentionally or willfully destroying or damaging a domesticated animal of another person or a stray or feral animal while hunting or pursuing wildlife; and generally relating to prohibited acts while hunting or pursuing wildlife.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–424
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 1032 – Senator Colburn

AN ACT concerning

Oysters – Power Dredging – Time Period

FOR the purpose of increasing to a certain number the maximum number of days per week that the Department of Natural Resources may authorize a certain dredge boat to operate under the power of an auxiliary yawl boat while dredging for oysters in the Chesapeake Bay; and generally relating to oyster dredging.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1013(c)
Annotated Code of Maryland
(2012 Replacement Volume)

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

Senate Bill 1033 – Senator Rosapepe

AN ACT concerning

Public Education – Alternative Schooling

FOR the purpose of adding an exception to the requirement that certain students attend a public school regularly during the entire school year; requiring the State Department of Education to adopt certain standards for the suspension or expulsion of a certain student under a certain provision of law and the

readmission of a certain student to a certain school; requiring county boards of education and the Board of School Commissioners of Baltimore City to establish alternative schooling for certain students under certain circumstances; authorizing a county superintendent to recommend the filing of a certain complaint alleging delinquency under certain circumstances; defining certain terms; prohibiting the implementation of certain provisions of this Act until county boards of education, the Board of School Commissioners of Baltimore City, and the State Department of Education have met certain requirements; and generally relating to alternative schooling for certain students.

BY adding to

Article – Education
Section 7–301(a) and 7–304.2
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 7–301(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Education
Section 7–301(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of Chapter 494 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, without amendments,

Article – Education
Section 7–301(a–1)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of Chapter 494 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, with amendments,

Article – Education
Section 7–301(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)
(As enacted by Section 2 of Chapter 494 of the Acts of the General Assembly of 2012)

BY repealing and reenacting, without amendments,

Article – Education

Section 7–301(a–1)(1)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

(As enacted by Section 2 of Chapter 494 of the Acts of the General Assembly of 2012)

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

Senate Bill 1034 – Senator Conway

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City –
Assisted Living on the Green**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to provide that a certain grant for the Assisted Living on the Green project may not terminate before a certain date; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2006.

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

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

Senate Bill 1035 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Rebirth Community Center

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 Rebirth Ministries, 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 1036 – Senator Edwards

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2011 – Allegany County –
Cumberland City Market**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to change the grantee for a certain grant to a certain State entity; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY adding to

Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item DU00.02(A)

BY repealing and reenacting, with amendments,

Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(G) and Item ZA03(G)

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

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 #5

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
Chair

Senate Executive Nominations Committee
Report #5
February 28, 2013

**Budget of the State Workers' Compensation Commission, Advisory
Committee on the**

1. Michael G. Comeau, Esq. District 35
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Advisory Committee on the Budget of the State Workers'

Compensation Commission; reappointed to serve a term of three years from July 1, 2010

2. Sandra I. Dorsey District 19
6305 Grafton Farm Drive
Laytonsville, MD 20882

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2012

3. Kevin P. Foy, Esq. District 42
1201 Overbrook Road
Baltimore, MD 21239

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2011

4. Patrick A. Roberson, Esq. District 41
2356 Sorrel Court
Baltimore, MD 21209

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2011

Community Health Resources Commission, Maryland

5. Margaret Anne Murray District 33
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2012

Handgun Roster Board

6. Ira M. Click District 3
6213 White Oak Drive
Frederick, MD 21701

Member of the Handgun Roster Board; reappointed to serve a term of four years from December 8, 2008 and a term of four years from December 8, 2012

Historic St. Mary's City Commission

7. MaryEllen D. Dolan, Esq. District 16
4308 Rosedale Avenue
Bethesda, MD 20814

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2010

8. John J. McAllister, Jr. District 29
P.O. Box 2506
Leonardtown, MD 20650

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2010

Physicians, State Board of

9. Avril Melissa Houston, M.D. District 11
9407 High Rock Way
Owings Mills, MD 21117

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

Port Commission, Maryland

10. Donte Hickman, Sr. District 42
6923 Old Pimlico Road
Baltimore, MD 21209

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2011

Prevailing Wage Rates, Advisory Council on

11. Charles E. Graham District 4
7170 Wanda Drive
Mt. Airy, MD 21771

Member of the Advisory Council on Prevailing Wage Rates; appointed to serve a term of three years from July 1, 2012

Racing Commission, State

12. John P. McDaniel District 13
13032 Highland Road
Highland, MD 20777

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2012

Subsequent Injury Fund Board

13. Margareta Crampton
 1222 N. Lincoln Street
 Arlington, VA 22201
- District 99

Member of the Subsequent Injury Fund Board; reappointed to serve a term of four years from July 1, 2011

14. Valerie E. Fraling District 10
9800 Mendoza Road
Randallstown, MD 21133

Member of the Subsequent Injury Fund Board; reappointed to serve a term of four years from July 1, 2011

15. R. Dennis German District 41
6-A Cross Keys Road
Baltimore, MD 21210

Member of the Subsequent Injury Fund Board; reappointed to serve a term of four years from July 1, 2011

Tourism Development Board, Maryland

16. Anthony Cohen District 14
18733 Tanterra Way
Brookeville, MD 20833

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2012

17. James A. Grube District 29
19860 Pear Hill Road
Leonardtown, MD 20650

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2011

18.	Patricia C. Heffelfinger 12404 Frost Court Potomac, MD 20854	District 15

Member of the Maryland Tourism Development Board; appointed to serve

remainder of a term of three years from July 1, 2010

19. Raymond Nelson District 10
8604 Glen Hanna Court
Windsor Mill, MD 21244

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2011

20. Heather Renz District 42
507 Hilltop Drive
Lutherville, MD 21093

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2012

Uninsured Employers Fund Board

21. Carolyn Krysiak District 46
364 Cornwall Street
Baltimore, MD 21224

Member of the Uninsured Employers Fund Board; appointed to serve a term of four years from July 1, 2011

University System of Maryland Board of Regents

22. Steven M. Hershkowitz District 21
4331 Rowalt Drive, Apt. 101
College Park, MD 20740

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2012

Veterans' Home Commission, Maryland

23. Thomas L. Davis District 27
3606 27th Street, P.O. Box 551
Chesapeake Beach, MD 20732

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2012

24. Gary D. Knight District 29
1035 Leeward Way
Solomons, MD 20688

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2008

Women, Maryland Commission for

25. Wandra Ashley–Williams District 9
4922 Water Grove Lane
Ellicott City, MD 21043

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2009

26. Mythili Bachu District 14
15014 Blackburn Road
Burtonsville, MD 20866

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2011

27. Betsy H. Ramirez District 47
5828 Dewey Street
Cheverly, MD 20785

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012

28. Varsha Mathur Sharma, Esq. District 28
7915 Norwich Court
Port Tobacco, MD 20677

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012

Youth Camp Safety, Advisory Council on

29. William H. Morgan District 46
20 S. Potomac Street
Baltimore, MD 21224

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2012

30. Amanda M. Wahle District 31
603 Warbler Walk
Glen Burnie, MD 21060

Member of the Advisory Council on Youth Camp Safety; appointed to serve a

term of three years from July 1, 2012

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Well Drillers, State Board of

- S-1. Larry Dale Brenneman District 1
312 Main Street Extended
Accident, MD 21520

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-2. C. Wayne Caswell District 35
3515 North Furnace Road
Jarrettsville, MD 21084

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-3. Hahns S. Hairston District 10
5943 Charles Street
Baltimore, MD 21207

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-4. David B. Hartman District 33
307 Wood Shadows Court
Millersville, MD 21108

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-5. John T. Shannahan, Sr. District 37
25145 Saint Michaels Road, P.O. Box 730
St. Michaels, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-6. Travis E. Sterner District 7
35 Sherwood Road

Cockeysville, MD 21030

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S–7. Darlene V. Wells District 5
17433 Wesley Chapel Road
Monkton, MD 21111

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

Women, Maryland Commission for

- S–8. Kimberly Brown, Ph.D. District 21
8232 Brooktree Street
Laurel, MD 20724

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

- S–9. Patricia E. Cornish District 37
908 Calvert Avenue
St. Michaels, MD 21663

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

- S–10. Ginger Miller District 27
609 Mattawoman Way
Accokeek, MD 20607

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

Youth Camp Safety, Advisory Council on

- S–11. Lisa Ann Laschalt District 29
25596 Loveville Road
Leonardtown, MD 20650

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2012

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Baltimore County Board of Elections

- L-1. Jeanne L. Turnock District 10
3321 Offutt Road
Randallstown, MD 21133

Member of the Baltimore County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

Carroll County Orphans' Court

- L-2. Charles E. Harrison District 9
5506 Crows Nest Drive
Sykesville, MD 21784

Member of the Carroll County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Garrett College Board of Trustees

- L-3. Madeleine Collins District 1
P.O. Box 720
McHenry, MD 21541

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2008

- L-4. Ruth Seib District 1
305 Whistlepig Way
Oakland, MD 21550

Member of the Garrett College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

- L-5. Linda S. Sherbin, Esq. District 1
360 Milt Dewitt Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Garrett County Liquor Control Board

- L-6. Thomas A. Gearhart District 1

5182 George Washington Highway
Oakland, MD 21550

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2012

Harford County Board of Elections

L–7. William G. Christoforo, Esq. District 35
103 Roland Place
Bel Air, MD 21014

Member of the Harford County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

Kent County Board of County Commissioners

L–8. William A. Short District 36
13735 Eagles Nest Farm Lane, P. O. Box 78
Still Pond, MD 21667

Member of the Kent County Board of County Commissioners; appointed to serve remainder of a term of four years from the General Election of November, 2010

Montgomery College Board of Trustees

L–9. Benjamin H. Wu District 16
2 Sandalfoot Court
Potomac, MD 20854

Member of the Montgomery College Board of Trustees; appointed to serve a term of six years from July 12, 2012

Prince George's Community College Board of Trustees

L–10. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2012

Somerset County Board of License Commissioners

L–11. Van Bennett Muir, Jr. District 38
30742 Perry Road
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2011

St. Mary's County Alcohol Beverage Board

L-12. Kevin McGuire Hall District 29
37909 Frankhall Lane
Chaptico, MD 20621

Member of the St. Mary's County Alcohol Beverage Board; appointed to serve a term of four years from January 1, 2012

Wicomico County Liquor Control Board

L-13. David A. MacLeod District 38
603 Hunting Park Drive
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; appointed to serve remainder of a term of two years from July 1, 2011

Wor-Wic Community College Board of Trustees

L-14. Andrew W. Booth District 38
8402 Hilda Drive
Salisbury, MD 21804

Member of the Wor-Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Worcester County Board of License Commissioners

L-15. Marc L. Scher District 38
107 Winter Quarters Drive
Pocomoke City, MD 21851

Member of the Worcester County Board of License Commissioners; appointed to serve a term of four years from July 1, 2012

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 1, 2013.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 363)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23**Senate Bill 18 – Senator Young**

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

Senator Mathias moved, duly seconded, to make the Bill a Special Order for March 5, 2013.

The motion was adopted.

Senate Bill 31 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – Beer, Wine and Liquor Tasting License

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

Affirmative – 45 Negative – 0 (See Roll Call No. 364)

The Bill was then sent to the House of Delegates.

Senate Bill 35 – Senator Pipkin

AN ACT concerning

**Queen Anne’s County and St. Mary’s County – Alcoholic Beverages –
Micro-Brewery Licenses**

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

Affirmative – 45 Negative – 0 (See Roll Call No. 365)

The Bill was then sent to the House of Delegates.

Senate Bill 49 – Senator Pipkin

AN ACT concerning

Alcoholic Beverages – Queen Anne’s County – Beer and Wine Festivals

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 304 – Senators Miller and Dyson

AN ACT concerning

Calvert County – Election Judges – Compensation

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 424 – Senator Mathias

AN ACT concerning

Somerset County – Emergency Burning Ban – Adoption and Enforcement

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 464 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

Natural Resources – Aquaculture – Shellfish Nursery Permits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 369)

The Bill was then sent to the House of Delegates.

Senate Bill 526 – Senators Colburn and Pipkin

AN ACT concerning

**Counties and Municipalities – Required Legislation or Regulations –
Adoption by Reference**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 370)

The Bill was then sent to the House of Delegates.

**Senate Bill 586 – Senators Middleton ~~and Dyson~~, Dyson, Conway, Benson,
Ferguson, Jennings, Montgomery, Pinsky, Reilly, Simonaire, and
Young**

AN ACT concerning

**Task Force to Study the Implementation of a Hub and Spoke Program in the
Southern Maryland Region**

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

Affirmative – 44 Negative – 0 (See Roll Call No. 371)

The Bill was then sent to the House of Delegates.

Senate Bill 671 – ~~Senator Conway~~ Senators Conway and Dyson

AN ACT concerning

Land Use – Local Comprehensive Planning and Zoning Cycle

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

Affirmative – 46 Negative – 0 (See Roll Call No. 372)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS**Senate Resolution No. 267 – Senator Joan Carter Conway:**

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Dr. David Wilson
in recognition of
Morgan Innovation Day and to acknowledge the University's efforts to educate
students who will have an impact on the future and the world.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 28th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 373)

Senate Resolution No. 430 – Senator Nathaniel J. McFadden:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Kappa Alpha Psi Fraternity, Inc.
in recognition of
your annual day in Annapolis and celebrating more
than 100 years of dedication to community service. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 28th day of February 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 374)

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 281 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Ferguson, Forehand, Frosh, Kelley, King, Madaleno, Manno, Montgomery, Peters, Pinsky, Ramirez, Raskin, Robey, Rosapepe, Young, ~~and Zirkin~~ Zirkin, and Jones-Rodwell ~~Jones-Rodwell, and McFadden~~

AN ACT concerning

Firearm Safety Act of 2013

Senator Garagiola moved, duly seconded, to limit the debate on **Senate Bill 281**.

MOTION TO LIMIT DEBATE

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(b), DEBATE ON SENATE BILL 760 SHALL BE LIMITED TO 2 HOURS IN THE AGGREGATE FOR CONSIDERATION OF THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 2 HOURS AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 1 HOUR SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 1 HOUR SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 375)

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

Affirmative – 28 Negative – 19 (See Roll Call No. 376)

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 276 – The President (By Request – Administration) and Senators Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe

AN ACT concerning

Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims

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

SB0276/258274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 276
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Victims” in line 3 and substitute “– Substitution of Life Without the Possibility of Parole”; and strike beginning with “requiring” in line 12 down through “Fund;” in line 14 and substitute “altering the authorization for the Governor to commute or change a sentence of death into a certain period of confinement;”.

On page 2, strike line 15 in its entirety and substitute “and 7–107(b)”.

On page 3, strike in their entirety lines 21 through 29, inclusive.

AMENDMENT NO. 2

On page 5, strike beginning with the bracket in line 11 down through “expedient” in line 12 and substitute “**CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE**”; in lines 13 and 15, in each instance, strike the bracket; and in line 15, strike “(2)”.

AMENDMENT NO. 3

On pages 10 and 11, strike in their entirety the lines beginning with line 15 on page 10 through line 2 on page 11, inclusive.

The preceding 3 amendments were read only.

Senator Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for March 1, 2013.

The motion was adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 40 – Delegate Carr

AN ACT concerning

Residential Property Sales – Disclosure of Utility Consumption

FOR the purpose of requiring a vendor of certain single family residential real property to display or make available certain utility information under certain circumstances; requiring a vendor to make available certain utility information in a certain manner; ~~authorizing a vendor to provide to prospective purchasers a certain home energy rating score;~~ providing that certain information ~~is~~ provided under this Act is provided without warranties; providing that the failure of a ~~seller~~ vendor to provide certain information to the purchaser does not give the purchaser the right to rescind a contract of sale based on the failure of the ~~seller~~ vendor to comply with this Act; providing that this Act does not apply to certain sales or transfers of property; providing for the construction ~~and application~~ of this Act; and generally relating to disclosure of utility consumption prior to the sale of single family residential real property.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 1–101(l) and (n)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Real Property
Section 10–702.1
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 45 – ~~Delegate McMillan~~ Delegates McMillan, Beidle, Cane, Frush, Glenn, Hogan, Holmes, Jacobs, Norman, O'Donnell, Otto, Stein, Vitale, Weir, and Wilson

AN ACT concerning

Real Property – Residential Leases – Interest on Security Deposits

FOR the purpose of altering the interest rate paid on a security deposit under a residential lease at the end of a tenancy; altering the interest rate paid on a security deposit under a residential lease when an evicted or ejected tenant makes a timely written demand for return of the security deposit; altering the annual interest rate paid by a mobile home park owner on a security deposit at the end of a tenancy; requiring the Department of Housing and Community Development to maintain on its Web site a certain list or a certain calculator;

establishing that a landlord or park owner is entitled to rely on a certain list or a certain calculator for certain purposes; requiring the Department to submit a certain report on or before a certain date; providing for the application of this Act; providing for a delayed effective date; and generally relating to the interest paid on security deposits under residential leases.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–203(e) and (h) and 8A–1001(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Real Property
Section 8–203(k) and (l) and 8A–1001(h)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 83 – The Speaker (By Request – Maryland Judiciary)

AN ACT concerning

Judgeships – Court of Special Appeals, Circuit Courts, and District Court

FOR the purpose of altering the number of judges of the Court of Special Appeals; altering the number of resident judges of the circuit court in certain judicial circuits; altering the number of associate judges of the District Court in certain districts; altering the number of District Court judges to be appointed from a certain county; and generally relating to judgeships in certain courts.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–402, 1–503, and 1–603
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 96 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Natural Resources – Restricted Shellfish Harvest Areas – Water Testing

FOR the purpose of repealing the requirement that the Department of the Environment test the waters in restricted shellfish harvest areas at certain frequencies under certain circumstances; and generally relating to testing the waters in restricted shellfish harvest areas.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–742
Annotated Code of Maryland
(2012 Replacement Volume)

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

House Bill 97 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Sediment Control and Stormwater Management Plans – Authority

FOR the purpose of authorizing the Department of the Environment to designate certain sediment control plan and stormwater management plan review and approval authority; and generally relating to the review and approval of sediment control and stormwater management plans.

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–105(a), 4–106, and 4–205
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

House Bill 136 – Delegate A. Miller

AN ACT concerning

State Personnel – Teleworking – ~~Eligibility~~ Statewide Program and Goals

FOR the purpose of requiring ~~that at least a certain percentage of certain State employees participate in certain telework programs; providing that this Act applies to all employees in the Executive Branch of State government; authorizing certain supervisors to approve certain requests to telework under~~

~~certain circumstances; requiring certain supervisors to provide certain State employees certain information in writing; requiring the Department of Budget and Management to submit certain reports to the General Assembly the Secretary of Budget and Management to establish a statewide telework program and adopt a statewide telework policy and telework guidelines; authorizing the head of a unit in the Executive Branch of State government to designate positions for which employees are eligible to telework; requiring a unit in the Executive Branch of State government to have a goal of a certain percentage of the eligible employees in the unit participating in a certain telework program; providing for the application of this Act; defining a certain term; and generally relating to a statewide telework program and telework goals for State personnel and eligibility to telework.~~

BY adding to

Article – State Personnel and Pensions

Section 2–308

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

House Bill 153 – Delegates Anderson, Vallario, Clippinger, Cluster, Conaway, Dumais, Glenn, Hough, Ivey, McComas, McDermott, Mitchell, Parrott, Smigiel, and Valderrama

AN ACT concerning

Office of the Public Defender – Representation at Bail Hearing – Provisional

FOR the purpose of establishing that the representation provided by the Office of the Public Defender to an indigent individual at a bail hearing before a District Court or circuit court judge shall be limited solely to the bail hearing and shall terminate automatically at the conclusion of the hearing; establishing a certain exception; and generally relating to representation by the Office of the Public Defender.

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 16–204

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 197 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

**Criminal Law – Illegal Dumping and Litter Control Law – ~~Penalties~~ Driver's
License – Points**

FOR the purpose of ~~requiring a court to notify a person who is convicted of a certain litter disposal offense that the person's driver's license may be suspended;~~ requiring a court to notify the Motor Vehicle Administration of a certain violation ~~involving litter disposal~~ of the Illegal Dumping and Litter Control Law; requiring the Chief Judge of the District Court and the Administrative Office of the Courts, in conjunction with the Administration, to establish certain procedures; ~~authorizing for a first offense, and requiring for a second or subsequent offense, the Administration to suspend, for a certain period of time, the driver's license of a person who is convicted of a certain litter disposal offense; providing for a certain hearing on the request of a licensee under certain circumstances~~ requiring a certain number of driver's license points to be assessed against an individual who is convicted of a violation of the Illegal Dumping and Litter Control Law under certain circumstances; making a certain conforming change; and generally relating to illegal dumping and litter control.

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–110(f)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

~~BY adding to~~

~~Article – Transportation~~

~~Section 16–206.2~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Article – Transportation

Section ~~16–402(a)~~ and 26–305(a)

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 241 – Delegates Jacobs, Hershey, and Smigiel

AN ACT concerning

Commercial Fishing and Seafood Operations – Nuisance Actions – Exemption

FOR the purpose of expanding the application of certain provisions of law relating to the protection of agricultural operations from certain actions under certain circumstances to apply to certain commercial fishing and seafood operations; exempting certain commercial fishing and seafood operations from nuisance lawsuits; authorizing an appeal of a certain decision on a nuisance complaint against a commercial fishing or seafood operation to a circuit court in a certain manner; defining a certain term; altering the definition of a certain term; and generally relating to nuisance actions against commercial fishing or seafood operations.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–403
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 20–301
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 244 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Department of Public Safety and Correctional Services – Subpoena Power

FOR the purpose of authorizing the Secretary of Public Safety and Correctional Services to subpoena, administer an oath to, and examine under oath any person under certain circumstances; repealing the authority of the Commissioner of Correction to subpoena, administer an oath to, and examine under oath any person under certain circumstances; establishing penalties for failure to appear or refusal to testify in response to a certain subpoena; establishing that a person who makes a false statement under oath before the Secretary is guilty of perjury and is subject to certain penalties; and generally relating to the powers of Department of Public Safety and Correctional Services officials.

BY adding to
Article – Correctional Services
Section 2–113.1
Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing

Article – Correctional Services

Section 3–204

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 254 – Allegany County Delegation

AN ACT concerning

Allegany County – Criminal Procedure – Custody of Arrested Persons Before Release

FOR the purpose of requiring a police officer or an agent acting on behalf of a law enforcement agency in Allegany County to keep custody of an arrested person from the time of arrest until the person is committed by lawful authority to a State or local correctional facility, released from custody, or in the custody of another police officer; authorizing a correctional officer in Allegany County assigned to supervise and transport inmates to keep custody of or provide transport for certain arrested persons under certain circumstances; and generally relating to the custody of arrested persons.

BY adding to

Article – Criminal Procedure

Section 2–106.1

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 255 – Allegany County Delegation

AN ACT concerning

Allegany County – Correctional Officers’ Bill of Rights

FOR the purpose of adding Allegany County to the provisions of law relating to the Cecil County, Garrett County, and St. Mary’s County Correctional Officers’ Bill of Rights; and generally relating to the Correctional Officers’ Bill of Rights.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 11–1002

Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 306 – Delegates O'Donnell, Haddaway–Riccio, and Lafferty

EMERGENCY BILL

AN ACT concerning

Natural Resources – Aquaculture – Shellfish Nursery Permits

FOR the purpose of prohibiting a person from engaging in the commercial rearing of shellfish seed outside certain leased areas without first obtaining a shellfish nursery permit from the Department of Natural Resources; placing certain limitations on the issuance and scope of a permit for land-based and in-water shellfish nursery operations; ~~providing that certain water quality classifications and restrictions established by the Department of the Environment may not affect certain in-water shellfish nursery operations;~~ clarifying that a person is not required to obtain a water column lease or a submerged land lease for in-water shellfish nursery operations; exempting shellfish nursery products from certain water quality classifications and restrictions; establishing a certain application process and a certain application fee for permit applications; authorizing the Department of Natural Resources to deny a permit application for reasonable cause or to include conditions in a permit; establishing a certain term for a permit; authorizing the Department of Natural Resources to suspend or revoke a permit for certain reasons; requiring a permit holder to allow certain inspections by the Department of Natural Resources; authorizing the Department of Natural Resources to adopt regulations implementing this Act; defining a certain term; making this Act an emergency measure; and generally relating to shellfish nursery permits.

BY adding to

Article – Natural Resources
Section 4–11A–23
Annotated Code of Maryland
(2012 Replacement Volume)

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

House Bill 309 – Delegates Norman, Anderson, Braveboy, Cardin, Clippinger, Cluster, Dumais, Eckardt, Feldman, Frank, George, Ivey, Jacobs, James, K. Kelly, Krebs, Lafferty, McComas, McConkey, McDermott, Mitchell, Niemann, Otto, Reznik, Simmons, Smigiel, Stein, Stocksdales, Valentino–Smith, Vallario, Vitale, Wilson, and Wood

AN ACT concerning

Courts – Discovery – Examination in Aid of Enforcement of Money Judgment

FOR the purpose of authorizing a judgment creditor to obtain discovery in aid of enforcement of a money judgment entered or recorded in a circuit court or in the District Court by use of a court ordered examination of certain persons under oath before a judge or examiner; establishing certain timing, notice, and procedural requirements for court ordered examinations in aid of enforcement of a money judgment; and generally relating to an examination in aid of enforcement of a money judgment entered or recorded in a circuit court or in the District Court.

BY adding to

Article – Courts and Judicial Proceedings

Section 11–404

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

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

House Bill 319 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Nonvoting Student Representative

FOR the purpose of adding a nonvoting student representative to the Carroll County Board of Education; requiring the student representative to meet certain qualifications; specifying the term of the student representative; requiring that the student representative advise the County Board on certain matters; prohibiting the student representative from attending an executive session of the County Board unless invited to attend by an affirmative vote by a majority of the County Board; specifying that only voting members of the County Board are subject to certain provisions; specifying that only voting members of the County Board may receive certain compensation; and generally relating to the Carroll County Board of Education.

BY repealing and reenacting, with amendments,

Article – Education

Section 3–401 and 3–403

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 378 – Delegate Stocksdales

AN ACT concerning

**Maryland Agricultural Land Preservation Fund – Easement Restriction –
Reimbursement**

FOR the purpose of authorizing the Comptroller to disburse money from the Maryland Agricultural Land Preservation Fund ~~to reimburse a landowner for the release of an easement restriction under a certain circumstance, subject to the prior approval of the board of trustees of the Maryland Agricultural Land Preservation Foundation~~ for the reimbursement of certain money paid by a landowner to the Fund for a certain release of a certain lot in accordance with certain requirements; authorizing the Maryland Agricultural Land Preservation Foundation, subject to certain approval and in accordance with certain regulations, to reimburse certain money paid into the Fund under certain circumstances; and generally relating to the Maryland Agricultural Land Preservation Fund.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–505(c)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY adding to
Article – Agriculture
Section 2–505(c)(5)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 2–513(b)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

House Bill 385 – Delegates S. Robinson, Arora, Barkley, Beidle, Bobo, Cane, Carr, Clippinger, Cullison, Frush, Gaines, Gilchrist, Glenn, Holmes, Hucker, Ivey, Kaiser, A. Kelly, Lafferty, Luedtke, McIntosh, A. Miller, Niemann, Otto, Reznik, Summers, Wilson, and Zucker

AN ACT concerning

Chesapeake Conservation Corps Program – Funding Extension

FOR the purpose of repealing certain limitations on the requirement to provide certain funding in certain fiscal years to the Chesapeake Conservation Corps Program for certain purposes from the Environmental Trust Fund; requiring certain funding for the Corps Program each fiscal year; extending the termination date of a certain surcharge on electrical energy distributed to retail electric customers in the State; and generally relating to the Chesapeake Conservation Corps Program and the Environmental Trust Fund.

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section ~~3–302(a)(1)~~ 3–302(a) and (b)(1) and 8–1913(a) and (c)

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section ~~3–302(d)~~ 3–302(b)(2) and (d) and 8–1921

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 7–203

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 388 – Delegates Gilchrist, Lee, McMillan, Norman, and S. Robinson

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

FOR the purpose of altering the purposes for which a meeting of the board of directors of a condominium council of unit owners may be held in closed session; and generally relating to meetings of the board of directors of a condominium council of unit owners.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 11–109.1

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 391 – Delegates Krebs, Cardin, Afzali, Aumann, Bromwell, Cluster, Costa, Cullison, Elliott, George, Howard, Hubbard, A. Kelly, Kipke, McComas, McDonough, W. Miller, Morhaim, Murphy, Oaks, Pena-Melnyk, Reznik, and Tarrant

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – ~~Bona Fide Wellness Program and Wellness Promotion~~

FOR the purpose of requiring the Secretary of Budget and Management, ~~in consultation with the Secretary of Health and Mental Hygiene, to develop and implement a certain bona fide wellness program for inclusion to include a certain wellness program in the State Employee and Retiree Health and Welfare Benefits Program; establishing certain requirements for the bona fide wellness program; authorizing the bona fide wellness program to include certain incentives for achieving health goals; requiring the Secretary of Budget and Management to consider certain actions to promote wellness among Program enrollees; requiring the Secretary of Budget and Management to report to the Governor and the General Assembly certain legislative committees on or before a certain date certain dates on the implementation of this Act; defining a certain term; and generally relating to a bona fide wellness program in the State Employee and Retiree Health and Welfare Benefits Program and wellness promotion.~~

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 2–501(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 2–501(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 546 – 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 \$60,000,000 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.

House Bill 670 – Montgomery County Delegation

EMERGENCY BILL

AN ACT concerning

**Montgomery County – Board of Education Districts – Town of Kensington in
One District
MC 1-13**

FOR the purpose of altering the boundaries of certain board of education districts for the election of the members of the Montgomery County Board of Education; combining a certain split precinct for the Town of Kensington to place all of the

residents of the precinct and of the Town of Kensington in one board of education district; making this Act an emergency measure; and generally relating to precincts and board of education districts for Montgomery County.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–901
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 674 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Board of Education – Compensation MC 8–13

FOR the purpose of altering the compensation received by the president and elected members of the Montgomery County Board of Education; providing that this Act does not apply to the salary or compensation of the president and members of the board during a certain term of office; and generally relating to the Montgomery County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–902
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 733 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Local Government – Cross-References and Corrections

FOR the purpose of correcting certain cross-references to the Local Government Article in the Annotated Code of Maryland; correcting certain errors and omissions in and relating to the Local Government Article; clarifying the application of certain provisions; making certain conforming changes; deleting certain obsolete references; providing for the construction and effect of certain

provisions of the Local Government Article; making stylistic changes; and generally relating to the Local Government Article and cross-references and corrections to it.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 15–109(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

Section 1–203(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Regulation

Section 1–204(b)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 4–401(10)(i), (vi), (ix), and (xiii), 5–114(a)(5), 5–301(d)(1), (2), (3), and (5), 6–410(b)(1), 7–409(a)(2)(xvi), 7–501(c), and 12–401(d)(1)

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 10–110(j)(1)(ii) and 13–302(m)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 13–104 and 15–414(e)(2)(ii)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 10–111(a), 10–340(g)(1), 10–508(a)(3), 12–112(b), 12–115, 12–205(d)(3), 12–304(d)(1), and 12–308(d)(3)

Annotated Code of Maryland

(2008 Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 3–203(a)(1)(i), 4–306.2(p)(1), and 5–602(d), (g), and (j)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 2–204(a)(1), 6–102(b), 7–101(7) and (8), 7–102(f)(2), 9–104(h), and
13–604(d)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–206(d)(1), 9–505(a)(1), 9–506(a)(1)(ii), 9–697(d), 9–1608(c), 9–1614(b),
and 15–504(a)(2)(iii)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Estates and Trusts

Section 2–108(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Financial Institutions

Section 7–116 and 7–223

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 14–402(a)(2)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 4–231(c)(1), 4–239(d)(6), 4–247(b)(6), 4–1608(a)(2), and 4–1609(a)

Annotated Code of Maryland

(2006 Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment

Section 9–404(a)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Land Use
Section 1–101(c) and (d), 1–204(a), 1–206, 1–207(a), 1–301(2), 1–302(4), 1–402,
1–501, 5–104(a)(5)(ii), 9–1607(b), 9–1608(b), 11–206, 17–208(g),
18–211, 22–403(a)(1), and 23–102(c)
Annotated Code of Maryland
(2012 Volume)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–107(b), 3–122(b)(1) and (4), 3–908(d), 3–915, 5–307(h), and
8–1103(i)(2)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–1004(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 22–204(b), 29–101(h), and 29–102(g)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–704(a), 10–706(b), 10–707(b), and 11B–104(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–606(b), 6–222(a)(8), 8–117(c), and 8–202
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1220(d)(1)(i), 2–1237(a)(14), 15–802, and 15–853(d)(4)
Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 4–103(a)(4) and 11–102(c)(1)(iii)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 7–243 and 9–102(a)(3)

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 5–419(c), 8–610(h), and 8–630(a)(2)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

Read the first time and 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. 377)

ADJOURNMENT

At 12:48 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 9:00 A.M. on Friday, March 1, 2013.

Annapolis, Maryland
Friday, March 1, 2013
9:00 A.M. Session

The Senate met at 9:16 A.M.

Prayer by Reverend Evan Keely, Cedar Lane Unitarian Universalist Church, guest of Senator Madaleno.

(See Exhibit A of Appendix III)

The Journal of February 28, 2013 was read and approved.

On motion of Senator Garagiola 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. 379)

INTRODUCTION OF BILLS

Senate Bill 1037 – Senators King, Brinkley, Colburn, Currie, DeGrange, Edwards, Garagiola, Jones–Rodwell, Kasemeyer, Madaleno, Manno, Middleton, Miller, Peters, and Robey

AN ACT concerning

Public Safety – Response to a State Disaster or Emergency – Licensing and Taxes

FOR the purpose of providing that certain out-of-state businesses and out-of-state employees may not be considered to have established a presence in the State that would subject the businesses or employees to certain licensing, registration, or tax requirements; exempting certain out-of-state businesses and out-of-state employees from certain income taxes and withholding requirements; requiring certain out-of-state businesses and registered businesses to provide a certain statement containing certain information; defining certain terms; and generally relating to out-of-state businesses and out-of-state employees.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–203(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article – Public Safety
Section 14–219
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Senate Bill 1038 – Senator King

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Montgomery County –
Montgomery Village Martin Roy Park Pavilion**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to alter the location of a certain grant; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2010.

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(AT)

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

**Senate Bill 1039 – The President (By Request – Commission to Study
Campaign Finance Law) and Senators Ferguson and Benson**

AN ACT concerning

Campaign Finance Reform Act of 2013

FOR the purpose of altering certain definitions; authorizing the State Board of Elections to audit certain account books, records, and statements; requiring an individual to establish an authorized candidate campaign committee before filing a declaration of intent; prohibiting a political committee from receiving or disbursing money if there is a vacancy in certain offices of the committee; prohibiting a candidate from remaining a member of a slate or joining a slate under certain circumstances; authorizing the establishment of legislative party caucus committees; providing that the State Board satisfies certain notice

requirements by sending notices to certain addresses; authorizing a central committee of a political party or legislative party caucus committee to establish an administrative account; establishing requirements for the functioning of administrative accounts; altering the circumstances under which a campaign contribution receipt must be issued; altering certain limits on the aggregate amount of contributions a person may make in an election cycle; requiring that certain contribution limits and certain transfer limits be adjusted in a certain manner at certain times; providing that contributions by two or more business entities be considered as being made by one contributor under certain circumstances; providing that certain limits on transfers between campaign finance entities do not apply to certain campaign finance entities; establishing a limit on the amount of transfers a slate may make in an election cycle to the authorized candidate campaign committees of its members; requiring certain political action committees to include certain information on the face of a check transferring funds to another campaign finance entity; authorizing certain officials to deposit a contribution during a session of the General Assembly under certain circumstances; repealing a certain provision relating to expenditures made by a campaign finance entity located outside the State; requiring an out-of-state political committee to register and file reports with the State Board that include certain information at certain times and in a certain manner; prohibiting an authorized candidate campaign committee from reporting more than a certain amount of contributions in an election cycle on its campaign finance reports without providing certain information about each contribution; repealing certain provisions relating to the filing of campaign finance reports or affidavits by authorized candidate campaign committees of candidates for election to the central committee of a political party; altering certain definitions in the law governing disclosure of independent expenditures and electioneering communications; requiring a person who makes a certain amount of independent expenditures or electioneering communications to register and file certain reports with the State Board within a certain time; requiring an independent expenditure or electioneering communication report to identify persons who made donations of a certain amount to the person making the independent expenditure or electioneering communication; requiring a person to file an amended independent expenditure or electioneering communication report under certain circumstances; authorizing the State Board to assess certain civil penalties for failure to file properly an independent expenditure or electioneering communication report; requiring a campaign finance entity to file a campaign finance report on a certain date immediately preceding a general election; providing that the authorized candidate campaign committee of a candidate for election to the central committee of a political party is required to file certain campaign finance reports and is not required to file any other campaign finance reports; requiring a political committee that makes only independent expenditures or electioneering communications to file campaign finance reports at certain times and subject to certain sanctions; requiring a campaign finance entity to file an amended campaign finance report under certain circumstances; providing for certain fees and other sanctions for late filing of an amended campaign finance

report; altering certain fees for late filing of a campaign finance report; requiring that a late filing fee be paid by a campaign finance entity except under certain circumstances; authorizing the governing body of a county to establish a system of public campaign financing for elective offices in the executive or legislative branches of county government; specifying certain requirements for a county system of public campaign financing; authorizing the State Board to assess a civil penalty for certain violations of campaign finance law; providing for the maximum amount of a civil penalty and requirements for issuing, paying, and contesting a civil penalty; authorizing a person who is assessed a civil penalty to elect to stand trial for the violation in District Court; requiring the State Prosecutor to assume responsibility for prosecuting a violation in District Court; providing for the procedures to be followed in the District Court; providing that a civil penalty is not a criminal conviction; altering certain definitions in the law governing disclosure of contributions by persons doing public business; altering certain requirements relating to certain statements of contributions by persons doing public business; transferring responsibility for waiving certain disclosure requirements applicable to persons doing public business from the Attorney General to the State Board; requiring a person doing public business to maintain certain records for a certain period of time; requiring a governmental entity to verify that a person doing public business has filed a certain statement of contributions before allowing the person to begin performance of a contract; requiring a person doing public business to file an amended statement of contributions under certain circumstances; authorizing the State Board to impose certain fees for late filing of a statement of contributions by a person doing public business in a certain manner; authorizing the State Board to adopt regulations implementing the law governing disclosure of contributions by persons doing public business; extending the statute of limitations for a misdemeanor constituting a criminal offense under the State election laws; providing for the application of the extension of the statute of limitations under this Act; making technical and clarifying corrections; making conforming changes; defining certain terms; providing for a delayed effective date; and generally relating to campaign finance.

BY repealing and reenacting, with amendments,

Article – Election Law

Section 1–101(o), (ff), and (gg), 2–102, 13–202, 13–207, 13–209, 13–214, 13–222, 13–226, 13–227, 13–228, 13–234, 13–235, 13–240, 13–304, 13–305, 13–306, 13–307, 13–309, 13–327, 13–331, 13–340, 14–101, 14–104, 14–105, and 14–107

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Election Law

Section 1–101(bb–1), 13–208.1, 13–220.1, 13–301, 13–309.1, 13–505, 13–604.1, and 14–109

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article – Election Law

Section 13–301

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 14–102, 14–103, 14–106, and 14–108

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–106(f) and (h)

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

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

Senate Bill 1040 – Senator Garagiola

AN ACT concerning

Mental Hygiene – Reform of Laws and Delivery of Services

FOR the purpose of modifying certain standards for involuntary admissions of individuals with mental disorders to certain facilities or a Veterans' Administration hospital under certain circumstances; modifying certain standards for emergency evaluations of individuals with mental disorders under certain circumstances; modifying certain standards for clinical review panel approval; establishing the Task Force on the Delivery of Services to Individuals with Mental Illness; providing for the membership and staffing of the Task Force; requiring the Governor to designate the chair of the Task Force; providing that a member of the Task Force may not receive compensation as a member of the Task Force but is entitled to certain reimbursement; requiring the Task Force to examine certain issues and make certain reports to the Governor and General Assembly; defining certain terms; making stylistic changes; providing for the termination of certain provisions of this Act; and generally relating to the reform of mental hygiene laws and delivery of services to individuals with mental illness.

BY renumbering

Article – Health – General

Section 10–631 through 10–633, respectively
to be Section 10–632 through 10–634, respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–613, 10–617(a), 10–620, 10–622(a) and (c), 10–623(b), 10–626(a), and
10–708(g)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–708(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – Health – General
Section 10–631
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 10–633(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–633(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of this Act)

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

Senate Bill 1041 – Senator Muse

AN ACT concerning

**Creation of a State Debt – Prince George’s County – National Philippine
Multi–Cultural 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 National Philippine Cultural 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 1042 – Senator Shank

AN ACT concerning

Washington County Building Code Board of Appeals – Decisions

FOR the purpose of authorizing the Washington County Building Code Board of Appeals, in accordance with a certain building code, to affirm, modify, or reverse the order, requirement, or decision that is the subject of the appeal; providing that a certain decision of the Washington County Building Code Board of Appeals is final, subject to appeal to the County Commissioners of Washington County under certain circumstances; prohibiting the County Commissioners of Washington County from delegating certain authority to any person; and generally relating to decisions of the Washington County Building Code Board of Appeals.

BY adding to

Article – Local Government

Section 13–908

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)

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

Senate Bill 1043 – Senator Frosh

AN ACT concerning

Commercial Law – Acceleration of Loan Indebtedness Due to Death – Prohibited

FOR the purpose of prohibiting certain loan and credit agreements from containing a certain acceleration clause in which any part or all of the unpaid balance may be declared due and payable due solely to the death of a borrower, a debtor, or a guarantor of the loan; establishing, notwithstanding certain provisions of this Act, that a lender or credit grantor is not obligated to extend additional credit or

make any cash advances to a certain estate or a certain person under certain circumstances; providing for the scope of certain provisions of this Act; providing for the application of this Act; making a stylistic change; and generally relating to acceleration provisions in loan and credit agreements.

BY adding to

Article – Commercial Law

Section 12–125.1, 12–311.1, 12–923.2, and 12–1023.2

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 12–409

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

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

Senate Bill 1044 – Senators Benson and Currie

AN ACT concerning

Creation of a State Debt – Prince George’s County – Lake Arbor Center Water and Sewage Connection Project

FOR the purpose of authorizing the creation of a State Debt not to exceed \$450,000, the proceeds to be used as a grant to the Board of Directors of the Lake Arbor 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 1045 – Senators Benson and Currie

AN ACT concerning

Creation of a State Debt – Prince George’s County – Lake Arbor Capital Improvements

FOR the purpose of authorizing the creation of a State Debt not to exceed \$300,000, the proceeds to be used as a grant to the Board of Directors of the Lake Arbor 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.

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 4 – Senator Garagiola

A Senate Joint Resolution concerning

Support of the Efforts of the Nagorno–Karabakh Republic to Develop as a Free and Independent Nation

FOR the purpose of expressing the support of the General Assembly for the Nagorno–Karabakh Republic; urging the President of the United States and the United States Congress to take certain action regarding the Nagorno–Karabakh Republic; providing that a copy of this resolution be sent by the Department of Legislative Services to certain individuals; and generally relating to support of the efforts of the Nagorno–Karabakh Republic to develop as a free and independent nation.

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #14

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

Senate Bill 171 – Senator Forehand

AN ACT concerning

Election Law – Special Elections – Voting by Mail

SB0171/364336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 171

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering certain provisions of law concerning voting by mail in special elections;”.

On page 2, in line 1, strike “adding to” and substitute “repealing and reenacting, with amendments;”; in line 3, strike “9–601 through 9–606 to be under the new” and substitute “9–501 through 9–506 to be under the amended”; and in the same line, strike “6.” and substitute “5.”.

AMENDMENT NO. 2

On pages 2 through 6, strike beginning with line 9 on page 2 through line 28 on page 6, inclusive, and substitute:

“Article – Election Law

Subtitle 5. [Montgomery County] Voting by Mail IN SPECIAL ELECTIONS.

9–501.

(a) This subtitle applies only to a special election [for the Montgomery County Council] that is not held concurrently with a regularly scheduled primary or general election.

(b) Voting by mail may be utilized in a special election [for the Montgomery County Council] in accordance with this subtitle.

(C) A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS SHALL BE CONDUCTED BY MAIL IF THE GOVERNOR’S PROCLAMATION ISSUED UNDER § 8–710 OF THIS ARTICLE DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.

(D) (1) IN THIS SUBSECTION, “LOCAL SPECIAL ELECTION” MEANS A SPECIAL ELECTION TO:

(I) FILL A VACANCY IN THE COUNTY COUNCIL OF A CHARTER COUNTY IF THE CHARTER OF THAT COUNTY PROVIDES FOR SPECIAL ELECTIONS;

(II) FILL A VACANCY IN THE BOARD OF COUNTY COMMISSIONERS OF A CODE HOME RULE COUNTY IF A LOCAL LAW ENACTED BY THAT COUNTY PROVIDES FOR SPECIAL ELECTIONS;

(III) FILL A VACANCY IN THE BOARD OF COUNTY COMMISSIONERS OF A COMMISSION COUNTY IF A LAW PROVIDES FOR SPECIAL ELECTIONS;

(IV) FILL A VACANCY IN A LOCAL BOARD OF EDUCATION IF STATE LAW PROVIDES FOR SPECIAL ELECTIONS;

(V) ELECT MEMBERS OF A CHARTER BOARD OR SUBMIT A PROPOSED CHARTER TO THE VOTERS FOR ADOPTION OR REJECTION IN ACCORDANCE WITH ARTICLE XI-A, § 1A OF THE MARYLAND CONSTITUTION; OR

(VI) SUBMIT A LOCAL LAW ENACTED BY A CODE HOME RULE COUNTY TO THE VOTERS FOR ADOPTION OR REJECTION IN ACCORDANCE WITH ARTICLE 25B, § 10(H) OF THE CODE.

[(c)] (2) A LOCAL special election [to fill a vacancy in the Montgomery County Council] shall be conducted by mail if the resolution of the [Montgomery County Council] COUNTY COUNCIL OR BOARD OF COUNTY COMMISSIONERS establishing the date of the special election directs that the election be conducted by mail.

[(d)] (E) Except as otherwise provided in this subtitle:

(1) provisions of this article relating to absentee voting apply to voting by mail; and

(2) [county] ALL PERTINENT STATE OR LOCAL laws relating to the conduct of a [county council] special election apply to a special election conducted under this subtitle.

(e) Provisions of this article relating to the conduct of elections apply to a special election conducted under this subtitle, unless a law specifically relevant to a special election applies.

9-502.

(a) (1) Except as provided in paragraph (2) of this subsection, [the] A local board shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter who is eligible to vote in a special election [for the Montgomery County Council].

(2) [The] A local board is not required to mail a vote-by-mail ballot to a voter if the voter has requested that the ballot be sent by other means.

(b) A voter is not required to submit an application to receive a vote-by-mail ballot.

(c) (1) [Each] IN MONTGOMERY COUNTY:

(I) EACH vote-by-mail ballot shall be accompanied by a postage-paid envelope in which a voter may return the voted ballot to the local board[.]; AND

[(2)] (II) [The] THE local board shall pay the cost of postage-paid envelopes provided under this subsection.

(d) [The] A local board shall send a vote-by-mail ballot to each eligible voter at least 14 days before the day of a special election.

(e) (1) Except as provided in paragraph (2) of this subsection, a vote-by-mail ballot shall be mailed to the address that is on file in the statewide voter registration list for each eligible voter.

(2) A registered voter may request to receive a vote-by-mail ballot at an address other than the address that is on file in the statewide voter registration list by:

(i) submitting an absentee ballot application in accordance with § 9-305(a) of this title not later than the Tuesday preceding the day of a special

election, if the voter is temporarily absent from the address that is on file in the statewide voter registration list; or

(ii) notifying a local board of a change of address not later than the Tuesday preceding the day of a special election, if the voter's residence has changed from the address that is on file in the statewide voter registration list to another location within the State.

(f) [The] A local board shall issue a replacement vote-by-mail ballot to a voter if the election director of the local board has reasonable grounds to believe that the vote-by-mail ballot previously issued to the voter has been lost, destroyed, [or] spoiled, OR NOT RECEIVED.

9-503.

(a) [The] EACH local board shall establish AT LEAST ONE voting [centers] CENTER for the use of any eligible voter who chooses to cast a ballot in person in a special election in accordance with this section.

(b) (1) A VOTING CENTER SHALL BE LOCATED AT A LOCAL BOARD OFFICE OR ANOTHER LOCATION WITHIN THE CONSTITUENCY WHERE THE SPECIAL ELECTION IS BEING HELD.

[(1)] (2) In MONTGOMERY COUNTY:

(I) IN a special election held in a single county council district, at least one voting center shall be established in the county council district where the special election is being held[.]; AND

[(2)] (II) [In] IN a countywide special election, at least one voting center shall be established in each county council district.

(c) A voting center established under this section shall:

(1) provide access to a voting system that is accessible to voters with disabilities in accordance with the federal Americans with Disabilities Act and the federal Help America Vote Act;

(2) provide for provisional voting in accordance with Subtitle 4 of this title;

(3) satisfy the requirements of § 10–101 of this article; and

(4) **(I) UNLESS OTHERWISE SPECIFIED IN THE PROCLAMATION ISSUED BY THE GOVERNOR THAT DIRECTS THAT THE SPECIAL ELECTION BE CONDUCTED BY MAIL, AND EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, BE OPEN FOR VOTING EACH DAY BEGINNING 6 DAYS BEFORE THE DAY OF A SPECIAL ELECTION THROUGH THE DAY OF A SPECIAL ELECTION DURING THE HOURS BETWEEN:**

1. 10 A.M. AND 8 P.M. MONDAY THROUGH SATURDAY; AND

2. 12 NOON TO 6 P.M. ON SUNDAY; AND

(II) IN MONTGOMERY COUNTY, be open for voting during the days and for the hours that the county council directs in the resolution under § 9–501(c) of this subtitle.

(d) If necessary to expedite the conduct of a special election and subject to the approval of the State Board, [the] A local board may establish a [polling place] VOTING CENTER under this section during a period when a change in polling places is prohibited under § 2–303 of this article.

(e) The process for applying in person for an absentee ballot at the office of a local board under § 9–305(c) of this title does not apply to a special election conducted by mail.

(f) Except as otherwise provided in this section, any provision of this article that applies to voting at a polling place on election day also applies to voting at a voting center established under this section.

9–504.

(a) A voter may return a vote-by-mail ballot to [the] A local board:

- (1) by mail;
- (2) in person during regular office hours; or
- (3) through a duly authorized agent in accordance with subsection (b) of this section.

(b) (1) A voter may designate a duly authorized agent in accordance with § 9–307 of this title to return a vote-by-mail ballot to [the] A local board during regular office hours.

(2) Notwithstanding § 9–307(b)(4)(i) of this title, an agent is required only to:

(i) witness the voter mark the ballot and place it in an envelope; and

(ii) return the ballot to [the] A local board.

9–505.

(a) A vote-by-mail ballot is considered timely and may be counted if the ballot:

(1) is returned in person to the office of [the] A local board by the voter or the voter’s duly authorized agent no later than 8 p.m. on the day of a special election; or

(2) (i) is received by mail by [the] A local board no later than 10 a.m. on the second Friday after a special election; and

(ii) was mailed on or before election day, as verified:

1. by a postmark; or

2. if the return envelope does not contain a postmark or the postmark is illegible, by the voter’s affidavit that the ballot was mailed on or before election day.

(b) A vote-by-mail ballot that does not meet the requirements of subsection (a) of this section is not timely and may not be counted.

9-506.

The State Board may adopt regulations as necessary to implement this subtitle.”

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 225 – Senators Pugh and Gladden

AN ACT concerning

Baltimore City – 40th and 41st Legislative Districts – Alcoholic Beverages – Store Closing Hours

SB0225/414333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 225

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 5, in each instance, strike “40th and 41st Legislative Districts” and substitute “Park Heights Redevelopment Area”; and in line 4, after “time” insert “on certain days”.

AMENDMENT NO. 2

On page 1 in line 22 and on page 2 in line 23, after “day” insert “AND END AT 10 P.M. ON MONDAY THROUGH THURSDAY”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1, 2, 24, and 25; in lines 3, 5, 9, 11, 26, and 28, in each instance, strike the bracket; and in lines 3, 5, 9, 11, 26, and 28, respectively, strike “(4)”, “(5)”, “(6)”, “(7)”, “(IV)”, and “(V)”, respectively.

On page 3, in lines 1, 8, 10, and 12, in each instance, strike the bracket; and in lines 1, 8, 10, and 12, respectively, strike “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively.

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 400 – Senator Glassman

AN ACT concerning

Environmental Health Specialists – Licensure Examinations – Applicant Qualifications and Waiver

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 462 – Senator Simonaire

AN ACT concerning

Environment – Wetlands and Waterways Authorizations – Installation of Personal Watercraft Lifts

SB0462/454436/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 462

(First Reading File Bill)

On page 2, in line 6, after “of” insert a colon; strike beginning with “one” in line 6 down through “\$300;” in line 11 and substitute:

“1. ONE BOAT LIFT OR HOIST, NOT EXCEEDING FOUR BOAT LIFTS OR HOISTS PER PIER;

2. ONE PERSONAL WATERCRAFT LIFT OR HOIST, NOT EXCEEDING SIX PERSONAL WATERCRAFT LIFTS OR HOISTS PER PIER; OR

3. A COMBINATION OF BOAT LIFTS OR HOISTS AND PERSONAL WATERCRAFT LIFTS OR HOISTS, NOT EXCEEDING SIX LIFTS OR HOISTS PER PIER, OF WHICH NOT MORE THAN FOUR LIFTS OR HOISTS ARE BOAT LIFTS OR HOISTS.....\$300;”;

in lines 12, 14, 16, 19, 22, and 25, in each instance, strike the brackets; and in lines 12, 14, 16, 19, 22, and 25, strike “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively.

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 #10

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

Senate Bill 405 – Senators Middleton, Garagiola, and Klausmeier

AN ACT concerning

Labor and Employment – Payment of Overtime Wages

SB0405/257272/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 405

(First Reading File Bill)

On page 2, in line 28, after “(4)” insert “UNLESS A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND A LABOR ORGANIZATION PROVIDES OTHERWISE,”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 553 – Senator Getty

AN ACT concerning

Tipped Employees – Payments or Deduction from Wages – Prohibition

SB0553/197879/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 553

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “circumstances;” insert “requiring certain employers to post certain notices in certain places in a form required by the Commissioner of Labor and Industry;”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(C) EACH EMPLOYER SHALL KEEP POSTED CONSPICUOUSLY IN A PLACE WHERE A TIPPED EMPLOYEE IS EMPLOYED A PRINTED NOTICE OF THE PROVISIONS OF THIS SECTION, IN A FORM THAT THE COMMISSIONER REQUIRES.”

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #5

Senator Klausmeier, Chair, for the Committee on Rules moved the following Joint Resolution be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Joint Resolution 3 – Senator Peters

A Senate Joint Resolution concerning

Crisis in Waiting Periods for Veterans with Disabilities to Receive Services from the Federal Veterans Benefits Administration

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 EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

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
Chair

Senate Executive Nominations Committee
Report #5
February 28, 2013

Budget of the State Workers' Compensation Commission, Advisory Committee on the

1. Michael G. Comeau, Esq. District 35
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from

July 1, 2010

2. Sandra I. Dorsey District 19
6305 Grafton Farm Drive
Laytonsville, MD 20882

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2012

3. Kevin P. Foy, Esq. District 42
1201 Overbrook Road
Baltimore, MD 21239

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2011

4. Patrick A. Roberson, Esq. District 41
2356 Sorrel Court
Baltimore, MD 21209

Member of the Advisory Committee on the Budget of the State Workers' Compensation Commission; reappointed to serve a term of three years from July 1, 2011

Community Health Resources Commission, Maryland

5. Margaret Anne Murray District 33
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; reappointed to serve a term of four years from July 1, 2012

Handgun Roster Board

6. Ira M. Click District 3
6213 White Oak Drive
Frederick, MD 21701

Member of the Handgun Roster Board; reappointed to serve a term of four years from December 8, 2008 and a term of four years from December 8, 2012

Historic St. Mary's City Commission

7. MaryEllen D. Dolan, Esq. District 16

4308 Rosedale Avenue
Bethesda, MD 20814

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2010

8. John J. McAllister, Jr. District 29
P.O. Box 2506
Leonardtown, MD 20650

Member of the Historic St. Mary's City Commission; reappointed to serve a term of four years from July 1, 2010

Physicians, State Board of

9. Avril Melissa Houston, M.D. District 11
9407 High Rock Way
Owings Mills, MD 21117

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

Port Commission, Maryland

10. Donte Hickman, Sr. District 42
6923 Old Pimlico Road
Baltimore, MD 21209

Member of the Maryland Port Commission; appointed to serve a term of three years from July 1, 2011

Prevailing Wage Rates, Advisory Council on

11. Charles E. Graham District 4
7170 Wanda Drive
Mt. Airy, MD 21771

Member of the Advisory Council on Prevailing Wage Rates; appointed to serve a term of three years from July 1, 2012

Racing Commission, State

12. John P. McDaniel District 13
13032 Highland Road
Highland, MD 20777

Member of the State Racing Commission; reappointed to serve a term of four

19. Raymond Nelson District 10
8604 Glen Hanna Court
Windsor Mill, MD 21244

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2011

20. Heather Renz District 42
507 Hilltop Drive
Lutherville, MD 21093

Member of the Maryland Tourism Development Board; appointed to serve a term of three years from July 1, 2012

Uninsured Employers Fund Board

21. Carolyn Krysiak District 46
364 Cornwall Street
Baltimore, MD 21224

Member of the Uninsured Employers Fund Board; appointed to serve a term of four years from July 1, 2011

University System of Maryland Board of Regents

22. Steven M. Hershkowitz District 21
4331 Rowalt Drive, Apt. 101
College Park, MD 20740

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2012

Veterans' Home Commission, Maryland

23. Thomas L. Davis District 27
3606 27th Street, P.O. Box 551
Chesapeake Beach, MD 20732

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2012

24. Gary D. Knight District 29
1035 Leeward Way
Solomons, MD 20688

Member of the Maryland Veterans' Home Commission; appointed to serve

remainder of a term of five years from July 1, 2008

Women, Maryland Commission for

25. Wandra Ashley–Williams District 9
4922 Water Grove Lane
Ellicott City, MD 21043

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2009

26. Mythili Bachu District 14
15014 Blackburn Road
Burtonsville, MD 20866

Member of the Maryland Commission for Women; appointed to serve remainder of a term of four years from July 1, 2011

27. Betsy H. Ramirez District 47
5828 Dewey Street
Cheverly, MD 20785

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012

28. Varsha Mathur Sharma, Esq. District 28
7915 Norwich Court
Port Tobacco, MD 20677

Member of the Maryland Commission for Women; appointed to serve a term of four years from July 1, 2012

Youth Camp Safety, Advisory Council on

29. William H. Morgan District 46
20 S. Potomac Street
Baltimore, MD 21224

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2012

30. Amanda M. Wahle District 31
603 Warbler Walk
Glen Burnie, MD 21060

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three years from July 1, 2012

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Well Drillers, State Board of

- S-1. Larry Dale Brenneman District 1
312 Main Street Extended
Accident, MD 21520

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-2. C. Wayne Caswell District 35
3515 North Furnace Road
Jarrettsville, MD 21084

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-3. Hahns S. Hairston District 10
5943 Charles Street
Baltimore, MD 21207

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-4. David B. Hartman District 33
307 Wood Shadows Court
Millersville, MD 21108

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-5. John T. Shannahan, Sr. District 37
25145 Saint Michaels Road, P.O. Box 730
St. Michaels, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S-6. Travis E. Sterner District 7
35 Sherwood Road
Cockeysville, MD 21030

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

- S–7. Darlene V. Wells District 5
17433 Wesley Chapel Road
Monkton, MD 21111

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2012

Women, Maryland Commission for

- S–8. Kimberly Brown, Ph.D. District 21
8232 Brooktree Street
Laurel, MD 20724

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

- S–9. Patricia E. Cornish District 37
908 Calvert Avenue
St. Michaels, MD 21663

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

- S–10. Ginger Miller District 27
609 Mattawoman Way
Accokeek, MD 20607

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2012

Youth Camp Safety, Advisory Council on

- S–11. Lisa Ann Laschalt District 29
25596 Loveville Road
Leonardtown, MD 20650

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2012

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate

Executive Nominations Committee.

Baltimore County Board of Elections

- L-1. Jeanne L. Turnock District 10
3321 Offutt Road
Randallstown, MD 21133

Member of the Baltimore County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

Carroll County Orphans' Court

- L-2. Charles E. Harrison District 9
5506 Crows Nest Drive
Sykesville, MD 21784

Member of the Carroll County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Garrett College Board of Trustees

- L-3. Madeleine Collins District 1
P.O. Box 720
McHenry, MD 21541

Member of the Garrett College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2008

- L-4. Ruth Seib District 1
305 Whistlepig Way
Oakland, MD 21550

Member of the Garrett College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

- L-5. Linda S. Sherbin, Esq. District 1
360 Milt Dewitt Road
Friendsville, MD 21531

Member of the Garrett College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Garrett County Liquor Control Board

- L-6. Thomas A. Gearhart District 1
5182 George Washington Highway

Oakland, MD 21550

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2012

Harford County Board of Elections

L-7. William G. Christoforo, Esq. District 35
103 Roland Place
Bel Air, MD 21014

Member of the Harford County Board of Elections; appointed to serve remainder of a term of four years from June 6, 2011

Kent County Board of County Commissioners

L-8. William A. Short District 36
13735 Eagles Nest Farm Lane, P.O. Box 78
Still Pond, MD 21667

Member of the Kent County Board of County Commissioners; appointed to serve remainder of a term of four years from the General Election of November, 2010

Montgomery College Board of Trustees

L-9. Benjamin H. Wu District 16
2 Sandalfoot Court
Potomac, MD 20854

Member of the Montgomery College Board of Trustees; appointed to serve a term of six years from July 12, 2012

Prince George's Community College Board of Trustees

L-10. Samuel J. Parker, Jr. District 22
5601 57th Avenue
Riverdale, MD 20737

Member of the Prince George's Community College Board of Trustees; appointed to serve a term of five years from July 1, 2012

Somerset County Board of License Commissioners

L-11. Van Bennett Muir, Jr. District 38
30742 Perry Road
Princess Anne, MD 21853

Member of the Somerset County Board of License Commissioners; reappointed to serve a term of two years from June 1, 2011

St. Mary's County Alcohol Beverage Board

L-12. Kevin McGuire Hall District 29
37909 Frankhall Lane
Chaptico, MD 20621

Member of the St. Mary's County Alcohol Beverage Board; appointed to serve a term of four years from January 1, 2012

Wicomico County Liquor Control Board

L-13. David A. MacLeod District 38
603 Hunting Park Drive
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; appointed to serve remainder of a term of two years from July 1, 2011

Wor-Wic Community College Board of Trustees

L-14. Andrew W. Booth District 38
8402 Hilda Drive
Salisbury, MD 21804

Member of the Wor-Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2012

Worcester County Board of License Commissioners

L-15. Marc L. Scher District 38
107 Winter Quarters Drive
Pocomoke City, MD 21851

Member of the Worcester County Board of License Commissioners; appointed to serve a term of four years from July 1, 2012

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. 380)

SPECIAL ORDERS

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

Senate Bill 276 – The President (By Request – Administration) and Senators Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe

AN ACT concerning

Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims

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

SB0276/258274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “and” in line 2 down through “Victims” in line 3 and substitute “– Substitution of Life Without the Possibility of Parole”; and strike beginning with “requiring” in line 12 down through “Fund;” in line 14 and substitute “altering the authorization for the Governor to commute or change a sentence of death into a certain period of confinement;”.

On page 2, strike line 15 in its entirety and substitute “and 7–107(b)”.

On page 3, strike in their entirety lines 21 through 29, inclusive.

AMENDMENT NO. 2

On page 5, strike beginning with the bracket in line 11 down through “expedient” in line 12 and substitute “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”; in lines 13 and 15, in each instance, strike the bracket; and in line 15, strike “(2)”.

AMENDMENT NO. 3

On pages 10 and 11, strike in their entirety the lines beginning with line 15 on page 10 through line 2 on page 11, inclusive.

Amendment No. 2 was read and adopted by roll call votes as follows:

Affirmative – 27 Negative – 19 (See Roll Call No. 381)

Amendment No. 1 was read and adopted by roll call votes as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 382)

Amendment No. 3 was read and adopted by roll call votes as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 383)

Favorable report, as amended, adopted.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 428 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland State Education Association &
National Education Association
in recognition of
the celebration of Dr. Seuss' Birthday and
Read Across America Day. We commend your
contributions to promote reading and adult
involvement in the education of our youth.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 1st day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 384)

SPECIAL ORDERS

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

FLOOR AMENDMENT

SB0276/933922/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE WHILE COMMITTING OR ATTEMPTING TO COMMIT ARSON IN THE FIRST DEGREE, CARJACKING OR ARMED CARJACKING, RAPE IN THE FIRST DEGREE, ROBBERY UNDER § 3-402 OR § 3-403 OF THIS ARTICLE, OR SEXUAL OFFENSE IN THE FIRST DEGREE MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT**”; strike in their entirety lines 8 through 29, inclusive; and in line 12, strike “(x)”.

On page 17 of the bill, in lines 1, 2, 3, 4, and 5, strike “1.”, “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, and “**(V)**”, respectively; in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree while committing or attempting to commit arson in the first degree, carjacking or armed carjacking, rape in the first degree, robbery under § 3–402 or § 3–403 of the Criminal Law Article, or sexual offense in the first degree.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 385)

QUORUM CALL

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

(See Roll Call No. 386)

ADJOURNMENT

At 12:20 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 4, 2013.

**Annapolis, Maryland
Monday, March 4, 2013
8:00 P.M. Session**

The Senate met at 8:15 P.M.

Prayer by Reverend Doctor S. Todd Yeary, Douglas Memorial Community Church, guest of Senator Jones–Rodwell.

(See Exhibit A of Appendix III)

The Journal of March 1, 2013 was read and approved.

On motion of Senator Garagiola 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. 388)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 427 – Senator Edward R. Reilly:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Annapolis Area Christian School
in recognition of
your team's capturing the title as the 2012 Maryland Independent Schools State
Baseball Champions. Your dedication to practice, the principles of sportsmanship and
teamwork have resulted in this outstanding achievement.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 4th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 389)

INTRODUCTION OF BILLS

Senate Bill 1046 – Senator Benson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Prince George’s County – Capitol Heights Seat Pleasant Boys and Girls Club Initiative

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to alter the deadline for a certain grantee to present evidence of certain matching funds; providing that certain grants may not terminate before a certain date; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2011.

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BJ) and Item ZA03(AW)

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

Senate Bill 1047 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Education Based Latino Outreach ADA/Elevator Project

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 Education Based Latino Outreach, 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 1048 – Senator Pipkin

AN ACT concerning

Work Zone Speed Control Systems – Refund of Civil Penalties

FOR the purpose of requiring the refund, before a certain date, of all civil penalties paid for alleged violations recorded by work zone speed control systems under the Maryland SafeZones Program during a certain period of time; and generally relating to work zone speed control systems and the refund of civil penalties.

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

Senate Bill 1049 – Senators Mathias and Astle

AN ACT concerning

Recycling – Apartment Buildings and Condominiums

FOR the purpose of providing that a certain property owner or manager of an apartment building or a council of unit owners of a condominium is not required to provide for recycling for residents of any dwelling unit located in a county or municipality that does not currently provide a certain recycling service and that utilizes a certain system or facility for the disposal of waste; and generally relating to recycling requirements for apartment buildings and condominiums.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1711
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

Senate Bill 1050 – Senators Rosapepe, Brinkley, and Peters

AN ACT concerning

**Creation of a State Debt – Prince George’s County – College Park Aviation
Museum**

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 Maryland–National Capital Park and Planning Commission 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 1051 – Senator Rosapepe

AN ACT concerning

Maryland Private Sector Employees Pension Plan and Trust

FOR the purpose of establishing the Maryland Private Sector Employees Pension Plan for eligible private sector employees; establishing the Maryland Private Sector Employees Pension Trust; establishing the Maryland Private Sector Employees Pension Plan Board to manage, administer, and operate the Plan and the Trust; providing for the composition, chair, staffing, and terms of members of the Board; providing for the powers and duties of the Board; requiring the Board to adopt certain regulations; requiring the Plan to be audited annually; providing for the purpose and uses of the Trust; authorizing eligible employers to offer the Plan to eligible employees; requiring eligible employees to participate in the Plan unless written notice to opt out is provided to the Board; requiring certain accumulated contributions in the Trust to be used to purchase certain annuities for Plan participants; prohibiting an employee from withdrawing amounts from a Plan account until the date of the employee's retirement; prohibiting the creation of any obligation on the State to provide certain guarantees under this Act; prohibiting the faith, credit, and taxing power of the State to be pledged to any debt or obligation under this Act; requiring certain conditions to be met before any plan, trust, administrative arrangement, or investment offering may be implemented; providing for the expiration of terms of certain initial Board members; defining certain terms; establishing the Maryland Private Sector Employees Pension Plan Workgroup; providing for the composition, chair, and staffing of the Workgroup; requiring the Workgroup to study and make recommendations regarding the implementation of a private sector employees pension plan and to report its findings on or before a certain date; providing for the termination of certain provisions of this Act; and generally relating to the Maryland Private Sector Employees Pension Plan and the Maryland Private Sector Employees Pension Trust.

BY adding to

Article – Labor and Employment

Section 12–101 through 12–502 to be under the new title “Title 12. Maryland Private Sector Employees Pension Plan and Trust”

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

Senate Bill 1052 – Senator Kittleman

AN ACT concerning

Criminal Law – Electronic Harassment of a Minor

FOR the purpose of prohibiting a person from using a computer or computer network to cause a minor or another person to reasonably fear for the safety of the minor under certain circumstances; prohibiting a person from using a computer or computer network to engage in conduct which would constitute sexual harassment of a minor; prohibiting a person from using a computer or computer network to disseminate certain data with the malicious intent to psychologically torment or harass a minor; prohibiting a person from using a computer or computer network to make any statement intended to provoke or likely to provoke a third party to stalk or harass a minor; defining certain terms; establishing a certain penalty for a violation of this Act; and generally relating to electronic harassment.

BY renumbering

Article – Criminal Law

Section 3–805.1

to be Section 3–805.2

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY adding to

Article – Criminal Law

Section 3–805.1

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

Senate Bill 1053 – Senator Jones–Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Fayette Street Outreach Community 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 Fayette Street Outreach Organization, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1054 – The President (By Request – Administration)

AN ACT concerning

Transportation Infrastructure Investment Act of 2013

FOR the purpose of altering the distribution of motor fuel tax revenue; reducing certain motor fuel tax rates on a certain date; requiring that certain motor fuel tax rates be increased on a certain date each year based on the percentage growth in a certain index; requiring the Comptroller to determine and announce the percentage growth in a certain index and certain motor fuel tax rates on a certain date each year; requiring that certain motor fuel tax rates remain unchanged if there is a decline or no growth in a certain index; requiring the Comptroller to determine and announce a certain average retail price of motor fuel and a certain sales and use tax equivalent rate on a certain date each year; requiring a certain sales and use tax equivalent rate to be added to certain motor fuel tax rates and collected in the same manner as the motor fuel tax; providing that certain State laws and regulations that apply to the motor fuel tax also apply to a certain sales and use tax equivalent rate; requiring the Comptroller to determine a certain average retail price of motor fuel and a certain sales and use tax equivalent rate in a certain manner; altering certain provisions prohibiting the reversion or crediting of funds in the Transportation Trust Fund to the General Fund or a special fund except under certain circumstances; authorizing the use of funds in the Transportation Trust Fund for defense or relief purposes under certain circumstances; altering certain provisions requiring the repayment of funds transferred or diverted from the Transportation Trust Fund in a certain manner; requiring the Governor to include certain appropriations for a certain purpose in the operating or capital budgets for certain fiscal years; requiring the Maryland Transit Administration to increase fares for certain transit services in a certain manner; altering the amount of a certain surcharge required to be paid in addition to the registration fee required for certain motor vehicles; altering the distribution of sales and use tax revenue to the Transportation Trust Fund under certain circumstances; altering the manner in which a certain sales and use tax equivalent rate imposed on motor fuel is determined under certain circumstances; requiring the Governor to appoint a certain task force to study regional transit financing and local transportation revenues; requiring the task force to submit a report to the Governor and the General Assembly by a certain date; repealing certain obsolete provisions; defining certain terms; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act; and generally relating to transportation financing and transportation infrastructure investment.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1103, 2–1303, and 9–305
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Tax – General
Section 2–1302.2 and 9–306
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–216, 3–217, and 7–208(b–1)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Transportation
Section 8–613.3
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–954
Annotated Code of Maryland
(2012 Replacement Volume)

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 71 – Delegate O'Donnell

AN ACT concerning

Homeowner's Insurance – Underwriting Based on Geographic Area

FOR the purpose of establishing the requirements an insurer must meet before refusing to issue or renew a policy of homeowner's insurance solely because the insured property or the applicant's or insured's address is located within a certain geographic area of the State; requiring an insurer to adopt a certain underwriting standard and file the underwriting standard with the Maryland Insurance Commissioner for approval; specifying the contents of a certain filing; establishing that a certain underwriting standard may not take effect until a certain number of days after it is filed with the Commissioner; establishing certain exceptions; establishing certain requirements for a certain underwriting standard; providing that certain information shall be open to public inspection; authorizing the Commissioner to disapprove a filing under certain

circumstances; requiring the Commissioner to send certain notice of disapproval of a filing under certain circumstances; requiring the Commissioner to hold a hearing under certain circumstances; requiring the Commissioner to give certain notice of the hearing; providing that certain provisions of law do not apply to certain policies of homeowner's insurance; and generally relating to underwriting standards for homeowner's insurance.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 19–107

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Insurance

Section 19–215

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 124 – Delegate Davis

AN ACT concerning

Public Utilities – Telephone Service – Charges for Directory Assistance

FOR the purpose of specifying that certain residential customers are entitled to only a certain number of directory assistance calls each month without charge; requiring the Public Service Commission to approve other charges for directory assistance, subject to a certain exception; repealing a provision that authorizes the Commission to establish additional exemptions from directory assistance charges; and generally relating to telephone service and directory assistance.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 8–202

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 139 – ~~Delegate O'Donnell~~ Delegates O'Donnell and Krebs

AN ACT concerning

~~Training for Public~~ Open Meetings Act – Training for Public Bodies

FOR the purpose of ~~requiring the State Open Meetings Law Compliance Board to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body;~~ requiring a public body to designate certain individuals to receive certain ~~online~~ training; requiring the public body to submit a list of the individuals designated to receive certain ~~online~~ training to the State Open Meetings Law Compliance Board; requiring certain individuals designated to receive certain ~~online~~ training to complete the training within a certain time period; ~~requiring certain individuals to complete certain annual online training;~~ and generally relating to ~~online training on the requirements of the Open Meetings Act~~ and training for public bodies.

BY repealing and reenacting, ~~with~~ without amendments,
Article – State Government
Section 10–502.4(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Government
Section 10–502.7
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 218 – Delegate George

AN ACT concerning

Physician Assistants – Performance of X-Ray Duties

FOR the purpose of providing for the circumstances under which a licensed physician assistant may perform certain X-ray duties; requiring a primary supervising physician to obtain certain approval from the Board of Physicians before a certain physician assistant performs certain X-ray procedures; and generally relating to the performance of X-ray duties by physician assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–306(e) and 15–302(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 303 – Delegates Nathan–Pulliam, Oaks, Bromwell, Burns, Costa, Cullison, Donoghue, ~~Elliott~~, Haynes, Jones, Kach, A. Kelly, Kipke, McDonough, Morhaim, Murphy, Pena–Melnik, Reznik, Rosenberg, Tarrant, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, and Hubbard

AN ACT concerning

Task Force to Study Point–of–Care Testing for Lead Poisoning

FOR the purpose of establishing the Task Force to Study Point–of–Care Testing for Lead Poisoning; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding the use of and reimbursement for point–of–care testing to screen and identify children with elevated blood–lead levels; requiring the Task Force to report its findings and recommendations to the Governor and certain legislative committees on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Point–of–Care Testing for Lead Poisoning.

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

House Bill 350 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

Business Regulation – Outdoor Musical Festival Promoter License – Repeal of Safety Permit Requirement

FOR the purpose of repealing the requirement that an applicant for a promoter license to act as a promoter of outdoor musical festivals obtain a certain safety permit from the Secretary of State Police; requiring a certain approval by a local law enforcement unit of an applicant for a promoter license to be based on certain criteria relating to safety and security; repealing the authority of the Department of State Police to charge an applicant for a promoter license a certain fee for certain costs; and generally relating to the requirements for a license to promote outdoor musical festivals.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1404
Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article – Business Regulation

Section 17–1406

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

**House Bill 353 – Chair, Economic Matters Committee (By Request –
Departmental – Labor, Licensing and Regulation)**

AN ACT concerning

**Professional Engineers and Professional Land Surveyors – Licensing –
Examinations**

FOR the purpose of altering certain notice, review, and reexamination procedures for applicants who fail certain examinations relating to the licensing of professional engineers and professional land surveyors; repealing a requirement that the State Board for Professional Engineers adopt certain regulations relating to confirmation of test scores; authorizing the State Board for Professional Engineers and the State Board for Professional Land Surveyors to adopt certain regulations to set conditions for retaking examinations; altering certain experience and examination requirements for applicants seeking licensure as professional land surveyors; altering certain requirements relating to the manner of administration and substance of certain examinations required for the licensing of professional land surveyors; defining certain terms; making stylistic and conforming changes; and generally relating to the licensing of professional engineers and professional land surveyors.

BY renumbering

Article – Business Occupations and Professions

Section 14–101(c) through (h) and 15–101(c) through (n), respectively

to be Section 14–101(d) through (i) and 15–101(d) through (o), respectively

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 14–101(a) and (b) and 15–101(a) and (b)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 14–101(c) and 15–101(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 14–308(a) through (c), 14–309, 15–305, 15–307, 15–308, and 15–309
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 355 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Stationary Engineers – Qualifications for Stationary Engineer’s Examination – Grade 1 and Grade 2

FOR the purpose of correcting the qualifications for the Grade 1 and Grade 2 stationary engineer’s examinations to reference a licensed master restricted heating, ventilation, air–conditioning, or refrigeration contractor; and generally relating to qualifications for stationary engineer’s examinations.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–303(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 360 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Repeal of Obsolete Provisions of Law

FOR the purpose of repealing certain provisions of law that authorize health maintenance organizations to offer certain benefit packages that provide certain limited benefits; repealing certain provisions of law that authorize certain group health insurance policies to provide for the continuation of all or part of certain benefit provisions after the death of a certain individual; repealing certain

provisions of law that entitle certain insured individuals, whose coverage under certain group insurance policies is terminated for a certain reason, to certain individual insurance policies; repealing certain provisions of law that require certain succeeding insurers to provide to an employer certain information relating to preexisting conditions, exclusions, or similar policy provisions and to identify certain individuals under certain circumstances; repealing certain provisions of law that prohibit certain individual, group, or blanket health insurance policies from being denied by an insurer or nonprofit health service plan, or, on renewal, from imposing a waiting period or certain exclusion, solely because the insured has had a breast implant; repealing certain provisions of law relating to preexisting condition protections for certain employer group plans; repealing certain provisions of law requiring nonprofit health service plans to offer certain catastrophic health insurance policies; providing for a delayed effective date; and generally relating to health insurance and the repeal of obsolete provisions of law.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–703
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing
Article – Insurance
Section 15–410, 15–412, 15–415, 15–504, 15–507, and 15–1101
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 373 – Delegates Haddaway–Riccio ~~and Eckardt~~, Eckardt, and Bromwell

EMERGENCY BILL

AN ACT concerning

Hospitals – Outpatient Services – Off-Site Facility – Rate Regulation

FOR the purpose of altering the hospital outpatient services for which the Maryland Medical Assistance Program must pay according to certain rates, under certain circumstances; altering the date by which a hospital must notify the Health Services Cost Review Commission that the hospital would like certain services to be subject to certain provisions of law; altering the hospital outpatient services for which a hospital may elect to be subject to certain provisions of law; requiring the University of Maryland Medical System to track utilization of certain services and submit certain reports to certain legislative committees;

making certain clarifying and stylistic changes; making a certain technical change; making this Act an emergency measure; and generally relating to rates for hospital outpatient services at an off-site facility.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–105(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Chapter 670 of the Acts of the General Assembly of 1999
Section 2

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

House Bill 472 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Local Government Article

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the “Local Government Article”, to revise, restate, and recodify the laws of the State relating to employees of local governments, regulation of lead paint in residential property, public recreation and parks established by counties and municipalities, the authority of counties and municipalities to limit competition in various areas and grant franchises, the authority of certain governmental entities to participate in a certain manner in federal projects, the authority for certain types of cooperation among political subdivisions, the authority of counties and municipalities to create hospitals, certain related facilities, and citizens nursing home boards and to contribute to the cost of hospitals and related facilities, the authority of counties and municipalities to establish certain clean energy loan programs, the authority of certain counties to regulate certain tobacco products, the designation of certain resident agents by certain governmental entities, the publication of certain regulations by certain governmental units, civil penalties that may be imposed by certain governmental entities, outdoor advertising, compliance with the Workers’ Compensation Act by counties and municipalities, the creation of legislative districts, the creation of affordable housing programs, street lighting equipment owned by counties and municipalities, municipal charters and the establishment of home rule by municipalities, incorporation of municipalities, annexation by municipalities, the merger of municipalities, the authority of municipalities to pass ordinances for certain purposes, agreements between municipalities and private communities, the establishment of land bank authorities by municipalities, contract claims against local governments,

contracts and competitive bidding, penalties and procedures for violations of municipal ordinances and resolutions, administrative requirements imposed on counties, the establishment of and requirements for charter home rule, the establishment of and requirements for code home rule, the St. Mary's County Open Meetings Act, the Express Powers Act for charter and code counties, the authority of code counties to enforce civil infractions, the authority of code counties to impose a juvenile curfew, the authority of code counties to provide for water and sewerage services, the general powers of counties, including providing for officers and employees, establishing pensions and insurance benefits for employees, acquiring and transferring property, establishing, controlling, and maintaining public roads, bridges, and canals, creating certain watershed projects, providing for public safety, establishing community, social, and recreational services, and entering into agreements for certain development rights, the authority of counties to regulate animals, tourism and entertainment, transient vendors, itinerant or door-to-door salesmen, nuisances and public health, junkyards, agricultural and seafood industries, certain environmental issues, waterways and certain activities on the shores of waterways, building codes, housing codes, plumbing codes, electrical codes, and rent control, financial requirements for local jurisdictions, county treasurers, a uniform system of financial reporting for local jurisdictions, the use of certain taxing and borrowing authority by counties and municipalities, the provision of certain grants to counties, investments made by local governments, economic development in certain political subdivisions, public debt of local jurisdictions, the authority of certain local jurisdictions to establish taxes and development impact fees for certain purposes, special taxing districts, regional councils of governments, public watershed associations, public drainage associations, drainage districts, salary study commissions in Allegany County and Washington County, the St. Mary's County Human Relations Commission, and the Baltimore City Police Department Death Relief Fund; revising, restating, and recodifying in certain other articles of the Annotated Code certain provisions relating to the consumption of alcoholic beverages in Charles County and St. Mary's County, the licensing of amusement devices in Washington County and Worcester County, the merit system employees of the Sheriffs' offices in Dorchester County, Queen Anne's County, and Somerset County, the authority of the County Council of Talbot County relating to Sheriffs' uniforms, immunity of certain local government officials, contract claims against counties and municipalities, the sale of electric plants or gas plants by municipalities, charges for water service in Garrett County, the purchasing authority of local governmental entities, the exemption from taxation of certain State bonds, the prohibition on the construction of certain toll facilities in certain counties, and the prohibition on building a bridge over a navigable river except under certain circumstances; adding certain references to rights of and requirements for county board of education employees; repealing certain obsolete provisions; making certain conforming changes; transferring certain obsolete provisions to the Session Laws; defining certain terms; providing for the construction and application of this Act; providing for the continuity of certain units and terms of certain officials; providing for the continuity of the status of certain

transactions, employees, rights, duties, titles, interest, licenses, registrations, certifications, and permits; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the laws concerning local government.

BY repealing

Article 19 – Comptroller

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 23 – Miscellaneous Companies

Section 140 through 143 and the subheading “Companies for the Erection of Bridges or Construction of Canals”; and 181 through 183 and the subheading “Municipal Corporations”

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 23A – Corporations – Municipal

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 24 – Political Subdivisions – Miscellaneous Provisions

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25 – County Commissioners

Section 1, 1–1, 1A, 2, 2A, 2B, 3, 3A, 3C, 3D, 4, 5, 5A, 5C, 5D, 5E, 8, 9, 9A, 9B, 9D, 9E, 9F, 9G, 9H, 9–I, 9J, 9K, 9L, 10, 10A, 10B, 10C, 10D, 10D–1, 10E, 10F, 10G, 10H, 10–I, 10J, 10J–1, 10K, 11, 11A, 11B, 11C, 11C–1, 11D, 12 through 14, 14A, 15 through 23, 25, 26, 26A, 27, 27A, and 29 through 32 and the subtitle “General Provisions”; 32A and the subtitle “County Codes”; 33 and the subtitle “Bonds of County Officials”; 34 through 37, 37A, 37B, and 38 through 49 and the subtitle “Bridges”; 51 and 51A and the subtitle “County Treasurers”; 52 through 55, 57 through 60, 60A, 61 through 70, 70A, 71 through 76, 78 through 82, 82A, 84 through 121, 121A, 121B, 121C, 121D, 121E, 121F, 121G, and 121H and the subtitle “Draining Lands”; 122A, 122B, and 122C and the subtitle “Junkyards”; 122D and 122E and the subtitle “Outdoor Advertising”; 123 through 127 and the subtitle “Meridian Line”; 135 through 137, 137A, 138, 138A, 139 through 154, 154A, 155, 155A, and 155B and the subtitle “Public Roads”;

156 and 157 and the subtitle “Public Landings”; 158 and 159 and the subtitle “Schools”; 160 and the subtitle “Farmers’ Cooperative Demonstration Work”; 161 through 163, 163A, and 164 through 167 and the subtitle “Erosion”; 167A, 167B, 167C, 167D, 167E, and 167F and the subtitle “Shore Erosion Control Districts”; 168 and the subtitle “Conservation of Water”; 169 through 200, 200A, 200B, 201 through 216, 216A, 217, 217.1, and 218 and the subtitle “Public Watershed Associations”; 219 and the subtitle “Assistance to Other Political Subdivisions”; 220 and the subtitle “Grant to Municipalities in Lieu of Shares of Tax”; 221, 221A, and 221B and the subtitle “Frederick County”; 222 through 230 and the subtitle “Public Recreation and Parks”; 231 and the subtitle “Licenses and Permits”; 232 through 234, 234A, 235, 236, 236A, 236B, 236C, 236D, 236E, 236F, 237, and 238 and the subtitle “Miscellaneous Provisions”; 252 through 255 and the subtitle “Hospitals and Reception Centers of Political Subdivisions”; 256 and the subtitle “Regulation of Tattoo Artist and Body Piercing Services”; and the article designation “Article 25 – County Commissioners”

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25A – Chartered Counties of Maryland

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 25B – Home Rule for Code Counties

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 26 – Miscellaneous Governmental Entities

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing

Article 31 – Debt – Public

In its entirety

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

Section 14–301 through 14–303, 14–304(a) and (b), and 14–305 through 14–312, the title “Title 14. Local Economic and Community Development Programs”, and the subtitle “Subtitle 3. Parking Authorities”; 14–701 and 14–702 and the subtitle “Subtitle 7. Ocean City Convention Hall”; and 18–201

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 49B – Human Relations Commission

In its entirety

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 75 – Pleadings, Practice and Process at Law

In its entirety

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 78A – Public Works

In its entirety

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 95 – Treasurer

In its entirety

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing

Article 96½ – Veterans

In its entirety

Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding

New Article – Local Government

Section 1–101 through 30–108 and the various titles

Annotated Code of Maryland

BY repealing and reenacting, with amendments,

Article 1 – Rules of Interpretation

Section 25

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 18–105

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Regulation

Section 17–441 through 17–446 to be under the new part “Part V. Licensing Amusement Devices – Washington County”; and 17–449 through 17–454 to be under the new part “Part VI. Licensing of Amusement Devices – Worcester County”

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 2–309(k)(4), (s)(3), (u)(4), and (v)(6); 5–509; and 5–5A–01 and 5–5A–02 to be under the new subtitle “Subtitle 5A. Contract Claims Against Local Governments”

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 5–507 and 5–508

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY repealing

Article – Courts and Judicial Proceedings

Section 5–509, 5–510, and 5–511

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

BY adding to

Article – Education

Section 4–128 and 4–129

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY adding to

Article – Public Utilities

Section 7–106 and 7–107

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Finance and Procurement

Section 4–316, 8–131.2, and 8–222

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Transportation

Section 4–407 and 8–609.2

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 25 – County Commissioners

Section 6 and 50A

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments, and transferring to the Session Laws

Article 41 – Governor – Executive and Administrative Departments

Section 14–304(c)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 537 – Delegates Serafini, Aumann, Frank, George, Hogan, Krebs, McComas, W. Miller, Myers, Parrott, Smigiel, and Stocksdales

AN ACT concerning

Insurance Producers – Continuing Education – Online Courses

FOR the purpose of prohibiting the Maryland Insurance Commissioner from disapproving a continuing education course for insurance producers solely on a certain basis; authorizing insurance producers to obtain all or part of the credit hours of continuing education required for license renewal from correspondence courses or online courses approved by the Commissioner; providing for the application of certain provisions of this Act; and generally relating to continuing education for insurance producers.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–116(d)

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article – Insurance
Section 10–116(d–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

**House Bill 624 – Delegates Pena–Melnik ~~and Kipke~~, Kipke, Cullison,
Donoghue, Hammen, Morhaim, Nathan–Pulliam, and V. Turner**

AN ACT concerning

State Board of Nursing – Licensure by Endorsement – Clinical Experience

FOR the purpose of clarifying that certain applicants for license by endorsement are required to have a certain active unencumbered license; requiring certain applicants to submit certain applications and certain evidence of active nursing practice to the State Board of Nursing and submit to certain criminal history records checks; authorizing the Board to waive certain clinical experience requirements under certain circumstances; authorizing the Board to deny certain licenses to certain applicants; requiring the Board to adopt certain regulations; requiring the Board to report to certain committees of the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act; and generally relating to the authority of the State Board of Nursing, licensure by endorsement, and clinical experience.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–307
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 702 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Document Filing and Processing

FOR the purpose of altering the definition of “electronic transmission”, for purposes of provisions of law governing business entities, to clarify that it includes

electronic mail, facsimile transmission, and Internet transmission; clarifying the authority of the State Department of Assessments and Taxation to accept documents that are filed for record by electronic transmission; repealing certain obsolete provisions of law relating to filing documents by means of a facsimile device; authorizing the Department, under certain circumstances, to accept certain documents or drafts of certain documents for ~~approval~~ review of the documents' sufficiency before the documents are filed with the Department; authorizing the Department to adopt regulations to administer the preclearance process; establishing a certain processing fee for preclearance of certain documents and drafts of certain documents; requiring the fees collected to be credited to a certain fund; establishing a certain fee for processing certain documents on a certain expedited basis; requiring the Department, under certain circumstances, to process certain documents within a certain period of time after the documents are received; requiring an entity to take certain actions if the Department waives the requirement that the written consent of the entity's resident agent must be filed with the Department; establishing when a certain consent shall be effective; making certain stylistic, conforming, and clarifying changes; defining certain terms; repealing a certain definition; providing for the construction of this Act; and generally relating to filing and processing business entity documents.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–101, 1–201, 1–203, 1–203.2, and 1–208
Annotated Code of Maryland
(2007 Replacement Volume and 2012 Supplement)

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

House Bill 882 – Delegate Feldman

AN ACT concerning

Corporations and Real Estate Investment Trusts – Miscellaneous Provisions

FOR the purpose of providing that a Maryland corporation or a real estate investment trust has the power to renounce certain business opportunities in certain documents or by certain resolutions; repealing certain provisions of law prohibiting the declaration or payment of a dividend payable in shares of one class of a corporation's stock to holders of shares of another class of the corporation's stock unless approved in a certain manner; altering the circumstances under which a corporation registered as an open-end company may redeem shares of its stock from any stockholder; requiring each nominee for director of a corporation to have the qualifications required by the charter or bylaws of the corporation; providing that a director of a corporation holds office until the time the director ceases to have certain qualifications under certain circumstances; specifying how the directors who hold over and continue to serve

as directors must be determined under certain circumstances; clarifying the circumstances under which certain actions may be taken without a meeting of the board of directors or a committee of the board; clarifying that certain references to a majority or other proportion of directors refer to a majority or other proportion of votes entitled to be cast by the directors; establishing a certain limitation on a board's sole power to take certain actions relating to special meetings of stockholders; repealing a certain provision of law that requires the board of directors to provide a place for a meeting of the stockholders under certain circumstances; providing that a certain interest with which a proxy may be coupled includes an interest as a party to a certain voting agreement; authorizing two or more stockholders to enter into a written agreement requiring voting rights to be exercised in a certain manner under certain circumstances; authorizing a certain written agreement to be specifically enforced; altering the circumstances under which the approval of the stockholders and articles of transfer or share exchange are not required; altering the circumstances under which certain mergers need be approved by a Maryland successor corporation or real estate investment trust only by a majority of its entire board of directors or trustees; altering the information that must be included in articles of consolidation, merger, share exchange, or transfer under certain circumstances; providing that certain information included in articles of consolidation, merger, share exchange, or transfer may be made dependent on facts ascertainable outside of the articles; repealing certain provisions of law requiring the president or a director of a certain corporation the charter of which has been revived to call a meeting of the stockholders for a certain purpose; providing that a real estate investment trust is a separate legal entity; providing that a real estate investment trust is formed by filing a declaration of trust for record with the State Department of Assessments and Taxation; defining a certain term; making certain conforming and stylistic changes; and generally relating to corporations and real estate investment trusts laws.

BY repealing and reenacting, with amendments,

Article – Corporations and Associations

Section 2–103, 2–309(c), 2–310.1, 2–403(a), 2–404(b), 2–405, 2–408(c) and (d),
2–502(e), 2–503(b), 2–507(d), 2–510, 3–104(a), 3–105(a), 3–109, 8–102,
8–201, 8–301, and 8–501.1(c)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY repealing

Article – Corporations and Associations

Section 3–511

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

LAI D OVER BILLS

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

Senate Bill 171 – Senator Forehand

AN ACT concerning

Election Law – Special Elections – Voting by Mail

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0171/364336/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 171

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering certain provisions of law concerning voting by mail in special elections;”.

On page 2, in line 1, strike “adding to” and substitute “repealing and reenacting, with amendments;”; in line 3, strike “9–601 through 9–606 to be under the new” and substitute “9–501 through 9–506 to be under the amended”; and in the same line, strike “6.” and substitute “5.”.

AMENDMENT NO. 2

On pages 2 through 6, strike beginning with line 9 on page 2 through line 28 on page 6, inclusive, and substitute:

“Article – Election LawSubtitle 5. [Montgomery County] Voting by Mail IN SPECIAL ELECTIONS.

9–501.

(a) This subtitle applies only to a special election [for the Montgomery County Council] that is not held concurrently with a regularly scheduled primary or general election.

(b) Voting by mail may be utilized in a special election [for the Montgomery County Council] in accordance with this subtitle.

(C) A SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF REPRESENTATIVE IN CONGRESS SHALL BE CONDUCTED BY MAIL IF THE GOVERNOR’S PROCLAMATION ISSUED UNDER § 8-710 OF THIS ARTICLE DIRECTS THAT THE ELECTION BE CONDUCTED BY MAIL.

(D) (1) IN THIS SUBSECTION, “LOCAL SPECIAL ELECTION” MEANS A SPECIAL ELECTION TO:

(I) FILL A VACANCY IN THE COUNTY COUNCIL OF A CHARTER COUNTY IF THE CHARTER OF THAT COUNTY PROVIDES FOR SPECIAL ELECTIONS;

(II) FILL A VACANCY IN THE BOARD OF COUNTY COMMISSIONERS OF A CODE HOME RULE COUNTY IF A LOCAL LAW ENACTED BY THAT COUNTY PROVIDES FOR SPECIAL ELECTIONS;

(III) FILL A VACANCY IN THE BOARD OF COUNTY COMMISSIONERS OF A COMMISSION COUNTY IF A LAW PROVIDES FOR SPECIAL ELECTIONS;

(IV) FILL A VACANCY IN A LOCAL BOARD OF EDUCATION IF STATE LAW PROVIDES FOR SPECIAL ELECTIONS;

(V) ELECT MEMBERS OF A CHARTER BOARD OR SUBMIT A PROPOSED CHARTER TO THE VOTERS FOR ADOPTION OR REJECTION IN ACCORDANCE WITH ARTICLE XI-A, § 1A OF THE MARYLAND CONSTITUTION; OR

(VI) SUBMIT A LOCAL LAW ENACTED BY A CODE HOME RULE COUNTY TO THE VOTERS FOR ADOPTION OR REJECTION IN ACCORDANCE WITH ARTICLE 25B, § 10(H) OF THE CODE.

[(c)] (2) A LOCAL special election [to fill a vacancy in the Montgomery County Council] shall be conducted by mail if the resolution of the [Montgomery County Council] COUNTY COUNCIL OR BOARD OF COUNTY COMMISSIONERS establishing the date of the special election directs that the election be conducted by mail.

[(d)] (E) Except as otherwise provided in this subtitle:

(1) provisions of this article relating to absentee voting apply to voting by mail; and

(2) [county] ALL PERTINENT STATE OR LOCAL laws relating to the conduct of a [county council] special election apply to a special election conducted under this subtitle.

(e) Provisions of this article relating to the conduct of elections apply to a special election conducted under this subtitle, unless a law specifically relevant to a special election applies.

9-502.

(a) (1) Except as provided in paragraph (2) of this subsection, [the] A local board shall mail by nonforwardable mail a vote-by-mail ballot to each registered voter who is eligible to vote in a special election [for the Montgomery County Council].

(2) [The] A local board is not required to mail a vote-by-mail ballot to a voter if the voter has requested that the ballot be sent by other means.

(b) A voter is not required to submit an application to receive a vote-by-mail ballot.

(c) (1) [Each] IN MONTGOMERY COUNTY:

(I) EACH vote-by-mail ballot shall be accompanied by a postage-paid envelope in which a voter may return the voted ballot to the local board[.]; AND

[(2)] (II) [The] THE local board shall pay the cost of postage-paid envelopes provided under this subsection.

(d) [The] A local board shall send a vote-by-mail ballot to each eligible voter at least 14 days before the day of a special election.

(e) (1) Except as provided in paragraph (2) of this subsection, a vote-by-mail ballot shall be mailed to the address that is on file in the statewide voter registration list for each eligible voter.

(2) A registered voter may request to receive a vote-by-mail ballot at an address other than the address that is on file in the statewide voter registration list by:

(i) submitting an absentee ballot application in accordance with § 9-305(a) of this title not later than the Tuesday preceding the day of a special election, if the voter is temporarily absent from the address that is on file in the statewide voter registration list; or

(ii) notifying a local board of a change of address not later than the Tuesday preceding the day of a special election, if the voter's residence has changed from the address that is on file in the statewide voter registration list to another location within the State.

(f) [The] A local board shall issue a replacement vote-by-mail ballot to a voter if the election director of the local board has reasonable grounds to believe that the vote-by-mail ballot previously issued to the voter has been lost, destroyed, [or] spoiled, OR NOT RECEIVED.

9-503.

(a) [The] EACH local board shall establish AT LEAST ONE voting [centers] CENTER for the use of any eligible voter who chooses to cast a ballot in person in a special election in accordance with this section.

(b) (1) A VOTING CENTER SHALL BE LOCATED AT A LOCAL BOARD OFFICE OR ANOTHER LOCATION WITHIN THE CONSTITUENCY WHERE THE SPECIAL ELECTION IS BEING HELD.

[(1)] (2) In MONTGOMERY COUNTY:

(I) IN a special election held in a single county council district, at least one voting center shall be established in the county council district where the special election is being held[.]; AND

[(2)] (II) [In] IN a countywide special election, at least one voting center shall be established in each county council district.

(c) A voting center established under this section shall:

(1) provide access to a voting system that is accessible to voters with disabilities in accordance with the federal Americans with Disabilities Act and the federal Help America Vote Act;

(2) provide for provisional voting in accordance with Subtitle 4 of this title;

(3) satisfy the requirements of § 10–101 of this article; and

(4) (I) UNLESS OTHERWISE SPECIFIED IN THE PROCLAMATION ISSUED BY THE GOVERNOR THAT DIRECTS THAT THE SPECIAL ELECTION BE CONDUCTED BY MAIL, AND EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, BE OPEN FOR VOTING EACH DAY BEGINNING 6 DAYS BEFORE THE DAY OF A SPECIAL ELECTION THROUGH THE DAY OF A SPECIAL ELECTION DURING THE HOURS BETWEEN:

1. 10 A.M. AND 8 P.M. MONDAY THROUGH SATURDAY; AND

2. 12 NOON TO 6 P.M. ON SUNDAY; AND

(II) IN MONTGOMERY COUNTY, be open for voting during the days and for the hours that the county council directs in the resolution under § 9–501(c) of this subtitle.

(d) If necessary to expedite the conduct of a special election and subject to the approval of the State Board, [the] A local board may establish a [polling place] VOTING CENTER under this section during a period when a change in polling places is prohibited under § 2–303 of this article.

(e) The process for applying in person for an absentee ballot at the office of a local board under § 9–305(c) of this title does not apply to a special election conducted by mail.

(f) Except as otherwise provided in this section, any provision of this article that applies to voting at a polling place on election day also applies to voting at a voting center established under this section.

9–504.

(a) A voter may return a vote-by-mail ballot to [the] A local board:

(1) by mail;

(2) in person during regular office hours; or

(3) through a duly authorized agent in accordance with subsection (b) of this section.

(b) (1) A voter may designate a duly authorized agent in accordance with § 9–307 of this title to return a vote-by-mail ballot to [the] A local board during regular office hours.

(2) Notwithstanding § 9–307(b)(4)(i) of this title, an agent is required only to:

(i) witness the voter mark the ballot and place it in an envelope; and

(ii) return the ballot to [the] A local board.

9-505.

(a) A vote-by-mail ballot is considered timely and may be counted if the ballot:

(1) is returned in person to the office of [the] A local board by the voter or the voter's duly authorized agent no later than 8 p.m. on the day of a special election; or

(2) (i) is received by mail by [the] A local board no later than 10 a.m. on the second Friday after a special election; and

(ii) was mailed on or before election day, as verified:

1. by a postmark; or

2. if the return envelope does not contain a postmark or the postmark is illegible, by the voter's affidavit that the ballot was mailed on or before election day.

(b) A vote-by-mail ballot that does not meet the requirements of subsection (a) of this section is not timely and may not be counted.

9-506.

The State Board may adopt regulations as necessary to implement 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.

THE COMMITTEE ON RULES REPORT #6

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 890 – Senator Currie

AN ACT concerning

**Creation of a State Debt – Prince George’s County – City of District Heights
Senior Day Facility Expansion**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 995 – Senator Montgomery

AN ACT concerning

**Teaching Techniques – Students with Special Needs and Limited English
Proficiency**

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 996 – Senator Kasemeyer

AN ACT concerning

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

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 997 – Senator Jones-Rodwell

AN ACT concerning

**Creation of a State Debt – Baltimore City – Carroll’s Hundred Archaeology
Project**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1010 – Senators Brinkley, Forehand, Kelley, King, Kittleman, Klausmeier, Madaleno, Middleton, Pipkin, and Pugh

AN ACT concerning

Children with Developmental Disabilities in State Custody – Continuation of Placement and Services

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1013 – Senators Pipkin and Brinkley

AN ACT concerning

Transportation Trust Fund – Use of Funds – Transit Financing

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1014 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George’s County – Olde Mill Community and Teaching Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1015 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – MTR Land Enhancement Project

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1016 – Senator Frosh

AN ACT concerning

Clean Energy Loan Programs – Private Lenders – Collection of Loan Payments

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1017 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George’s County – Bethel Recreation Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1018 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Harvesting – Bulk Oyster Tags

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1019 – Senator Brinkley

AN ACT concerning

Creation of a State Debt – Frederick County – Oakdale High School Concession Stand Construction

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1020 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George’s County – Glassmanor Recreational Center Renovations

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1021 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Dorchester County – Sailwinds Wharf Development Project

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation and the Committee on Finance:

Senate Bill 1022 – Senator Benson

AN ACT concerning

Prince George’s County – Green Business Zones

The bill was re-referred to the Committee on Budget and Taxation and the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1023 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George’s County – Prince George’s Arts and Humanities Council Creative Business Incubator

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1024 – Senator Shank

AN ACT concerning

Family Law – Domestic Violence Incident Report – Dissemination

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1025 – Senator Garagiola

AN ACT concerning

**Creation of a State Debt – Montgomery County – Potomac Community
Resources Home**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1026 – Senator Colburn

AN ACT concerning

Honey – License Exemptions

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 276 – The President (By Request – Administration) and Senators Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Jones-Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe

AN ACT concerning

**Death Penalty Repeal and Appropriation from Savings to Aid Survivors of
Homicide Victims**

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

FLOOR AMENDMENT

SB0276/883426/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty,” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE OF A LAW ENFORCEMENT OFFICER WHILE THE OFFICER WAS PERFORMING THE OFFICER’S DUTIES MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “(i)” in line 27 down through “or” in line 28.

On page 12, in line 1, strike beginning with “(ii)” in line 1 down through “and” in line 2; in lines 4, 5, 6, 8, and 9, strike “1.”, “2.”, “A.”, “B.”, and “C.”, respectively, and substitute “(I)”, “(II)”, “1.”, “2.”, and “3.”, respectively.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “**(II)**”, “**(III)**”, and “**(IV)**”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 10 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT**”; in line 8, strike “(i)”; and in line 9, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree of a law enforcement officer while the officer was performing the officer’s duties.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 390)

FLOOR AMENDMENT

SB0276/333725/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE WHILE CONFINED IN A CORRECTIONAL FACILITY MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 12 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7, strike the colon and substitute “THAT”; strike in their entirety lines 8 and 9; in line 10, strike “(ii)”; and in line 11, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree while confined in a correctional facility.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 391)

FLOOR AMENDMENT

SB0276/193825/1

BY: Senator Shank

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2-103(h)”; strike in its entirety line 26 and substitute “Section 2-201(b), 2-202, and 2-303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2-201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7-107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE IN FURTHERANCE OF AN ESCAPE FROM, AN ATTEMPT TO ESCAPE FROM, OR AN ATTEMPT TO EVADE THE LAWFUL ARREST, CUSTODY, OR DETENTION BY A GUARD OR OFFICER OF A CORRECTIONAL FACILITY OR BY A LAW ENFORCEMENT OFFICER MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 17 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7,

strike the colon and substitute “**THAT**”; strike in their entirety lines 8 through 11; in line 12, strike “(iii)”; and in line 16, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree in furtherance of an escape from, an attempt to escape from, or an attempt to evade the lawful arrest, custody, or detention by a guard or officer of a correctional facility or by a law enforcement officer.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 17 Negative – 24 (See Roll Call No. 392)

FLOOR AMENDMENT

SB0276/983728/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty,” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “**CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE**”.

On page 11 of the bill, in line 10, strike “A” and substitute “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, A**”; after line 18, insert:

“(C) **A PERSON WHO COMMITS MORE THAN ONE MURDER IN THE FIRST DEGREE ARISING OUT OF THE SAME INCIDENT MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.**”;

in line 19, strike the bracket; in line 20, after “degree” insert “**UNDER § 2-201(C) OF THIS SUBTITLE**”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “**(II)**”, “**(III)**”, and “**(IV)**”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 30 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT**”; strike in their entirety lines 8 through 27, inclusive; in line 28, strike “(ix)”; and in line 29, strike “; or” and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of more than one murder in the first degree arising out of the same incident.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 25 (See Roll Call No. 393)

FLOOR AMENDMENT

SB0276/993129/2

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

Strike in their entirety the Judicial Proceedings Committee Amendments (SB0276/258274/1).

AMENDMENT NO. 2

On page 1 of the bill, in line 2, after “Penalty” insert “– Video Evidence –”; strike beginning with “and” in line 2 down through “Victims” in line 3; in line 4, after the first “repealing” insert “certain provisions of law authorizing the introduction of certain video evidence among the types of evidence that the State must present to a court or jury in support of the imposition of”; in the same line, after “penalty” insert “in certain cases”; strike beginning with the second “repealing” in line 4 down through “changes;” in line 14; and in line 15, strike “the repeal of”.

AMENDMENT NO. 3

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 23 on page 2, inclusive.

AMENDMENT NO. 4

On page 2 of the bill, in line 26, strike “2–201(b), 2–304(a), 2–305, and 14–101” and substitute “2–202(a)”.

AMENDMENT NO. 5

On pages 2 through 26 of the bill, strike in their entirety the lines beginning with line 29 on page 2 through line 27 on page 26, inclusive, and substitute:

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

Article – Criminal Law

2–202.

(a) A defendant found guilty of murder in the first degree may be sentenced to death only if:

(1) at least 30 days before trial, the State gave written notice to the defendant of:

(i) the State’s intention to seek a sentence of death; and

(ii) each aggravating circumstance on which the State intends to rely;

(2) (i) with respect to § 2–303(g) of this title, except for § 2–303(g)(1)(i) and (vii) of this title, the defendant was a principal in the first degree; or

(ii) with respect to § 2–303(g)(1)(i) of this title, a law enforcement officer, as defined in § 2–303(a) of this title, was murdered and the defendant was:

1. a principal in the first degree; or

2. a principal in the second degree who:

A. willfully, deliberately, and with premeditation intended the death of the law enforcement officer;

B. was a major participant in the murder; and

C. was actually present at the time and place of the murder;

(3) the State presents the court or jury with[:

(i) biological evidence or DNA evidence that links the defendant to the act of murder[:

(ii) a video taped, voluntary interrogation and confession of the defendant to the murder; or

(iii) a video recording that conclusively links the defendant to the murder]; and

(4) the sentence of death is imposed in accordance with § 2–303 of this title.”.

AMENDMENT NO. 6

On page 26 of the bill, in line 28, strike “5.” and substitute “2.”.

The preceding 6 amendments were read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 31 (See Roll Call No. 394)

FLOOR AMENDMENT

SB0276/973620/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE UNDER AN AGREEMENT OR A CONTRACT FOR REMUNERATION OR PROMISE OF REMUNERATION TO COMMIT THE MURDER MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 23 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT**”; strike in their entirety lines 8 through 20, inclusive; in line 21, strike “(vi)”; and in line 22, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree under an agreement or a contract for remuneration or promise of remuneration to commit the murder.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 395)

FLOOR AMENDMENT

SB0276/353520/1

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE IF THE VICTIM WAS TAKEN OR ATTEMPTED TO BE TAKEN IN THE COURSE OF AN ABDUCTION, A KIDNAPPING, OR AN ATTEMPT TO ABDUCT OR KIDNAP MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and in lines 27 and 28, strike beginning “with” in line 27 down through the comma in line 28.

On page 12, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title.”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 19 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7, strike the colon and substitute “THAT”; strike in their entirety lines 8 through 16, inclusive; in line 17, strike “(iv)”; and in line 18, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree if the victim was taken or attempted to be taken in the course of an abduction, a kidnapping, or an attempt to abduct or kidnap.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 396)

FLOOR AMENDMENT

SB0276/203322/1

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE IF THE VICTIM WAS A CHILD ABDUCTED IN VIOLATION OF § 3-503(A)(1) OF THIS ARTICLE MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and in lines 27 and 28, strike beginning with “with” in line 27 down through the comma in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 21 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7, strike the colon and substitute “THAT”; strike in their entirety lines 8 through 18, inclusive; in line 19, strike “(v)”; and in line 20, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree if the victim was a child abducted in violation of § 3–503(a)(1) of the Criminal Law Article,”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 20 Negative – 25 (See Roll Call No. 397)

Senator Raskin moved, duly seconded, to make the Bill a Special Order for March 5, 2013.

The motion was adopted.

INTRODUCTION OF BILLS

Senate Bill 1055 – Senators Manno, King, Peters, and Madaleno

AN ACT concerning

State Aid for Critical Services – County Maintenance of Effort Requirements

FOR the purpose of requiring each county, beginning in a certain fiscal year, to appropriate at least the same amount of local funds to certain categories of critical services as the county appropriated in the prior fiscal year; requiring each county to provide a certain report on or before a certain date each year on the amount of local funds appropriated to certain categories of critical services; requiring the Secretary of Budget and Management to withhold certain State aid if a county does not meet certain maintenance of effort requirements in certain categories of critical services; requiring the Secretary to disburse certain withheld State aid if certain maintenance of effort requirements are met by a county; providing that certain withheld State aid reverts to the General Fund under certain circumstances; exempting certain critical services programs from the requirements of this Act; making certain funding formulas subject to certain maintenance of effort requirements; defining certain terms; and generally relating to the requirement for each county to maintain certain levels of funding for certain categories of critical services.

BY adding to

Article – State Finance and Procurement

Section 7–107

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 23–503

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8–403

Annotated Code of Maryland

(2008 Replacement Volume and 2012 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. 398)

ADJOURNMENT

At 10:34 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 9:00 A.M. on Tuesday, March 5, 2013.

**Annapolis, Maryland
Tuesday, March 5, 2013
9:00 A.M. Session**

The Senate met at 9:11 A.M.

QUORUM CALL

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

(See Roll Call No. 400)

The Journal of March 4, 2013 was read and approved.

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 1026 – Senator Colburn

AN ACT concerning

Honey – License Exemptions

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

**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 279 – The President (By Request – Administration) and Senators Raskin, Benson, Conway, Ferguson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Pinsky, Pugh, Rosapepe, Young, and Zirkin

AN ACT concerning

Election Law – Improving Access to Voting**SB0279/184239/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 279

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Montgomery, Gladden, Kasemeyer, Jones–Rodwell, Manno, McFadden, Muse, and Peters”; in lines 10 and 12, in each instance, after “an” insert “accessible”; in line 18, after “elections,” insert “providing for a delayed effective date for certain provisions of this Act;”; and in line 21, after “Section” insert “3–204.1(b).”.

AMENDMENT NO. 2

On page 4, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law3–204.1.

(b) To apply to register to vote through the online voter registration system, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(3) provide one of the following:

(i) a Maryland driver’s license number or Maryland identification card number AND THE LAST FOUR DIGITS OF THE INDIVIDUAL’S

SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL; or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual's signature for the application being submitted:

(i) the electronic copy of the individual's signature that is on file with the Motor Vehicle Administration; or

(ii) the individual's Social Security number.”;

and in line 15, after “(4)” insert “AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION.”.

On page 5, after line 7, insert:

“(C) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:

(1) A MARYLAND DRIVER'S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER AND THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER'S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.”.

On page 4, in line 15, after “THE” insert “ACCESSIBLE”.

On page 6, in line 19, after “AN” insert “ACCESSIBLE”.

AMENDMENT NO. 4

On page 9, after line 10, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2016.”;

in line 11, strike “2.” and substitute “4”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act,”.

The preceding 4 amendments were read only.

Senator Dyson moved, duly seconded, to make the Bill and Amendments a Special Order for March 7, 2013.

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 114 – Senators Benson and Montgomery

AN ACT concerning

Health – Pregnant Women – Hepatitis B Testing

SB0114/374037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 114

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “test,” insert “providing for the application of this Act,”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“(A) THIS SECTION DOES NOT APPLY TO A WOMAN WHO OBJECTS TO A STANDARD HEPATITIS B TEST BECAUSE THE TEST IS AGAINST THE RELIGIOUS BELIEFS AND PRACTICES OF THE WOMAN.”;

and in line 18, strike “(A)” and substitute “(B)”.

On page 2, in line 5, strike “(B)” and substitute “(C)”; and in line 6, strike “(A)” and substitute “(B)”.

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 143 – Senators Pugh, Benson, Ferguson, Forehand, King, Madaleno, Manno, McFadden, Middleton, Montgomery, Muse, and Ramirez

AN ACT concerning

Public Schools – Emergency Management Plans – Evaluations

SB0143/774735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 143

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “effectiveness of the”.

AMENDMENT NO. 2

On page 1, in line 21, strike “**NOVEMBER 1, 2013**” and substitute “**FEBRUARY 1, 2014**”; in line 22, strike “**THE EFFECTIVENESS OF**”.

On page 2, in line 9, strike “**DECEMBER 1, 2013**” and substitute “**MARCH 1, 2014**”; in line 12, strike “**HOW**” and substitute “**:**”

(I) How;

in line 13, strike “**THE EFFECTIVENESS OF**”; in line 14, after “**PLANS**” insert “**; AND**”

(II) THE COST OF IMPROVEMENTS TO THE EMERGENCY MANAGEMENT PLANS;

in line 15, strike “**JANUARY**” and substitute “**JULY**”; in line 21, strike “**EFFECTIVENESS OF THE**”; in line 25, after “year” insert “**and 2 months**”; and in the same line, strike “May” 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.

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

Senate Bill 285 – Senator Peters

AN ACT concerning

Health Occupations – Kinesiotherapy – Study

SB0285/184531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 285

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “, the State Department of Veterans Affairs,”; and in line 9, strike “a certain date” and substitute “certain dates”.

AMENDMENT NO. 2

On page 1, strike beginning with the second “the” in line 15 down through the first comma in line 16; in line 17, strike “and”; after line 17, insert:

“(2) study the standards at the national level and in other states regarding the practice and licensure of kinesiotherapy;

(3) determine the number of kinesiotherapists in the State and identify their educational background and experience; and

(4) make recommendations regarding:

(i) options for kinesiotherapists to qualify for another category of licensure or certification under the Health Occupations Article of the Annotated Code of Maryland;

(ii) whether a separate licensure structure for kinesiotherapy is appropriate and feasible; and

(iii) if licensure is appropriate and feasible, the scope of practice and regulatory structure for kinesiotherapists.”;

and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 3

On page 2, in line 1, strike “(c)” and substitute “(b)”; in the same line, strike “On or before December 1, 2013, the” and substitute “The”; and in line 5, after “section” insert “as follows:

(1) on or before December 1, 2013, the Board shall submit an interim report; and

(2) on or before June 1, 2014, the Board shall submit a final report”.

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 338 – Senator Conway

EMERGENCY BILL

AN ACT concerning

**State Board of Nursing – Medication Technician Graduates and Certified
Medication Technicians – Sunset Extension**

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 342 – Senator Madaleno

AN ACT concerning

**State Government – Access to Public Records in Electronic Formats –
Termination Date**

SB0342/164038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 342

(First Reading File Bill)

In line 4, strike “extending” and substitute “repealing”.

Strike beginning with “It” in line 14 down through “effect.” in line 16.

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 350 – Senator Colburn

AN ACT concerning

Electrical Inspectors and Plumbing Inspectors – Master License Required

SB0350/814738/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 350

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Colburn” and substitute “Senators Colburn, Dyson, Benson, Getty, Jacobs, Jennings, Kittleman, Klausmeier, Pipkin, and Shank”.

AMENDMENT NO. 2

On page 2, in line 19, after “BY” insert “:

1.”;

in line 20, after “OR” insert “AS AN ELECTRICAL INSPECTOR FOR RESIDENTIAL OR COMMERCIAL BUILDINGS;”; in the same line, strike “BY” and substitute:

“2.”;

in line 21, after “PRACTITIONERS” insert “;OR

3. A CERTIFYING ENTITY THAT IS COMPARABLE TO THE ENTITY LISTED IN ITEM 1 OR 2 OF THIS ITEM”;

in line 23, after “USES” insert “CODE INSPECTORS OR”; in line 24, strike “CONCURRENT”; and in line 26, strike “AND” and substitute “OR RELATED”.

AMENDMENT NO. 3

On page 4, in line 28, after “INSPECTOR” insert “, AS PART OF THE INSPECTOR’S TRAINING,”; in the same line, after “PASSED” insert “:

(I)”;

and in line 29, strike “IN THE STATE AS PART OF THE INSPECTOR’S TRAINING” and substitute “BY THE BOARD, THE BALTIMORE COUNTY PLUMBING BOARD, OR THE WASHINGTON SUBURBAN SANITARY COMMISSION; OR

(II) THE PLUMBING INSPECTOR’S TEST ADMINISTERED BY THE BOARD”.

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 599 – Senator Conway

AN ACT concerning

Procurement – Subcontractor Equal Access to Bonding Act of 2013

SB0599/824930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 599

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 8 down through “circumstances;” in line 12 and substitute “requiring certain bonds provided by a subcontractor to be accepted by a prime contractor under certain circumstances;”.

AMENDMENT NO. 2

On page 2, strike beginning with “UNDERWRITTEN” in line 11 down through “ARTICLE” in line 18 and substitute “ACCEPTED BY THE PRIME CONTRACTOR IF IT WOULD BE ACCEPTED BY THE STATE IF PROVIDED BY A PRIME CONTRACTOR”; and strike in their entirety lines 19 through 31, inclusive.

On page 3, strike in their entirety lines 1 through 6, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON 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 629 – Senator Edwards

AN ACT concerning

**Alcoholic Beverages – Allegany County – Video Lottery Facility Sales and
Consumption**

SB0629/684938/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 629

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”.

On page 2, in line 6, after “terms;” insert “making this Act an emergency measure;”.

AMENDMENT NO. 2

On page 8, strike in their entirety lines 31 and 32 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 767 – Senator Edwards

AN ACT concerning

**Garrett County – Alcoholic Beverages – Licenses, Permits, and Other
Authorizations**

SB0767/244036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 767

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike “permit”.

AMENDMENT NO. 2

On pages 4 and 5, strike beginning with the colon in line 28 on page 4 down through “PREMISES” in line 2 on page 5 and substitute “**BEER AND LIGHT WINE FOR CONSUMPTION ON THE LICENSED PREMISES OR ELSEWHERE**”.

On page 5, in line 21, strike “ISSUING” and substitute “**ANNUAL**”; and after line 21, insert:

“(7) THE BOARD MAY GRANT A LICENSE HOLDER A PRIVILEGE AT NO CHARGE TO SELL BEER OR LIGHT WINE FOR CONSUMPTION OFF THE LICENSED PREMISES AT A CATERED EVENT IF:

(I) THE BEER OR LIGHT WINE IS BOTTLED IN COMMEMORATIVE OR SPECIAL EVENT BOTTLES AND SOLD AT A SPECIAL EVENT;

(II) THE BOARD APPROVES THE COMMEMORATIVE OR SPECIAL EVENT BOTTLES BEFORE THE EVENT OCCURS; AND

(III) THE BEER OR WINE WILL BE SOLD AT THE EVENT ONLY ON THE DAYS AND HOURS ALLOWED BY THE BOARD.”.

AMENDMENT NO. 3

On page 6, in line 15, strike “AND LIGHT WINE” and substitute “, WINE AND LIQUOR”; in line 17, strike “WINE”; and strike beginning with the colon in line 17 down through “PREMISES” in line 21 and substitute “BEER, WINE AND LIQUOR FOR CONSUMPTION ON THE LICENSED PREMISES OR ELSEWHERE”.

On page 7, in line 11, strike “ISSUING” and substitute “ANNUAL”; and in line 14, after “PREMISES” insert “AT A CATERED EVENT”.

On page 9, in line 24, strike “LICENSE” and substitute “PERMIT”; and in line 28, strike “LICENSE”.

On page 13, in lines 14, 16, 20, and 31, in each instance, strike “(i)” and substitute “(II)”; and in lines 19 and 27, in each instance, strike “(v)” and substitute “(VI)”.

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 848 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – License Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #11

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

Senate Bill 313 – Senator Astle

AN ACT concerning

Workers' Compensation – Anne Arundel County Deputy Sheriff

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 617 – Senator Klausmeier

AN ACT concerning

Drug Therapy Management – Physician–Pharmacist Agreements

SB0617/767679/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 617

(First Reading File Bill)

On page 4, in line 30, strike “October” and substitute “July”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 679 – Senators Pugh and Jones–Rodwell

AN ACT concerning

Virginia I. Jones Alzheimer’s Disease and Related Disorders Council

SB0679/517774/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 679

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Jones–Rodwell” and substitute “Jones–Rodwell, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Ramirez”; in line 4, after the second “Council,” insert “requiring the Governor to consider the geographic and demographic diversity of the State in appointing individuals to the Council;”; in line 5, after “Aging” insert “, or their designees,”; in line 6, after “Hygiene” insert “, with assistance from the Department of Aging,”; and in line 10, after “term;” insert “providing for the termination of this Act;”.

AMENDMENT NO. 2

On page 3, in line 11, before “**THE**” insert “**(A)**”; in line 16, after “**HYGIENE**” insert “**, OR THE SECRETARY’S DESIGNEE**”; and in line 17, after “**AGING**” insert “**, OR THE SECRETARY’S DESIGNEE**”.

On page 4, in line 10, strike “**OR PSYCHIATRIST**”; after line 11, insert:

“(VIII) **A PSYCHIATRIST WITH EXPERTISE IN**
ALZHEIMER’S DISEASE AND RELATED DISORDERS;”;

in lines 12, 14, 16, 18, 20, and 22, respectively, strike “**(VIII)**”, “**(IX)**”, “**(X)**”, “**(XI)**”, “**(XII)**”, and “**(XIII)**”, and substitute “**(IX)**”, “**(X)**”, “**(XI)**”, “**(XII)**”, “**(XIII)**”, and “**(XIV)**”,

respectively; strike beginning with “AND” in line 18 down through “LIVING” in line 19; in line 21, strike “AND”; in line 24, after “DISORDER” insert “;

(XV) A REPRESENTATIVE OF THE ASSISTED LIVING INDUSTRY; AND

(XVI) A REPRESENTATIVE OF THE MEDICAL ADULT DAY CARE INDUSTRY”;

after line 24, insert:

“(B) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE COUNCIL SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.”;

and in line 27, after “AGING” insert “, OR THEIR DESIGNEES,”.

On page 5, in line 7, after “DEPARTMENT” insert “, WITH ASSISTANCE FROM THE DEPARTMENT OF AGING,”; and in line 23, strike “AND”.

AMENDMENT NO. 3

On page 6, in line 3, after “SETTINGS;” insert “AND

(IV) IMPROVE ACCESS TO AND COORDINATION OF SERVICES AND KNOWLEDGE OF THE RESOURCES AND INFORMATION AVAILABLE TO INDIVIDUALS WITH ALZHEIMER’S DISEASE, THEIR FAMILY MEMBERS, AND THEIR CAREGIVERS;”;

and in line 10, strike “CONDUCT” and substitute “DEVELOP”.

AMENDMENT NO. 4

On page 6, in line 21, after “2013.” insert “It shall remain effective for a period of 3 years and, at the end of September 30, 2016, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 736 – Senator Astle

AN ACT concerning

Insurance – Fraudulent Insurance Acts – Compensation for Deductible

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 749 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Operational Changes

SB0749/557272/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 749

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Middleton” and substitute “Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Pugh, and Ramirez”; and in line 30, after “changes,” insert “providing for the effective dates of this Act;”.

AMENDMENT NO. 2

On page 3, in line 1, after “(1)” insert “**EXCEPT AS OTHERWISE PROVIDED BY LAW, THE FUND IS SUBJECT TO THE PROVISIONS OF THIS ARTICLE.**

(2)”;

in the same line, strike “**PARAGRAPHS (2) AND**” and substitute “PARAGRAPH”; strike in their entirety lines 4 and 5; in line 12, after the semicolon insert “AND”; strike beginning with the semicolon in line 14 down through “**ARTICLE**” in line 15; and in line 16, strike “**(1)**” and substitute “**(2)**”.

On page 4, after line 7, insert:

“(3) OF THE MEMBERS DESCRIBED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, AT LEAST ONE SHALL BE APPOINTED FROM A LIST OF TWO OR MORE INDIVIDUALS RECOMMENDED BY THE BOARD OF DIRECTORS.”

AMENDMENT NO. 3

On page 7, strike in their entirety lines 3 through 32, inclusive.

On page 10, after line 32, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Insurance

20–204.

(a) [(1) Except as provided in paragraph (2) of this subsection or otherwise by law, the Executive Director shall appoint and remove staff of the Fund in accordance with the provisions of the State Personnel and Pensions Article.

(2) Positions that the Executive Director designates with the approval of the Board of Trustees as technical or professional positions are in the executive service, management service, or are special appointments of the skilled service or the professional service in the State Personnel Management System.]

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EMPLOYEES OF THE FUND ARE NOT IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) A SKILLED SERVICE EMPLOYEE OF THE FUND HIRED BEFORE JULY 1, 2013, IN A NONPROFESSIONAL OR NONTECHNICAL POSITION SHALL

REMAIN IN THE SKILLED SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM OR ITS EQUIVALENT AS LONG AS THE EMPLOYEE REMAINS IN A NONPROFESSIONAL OR NONTECHNICAL POSITION WITH THE FUND.

(3) THE EXECUTIVE DIRECTOR SHALL APPOINT AND REMOVE EMPLOYEES OF THE FUND IN ACCORDANCE WITH THE POLICIES OF THE BOARD OF TRUSTEES.

[(3)] (4) Notwithstanding any other provision of law, the Executive Director may appoint claims adjusters, attorneys, and other necessary personnel directly as employees or on a contract basis.

(b) The Executive Director shall determine and administer the compensation of the [personnel] EMPLOYEES of the Fund [designated under subsection (a)(2) of this section] with the approval of the Board of Trustees.

(c) Except as otherwise provided in this subtitle, an employee of the Fund is not subject to any law, regulation, or executive order governing State employee compensation, including furloughs, salary reductions, and any other General Fund cost-saving measure.”.

On page 13, in line 34, strike “2.” and substitute “3.”.

On page 14, in line 3, after “initial” insert “terms”; in lines 5 and 7, in each instance, strike “members”; in line 9, strike “3.” and substitute “4.”; in the same line, after “That” insert “Sections 1 and 3 of”; and after line 10, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect July 1, 2013.”.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Prayer by Reverend Diane Teichert, Unitarian Universalist Church, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

THE COMMITTEE ON FINANCE REPORT #12

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

House Bill 226 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch, Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and Zucker

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

HB0226/567175/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 31, after “credits;” insert “requiring the Commission to establish the renewable energy portfolio standard obligation for ORECs on a certain basis; requiring that any positive adjustment to the renewable energy portfolio standard be made on a certain basis; requiring the Commission to adopt regulations to establish the offshore wind purchase obligation at a certain time and establish a mechanism to adjust a certain renewable energy portfolio standard obligation in a certain manner;”; in line 34, after “circumstances;” insert “requiring the calculation of an electricity supplier’s OREC purchase obligation to be based on certain data;”; and in line 42, after “order;” insert “prohibiting a certain debt, obligation, or liability from being considered a debt, obligation, or liability of the State;”.

On page 3, strike beginning with “authorizing” in line 7 down through “purposes;” in line 9; in line 10, strike “and” and substitute a semicolon; and in line 29,

after “Force;” insert “establishing the Clean Energy Technical Education Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and identify certain programs and course offerings; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force;”.

AMENDMENT NO. 2

On page 16, in line 13, strike “AND”; after line 13, insert:

“(VI) AN ANALYSIS OF ANY IMPACT ON BUSINESSES IN THE STATE; AND”;

and in line 14, strike “(VI)” and substitute “(VII)”.

On page 18, after line 13, insert:

“(XII) THE EXTENT TO WHICH THE PROPOSED OFFSHORE WIND PROJECT WOULD REQUIRE TRANSMISSION OR DISTRIBUTION INFRASTRUCTURE IMPROVEMENTS IN THE STATE;”;

and in lines 14 and 17, strike “(XII)” and “(XIII)”, respectively, and substitute “(XIII)” and “(XIV)”, respectively.

On page 20, in line 16, strike “AND”; and in line 23, after “PROJECT” insert:

“; AND

(V) REQUIRE THAT ANY DEBT INSTRUMENT ISSUED IN CONNECTION WITH A QUALIFIED OFFSHORE WIND PROJECT INCLUDE LANGUAGE SPECIFYING THAT THE DEBT INSTRUMENT DOES NOT ESTABLISH A DEBT, OBLIGATION, OR LIABILITY OF THE STATE”.

AMENDMENT NO. 3

On page 20, in line 21, after “RATEPAYERS” insert “, PURCHASERS OF ORECS,”.

On page 21, in line 10 after “(A)” insert “(1)”; after line 14, insert:

“(2) THE COMMISSION SHALL ESTABLISH THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION FOR ORECS ON A FORWARD-LOOKING BASIS THAT INCLUDES A SURPLUS TO ACCOMMODATE REASONABLE FORECASTING ERROR IN ESTIMATING OVERALL ELECTRICITY SALES IN THE STATE.

(3) ANY POSITIVE ADJUSTMENT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD SHALL BE ON A FORWARD-LOOKING BASIS AND SUFFICIENTLY IN ADVANCE TO ALLOW OREC PURCHASERS TO REFLECT OREC COSTS IN RETAIL PRICES OFFERED TO CONSUMERS.

(4) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:

(I) THE OFFSHORE WIND PURCHASE OBLIGATION SUFFICIENTLY IN ADVANCE TO ALLOW OREC PURCHASERS TO REFLECT OREC COSTS IN RETAIL PRICES OFFERED TO CONSUMERS; AND

(II) A MECHANISM TO ADJUST THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION IN A GIVEN YEAR TO ACCOMMODATE A SHORTFALL OF ORECS IN ONE OR MORE EARLIER YEARS THAT IS THE RESULT OF THE VARIATION BETWEEN THE QUANTITY OF ORECS CALCULATED FROM THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION AND THE QUANTITY OF ORECS APPROVED IN THE COMMISSION ORDER FOR THE SAME YEARS.”;

in line 24, after “(2)” insert “(I)”; and after line 30, insert:

“(II) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, THE CALCULATION OF AN ELECTRICITY SUPPLIER’S OREC PURCHASE OBLIGATION SHALL BE BASED ON FINAL ELECTRICITY SALES DATA AS REPORTED BY THE PJM INTERCONNECTION AS MEASURED AT THE CUSTOMER METER.”.

AMENDMENT NO. 4

On page 22, after line 36, insert:

“(E) A DEBT, OBLIGATION, OR LIABILITY OF A QUALIFIED OFFSHORE WIND PROJECT, OR AN OWNER OR OPERATOR OF A QUALIFIED OFFSHORE WIND PROJECT, MAY NOT BE CONSIDERED A DEBT, OBLIGATION, OR LIABILITY OF THE STATE.”.

On page 23, in line 1, strike **“(E)”** and substitute **“(F)”**.

On page 32, in line 5, strike **“RECOMMENDATION”** and substitute **“RECOMMENDATIONS”**;

in line 9, strike **“AND”** and substitute:

“(2) THE SMALL BUSINESS DEVELOPMENT CENTER NETWORK IN THE UNIVERSITY OF MARYLAND; AND”;

and in line 10, strike **“(2)”** and substitute **“(3)”**.

On pages 37 and 38, strike beginning with line 34 on page 37 through line 10 on page 38 and substitute:

“(b) (1) Subject to paragraph (2) of this subsection, beginning in fiscal year 2020, in any fiscal year in which the Public Service Commission requires funding to contract the services of independent consultants and experts to carry out this Act, money shall be transferred from the Maryland Strategic Energy Investment Fund to the Public Service Commission to contract the services of independent consultants and experts.”

“(2) The cumulative amount transferred to the Public Service Commission under this subsection may not exceed \$3,000,000 less the net amount transferred to the Public Service Commission under subsection (a) of this section.”

On page 39, in line 19, after **“Commission”** insert **“and the Maryland Energy Administration”**.

AMENDMENT NO. 5

On page 40, after line 8, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That:

- (a) There is a Clean Energy Technical Education Task Force.
- (b) The Task Force consists of the following eight 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 Director of the Maryland Energy Administration, or the Director’s designee;
 - (4) the Secretary of the Department of Labor, Licensing, and Regulation, or the Secretary’s designee; and
 - (5) the following four members appointed by the Governor:
 - (i) two representatives of community colleges in the State; and
 - (ii) two representatives of the clean energy industry.
- (c) The Governor shall designate the chair of the Task Force.
- (d) The Maryland Higher Education Commission, the Maryland Energy Administration, and the Maryland Association of Community Colleges jointly shall provide staff for the Task Force.
- (e) A member of the Task Force:
 - (1) may not receive compensation as a member of the Task Force; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study the programs and course offerings currently being offered in the area of clean energy, with a particular emphasis on wind energy, and identify areas in which additional programs and course offerings should be offered at one or more of the following community colleges:

- (1) Allegany College of Maryland;
- (2) Anne Arundel Community College;
- (3) Baltimore City Community College;
- (4) Community College of Baltimore County;
- (5) Carroll Community College;
- (6) Cecil College;
- (7) Chesapeake College;
- (8) College of Southern Maryland;
- (9) Frederick Community College;
- (10) Garrett College;
- (11) Hagerstown Community College;
- (12) Harford Community College;
- (13) Howard Community College;
- (14) Montgomery College;
- (15) Prince George's Community College; and
- (16) Wor–Wic Community College.

(g) On or before July 31, 2014, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.”;

in lines 26 and 29, in each instance, strike “Section 7” and substitute “Sections 7 and 8”; in line 27, strike “It” and substitute “They”; and in lines 9, 15, 22, 26, and 31, strike “8.”, “9.”, “10.”, “11.”, and “12.”, respectively, and substitute “9.”, “10.”, “11.”, “12.”, and “13.”, respectively.

The preceding 5 amendments were read only.

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

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 18 – Senator Young

AN ACT concerning

Public Safety – Building Codes – Balcony Inspections (Jonathan’s Law)

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Forehand moved, duly seconded, to make the Bill a Special Order for March 6, 2013.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 401)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 225 – Senators Pugh and Gladden

AN ACT concerning

**Baltimore City – ~~40th and 41st Legislative Districts~~ Park Heights
Redevelopment Area – Alcoholic Beverages – Store Closing Hours**

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 400 – Senator Glassman

AN ACT concerning

**Environmental Health Specialists – Licensure Examinations – Applicant
Qualifications and Waiver**

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 405 – Senators Middleton, Garagiola, and Klausmeier

AN ACT concerning

Labor and Employment – Payment of Overtime Wages

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

Affirmative – 46 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

Senate Bill 462 – Senator Simonaire

AN ACT concerning

**Environment – Wetlands and Waterways Authorizations – Installation of
Personal Watercraft Lifts**

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 553 – Senator Getty

AN ACT concerning

Tipped Employees – Payments or Deduction from Wages – Prohibition

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.

SPECIAL ORDERS

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

**Senate Bill 276 – The President (By Request – Administration) and Senators
Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh,
Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden,
Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe**

AN ACT concerning

**Death Penalty Repeal and Appropriation from Savings to Aid Survivors of
Homicide Victims**

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

FLOOR AMENDMENT

SB0276/243321/1

BY: Senator Jennings

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down through “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO EMPLOYS OR ENGAGES ANOTHER TO COMMIT A MURDER IN THE FIRST DEGREE, IF THE MURDER WAS COMMITTED UNDER AN AGREEMENT OR CONTRACT FOR REMUNERATION OR PROMISE OF REMUNERATION, MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2–202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2–201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2–303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 26 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7, strike the colon and substitute “THAT”; strike in their entirety lines 8 through 22, inclusive; in line 23, strike “(vii)”; and in line 25, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of employing or engaging another to commit murder in the first degree, if the murder was committed under an agreement or contract for remuneration or promise of remuneration.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 25 (See Roll Call No. 407)

FLOOR AMENDMENT

SB0276/273327/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the

second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down though “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE WHILE UNDER A SENTENCE OF DEATH OR IMPRISONMENT FOR LIFE MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 28 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “A DETERMINATION HAS BEEN MADE”; in line 7, strike the colon and substitute “THAT”; strike in their entirety lines 8 through 25, inclusive; in line 26, strike “(viii)”; and in line 27, strike the semicolon and substitute a period.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “CIRCUMSTANCE EXISTS”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “THE CIRCUMSTANCE”; in lines 30, 31, and

32, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”; and in line 31, strike “outweigh” and substitute “OUTWEIGHS”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “OUTWEIGHS”; in lines 3 and 15, in each instance, strike “do” and substitute “DOES”; in line 9, strike “each” and substitute “THE”; in line 11, strike “any” and substitute “THE”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “CIRCUMSTANCE”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “2.”; in the same line, after “That” insert “, except in a case in which a person has been found guilty of murder in the first degree while under a sentence of death or imprisonment for life.”; and in line 28, strike “5.” and substitute “3.”.

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

Affirmative – 19 Negative – 25 (See Roll Call No. 408)

FLOOR AMENDMENT

SB0276/753828/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 276, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 4 in Amendment No. 1, before “altering” insert “prohibiting the extradition of a certain person to a certain other state or country in certain circumstances;”; and in line 6, strike “and 7–107(b)” and substitute “7–107(b), and 9–102”.

AMENDMENT NO. 2

On page 10 of the bill, after line 14, insert:

“9–102.

(A) [Subject] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND SUBJECT to the provisions of this title, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this State.

(B) A PERSON MAY NOT BE EXTRADITED FROM THIS STATE TO ANOTHER STATE OR COUNTRY IN WHICH THE PERSON HAS BEEN OR COULD BE CHARGED WITH A CRIME THAT WOULD SUBJECT THE PERSON TO THE DEATH PENALTY IN THE STATE OR COUNTRY.”.

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0276/933726/2

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before “making” insert “making this Act subject to a certain contingency;”.

AMENDMENT NO. 2

On page 26, in line 29, after “2013” insert “, contingent on the change by the Governor of the State of Maryland of each sentence of death imposed in the State that has not been carried out into a sentence of life without the possibility of parole. On the fulfillment of this contingency, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Executive Director of the Department of Legislative Services”.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 409)

FLOOR AMENDMENT

SB0276/863821/1

BY: Senator Getty

AMENDMENTS TO SENATE BILL 276

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 2, after “Penalty” insert “Partial”; in line 4, after “penalty” insert “except under certain circumstances”; strike beginning with the second “repealing” in line 4 down through “penalty;” in line 12; and in line 15, after the first “the” insert “partial”.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 16 on page 1 through line 17 on page 2, inclusive.

On page 2 of the bill, strike in their entirety lines 20 and 21 and substitute “Section 2–103(h)”; strike in its entirety line 26 and substitute “Section 2–201(b), 2–202, and 2–303”; and strike in their entirety lines 29 through 38, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 2–201(c)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)”.

In the Judicial Proceedings Committee Amendments (SB0276/258274/1), in line 2 of Amendment No. 1, strike “– Substitution of Life Without the Possibility of Parole”; strike beginning with “altering” in line 4 down though “confinement;” in line 5; and in line 6, strike “and 7–107(b)”.

AMENDMENT NO. 2

On page 3 of the bill, in line 19, after “from” insert “partially”; and in line 30, strike “Repeal” and substitute “Partial repeal”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4 of the bill, in line 3, strike “3.” and substitute “1.”; and in the same line, strike “AND BE IT FURTHER ENACTED” and substitute “BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND”.

On pages 4 through 10 of the bill, strike in their entirety the lines beginning with line 5 on page 4 through line 14 on page 10, inclusive.

In the Judicial Proceedings Committee Amendments, in lines 2 and 3 of Amendment No. 2, strike “CHANGE A SENTENCE OF DEATH INTO A SENTENCE OF LIFE WITHOUT THE POSSIBILITY OF PAROLE”.

On page 11 of the bill, in line 10, strike “A” and substitute “SUBJECT TO SUBSECTION (C) OF THIS SECTION, A”; after line 18, insert:

“(C) A PERSON WHO COMMITS A MURDER IN THE FIRST DEGREE ON THE ON THE PROPERTY OF A PRIVATE OR PUBLIC SCHOOL, EDUCATIONAL INSTITUTION, OR CHILD CARE FACILITY MAY BE SENTENCED TO DEATH IN COMPLIANCE WITH § 2-202 OF THIS SUBTITLE AND SUBTITLE 3 OF THIS TITLE.”;

in line 19, strike the bracket; in line 20, after “degree” insert “UNDER § 2-201(C) OF THIS SUBTITLE”; strike beginning with the colon in line 23 down through “(i)” in line 24; in line 24, strike “and”; strike in their entirety lines 25 and 26; and strike beginning with “with” in line 27 down through “title,” in line 28.

On page 12 of the bill, in line 1, strike “with respect to § 2-303(g)(1)(i) of this title,”.

On page 13 of the bill, in lines 4 and 14, in each instance, strike the bracket; and strike in their entirety lines 5 through 13, inclusive.

On page 15 of the bill, strike in their entirety lines 10 through 13, inclusive; and in lines 14, 17, and 19, strike “(iii)”, “(iv)”, and “(v)”, respectively, and substitute “(II)”, “(III)”, and “(IV)”, respectively.

On pages 16 and 17 of the bill, strike in their entirety the lines beginning with line 8 on page 16 through line 5 on page 17, inclusive.

On page 16 of the bill, strike beginning with “any” in line 6 down through “exists” in line 7 and substitute “**A DETERMINATION HAS BEEN MADE**”; in line 7, strike the colon and substitute “**THAT THE DEFENDANT COMMITTED THE MURDER ON THE PROPERTY OF A PRIVATE OR PUBLIC SCHOOL, EDUCATIONAL INSTITUTION, OR CHILD CARE FACILITY.**”.

On page 17 of the bill, in line 6, strike “one or more of”; and in line 7, strike “circumstances exist” and substitute “**CIRCUMSTANCE EXISTS**”.

On page 18 of the bill, strike beginning with “one” in line 1 down through “circumstances” in line 2 and substitute “**THE CIRCUMSTANCE**”; in lines 30, 31, and 32, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”; and in line 31, strike “outweigh” and substitute “**OUTWEIGHS**”.

On page 19 of the bill, in lines 1 and 12, in each instance, strike “outweigh” and substitute “**OUTWEIGHS**”; in lines 3 and 15, in each instance, strike “do” and substitute “**DOES**”; in line 9, strike “each” and substitute “**THE**”; in line 11, strike “any” and substitute “**THE**”; and in lines 11 and 14, in each instance, strike “circumstances” and substitute “**CIRCUMSTANCE**”.

On page 20 of the bill, in line 14, strike the bracket.

On pages 20 through 26 of the bill, strike in their entirety the lines beginning with line 15 on page 20 through line 20 on page 26, inclusive.

On page 26 of the bill, in line 21, strike “4.” and substitute “**2.**”; in the same line, after “That” insert “**, except in a case in which a person has been found guilty of a murder in the first degree committed on the property of a private or public school, educational institution, or child care facility.**”; and in line 28, strike “5.” and substitute “**3.**”.

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

Affirmative – 21 Negative – 24 (See Roll Call No. 410)

FLOOR AMENDMENT

SB0276/773623/1

BY: Senator Simonaire

AMENDMENT TO SENATE BILL 276

(First Reading File Bill)

On page 3, after line 20, insert:

“WHEREAS, The Maryland General Assembly affirms the intrinsic value of life and recognizes its obligation to protect every life, independent of whether it is the most innocent and pure life or the life of the worst and most despicable and heinous convicted criminal; and”.

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

Affirmative – 11 Negative – 32 (See Roll Call No. 411)

Read the second time and ordered prepared for Third Reading.**MOTION**

Senator Ferguson 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 1056 – Senator Ferguson

AN ACT concerning

**Election Law – Independent Expenditures and Electioneering
Communications – Disclosure**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. 412)

ADJOURNMENT

At 10:47 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 9:00 A.M. on Wednesday, March 6, 2013.

**Annapolis, Maryland
Wednesday, March 6, 2013
9:00 A.M. Session**

The Senate met at 9:16 A.M.

Senator Madaleno read the prayer by Rabbi Jonathan Roos.

(See Exhibit A of Appendix III)

The Journal of March 5, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 414)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 331 – Delegates Morhaim, Barve, Bromwell, Costa, Hubbard, James, Kach, K. Kelly, Kipke, Lafferty, McMillan, W. Miller, Mizeur, O'Donnell, Pena-Melnyk, Smigiel, Stein, Tarrant, ~~and V. Turner~~ V. Turner, Hammen, Pendergrass, Cullison, Donoghue, Elliott, Frank, A. Kelly, Krebs, McDonough, Nathan-Pulliam, Oaks, Ready, and Reznik

AN ACT concerning

Open Meetings Act – Violations and Penalties

FOR the purpose of requiring that a certain public body take a certain action if the State Open Meetings Law Compliance Board determines that a certain violation of the Open Meetings Act has occurred; providing that compliance with certain provisions of this Act is not an admission to a certain violation and may not be used as evidence in a certain proceeding; repealing a certain prohibition on the introduction of certain opinions issued by the Board as evidence in certain proceedings; altering certain penalties for certain violations; requiring a court to consider certain factors when determining the amount of a certain fine; and generally relating to the Open Meetings Act.

BY repealing and reenacting, with amendments,

Article – State Government

Section 10–502.5(i) and 10–511

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing

Article – State Government

Section 10–502.5(j)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 10–510(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

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

Senate Bill 37 – Senator Zirkin

AN ACT concerning

Criminal Law – Animal Cruelty – Payment of Costs

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 71 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Child Support Enforcement – Information from Financial Institutions – Claims Against Retirement Plans

SB0071/488179/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 71

(First Reading File Bill)

On page 1, in line 2, strike “Information from Financial Institutions –” and substitute “Attachment and Seizure of Retirement Accounts and”; in line 5, strike “authorizing” and substitute “that authorize”; and in line 7, after “support” insert “, authorize the Administration to attach and seize certain accounts in certain financial institutions, and require the Administration to reimburse certain account holders under certain circumstances”.

The preceding amendment was read and adopted.

Senator Frosh moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2013.

The motion was adopted.

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

Senate Bill 199 – Senator Frosh

AN ACT concerning

Real Property – Refinance Mortgage – Priority over Junior Liens**SB0199/638972/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 199

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Frosh” and substitute “Senators Frosh and Klausmeier”; in line 3, after “refinance” insert “the indebtedness secured by”; in line 6, after “have” insert “, on recordation,”; in the same line, strike “it” and substitute “the refinance mortgage”; in line 7, strike “printed” and substitute

“included”; in line 8, after “terms;” insert “providing for the construction and application of this Act;”; and in the same line, after “to” insert “lien priority and”.

AMENDMENT NO. 2

On page 2, in lines 10 and 14, in each instance, strike “**INTEREST IN REAL PROPERTY**” and substitute “**INSTRUMENT**”; in line 15, after the first “**OF**” insert “**INDEBTEDNESS SECURED BY**”; in line 19, after “**REFINANCES**” insert “**IN FULL THE UNPAID INDEBTEDNESS SECURED BY**”; in line 21, strike “**A**” and substitute “**AN INTEREST**”; in the same line, after “**THE**” insert “**EVIDENCE OF INDEBTEDNESS SECURED BY THE**”; and in line 30, after “**HAVE**” insert “**, ON RECORDATION,**”.

On page 2 in line 27 and on page 3 in line 9, in each instance, after “**THE**” insert “**UNPAID**”.

On page 3, in line 6, strike “**INTEREST**” and substitute “**INSTRUMENT**”.

AMENDMENT NO. 3

On page 2, in line 9, after “**(2)**” insert “**(I)**”; and after line 12, insert:

“(II) “JUNIOR LIEN” DOES NOT INCLUDE:

- 1. A JUDGMENT LIEN; OR**
- 2. A LIEN FILED UNDER THE MARYLAND CONTRACT LIEN ACT.”**

AMENDMENT NO. 4

On page 2, in line 28, after “**PLUS**” insert “**AN AMOUNT TO PAY CLOSING COSTS NOT EXCEEDING**”.

AMENDMENT NO. 5

On page 3, in line 4, strike “**ON THE FIRST PAGE**”; and in line 9, after the last period, insert:

“THE INTEREST RATE PROVIDED FOR IN THE EVIDENCE OF INDEBTEDNESS SECURED BY THIS REFINANCE MORTGAGE IS LOWER THAN THE APPLICABLE INTEREST RATE PROVIDED FOR IN THE EVIDENCE OF

INDEBTEDNESS SECURED BY THE DEED OF TRUST/MORTGAGE/OTHER SECURITY
INSTRUMENT BEING REFINANCED.”.

AMENDMENT NO. 6

On page 3, after line 11, insert:

**“(F) THIS SECTION MAY NOT BE CONSTRUED TO PREEMPT OR ABROGATE
THE OPERATION OR EFFECT OF, OR ABILITY OF A COURT TO APPLY THE
PRINCIPLES OF, EQUITABLE SUBROGATION OR EQUITABLE SUBORDINATION.**

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 a refinance mortgage recorded or having an effective
date before the effective date of this Act.”;

and in line 12, strike “2.” and substitute “3.”.

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 215 – Senators Forehand, Benson, Colburn, Dyson, Garagiola,
Jones–Rodwell, Kasemeyer, Kelley, King, Manno, Montgomery,
Simonaire, Stone, and Young**

AN ACT concerning

Criminal Law – Human Trafficking – Victims Under Age 21

SB0215/458777/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 215

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Young” and substitute “Young, Frosh, Brochin, Getty, Jacobs, Muse, Raskin, Shank, and Zirkin”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 267 – Senators Raskin, Frosh, Madaleno, and Shank

AN ACT concerning

**Courts and Judicial Proceedings – Interception of Communications – Abuse
or Neglect of Vulnerable Adult and Medicaid Fraud**

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 359 – Senators Pugh, Benson, Conway, Currie, Forehand,
Jones–Rodwell, Kasemeyer, King, Klausmeier, Montgomery, and
Ramirez**

AN ACT concerning

Education – School Vehicle Attendant

Favorable report adopted.

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. 415)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #26**Senate Bill 171 – Senator Forehand**

AN ACT concerning

Election Law – Special Elections – Voting by Mail

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

Affirmative – 37 Negative – 8 (See Roll Call No. 416)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #29**Senate Bill 276 – The President (By Request – Administration) and Senators
Gladden, Raskin, Benson, Conway, Currie, Ferguson, Forehand, Frosh,
Jones–Rodwell, Kelley, King, Madaleno, Manno, McFadden,
Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, and Rosapepe**

AN ACT concerning

**~~Death Penalty Repeal and Appropriation from Savings to Aid Survivors of
Homicide Victims~~ – Substitution of Life Without the Possibility of Parole**

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

Affirmative – 27 Negative – 20 (See Roll Call No. 417)

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 18 – Senator Young

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Young moved, duly seconded, to make the Bill a Special Order for March 7, 2013.

The motion was adopted.

LAID OVER BILLS

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

House Bill 226 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch, Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and Zucker

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 7, 2013.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 418)

ADJOURNMENT

At 11:59 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 7, 2013.

**Annapolis, Maryland
Thursday, March 7, 2013
10:00 A.M. Session**

The Senate met at 10:13 A.M.

Prayer by Reverend Mandy Sayers, Covenant United Methodist Church, guest of Senator King.

(See Exhibit A of Appendix III)

The Journal of March 6, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 420)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 114 – Senators Benson and Montgomery

AN ACT concerning

Health – Pregnant Women – Hepatitis B Testing

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

Affirmative – 47 Negative – 0 (See Roll Call No. 421)

The Bill was then sent to the House of Delegates.

Senate Bill 143 – Senators Pugh, Benson, Ferguson, Forehand, King, Madaleno, Manno, McFadden, Middleton, Montgomery, Muse, and Ramirez

AN ACT concerning

Public Schools – Emergency Management Plans – Evaluations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 422)

The Bill was then sent to the House of Delegates.

Senate Bill 285 – Senator Peters

AN ACT concerning

Health Occupations – Kinesiotherapy – Study

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

Affirmative – 47 Negative – 0 (See Roll Call No. 423)

The Bill was then sent to the House of Delegates.

Senate Bill 338 – Senator Conway

EMERGENCY BILL

AN ACT concerning

**State Board of Nursing – Medication Technician Graduates and Certified
Medication Technicians – Sunset Extension**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 424)

The Bill was then sent to the House of Delegates.

Senate Bill 342 – Senator Madaleno

AN ACT concerning

**State Government – Access to Public Records in Electronic Formats –
Termination Date**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the House of Delegates.

Senate Bill 350 – ~~Senator Colburn~~ Senators Colburn, Dyson, Benson, Getty, Jacobs, Jennings, Kittleman, Klausmeier, Pipkin, and Shank

AN ACT concerning

Electrical Inspectors and Plumbing Inspectors – Master License Required

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

Affirmative – 47 Negative – 0 (See Roll Call No. 426)

The Bill was then sent to the House of Delegates.

Senate Bill 599 – Senator Conway

AN ACT concerning

Procurement – Subcontractor Equal Access to Bonding Act of 2013

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

Affirmative – 46 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 313 – Senator Astle

AN ACT concerning

Workers' Compensation – Anne Arundel County Deputy Sheriff

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

Affirmative – 46 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 617 – Senator Klausmeier

AN ACT concerning

Drug Therapy Management – Physician–Pharmacist Agreements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the House of Delegates.

Senate Bill 629 – Senator Edwards**EMERGENCY BILL**

AN ACT concerning

Alcoholic Beverages – Allegany County – Video Lottery Facility Sales and Consumption

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

Affirmative – 46 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the House of Delegates.

Senate Bill 679 – Senators Pugh ~~and Jones Rodwell~~, Jones Rodwell, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, and Ramirez

AN ACT concerning

Virginia I. Jones Alzheimer’s Disease and Related Disorders Council

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

Affirmative – 47 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 736 – Senator Astle

AN ACT concerning

Insurance – Fraudulent Insurance Acts – Compensation for Deductible

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

Affirmative – 47 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

Senate Bill 749 – ~~Senator Middleton~~ Senators Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Pugh, and Ramirez

AN ACT concerning

Maryland Automobile Insurance Fund – Operational Changes

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

Affirmative – 47 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the House of Delegates.

Senate Bill 767 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Licenses, Permits, and Other Authorizations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the House of Delegates.

Senate Bill 848 – Carroll County Senators

AN ACT concerning

Carroll County – Alcoholic Beverages – License Fees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 435)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

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

**Senate Bill 70 – Chair, Budget and Taxation Committee (By Request –
Departmental – Business and Economic Development)**

EMERGENCY BILL

AN ACT concerning

**Business and Economic Development – Enterprise Fund and Invest
Maryland Program**

SB0070/639136/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 70

(First Reading File Bill)

On page 1, in line 8, after “Program;” insert “prohibiting a certain report from including certain information;”; and in line 13, after “definition,” insert “making a conforming change;”.

On page 7, in line 10, strike “first”.

On page 8, in line 7, strike “is not required to” and substitute “MAY NOT”; in line 26, after “previous” insert “FISCAL”; and in line 29, strike “calendar” and substitute “FISCAL”.

On page 9, in line 1, after “(vii)” insert “FOR THE PREVIOUS FISCAL YEAR,”; in line 6, strike “prior” and substitute “PREVIOUS FISCAL”; in lines 9 and 22, in each instance, after “previous” insert “FISCAL”; in lines 12 and 26, in each instance, strike “preceding calendar” and substitute “PREVIOUS FISCAL”; in line 15, after “(v)” insert “FOR THE PREVIOUS FISCAL YEAR,”; and in line 29, after “(v)” insert “FOR THE PREVIOUS FISCAL YEAR,”.

On page 10, in line 1, after “(5)” insert “FOR THE PREVIOUS FISCAL YEAR,”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 202 – Senators King, Brinkley, Currie, Garagiola, Madaleno, Manno, Peters, Ramirez, Raskin, and Robey

AN ACT concerning

Recordation and Transfer Taxes – Transfer of Property Between Related Entities – Exemption

SB0202/579030/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 202

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “Act;” insert “providing for the termination of this Act.”.

AMENDMENT NO. 2

On page 1, strike beginning with “PARTNERSHIP” in line 22 down through “PARTNERSHIP,” in line 23; and in line 23, strike the second comma.

On page 2, in line 1, strike “PARTNER,”; in the same line, strike the second comma; strike beginning with “PARTNERSHIP” in line 3 down through the first “INTEREST,” in line 4; and in line 4, strike the second comma.

AMENDMENT NO. 3

On page 3, in line 11, after “2013.” insert “It shall remain effective for a period of 5 years and, at the end of June 30, 2018, 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 Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 484 – Senators Dyson, Astle, Colburn, Conway, Jacobs, Madaleno, Manno, Pinsky, Pipkin, and Simonaire

AN ACT concerning

Income Tax Credit – Oyster Shell Recycling

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 573 – Senators Robey, Kasemeyer, Kittleman, and Mathias

AN ACT concerning

County Property Tax – Personal Property Rate

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 631 – Senators King, DeGrange, Forehand, Garagiola, Klausmeier, Manno, Miller, and Peters

AN ACT concerning

Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

SB0631/869937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 631

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “for certain counties”; in line 4, after the second “taxes” insert “imposed by certain counties”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Local Government

Section 20–404

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)

BY adding to

Article – Local Government

Section 20–603(e)

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 15 and 16, and substitute:

“Article – Local Government

20–404.

(A)”;

in line 20, strike “**IS**” and substitute “IS”; in line 23, strike “**PROVIDES**” and substitute “PROVIDES”; in line 26, strike “**DOES**” and substitute “DOES”; strike in its entirety line 28 and substitute:

“(a) (B) By resolution, Calvert County and St. Mary’s County may provide a tax exemption for classes of hotels.

[(b)] (C) In Carroll County, the hotel rental tax does not apply to a hotel with 10 or fewer sleeping rooms.

[(c)] (D) Cecil County may impose the hotel rental tax only on a transient charge paid to a hotel located in any part of Cecil County that:

(1) is specified by the governing body of Cecil County as a population center;

(2) is not larger than 10 square miles in geographic area; and

(3) has a population of at least 6,000 residents.

[(d)] (E) In Frederick County, the hotel rental tax does not apply to a hotel with:

(1) 10 or fewer sleeping rooms in its main building; and

(2) not more than 20 additional sleeping rooms in auxiliary structures on the hotel's property.

[(e)] (F) In Washington County, the hotel rental tax does not apply to a transient charge paid to a hotel by:

(1) the federal government;

(2) a state; or

(3) a unit or instrumentality of a state or the federal government.

20-603.”;

and in line 29, strike “**(F)**” and substitute “**(E)**”.

On page 3, in line 1, strike “**IS**” and substitute “**IS**”; in line 4, strike “**PROVIDES**” and substitute “**PROVIDES**”; and in line 7, strike “**DOES**” and substitute “**DOES**”.

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON RULES REPORT #7

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 886 – Senator Stone

AN ACT concerning

**Vehicle Laws – Manufacturers, Distributors, and Factory Branches –
Compensation of Dealers**

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 977 – Senator Pipkin

AN ACT concerning

**Task Force to Evaluate Regional Health Delivery and Health Planning in
Rural Areas**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1011 – Cecil County Senators

AN ACT concerning

Cecil County – School Buses – Length of Operation

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1012 – Cecil County Senators

AN ACT concerning

**Alcohol and Drug Abuse Administration – Opioid Maintenance Therapy
Program – Requirements**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1027 – Senator Forehand

AN ACT concerning

**Creation of a State Debt – Montgomery County – Metropolitan Ballet Theatre
Relocation and Expansion**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1029 – Senator Middleton

AN ACT concerning

Maryland Agricultural Certainty Program

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1030 – Senators Conway, McFadden, and Pugh

AN ACT concerning

**Creation of a State Debt – Baltimore City – Morgan State University Athletic
Facility Renovations**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1031 – Senator Colburn

AN ACT concerning

Hunting – Domesticated, Stray, or Feral Animals – Prohibited Acts

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1032 – Senator Colburn

AN ACT concerning

Oysters – Power Dredging – Time Period

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1033 – Senator Rosapepe

AN ACT concerning

Public Education – Alternative Schooling

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1034 – Senator Conway

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Baltimore City –
Assisted Living on the Green**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1035 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Rebirth Community Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1036 – Senator Edwards

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2011 – Allegany County –
Cumberland City Market**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

**Senate Bill 1037 – Senators King, Brinkley, Colburn, Currie, DeGrange,
Edwards, Garagiola, Jones-Rodwell, Kasemeyer, Madaleno, Manno,
Middleton, Miller, Peters, and Robey**

AN ACT concerning

**Public Safety – Response to a State Disaster or Emergency – Licensing and
Taxes**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1038 – Senator King

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2010 – Montgomery County –
Montgomery Village Martin Roy Park Pavilion**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

**Senate Bill 1039 – The President (By Request – Commission to Study
Campaign Finance Law) and Senators Ferguson and Benson**

AN ACT concerning

Campaign Finance Reform Act of 2013

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1040 – Senator Garagiola

AN ACT concerning

Mental Hygiene – Reform of Laws and Delivery of Services

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1041 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George’s County – National Philippine Multi-Cultural Center

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1042 – Senator Shank

AN ACT concerning

Washington County Building Code Board of Appeals – Decisions

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1043 – Senator Frosh

AN ACT concerning

**Commercial Law – Acceleration of Loan Indebtedness Due to Death –
Prohibited**

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1044 – Senators Benson and Currie

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Lake Arbor Center Water
and Sewage Connection Project**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1045 – Senators Benson and Currie

AN ACT concerning

**Creation of a State Debt – Prince George’s County – Lake Arbor Capital
Improvements**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1046 – Senator Benson

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2011 – Prince George’s County
– Capitol Heights Seat Pleasant Boys and Girls Club Initiative**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1047 – Senator Ferguson

AN ACT concerning

**Creation of a State Debt – Baltimore City – Education Based Latino Outreach
ADA/Elevator Project**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1048 – Senator Pipkin

AN ACT concerning

Work Zone Speed Control Systems – Refund of Civil Penalties

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1049 – Senators Mathias and Astle

AN ACT concerning

Recycling – Apartment Buildings and Condominiums

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1050 – Senators Rosapepe, Brinkley, and Peters

AN ACT concerning

**Creation of a State Debt – Prince George’s County – College Park Aviation
Museum**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1051 – Senator Rosapepe

AN ACT concerning

Maryland Private Sector Employees Pension Plan and Trust

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1052 – Senator Kittleman

AN ACT concerning

Criminal Law – Electronic Harassment of a Minor

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1053 – Senator Jones–Rodwell

AN ACT concerning

**Creation of a State Debt – Baltimore City – Fayette Street Outreach
Community Center**

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1055 – Senators Manno, King, Madaleno, and Peters

AN ACT concerning

State Aid for Critical Services – County Maintenance of Effort Requirements

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1056 – Senator Ferguson

AN ACT concerning

**Election Law – Independent Expenditures and Electioneering
Communications – Disclosure**

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

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 #6

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
Chair

Senate Executive Nominations Committee
Report #6
March 7, 2013

Affordable Housing Trust Board of Trustees, Maryland

1. Myriam A. Torrico District 20
11901 New Hampshire Avenue
Silver Spring, MD 20904

Member of the Maryland Affordable Housing Trust Board of Trustees;
appointed to serve a term of four years from October 1, 2011

African American History and Culture, Commission on

2. Donna Cypress District 40
3108 Auchentoroly Terrace
Baltimore, MD 21217

Member of the Commission on African American History and Culture;
appointed to serve a term of four years from July 1, 2012

3. Tamara D. England, D.Min. District 11
104 Hemison Court
Pikesville, MD 21208

Member of the Commission on African American History and Culture; appointed to serve a term to expire June 30, 2015

Airport Zoning Appeals Board

4. James W. Osborne, Jr. District 31
1513 Tieman Drive
Glen Burnie, MD 21061

Member of the Airport Zoning Appeals Board; appointed to serve a term of four years from July 1, 2013

Amusement Ride Safety Advisory Board, State

5. Dawn Adekoya District 14
3028 Schubert Drive
Silver Spring, MD 20904

Member of the State Amusement Ride Safety Advisory Board; reappointed to serve a term of four years from July 1, 2012

Appalachian States Low-Level Radioactive Waste Commission

6. Robert M. Summers, Ph.D. District 42
7315 Yorktown Drive
Baltimore, MD 21204

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

Archaeology, Advisory Committee on

7. Marian Craig Creveling District 30
1707 Forestville Road
Edgewater, MD 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2013

8. Robert D. Wall, Ph.D. District 12
1602 Beechwood Avenue
Catonsville, MD 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2013

Arts Council, Maryland State

9. Shelley Cole Morhaim District 11
3502 Englemeade Road
Baltimore, MD 21208

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2013

10. Gary Vikan District 43
214 Chancery Road
Baltimore, MD 21218

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2013

Canal Place Preservation and Development Authority

11. Michael W. McKay District 1
407 Washington Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; appointed to serve remainder of a term of four years from June 1, 2011

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

12. Stephen Z. Meehan, Esq. District 36
105 Riverview Place
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2011

Civil Rights, Commission on

13. Laura M. Esquivel District 20
909 Elm Avenue
Takoma Park, MD 20912

Member of the Commission on Civil Rights; appointed to serve a term of six years from July 1, 2011

Economic Development Commission, Maryland

14. Manish D. Kothari District 15
13219 Maplecrest Drive
Potomac, MD 20850

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2010 and a term of three years from July 1, 2013

15. Ellen Moyer District 30
35 Eastern Avenue
Annapolis, MD 21403

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2012

Hart–Miller–Pleasure Island Citizens Oversight Committee

16. Paul D. Brylske District 7
822 Frog Mortar Road
Baltimore, MD 21220

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2012

17. Craig E. Doyle District 6
7827 North Cove Road
Baltimore, MD 21219

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

Health Care Commission, Maryland

18. Diane Stollenwerk District 43
3957 Cloverhill Road
Baltimore, MD 21218

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2009 and a term of four years from October 1, 2013

Higher Education Commission, Maryland

19. Joel Packer District 20
418 Neale Court

Silver Spring, MD 20901

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Indian Affairs, Commission on

20. Ashley C. Minner District 6
3517 Sollers Point Road
Baltimore, MD 21222

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2012

Infants and Toddlers, Interagency Coordinating Council for

21. Laura Barbee–Matthews District 27
10006 Graystone Drive
Upper Marlboro, MD 20772

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2013

22. George P. Failla, Jr., Esq. District 5
2517 Highcrest Court
Manchester, MD 21102

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2013

23. Karen Larenas District 13
8114 Mission Hill Place
Jessup, MD 20794

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2013

24. Mary L. O'Connor Leppert, M.B., B.Ch. District 9
1403 Quick Fox Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2013

25. Monica Ortiz Neustrup District 39
10506 Apple Ridge Road

Gaithersburg, MD 20886

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2012

26. Abila Tazanu, M.D. District 23
12303 Starling Lane
Laurel, MD 20708

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve a term of three years from July 1, 2012

Labor Relations Board, State

27. Edward J. Gutman District 43
3704 N. Charles Street #905
Baltimore, MD 21218

Member of the State Labor Relations Board; appointed to serve a term of six years from July 1, 2010

Physicians, State Board of

28. Andrea Mathias, M.D. District 38
3701 Village Trail
Snow Hill, MD 21863

Chair of the State Board of Physicians; appointed to serve a term of four years from July 1, 2012

Public Service Commission

29. Walter Kevin Hughes District 39
14604 Pebble Hill Lane
North Potomac, MD 20878

Chair of the Public Service Commission; appointed to serve remainder of a term of five years from July 1, 2008

University System of Maryland Board of Regents

30. Samim Manizade District 38
500 W. College Avenue
Salisbury, MD 21801

Student Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2013

Veterans' Home Commission, Maryland

31. Gordon B. Browning District 36
414 Bell Avenue
Chestertown, MD 21620

Member of the Maryland Veterans' Home Commission; appointed to serve remainder of a term of five years from July 1, 2009

32. Robert M. Johnson District 28
P.O. Box 1967
La Plata, MD 20646

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2013

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Amusement Ride Safety Advisory Board, State

- S-1. Christopher M. Trimper District 38
10252 Bent Creek Road
Ocean City, MD 21842

Member of the State Amusement Ride Safety Advisory Board; reappointed to serve a term of four years from July 1, 2013

Appalachian States Low-Level Radioactive Waste Commission

- S-2. Edward C. Hammerberg District 40
1477 Roland Heights Avenue
Baltimore, MD 21211

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

- S-3. Joshua Sharfstein, M.D. District 41
5820 Pimlico Road
Baltimore, MD 21209

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

Arts Council, Maryland State

- S–4. Lora Bottinelli District 38
218 W. Federal Street
Snow Hill, MD 21863

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2013

- S–5. Margaret Footner District 5
18329 Peters Avenue
White Hall, MD 21161

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2013

Blind Industries and Services of Maryland, Board of Trustees of

- S–6. Michael L. Gosse, Ph.D. District 46
2540 E. Baltimore Street
Baltimore, MD 21224

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2012

Dental Examiners, State Board of

- S–7. Issie Shelton Jenkins, Esq. District 9
12826 Forest Creek Court
Sykesville, MD 21784

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2013

- S–8. Sonia A. Stockton District 41
5921 Simmonds Avenue
Baltimore, MD 21215

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2013

Economic Development Commission, Maryland

- S–9. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

S-10. A. Nayab Siddiqui District 13
7005 Woodscape Drive
Clarksville, MD 21029

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

Health and Mental Hygiene, Board of Review of the Department of

S-11. Betty Makell Coleman District 30
8 Kirby Lane
Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2013

S-12. Anne Ruth Cullen District 23
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2013

Health Benefit Exchange Board, Maryland

S-13. Kenneth S. Apfel District 33
304 Clopston Hill
Sherwood Forest, MD 21405

Member of the Maryland Health Benefit Exchange Board; reappointed to serve a term of four years from June 1, 2013

S-14. Tom S. Saquella District 36
15 Greenwood Shoals
Grasonville, MD 21638

Member of the Maryland Health Benefit Exchange Board; reappointed to serve a term of four years from June 1, 2013

Historical Trust, Board of Trustees of the Maryland

S-15. Larry S. Gibson District 43
237 Lambeth Road

Baltimore, MD 21218

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2013

Public Service Commission

S–16. Walter Kevin Hughes
16404 Pebble Hill Lane
North Potomac, MD 20878

District 39

Chair of the Public Service Commission; reappointed to serve a term of five years from July 1, 2013

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 8, 2013.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 279 – The President (By Request – Administration) and Senators Raskin, Benson, Conway, Ferguson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Pinsky, Pugh, Rosapepe, Young, and Zirkin

AN ACT concerning

Election Law – Improving Access to Voting

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0279/184239/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 279

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Montgomery, Gladden, Kasemeyer, Jones–Rodwell, Manno, McFadden, Muse, and Peters”; in lines 10 and 12, in each instance, after “an” insert “accessible”; in line 18,

after “elections;” insert “providing for a delayed effective date for certain provisions of this Act;”; and in line 21, after “Section” insert “3-204.1(b).”.

AMENDMENT NO. 2

On page 4, after line 3, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Election Law

3-204.1.

(b) To apply to register to vote through the online voter registration system, an individual shall:

(1) complete the electronic voter registration application;

(2) affirmatively attest, subject to the penalties of perjury, that the information contained in the voter registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(3) provide one of the following:

(i) a Maryland driver’s license number or Maryland identification card number AND THE LAST FOUR DIGITS OF THE INDIVIDUAL’S SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE INDIVIDUAL; or

(ii) if the individual is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver’s license or Maryland identification card, a Social Security number; and

(4) affirmatively consent to the use of one of the following as the individual’s signature for the application being submitted:

(i) the electronic copy of the individual’s signature that is on file with the Motor Vehicle Administration; or

(ii) the individual’s Social Security number.”;

and in line 15, after “(4)” insert “AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION.”.

On page 5, after line 7, insert:

“(C) THE ONLINE ABSENTEE BALLOT APPLICATION PROVIDED BY THE STATE BOARD SHALL REQUIRE THE APPLICANT TO PROVIDE:

(1) A MARYLAND DRIVER’S LICENSE NUMBER OR MARYLAND IDENTIFICATION CARD NUMBER AND THE LAST FOUR DIGITS OF THE APPLICANT’S SOCIAL SECURITY NUMBER OR OTHER INFORMATION IDENTIFIED BY THE STATE BOARD THAT IS NOT GENERALLY AVAILABLE TO THE PUBLIC BUT IS READILY AVAILABLE TO THE APPLICANT; OR

(2) IF THE APPLICANT IS AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND DOES NOT HAVE A MARYLAND DRIVER’S LICENSE OR MARYLAND IDENTIFICATION CARD, A SOCIAL SECURITY NUMBER.”.

AMENDMENT NO. 3

On page 4, in line 15, after “THE” insert “ACCESSIBLE”.

On page 6, in line 19, after “AN” insert “ACCESSIBLE”.

AMENDMENT NO. 4

On page 9, after line 10, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2016.”;

in line 11, strike “2.” and substitute “4.”; and in the same line, after “That” insert “, except as provided in Section 3 of this Act.”.

The preceding 4 amendments were read and adopted.

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

Affirmative – 38 Negative – 7 (See Roll Call No. 436)

FLOOR AMENDMENT

SB0279/664735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 279, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0279/184239/1), in line 5 of Amendment No. 1, after “Act;” insert “requiring the State Board of Elections to review and conduct a certain analysis and submit a certain report to certain committees of the General Assembly on or before a certain date;”.

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 4, after “That” insert “the State Board of Elections shall:

(1) (i) review the maximum wait times for Maryland voters in the 2010 and 2012 primary and general elections and identify the causes for wait times of more than 30 minutes; and

(ii) propose target maximum wait times for voters at early voting centers and polling places at primary and general elections in the State;

(2) review and conduct a detailed analysis concerning the deployment of voting equipment and related infrastructure and the staffing practices and procedures utilized by local boards of election at early voting centers during the early voting period and at polling places on election day to determine what adjustments could be implemented to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes;

(3) if it determines that additional voting equipment and related infrastructure and staff are needed to reduce the maximum wait times at early voting centers during the early voting period and polling places on election day to 30 minutes or, alternatively, to 60 minutes, provide an estimate of the fiscal costs of implementing each of those standards; and

(4) on or before December 31, 2013, submit a report of its findings and recommendations to the Senate Education, Health, Environmental Affairs Committee and the House Committee on Ways and Means in accordance with § 2–1246 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That”;

and in lines 4 and 5, strike “4.” and “3”, respectively, and substitute “5.” and “4”, respectively.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0279/653921/2

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 279

(First Reading File Bill)

On page 3, in line 20, after “A” insert “**PROVISIONAL**”; and in line 29, after “APPROPRIATE” insert “**PROVISIONAL**”.

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

Affirmative – 18 Negative – 29 (See Roll Call No. 437)

FLOOR AMENDMENT

SB0279/743926/1

BY: Senator Edwards

AMENDMENT TO SENATE BILL 279

(First Reading File Bill)

On page 7, in line 28, after “county” insert “, BUT IF THE COUNTY ENCOMPASSES A GEOGRAPHIC AREA LARGER THAN 400 SQUARE MILES, THE COUNTY MAY ESTABLISH ONE ADDITIONAL EARLY VOTING CENTER IN THE COUNTY”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 71 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

**Child Support Enforcement – Information from Financial Institutions –
Claims Against Retirement Plans**

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 18 – Senator Young

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Young moved, duly seconded, to make the Bill a Special Order for March 8, 2013.

The motion was adopted.

**House Bill 226 – The Speaker (By Request – Administration) and Delegates
Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch,
Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais,
Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen,
Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly,
Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell,
Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson,
Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama,
Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and
Zucker**

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

HB0226/567175/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 226
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 31, after “credits;” insert “requiring the Commission to establish the renewable energy portfolio standard obligation for ORECs on a certain basis; requiring that any positive adjustment to the renewable energy portfolio standard be made on a certain basis; requiring the Commission to adopt regulations to establish the offshore wind purchase obligation at a certain time and establish a mechanism to adjust a certain renewable energy portfolio standard obligation in a certain manner;”; in line 34, after “circumstances;” insert “requiring the calculation of an electricity supplier’s OREC purchase obligation to be based on certain data;”; and in line 42, after “order;” insert “prohibiting a certain debt, obligation, or liability from being considered a debt, obligation, or liability of the State;”.

On page 3, strike beginning with “authorizing” in line 7 down through “purposes;” in line 9; in line 10, strike “and” and substitute a semicolon; and in line 29, after “Force;” insert “establishing the Clean Energy Technical Education Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and identify certain programs and course offerings; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force;”.

AMENDMENT NO. 2

On page 16, in line 13, strike “AND”; after line 13, insert:

“(VI) AN ANALYSIS OF ANY IMPACT ON BUSINESSES IN THE STATE; AND”;

and in line 14, strike “(VI)” and substitute “(VII)”.

On page 18, after line 13, insert:

“(XII) THE EXTENT TO WHICH THE PROPOSED OFFSHORE WIND PROJECT WOULD REQUIRE TRANSMISSION OR DISTRIBUTION INFRASTRUCTURE IMPROVEMENTS IN THE STATE;”;

and in lines 14 and 17, strike “(XII)” and “(XIII)”, respectively, and substitute “(XIII)” and “(XIV)”, respectively.

On page 20, in line 16, strike “AND”; and in line 23, after “PROJECT” insert:

“; AND

(V) REQUIRE THAT ANY DEBT INSTRUMENT ISSUED IN CONNECTION WITH A QUALIFIED OFFSHORE WIND PROJECT INCLUDE LANGUAGE SPECIFYING THAT THE DEBT INSTRUMENT DOES NOT ESTABLISH A DEBT, OBLIGATION, OR LIABILITY OF THE STATE”.

AMENDMENT NO. 3

On page 20, in line 21, after “RATEPAYERS” insert “, PURCHASERS OF ORECS,”.

On page 21, in line 10 after “(A)” insert “(1)”; after line 14, insert:

“(2) THE COMMISSION SHALL ESTABLISH THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION FOR ORECS ON A FORWARD-LOOKING BASIS THAT INCLUDES A SURPLUS TO ACCOMMODATE REASONABLE FORECASTING ERROR IN ESTIMATING OVERALL ELECTRICITY SALES IN THE STATE.

(3) ANY POSITIVE ADJUSTMENT TO THE RENEWABLE ENERGY PORTFOLIO STANDARD SHALL BE ON A FORWARD-LOOKING BASIS AND SUFFICIENTLY IN ADVANCE TO ALLOW OREC PURCHASERS TO REFLECT OREC COSTS IN RETAIL PRICES OFFERED TO CONSUMERS.

(4) THE COMMISSION SHALL ADOPT REGULATIONS THAT ESTABLISH:

(I) THE OFFSHORE WIND PURCHASE OBLIGATION SUFFICIENTLY IN ADVANCE TO ALLOW OREC PURCHASERS TO REFLECT OREC COSTS IN RETAIL PRICES OFFERED TO CONSUMERS; AND

(II) A MECHANISM TO ADJUST THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION IN A GIVEN YEAR TO ACCOMMODATE A SHORTFALL OF ORECS IN ONE OR MORE EARLIER YEARS THAT IS THE RESULT OF THE VARIATION BETWEEN THE QUANTITY OF ORECS CALCULATED FROM THE RENEWABLE ENERGY PORTFOLIO STANDARD OBLIGATION AND THE QUANTITY OF ORECS APPROVED IN THE COMMISSION ORDER FOR THE SAME YEARS.”;

in line 24, after “(2)” insert “(I)”; and after line 30, insert:

“(II) SUBJECT TO ANY ESCROW ACCOUNT RESERVE REQUIREMENT THE COMMISSION ESTABLISHES, THE CALCULATION OF AN ELECTRICITY SUPPLIER’S OREC PURCHASE OBLIGATION SHALL BE BASED ON FINAL ELECTRICITY SALES DATA AS REPORTED BY THE PJM INTERCONNECTION AS MEASURED AT THE CUSTOMER METER.”.

AMENDMENT NO. 4

On page 22, after line 36, insert:

“(E) A DEBT, OBLIGATION, OR LIABILITY OF A QUALIFIED OFFSHORE WIND PROJECT, OR AN OWNER OR OPERATOR OF A QUALIFIED OFFSHORE WIND PROJECT, MAY NOT BE CONSIDERED A DEBT, OBLIGATION, OR LIABILITY OF THE STATE.”.

On page 23, in line 1, strike “(E)” and substitute “(F)”.

On page 32, in line 5, strike “RECOMMENDATION” and substitute “RECOMMENDATIONS”;

in line 9, strike “AND” and substitute:

“(2) THE SMALL BUSINESS DEVELOPMENT CENTER NETWORK IN THE UNIVERSITY OF MARYLAND; AND”;

and in line 10, strike “(2)” and substitute “(3)”.

On pages 37 and 38, strike beginning with line 34 on page 37 through line 10 on page 38 and substitute:

“(b) (1) Subject to paragraph (2) of this subsection, beginning in fiscal year 2020, in any fiscal year in which the Public Service Commission requires funding to contract the services of independent consultants and experts to carry out this Act, money shall be transferred from the Maryland Strategic Energy Investment Fund to the Public Service Commission to contract the services of independent consultants and experts.”

(2) The cumulative amount transferred to the Public Service Commission under this subsection may not exceed \$3,000,000 less the net amount transferred to the Public Service Commission under subsection (a) of this section.”

On page 39, in line 19, after “Commission” insert “and the Maryland Energy Administration”.

AMENDMENT NO. 5

On page 40, after line 8, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) There is a Clean Energy Technical Education Task Force.

(b) The Task Force consists of the following eight 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 Director of the Maryland Energy Administration, or the Director's designee;

(4) the Secretary of the Department of Labor, Licensing, and Regulation, or the Secretary's designee; and

(5) the following four members appointed by the Governor:

(i) two representatives of community colleges in the State; and

(ii) two representatives of the clean energy industry.

(c) The Governor shall designate the chair of the Task Force.

(d) The Maryland Higher Education Commission, the Maryland Energy Administration, and the Maryland Association of Community Colleges jointly shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall study the programs and course offerings currently being offered in the area of clean energy, with a particular emphasis on wind energy, and identify areas in which additional programs and course offerings should be offered at one or more of the following community colleges:

(1) Allegany College of Maryland;

(2) Anne Arundel Community College;

(3) Baltimore City Community College;

(4) Community College of Baltimore County;

(5) Carroll Community College;

- (6) Cecil College;
- (7) Chesapeake College;
- (8) College of Southern Maryland;
- (9) Frederick Community College;
- (10) Garrett College;
- (11) Hagerstown Community College;
- (12) Harford Community College;
- (13) Howard Community College;
- (14) Montgomery College;
- (15) Prince George's Community College; and
- (16) Wor–Wic Community College.

(g) On or before July 31, 2014, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.”;

in lines 26 and 29, in each instance, strike “Section 7” and substitute “Sections 7 and 8”; in line 27, strike “It” and substitute “They”; and in lines 9, 15, 22, 26, and 31, strike “8.”, “9.”, “10.”, “11.”, and “12.”, respectively, and substitute “9.”, “10.”, “11.”, “12.”, and “13.”, respectively.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0226/843924/1

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 226

(Third Reading File Bill)

On page 17, in line 8, strike “AND”; and in line 9, after “(9)” insert “A COMMITMENT THAT THE APPLICANT WILL CONSTRUCT A SUBSTATION IN THE STATE FOR THE TRANSMISSION OF ELECTRICITY GENERATED BY THE OFFSHORE WIND PROJECT; AND

(10)”.

On page 19, after line 22, insert:

“(II) THE PROPOSED OFFSHORE WIND PROJECT INCLUDES A PROPOSAL FOR CONSTRUCTING A SUBSTATION IN THE STATE, AS REQUIRED IN SUBSECTION (C)(9) OF THIS SECTION;”;

and in lines 23, 29, and 35, strike “(II)”, “(III)”, and “(IV)”, respectively, and substitute “(III)”, “(IV)”, and “(V)”, respectively.

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

Affirmative – 19 Negative – 27 (See Roll Call No. 438)

FLOOR AMENDMENT

HB0226/923325/1

BY: Senator Reilly

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 28, after the semicolon insert “requiring a qualified offshore wind project to post a certain surety bond at a certain time;”.

AMENDMENT NO. 2

On page 21, after line 8, insert:

“(H) (1) WITHIN 60 DAYS AFTER THE COMMISSION APPROVES THE APPLICATION OF A PROPOSED OFFSHORE WIND PROJECT, THE QUALIFIED OFFSHORE WIND PROJECT SHALL EXECUTE AND SUBMIT TO THE COMMISSION A BOND WITH A SURETY THAT THE COMMISSION APPROVES.”

(2) THE BOND SHALL BE IN AN AMOUNT DETERMINED BY THE COMMISSION, BUT NOT LESS THAN \$10,000,000.

(3) THE BOND SHALL RUN TO THE STATE FOR THE BENEFIT OF THE STATE AND ANY PERSON WHO MAY HAVE A CAUSE OF ACTION AGAINST THE QUALIFIED OFFSHORE WIND PROJECT FOR ANY LOSS RESULTING FROM:

(I) FAILURE BY THE QUALIFIED OFFSHORE WIND PROJECT TO REPAIR OR REPLACE ANY DAMAGED STRUCTURE OR EQUIPMENT; OR

(II) ANY HARM TO THE ENVIRONMENT CAUSED BY THE QUALIFIED OFFSHORE WIND PROJECT.

(4) THE REQUIREMENTS OF THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINANCIAL ASSURANCES REQUIRED UNDER FEDERAL LAW.”

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

Affirmative – 13 Negative – 31 (See Roll Call No. 439)

FLOOR AMENDMENT

HB0226/433328/1

BY: Senator Reilly

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 28, after the semicolon insert “requiring a qualified offshore wind project to post a certain bond at a certain time;”.

AMENDMENT NO. 2

On page 21, after line 8, insert:

“(H) (1) WITHIN 60 DAYS AFTER THE COMMISSION APPROVES THE APPLICATION OF A PROPOSED OFFSHORE WIND PROJECT, THE QUALIFIED OFFSHORE WIND PROJECT SHALL EXECUTE AND SUBMIT TO THE COMMISSION A BOND WITH A SURETY THAT THE COMMISSION APPROVES.”

(2) THE BOND SHALL:

(I) BE IN AN AMOUNT DETERMINED BY THE COMMISSION, BUT NOT LESS THAN \$ 1,000,000;

(II) BE PAYABLE TO THE STATE ON DEMAND; AND

(III) GUARANTEE THAT RATEPAYERS AND THE STATE SHALL BE HELD HARMLESS FOR ANY COST OVERRUNS ASSOCIATED WITH THE OFFSHORE WIND ENERGY PROJECT.

(3) THE REQUIREMENTS OF THIS SUBSECTION SHALL BE IN ADDITION TO ANY FINANCIAL ASSURANCES REQUIRED UNDER FEDERAL LAW.”.

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

Affirmative – 17 Negative – 28 (See Roll Call No. 440)

FLOOR AMENDMENT

HB0226/513326/1

BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 226, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Offshore Wind” and substitute “Renewable”; in line 14, after “credits;” insert “requiring the Public Service Commission to adopt regulations establishing application procedures and evaluation criteria comparable to the procedures and criteria for offshore wind projects under this Act for Tier 1”

renewable source projects and Tier 2 renewable source projects other than offshore wind projects; requiring the Commission to develop a methodology for determining and comparing the cost-effectiveness of proposed renewable energy projects; requiring the Commission to approve the most cost-effective renewable energy project.”; and in line 15, strike “Public Service”.

On page 3 in lines 12 and 16 and on page 4 in line 15, in each instance, strike “Offshore Wind” and substitute “Renewable Energy”.

On page 3, in line 34, strike “offshore wind” and substitute “renewable”.

AMENDMENT NO. 2

On page 14, in line 31, after “(1)” insert “(I) 1. IN ADDITION TO ANY OTHER REGULATIONS ADOPTED UNDER THIS SECTION, THE COMMISSION SHALL ADOPT REGULATIONS ESTABLISHING:

A. PROCEDURES THROUGH WHICH INTERESTED PERSONS MAY APPLY FOR APPROVAL OF TIER 1 RENEWABLE SOURCE PROJECTS AND TIER 2 RENEWABLE SOURCE PROJECTS OTHER THAN OFFSHORE WIND PROJECTS; AND

B. CRITERIA FOR EVALUATING AND COMPARING APPLICATIONS FOR PROPOSED PROJECTS RECEIVED UNDER ITEM A OF THIS SUBPARAGRAPH.

2. THE APPLICATION PROCEDURES AND CRITERIA ADOPTED UNDER THIS SUBPARAGRAPH SHALL BE SUBSTANTIALLY EQUIVALENT TO THE PROCEDURES AND CRITERIA ADOPTED FOR APPLICATIONS FOR THE APPROVAL OF OFFSHORE WIND PROJECTS.

(II) THE COMMISSION SHALL DEVELOP A METHODOLOGY FOR DETERMINING AND COMPARING THE COST-EFFECTIVENESS OF PROPOSED OFFSHORE WIND PROJECTS AND OTHER TIER 1 RENEWABLE ENERGY SOURCE PROJECTS AND TIER 2 RENEWABLE ENERGY SOURCE PROJECTS.

(III) AFTER APPLYING THE METHODOLOGY ESTABLISHED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH TO EVALUATE THE

COST-EFFECTIVENESS OF EACH PROPOSED RENEWABLE ENERGY SOURCE PROJECT THAT OTHERWISE COMPLIES WITH THE REQUIREMENTS ESTABLISHED BY THE COMMISSION, THE COMMISSION SHALL APPROVE THE MOST COST-EFFECTIVE PROJECT.

(2)”.

On page 15, in line 1, strike “(2)” and substitute “(3)”; and in line 12, strike “(3)” and substitute “(4)”.

AMENDMENT NO. 3

On page 16 in line 28, on page 27 in lines 10, 14, and 27, on page 28 in line 1, on page 30 in line 21, and on page 33 in line 1, in each instance, strike “OFFSHORE WIND” and substitute “RENEWABLE ENERGY”.

On page 29, in lines 1 and 2, strike “MARYLAND BUSINESS COALITION FOR OFFSHORE WIND” and substitute “RENEWABLE ENERGY INDUSTRY”; in line 13, strike “AN OFFSHORE WIND” and substitute “A RENEWABLE ENERGY”; and in lines 19 and 20, strike “OFFSHORE WIND” and substitute “RENEWABLE ENERGY”.

On page 30, in lines 6, 28, and 31, in each instance, strike “OFFSHORE WIND” and substitute “RENEWABLE ENERGY”.

On page 31, in line 14, strike “QUALIFIED OFFSHORE WIND”.

On page 32, in line 9, strike “OFFSHORE WIND” and substitute “RENEWABLE”.

On page 37, in line 23, strike “Offshore Wind” and substitute “Renewable Energy”.

AMENDMENT NO. 4

On page 6 of the Finance Committee Amendments (HB0226/567175/1), in line 11 of Amendment No. 5, strike “, with a particular emphasis on wind energy.”.

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 30 (See Roll Call No. 441)

FLOOR AMENDMENT

HB0226/123325/1

BY: Senator Getty

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “and” and substitute “. certain sales in excess of a certain amount of electricity sold to certain commercial customers, and”.

AMENDMENT NO. 2

On page 11, in line 2, strike “AND”; after line 2, insert:

“(II) 60,000 KILOWATT-HOURS OF ELECTRICITY TO A COMMERCIAL CUSTOMER IN A YEAR; AND”;

and in line 3, strike “(II)” and substitute “(III)”.

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

Affirmative – 16 Negative – 29 (See Roll Call No. 442)

FLOOR AMENDMENT

HB0226/333526/1

BY: Senator Edwards

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 47, after the semicolon, insert “prohibiting the Commission from allowing an electric supplier to recover costs incurred in complying with the offshore wind energy portion of the renewable energy portfolio standard from a certain customer;”.

On page 3, in line 38, strike the third “and”; and in line 39, after “(f)” insert “, and 7-706”.

AMENDMENT NO. 2

On page 25, after line 31, insert:

“7–706.

(a) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this subsection, in accordance with the obligation to provide standard offer service through the bid process created under § 7–510 of this title, the Commission shall allow an electricity supplier to recover actual dollar-for-dollar costs incurred, including a compliance fee under § 7–705 of this subtitle, in complying with a State-mandated renewable energy portfolio standard.

(2) In accordance with the Phase II settlement agreement approved by the Commission in Order No. 78710 in Case No. 8908 on September 30, 2003, for any full-service agreement executed before the renewable energy standard under this subtitle applies to an electric company, the electric company and its wholesale electricity suppliers may pass through their commercially reasonable additional costs, if any, associated with complying with the standard, through the end of the year of standard offer service in which the requirement took effect.

(3) THE COMMISSION MAY NOT ALLOW AN ELECTRICITY SUPPLIER TO RECOVER ANY COSTS INCURRED IN COMPLYING WITH THE OFFSHORE WIND ENERGY PORTION OF THE RENEWABLE ENERGY PORTFOLIO STANDARD FROM A CUSTOMER IN ALLEGANY, CARROLL, FREDERICK, GARRETT, OR WASHINGTON COUNTIES.

(b) An electricity supplier may recover a compliance fee if:

(1) the payment of a compliance fee is the least-cost measure to customers as compared to the purchase of Tier 1 renewable sources to comply with a renewable energy portfolio standard;

(2) there are insufficient Tier 1 renewable sources available for the electricity supplier to comply with a renewable energy portfolio standard; or

(3) a wholesale electricity supplier defaults or otherwise fails to deliver renewable energy credits under a supply contract approved by the Commission.

(c) Any cost recovery under this section:

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

(2) shall be disclosed to customers in a manner to be determined by the Commission; and

(3) may not include the costs for a power purchase contract under the federal Public Utility Regulatory Policy Act contemplated in rates or restructuring proceedings.

(d) (1) In accordance with regulations adopted by the Commission in consultation with the Department of Business and Economic Development, the Commission may waive the recovery of all or part of the compliance fee assessed on the load of a particular industrial or nonretail commercial customer for a particular year, based on a demonstration by the applicant of an extreme economic hardship that significantly impairs the continued operation of the applicant.

(2) Any compliance fee recovery that is waived under this subsection may not be assessed against other customers.

(3) An electricity supplier is not liable for any compliance fee that is waived under this subsection.”.

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

Affirmative – 14 Negative – 31 (See Roll Call No. 443)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

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.

The motion was adopted.

Senate Bill 1057 – Senator Middleton

AN ACT concerning

**Department of Health and Mental Hygiene – Health Care Staff Agencies –
Regulation**

FOR the purpose of altering certain provisions of law that apply to nursing staff agencies and nursing personnel to apply more broadly to health care staff agencies and health care practitioners licensed or certified by certain health occupation boards; requiring a health care staff agency to be licensed by the Office of Health Care Quality in the Department of Health and Mental Hygiene before referring health care practitioners to a health care facility to render temporary health care services at a health care facility in this State; making provisions of law that apply to deemed status of accredited health care facilities for purposes of State licensure also apply to health care staff agencies; defining certain terms; altering certain definitions; repealing a certain definition; making conforming and stylistic changes; and generally relating to licensure and accreditation of health care staff agencies.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–2001 and 19–2002 to be under the amended subtitle “Subtitle 20. Health Care Staff Agencies”; and 19–2301 and 19–2302 to be under the amended subtitle “Subtitle 23. Accreditation of Health Care Facilities and Health Care Staff Agencies”

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Senator Jennings 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.

The motion was adopted.

Senate Bill 1058 – Senator Jennings

AN ACT concerning

Education – The Reasonable School Discipline Act of 2013

FOR the purpose of prohibiting a principal from suspending or expelling a student who brings to school or possesses on school property a picture of a gun, a computer image of a gun, a facsimile of a gun, or any other object that resembles a gun but serves another purpose; prohibiting a principal from suspending or expelling a student who makes a hand shape or gesture resembling a gun; authorizing a principal to suspend or expel a student who performs a certain action as a direct act of violence against another student on school property; establishing the maximum discipline for a student in kindergarten through grade eight who performs a certain action; establishing the maximum discipline for a student in grades nine through twelve who performs a certain action; prohibiting a certain action from being recorded in a certain school record under certain circumstances; authorizing a parent or guardian of a certain student to appeal a certain suspension; establishing certain grounds for discipline of a principal, a vice principal, a teacher, or any other employee who violates a certain provision of law; defining certain terms; and generally relating to the discipline of a student who brings certain objects or images of guns to school or makes a hand shape or gesture resembling a gun.

BY adding to

Article – Education

Section 7–306.1

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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.

The motion was adopted.

Senate Bill 1059 – Senator Raskin

AN ACT concerning

Landlord and Tenant – Application Fees – Prospective Tenants Who Receive Housing Assistance

FOR the purpose of prohibiting a landlord from requesting or accepting an application fee from a prospective tenant who intends to use, for the payment of rent, a form of government housing assistance that the landlord will not accept; requiring a landlord who violates this Act to refund the application fee to the prospective tenant; establishing that a landlord who violates this Act is liable for a certain amount of damages; and generally relating to application fees from

prospective tenants who receive income from any government grant, loan, or assistance program.

BY adding to

Article – Real Property

Section 8–213.1

Annotated Code of Maryland

(2010 Replacement Volume and 2012 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. 444)

ADJOURNMENT

At 12:58 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Friday, March 8, 2013.

**Annapolis, Maryland
Friday, March 8, 2013
10:00 A.M. Session**

The Senate met at 10:07 A.M.

Prayer by Reverend Doctor Alvin C. Hathaway, Sr., Union Baptist Church, guest of Senator Kelley.

(See Exhibit A of Appendix III)

The Journal of March 7, 2013 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 446)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 477 – Senator Richard F. Colburn:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Barbara Tagger
in recognition of
receiving the 2013 Harriet Ross Tubman
Lifetime Achievement Award. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 447)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 283 (Emergency Bill)	The President	Annual Curative Bill
SB 284 (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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 147 – Delegates McDermott, Norman, Ready, and Stocksdales

AN ACT concerning

**Contraband Tobacco Products and Conveyances – Seizure and Disposition of
~~Seized Contraband~~**

FOR the purpose of altering the manner in which seized contraband tobacco products or certain conveyances are processed following seizure; authorizing the Comptroller to ~~authorize a political subdivision to~~ destroy contraband tobacco products seized and forfeited under certain circumstances; requiring the Comptroller to remove certain seized contraband tobacco products on or before a certain date; and generally relating to the disposition of seized contraband tobacco products.

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 13–836(b) and 13–841

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Tax – General

Section 13–836(d)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

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

House Bill 183 – Delegates K. Kelly, Anderson, Clippinger, Dumais, Mitchell, Simmons, Valderrama, and Waldstreicher

AN ACT concerning

Correctional Training Commission – ~~Correctional Officer~~ Members

FOR the purpose of ~~requiring that certain members~~ altering the membership of the Correctional Training Commission ~~be correctional officers only rather than correctional officers or officials of the State; requiring that certain members of the Commission be recommended by the exclusive representative for the correctional officers before appointment by the Governor;~~ and generally relating to membership of the Correctional Training Commission.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8-204
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 234 – Delegates Oaks, Carter, Clippinger, Hammen, McHale, Mitchell, Rosenberg, and Stukes

AN ACT concerning

Transportation – Baltimore Corridor Red Line Transit Study

FOR the purpose of ~~updating the~~ repealing a reference to certain fiscal years included in the Maryland Consolidated Transportation Program referencing the transit project known as the “Baltimore Corridor Transit Study – Red Line” to continue to apply indefinitely certain provisions of law that specify certain factors that the Maryland ~~Transportation Transit~~ Administration, in conducting the transit project, must consider and that prohibit the Administration from acquiring certain real property under certain circumstances; requiring that certain considerations and prohibited acts related to the transit project be applied by the Administration in conjunction with Baltimore City; and generally relating to the Baltimore Corridor Transit Study.

BY repealing and reenacting, with amendments,
Chapter 2 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

BY repealing and reenacting, with amendments,

Chapter 3 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

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

House Bill 250 – Delegates Smigiel, Afzali, Eckardt, Frank, Hershey, Jacobs, Krebs, McComas, McDermott, W. Miller, Oaks, and Parrott

AN ACT concerning

Criminal Procedure – Victims’ Rights – Remedy and Priority of Restitution

FOR the purpose of expanding the applicability of certain appeal rights from a victim of a violent crime to a victim of a nonviolent crime; authorizing a certain victim to appeal to the Court of Special Appeals from a certain final order; ~~authorizing the court to stay certain other proceedings and actions upon motion of a certain victim or victim’s representative if all parties consent or the court finds that the accused’s right to a speedy trial or adjudication will not be violated;~~ providing that if the court finds that a victim’s right under a certain provision of law was not considered or was improperly denied, the court may grant the victim relief provided the remedy does not violate a certain constitutional right of a defendant or child respondent; prohibiting a court from providing a remedy that modifies a certain sentence or commitment unless the victim requests relief from a violation of the victim’s right within a certain number of days of the alleged violation; altering a provision of law so as to provide that payment of restitution to a victim has priority over any payments to any other person or governmental unit, subject to certain exceptions; providing for the application of this Act; and generally relating to enforcement of victims’ rights and priority of restitution.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–103 and 11–606
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–617(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 258 – Delegates Rosenberg, DeBoy, and Griffith

AN ACT concerning

Task Force to Study Phased Retirement for Maryland State Employees

FOR the purpose of establishing the Task Force to Study Phased Retirement for Maryland State Employees; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding a phased retirement option for certain State employees; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Phased Retirement for Maryland State Employees.

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

FOR the purpose of authorizing the Department of Juvenile Services to provide access to and confidential use of certain juvenile court records by certain state agencies under certain circumstances; repealing certain provisions that authorized access to and confidential use of a certain treatment plan of a child under certain circumstances; repealing the requirement that a certain agency have custody of a certain child in order to access certain information; and generally relating to juvenile records.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 270 – ~~Delegate Haddaway–Riccio~~ Delegates Haddaway–Riccio, Afzali, Aumann, Barkley, Barnes, Boteler, Cluster, Hershey, Impallaria, Krebs, McComas, McDermott, McDonough, W. Miller, Norman, O'Donnell, Ready, Schulz, and Szeliga

AN ACT concerning

Electrical Inspectors and Plumbing Inspectors – Master License Required

FOR the purpose of requiring a county or local government to employ as electrical inspectors only individuals who hold, or have previously held within a certain period of time under certain circumstances, a State license or local license, as applicable, to provide electrical services as a master electrician or who are certified by certain entities; requiring a county or local government to employ as plumbing inspectors only individuals who hold a master plumber license issued by certain entities; providing certain exceptions to certain requirements of this Act; providing for the scope of certain provisions of this Act; providing for the application of this Act; providing for a delayed effective date; and generally relating to licensing requirements for electrical inspectors and plumbing inspectors.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 6–101(a), (g), (h), and (k) and 12–101(a) and (l)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–313, 12–103, and 12–503
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

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

AN ACT concerning

Children in Need of Assistance – Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child

FOR the purpose of expanding the proceedings for which a local department of social services is required to provide certain notice to preadoptive parents and foster parents of a child under certain circumstances and at which preadoptive parents, foster parents, or their attorneys have the right to be heard; repealing a requirement that a local department of social services provide certain notice to certain relatives of a child and substituting a requirement that the local department provide certain notice to caregivers of a child; repealing the right of certain relatives or their attorneys to be heard in certain proceedings concerning the child and substituting the right of caregivers of a child or their attorneys to be heard in certain proceedings concerning the child; establishing

that certain individuals may not be considered to be a party solely on the basis of certain rights; defining a certain term; and generally relating to the rights of preadoptive parents, foster parents, and caregivers of a child.

BY adding to

Article – Courts and Judicial Proceedings
Section 3–816.2
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing

Article – Courts and Judicial Proceedings
Section 3–823(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 3–823(j) and (k)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 282 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Juveniles – Expungement of Records

FOR the purpose of authorizing a person to file a certain petition for expungement of certain juvenile records; ~~requiring the court to serve a certain petition on a certain State's Attorney;~~ authorizing the court to order the expungement of a certain record under certain circumstances; requiring the court to consider certain criteria in its consideration of a certain petition for expungement of records; ~~authorizing and requiring the court to deny a certain petition for expungement under certain circumstances; requiring the court to order the expungement of certain records under certain circumstances; authorizing the court to hold a certain hearing under certain circumstances~~ authorizing the court to rule on a petition for expungement with or without a hearing; requiring an order for expungement to require the expungement of certain records; requiring the custodian of certain records to advise in writing certain persons regarding compliance with a certain court order requiring expungement under certain circumstances; ~~authorizing the filing of an appeal by certain persons under certain circumstances;~~ providing that this Act does not apply to certain

records; defining certain terms; and generally relating to juveniles and expungement of records.

BY adding to

Article – Courts and Judicial Proceedings

Section 3–8A–27.1

Annotated Code of Maryland

(2006 Replacement Volume and 2012 Supplement)

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

House Bill 311 – Delegates K. Kelly, Arora, Clippinger, Cluster, Conaway, Dumais, Hough, Lee, McComas, McDermott, Mitchell, Simmons, Valderrama, ~~and Valentino-Smith~~ Valentino-Smith, and Howard

AN ACT concerning

Crimes – Requirement to Report Death or Disappearance of Minor – Penalties

FOR the purpose of requiring, under certain circumstances, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under a certain age to notify, within a certain period of time, the appropriate law enforcement agency that the minor is a missing child; requiring, under certain circumstances, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor to notify, within a certain period of time, the appropriate law enforcement agency or medical authority that the minor has died; establishing certain penalties; defining a certain term; and generally relating to a requirement to report the death or disappearance of a minor.

BY adding to

Article – Criminal Law

Section 3–608 and 3–609

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

House Bill 390 – Delegates Griffith ~~and James~~, James, Aumann, Bates, Bohanan, Eckardt, Gutierrez, Haynes, B. Robinson, Serafini, Szeliga, and Zucker

AN ACT concerning

State Retirement and Pension System – Board of Trustees

FOR the purpose of adding a trustee to the Board of Trustees for the State Retirement and Pension System to represent certain interests; establishing the qualifications of the trustee; providing for the appointment of the trustee; and generally relating to the Board of Trustees for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–104
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 427 – Delegates Impallaria, Boteler, Bromwell, Dwyer, Frank, McComas, McDonough, W. Miller, Myers, Stocksdales, ~~and Szeliga~~ Szeliga, and Afzali

AN ACT concerning

Election Law – Absentee Ballots – Timeliness

FOR the purpose of requiring that an absentee ballot returned by an absent uniformed services voter or an overseas voter be considered timely if the ballot is mailed by the voter and received by a local board by certain times; and generally relating to the timeliness of absentee ballots.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–303 and 11–302(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 11–302(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 430 – Chair, Judiciary Committee (By Request – Departmental – Transportation)

AN ACT concerning

Criminal Law – Alcoholic Beverages – Consumption and Possession in Motor Vehicles

FOR the purpose of altering a certain definition to expand the types of vehicles for which an occupant is prohibited from consuming or possessing an alcoholic beverage in the passenger area while on a highway; and generally relating to alcoholic beverage consumption or possession in motor vehicles.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–123
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 447 – Delegate Howard

AN ACT concerning

Election Law – Use of Campaign Funds for Meeting and Conference Expenses

FOR the purpose of including a disbursement to pay the costs for travel, lodging, meals, and registration expenses to attend certain meetings or conferences as an allowable expenditure of funds from a campaign account under the State election law; and generally relating to the use of campaign funds to pay expenses for a candidate's or an elected official's attendance at certain meetings and conferences.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 1–101(o)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(aa)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 576 – Delegates Beidle, Niemann, Bobo, Carr, Frush, Glenn, Healey, Holmes, S. Robinson, Stein, and Weir

AN ACT concerning

Real Property – Regulation of Common Ownership Community Managers

FOR the purpose of creating the State Board of Common Ownership Community Managers in the Department of Labor, Licensing, and Regulation; providing for the composition of the Board and the appointment, terms, and expenses of the Board members; providing for the powers, duties, and functions of the Board; providing that certain provisions of this Act do not prohibit certain persons from providing certain services under certain circumstances; requiring an individual to be ~~licensed~~ issued a license by the Board before providing management services for a common ownership community under certain circumstances; specifying the qualifications for a license; providing for the issuance, fees, renewal, and reinstatement of a license; authorizing the Board to deny ~~an applicant or reprimand a licensee~~ a license to any applicant, reprimand a licensed manager, or suspend or revoke a license under certain circumstances; requiring an individual to be issued a ~~certificate~~ limited license by the Board before providing management services for a common ownership community under certain circumstances; specifying the qualifications for a ~~certificate~~ limited license; providing for the issuance, fees, renewal, and reinstatement of a ~~certificate~~ limited license; authorizing the Board to deny a limited license to any applicant, reprimand any holder of a limited license, or suspend or revoke a limited license under certain circumstances; requiring a common ownership community to register with ~~and pay a certain registration fee to~~ the Board under certain circumstances; imposing certain duties on a contracting party concerning a fidelity bond or theft insurance under certain circumstances; imposing certain duties on a ~~licensee~~ licensed manager; requiring a contract to provide management services to include certain provisions under certain circumstances; prohibiting certain acts and imposing certain penalties for a violation of this Act; making certain provisions of this Act subject to the Maryland Program Evaluation Act; establishing the State Board of Common Ownership Community Managers Fund; providing for the purpose, administration, composition, use, and audit of the Fund; requiring that certain investment earnings be credited to the Fund; requiring the Secretary, in consultation with the Board, to calculate certain costs annually; authorizing the Board to set certain fees, based on certain calculations; prohibiting a fee established by the Board from being increased by more than a certain percentage annually; specifying the terms of the initial members of the Board; providing that a certain examination shall satisfy certain examination requirements for a license under certain circumstances; requiring the Board to grant a waiver of certain training and examination requirements for ~~licensing a license~~ under certain circumstances; requiring the Department of Labor, Licensing, and Regulation to report to the General Assembly on or before a certain date; authorizing the Department of Budget and Management to advance certain funds to the Board and requiring the Board to reimburse

certain funds under certain circumstances; defining certain terms; and generally relating to the regulation of common ownership community managers.

BY renumbering

Article – Business Regulation

Section 2–108(a)(10) through (33), respectively
to be Section 2–108(a)(11) through (34), respectively
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY renumbering

Article – State Government

Section 8–403(b)(13) through (69), respectively
to be Section 8–403(b)(14) through (70), respectively
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Occupations and Professions

Section 22–101 through 22–802 to be under the new title “Title 22. Common
Ownership Community Managers”
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Business Regulation

Section 2–106.9, 2–106.10, and 2–108(a)(10)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to

Article – Corporations and Associations

Section 5–6B–12.1

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY adding to

Article – Real Property

Section 11–130.1 and 11B–115.2

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6–226(a)(2)(i)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)69. and 70.
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)71.
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Government
Section 8–403(b)(13)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 467 – Allegany County Delegation

AN ACT concerning

Allegany County – Roadside Solicitation of Money or Donations – Permit Duration

FOR the purpose of requiring that a roadside solicitation permit issued under a roadside solicitation permit program in Allegany County be effective for a certain period of time; and generally relating to roadside solicitation of money or donations.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(f)
Annotated Code of Maryland
(2012 Replacement Volume)

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

House Bill 492 – Delegate Otto

AN ACT concerning

**Employees' Pension System – Somerset County Economic Development
Commission – Eligible Governmental Unit**

FOR the purpose of adding the Somerset County Economic Development Commission as an eligible governmental unit in the Employees' Pension System; ~~providing that certain individuals are not subject to the reformed contributory pension benefit in the Employees' Pension System;~~ providing that certain individuals are subject to the alternate contributory pension benefit in the Employees' Pension System in the same manner as certain other individuals; ~~providing that certain individuals may become subject to the reformed contributory pension benefit in the same manner that an individual who was a member of the Employees' Pension System on a certain date and remains a member on a certain date may be subject to the reformed contributory benefit;~~ providing certain employees of the Somerset County Economic Development Commission a certain amount of additional service credit in the Employees' Pension System; ~~prohibiting certain employees of the Somerset County Economic Development Commission from receiving a certain amount of additional service credit in the Employees' Pension System;~~ and generally relating to employees of the Somerset County Economic Development Commission participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section ~~23–225~~ 23–221, 31–102, 31–111, and 31–116.2

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 31–111.7

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

**House Bill 557 – Delegates Stein, Cardin, Frick, Lafferty, Luedtke, and
Zucker**

AN ACT concerning

**Institutions of Higher Education – Student Notification – Financial
Information**

FOR the purpose of requiring certain institutions of higher education ~~that receive in~~
the State funding to report certain information on the cost of higher education
at the institution to certain students; and generally relating to student
notification of financial information by institutions of higher education.

BY adding to

Article – Education

Section 15–113

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 561 – Delegates Hubbard, McIntosh, and Wood

AN ACT concerning

Agriculture – Nutrient Management – ~~Waters of the State~~ Limiting Applicability

FOR the purpose of ~~altering the definition of “waters of the State” as it relates to the~~
specifying that certain requirements of the nutrient management program
administered by the Department of Agriculture apply to certain surface waters,
the Chesapeake Bay and its tributaries, and other certain bodies of water; and
generally relating to nutrient management.

~~BY repealing and reenacting, without amendments,~~

~~Article – Agriculture~~

~~Section 8–801(a), 8–803.6(a), and 8–803.7(e)~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2012 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Agriculture

Section ~~8–801(n)~~ 8–803.4(e) and 8–803.5(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

(As enacted by Chapters 484 and 485 of the Acts of the General Assembly of
2011)

BY repealing and reenacting, without amendments,

Article – Agriculture

Section 8–803.4~~(e)~~ and (i) and 8–803.5(b) ~~and (d)~~

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

(As enacted by Chapters 484 and 485 of the Acts of the General Assembly of 2011)

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–803.6(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

House Bill 569 – Delegates Elliott, Afzali, Arora, Aumann, Bates, Beidle, Beitzel, Bobo, Boteler, Bromwell, Burns, Cane, Carr, Cluster, Conaway, Costa, Cullison, Donoghue, Dumais, Dwyer, Eckardt, Frank, Frush, George, Gilchrist, Glass, Glenn, Guzzone, Haddaway–Riccio, Hammen, Healey, Hogan, Holmes, Hough, Howard, Hubbard, Hucker, Impallaria, Jacobs, A. Kelly, K. Kelly, Kipke, Krebs, Lafferty, Love, McComas, McConkey, McDermott, McDonough, McIntosh, McMillan, A. Miller, W. Miller, Murphy, Myers, Nathan–Pulliam, Niemann, Norman, O'Donnell, Oaks, Otto, Parrott, Pena–Melnik, Pendergrass, Proctor, Ready, Reznik, B. Robinson, S. Robinson, Rudolph, Schulz, Serafini, Sophocleus, Stocksdales, Szeliga, Tarrant, V. Turner, Valentino–Smith, Vitale, Weir, Wilson, and Wood

AN ACT concerning

Environment – Wastewater Treatment Facilities – Financial Assistance Study

FOR the purpose of requiring the Department of the Environment, in consultation with local government officials, to conduct a review of State programs that provide financial assistance for certain costs at certain wastewater treatment facilities; requiring the Department to report to the General Assembly on or before a certain date; and generally relating to wastewater treatment facilities.

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

House Bill 616 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

FOR the purpose of approving certain projects for the acquisition, development, and improvement of certain academic facilities for the University System of

Maryland; approving the issuance of bonds by the University System of Maryland in a certain total principal amount for financing the projects; providing that the bonds issued under the authority of this Act are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority of the University System of Maryland and specified projects.

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

House Bill 709 – Delegates McDermott, Afzali, Clippinger, Cluster, Hogan, McComas, Mitchell, and Otto

AN ACT concerning

**Criminal Law – Accessory After the Fact – Murder
(The Sheddy–Bennett Act)**

FOR the purpose of altering the maximum penalties for being an accessory after the fact to murder in the first and second degree; providing for the application of this Act; and generally relating to the crime of accessory after the fact.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 1–301
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 719 – Delegates McDermott, Afzali, Clippinger, Cluster, Conaway, Dumais, Hogan, Hough, Jacobs, McComas, Mitchell, Otto, Ready, and Smigiel

AN ACT concerning

Criminal Law – False Statement Concerning Destructive Device or Toxic Material – Venue

FOR the purpose of adding an additional venue in which a person may be prosecuted for a false statement concerning a destructive device or toxic material; making certain stylistic changes; and generally relating to false statements concerning a destructive device or toxic material.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 9–504(b)
Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law

Section 9–504(d)

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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

House Bill 725 – Delegates McMillan, Frick, and A. Kelly

AN ACT concerning

Vehicle Laws – Title and Registration – Transfer to Surviving Spouse

FOR the purpose of establishing that when the interest in a vehicle of one joint owner passes by operation of law to another joint owner who is the surviving spouse, the surviving spouse is not required to apply for a new certificate of title or submit a certain certificate of title to the Motor Vehicle Administration until a certain time; authorizing a surviving spouse to drive a certain vehicle and allow the vehicle to be driven on a highway until a certain time without applying for a certain registration if the interest in the vehicle passes to the surviving spouse through joint ownership; prohibiting the Administration, on the death of a joint owner of a vehicle, from charging a fee to another joint owner who is the surviving spouse for the issuance of a new certificate of title for the vehicle; and generally relating to the title and registration of a vehicle transferred to a surviving spouse.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–114, 13–504, 13–801, and 13–802

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Transportation

Section 13–805

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 794 – Delegate Niemann

AN ACT concerning

Manufactured Homes – Affixation to Real Property – Liens

FOR the purpose of altering certain lien information that must be included in certain statements that accompany the recordation of an affidavit of affixation for a manufactured home under certain circumstances; making stylistic changes; defining a certain term; and generally relating to the affixation to real property of manufactured homes.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8B–101, 8B–102(a), and 8B–202(b) and (c)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 802 – 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 \$33,810,000 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 846 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$40,000,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; providing that such borrowing may be undertaken by the County in the form of installment purchase obligations executed and delivered by the County for the purpose of acquiring agricultural land and woodland preservation easements; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, County, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

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

House Bill 852 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension Systems – Cost-of-Living Adjustments –
Simplification and Clarification**

FOR the purpose of clarifying the calculation of cost-of-living adjustments for certain State retirement or pension systems; clarifying the applicability of certain cost-of-living adjustments to certain State retirement or pension systems and to certain participants in those systems; consolidating provisions relating to cost-of-living adjustments that apply to all of the cost-of-living adjustments, including the timing of the initial adjustment, types of benefits to which a cost-of-living adjustment does not apply, the application of a zero rate under certain circumstances, and a certain additional adjustment following a fiscal year in which a zero rate adjustment is applied; clarifying the calculation of

cost-of-living adjustments for certain participants in certain Deferred Retirement Option Programs; repealing a certain obsolete provision; making technical and conforming changes; defining certain terms; declaring the intent of the General Assembly that this Act be construed in a certain manner; and generally relating to cost-of-living adjustments to certain allowances provided by certain State retirement or pension systems.

BY repealing

Article – State Personnel and Pensions

Section 29–401 through 29–432 and the subtitle “Subtitle 4. Cost-of-Living Adjustments”

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–113(a), 22–219(b)(2), 22–220(b)(2), 22–221(e), 23–218(2), 23–226(a)(2), 24–401(e), 24–401.1(h)(2)(ii) and (j)(1) and (2), 26–210(a)(2), and 26–401.1(h)(2)(ii) and (j)(1) and (2)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 29–401 through 29–409 and the subtitle “Subtitle 4. Cost-of-Living Adjustments”

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

House Bill 878 – Delegates V. Turner, Cullison, Elliott, Hubbard, Murphy, and Reznik

AN ACT concerning

Consumer Protection – Store Credit Cards for Rebates and Returned Merchandise – Required Notice

FOR the purpose of prohibiting a merchant from requiring a consumer to accept a certain store credit card, instead of cash, a check, or a credit to certain accounts, for a rebate or returned merchandise unless the merchant displays at a certain location a notice disclosing in a certain manner a certain policy of the merchant; 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; defining certain terms; and generally

relating to the use of store credit cards by merchants for rebates and returned merchandise.

BY adding to

Article – Commercial Law

Section 14–1319.1

Annotated Code of Maryland

(2005 Replacement Volume and 2012 Supplement)

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 631 – Senators King, DeGrange, Forehand, Garagiola, Klausmeier, Manno, Miller, and Peters

AN ACT concerning

Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0631/869937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 631

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “for certain counties”; in line 4, after the second “taxes” insert “imposed by certain counties”; and strike in their entirety lines 9 through 13, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Local Government

Section 20–404

Annotated Code of Maryland

(As enacted by Chapter ____ (H.B. 472) of the Acts of the General Assembly of 2013)

BY adding to

Article – Local Government

Section 20–603(e)

Annotated Code of Maryland

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 15 and 16, and substitute:

“Article – Local Government

20–404.

(A)”;

in line 20, strike “**IS**” and substitute “**IS**”; in line 23, strike “**PROVIDES**” and substitute “**PROVIDES**”; in line 26, strike “**DOES**” and substitute “**DOES**”; strike in its entirety line 28 and substitute:

“[(a)] (B) By resolution, Calvert County and St. Mary’s County may provide a tax exemption for classes of hotels.

[(b)] (C) In Carroll County, the hotel rental tax does not apply to a hotel with 10 or fewer sleeping rooms.

[(c)] (D) Cecil County may impose the hotel rental tax only on a transient charge paid to a hotel located in any part of Cecil County that:

(1) is specified by the governing body of Cecil County as a population center;

(2) is not larger than 10 square miles in geographic area; and

(3) has a population of at least 6,000 residents.

[(d)] (E) In Frederick County, the hotel rental tax does not apply to a hotel with:

(1) 10 or fewer sleeping rooms in its main building; and

(2) not more than 20 additional sleeping rooms in auxiliary structures on the hotel's property.

[(e)] (F) In Washington County, the hotel rental tax does not apply to a transient charge paid to a hotel by:

(1) the federal government;

(2) a state; or

(3) a unit or instrumentality of a state or the federal government.

20-603.”;

and in line 29, strike “**(F)**” and substitute “**(E)**”.

On page 3, in line 1, strike “**IS**” and substitute “**IS**”; in line 4, strike “**PROVIDES**” and substitute “**PROVIDES**”; and in line 7, strike “**DOES**” and substitute “**DOES**”.

The preceding 2 amendments were read only.

Senator Simonaire moved, duly seconded, to make the Bill and Amendments a Special Order for March 11, 2013.

The motion was rejected by a roll call vote as follows:

Affirmative – 13 Negative – 31 (See Roll Call No. 448)

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0631/703625/1

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 631
(First Reading File Bill)

On page 2, in line 25, strike “AND”; and in line 27, after “PUBLIC” insert “;AND”

(4) IS OWNED BY A CORPORATION THAT, AS CERTIFIED BY THE COMPTROLLER, HAS PAID, IN ACCORDANCE WITH TITLE 10 OF THIS ARTICLE, STATE INCOME TAX FOR AT LEAST 2 OF THE PREVIOUS 3 TAXABLE YEARS”.

On page 3, in lines 6 and 26, in each instance, strike “AND”; and in lines 8 and 28, in each instance, after “PUBLIC” insert “;AND”

(4) IS OWNED BY A CORPORATION THAT, AS CERTIFIED BY THE COMPTROLLER, HAS PAID, IN ACCORDANCE WITH TITLE 10 OF THIS ARTICLE, STATE INCOME TAX FOR AT LEAST 2 OF THE PREVIOUS 3 TAXABLE YEARS”.

On page 4, in lines 9 and 23, in each instance, strike “AND”; and in lines 11 and 25, in each instance, after “PUBLIC” insert “;AND”

(4) IS OWNED BY A CORPORATION THAT, AS CERTIFIED BY THE COMPTROLLER, HAS PAID, IN ACCORDANCE WITH TITLE 10 OF THIS ARTICLE, STATE INCOME TAX FOR AT LEAST 2 OF THE PREVIOUS 3 TAXABLE YEARS”.

On page 5, in lines 6 and 19, in each instance, strike “AND”; and in lines 8 and 21, in each instance, after “PUBLIC” insert “;AND”

(4) IS OWNED BY A CORPORATION THAT, AS CERTIFIED BY THE COMPTROLLER, HAS PAID, IN ACCORDANCE WITH TITLE 10 OF THIS ARTICLE, STATE INCOME TAX FOR AT LEAST 2 OF THE PREVIOUS 3 TAXABLE YEARS”.

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

Affirmative – 10 Negative – 36 (See Roll Call No. 449)

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. 450)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 37 – Senator Zirkin

AN ACT concerning

Criminal Law – Animal Cruelty – Payment of Costs

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

Affirmative – 46 Negative – 0 (See Roll Call No. 451)

The Bill was then sent to the House of Delegates.

Senate Bill 199 – ~~Senator Frosh~~ Senators Frosh and Klausmeier

AN ACT concerning

Real Property – Refinance Mortgage – Priority over Junior Liens

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

Affirmative – 46 Negative – 0 (See Roll Call No. 452)

The Bill was then sent to the House of Delegates.

Senate Bill 215 – Senators Forehand, Benson, Colburn, Dyson, Garagiola, Jones-Rodwell, Kasemeyer, Kelley, King, Manno, Montgomery, Simonaire, Stone, and Young Young, Frosh, Brochin, Getty, Jacobs, Muse, Raskin, Shank, and Zirkin

AN ACT concerning

Criminal Law – Human Trafficking – Victims Under Age 21

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

Affirmative – 46 Negative – 0 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 267 – Senators Raskin, Frosh, Madaleno, and Shank

AN ACT concerning

**Courts and Judicial Proceedings – Interception of Communications – Abuse
or Neglect of Vulnerable Adult and Medicaid Fraud**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 454)

The Bill was then sent to the House of Delegates.

**Senate Bill 359 – Senators Pugh, Benson, Conway, Currie, Forehand,
Jones–Rodwell, Kasemeyer, King, Klausmeier, Montgomery, and
Ramirez**

AN ACT concerning

Education – School Vehicle Attendant

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.

THIRD READING CALENDAR (HOUSE BILLS) #1

**House Bill 226 – The Speaker (By Request – Administration) and Delegates
Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch,
Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais,
Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen,
Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly,
Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell,
Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson,
Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama,
Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and
Zucker**

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

FLOOR AMENDMENT

HB0226/663620/2

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 226, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2 of the bill, in line 17, after “investors;” insert “providing that, when evaluating and comparing a proposed offshore wind project, the Commission may not disqualify a bidder, an offeror, or a subcontractor because the bidder, offeror, or subcontractor is not a signatory to a certain labor union agreement or require a bidder, an offeror, or a subcontractor to employ only individuals hired through a union;”.

AMENDMENT NO. 2

On pages 17 and 18 of the bill, strike beginning with “**THE**” in line 30 on page 17 through “**(X)**” in line 9 on page 18.

On page 18 of the bill, in line 13, strike “**(XI)**” and substitute “**(IX)**”.

On page 2 of the Finance Committee Amendments (HB0226/567175/1), in line 3 of Amendment No. 2, strike “**(XII)**” and substitute “**(X)**”; and in lines 6 and 7, strike “**(XIII)**” and “**(XIV)**”, respectively, and substitute “**(XI)**” and “**(XII)**”, respectively.

AMENDMENT NO. 3

On page 19 of the bill, after line 16, insert:

“(5) IN EVALUATING AND COMPARING A PROPOSED OFFSHORE WIND PROJECT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION MAY NOT:

(I) DISQUALIFY A BIDDER, AN OFFEROR, OR A SUBCONTRACTOR BECAUSE THE BIDDER, OFFEROR, OR SUBCONTRACTOR IS NOT A SIGNATORY TO A LABOR UNION AGREEMENT COMMONLY REFERRED TO AS A PROJECT LABOR AGREEMENT; OR

**(II) REQUIRE A BIDDER, AN OFFEROR, OR A
SUBCONTRACTOR TO EMPLOY ONLY INDIVIDUALS HIRED THROUGH A UNION.”.**

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

Affirmative – 14 Negative – 31 (See Roll Call No. 456)

FLOOR AMENDMENT

HB0226/513922/1

BY: Senator Simonaire

AMENDMENT TO HOUSE BILL 226

(Third Reading File Bill)

On page 17, strike beginning with “AND” in line 8 down through “(9)” in line 9 and substitute:

**“(9) A COMMITMENT THAT THE APPLICANT WILL MAKE A
GOOD-FAITH EFFORT TO ENSURE THAT ALL MATERIALS USED IN THE
CONSTRUCTION OF THE OFFSHORE WIND PROJECT ARE MANUFACTURED IN THE
UNITED STATES OR BY A COMPANY INCORPORATED IN THE UNITED STATES;
AND**

(10)”.

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

Affirmative – 16 Negative – 28 (See Roll Call No. 457)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 491 – Senator Douglas J. J. Peters:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Bowie State University Men’s Basketball Team
in recognition of
your outstanding win against Livingstone to earn
the title of CIAA Champions. Congratulations!

The entire membership extends best wishes on this memorable occasion and directs this resolution be presented on this 8th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 458)

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 226 – The Speaker (By Request – Administration) and Delegates Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch, Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Nathan–Pulliam, Niemann, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and Zucker

AN ACT concerning

Maryland Offshore Wind Energy Act of 2013

FLOOR AMENDMENT

HB0226/833528/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 226

(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 47, after the semicolon, insert “requiring that any recovery for costs incurred by an electricity supplier in complying with the wind energy portion of the renewable energy portfolio standard be disclosed to a customer in a certain manner;”.

On page 3, in line 38, strike the third “and”; and in line 39, after “(f)” insert “, and 7–706”.

AMENDMENT NO. 2

On page 25, after line 31, insert:

“7-706.

(a) (1) Except as provided in paragraph (2) of this subsection, in accordance with the obligation to provide standard offer service through the bid process created under § 7-510 of this title, the Commission shall allow an electricity supplier to recover actual dollar-for-dollar costs incurred, including a compliance fee under § 7-705 of this subtitle, in complying with a State-mandated renewable energy portfolio standard.

(2) In accordance with the Phase II settlement agreement approved by the Commission in Order No. 78710 in Case No. 8908 on September 30, 2003, for any full-service agreement executed before the renewable energy standard under this subtitle applies to an electric company, the electric company and its wholesale electricity suppliers may pass through their commercially reasonable additional costs, if any, associated with complying with the standard, through the end of the year of standard offer service in which the requirement took effect.

(b) An electricity supplier may recover a compliance fee if:

(1) the payment of a compliance fee is the least-cost measure to customers as compared to the purchase of Tier 1 renewable sources to comply with a renewable energy portfolio standard;

(2) there are insufficient Tier 1 renewable sources available for the electricity supplier to comply with a renewable energy portfolio standard; or

(3) a wholesale electricity supplier defaults or otherwise fails to deliver renewable energy credits under a supply contract approved by the Commission.

(c) Any cost recovery under this section:

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

(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, shall be disclosed to customers in a manner to be determined by the Commission; and

(3) may not include the costs for a power purchase contract under the federal Public Utility Regulatory Policy Act contemplated in rates or restructuring proceedings.

(D) ANY RECOVERY UNDER THIS SECTION FOR COSTS INCURRED BY AN ELECTRICITY SUPPLIER IN COMPLYING WITH THE OFFSHORE WIND ENERGY PORTION OF THE RENEWABLE ENERGY PORTFOLIO STANDARD SHALL BE DISCLOSED TO A CUSTOMER IN A SEPARATE LINE ITEM ON THE CUSTOMER'S ELECTRIC BILL.

[(d)] (E) (1) In accordance with regulations adopted by the Commission in consultation with the Department of Business and Economic Development, the Commission may waive the recovery of all or part of the compliance fee assessed on the load of a particular industrial or nonretail commercial customer for a particular year, based on a demonstration by the applicant of an extreme economic hardship that significantly impairs the continued operation of the applicant.

(2) Any compliance fee recovery that is waived under this subsection may not be assessed against other customers.

(3) An electricity supplier is not liable for any compliance fee that is waived under this subsection.”.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 459)

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

Affirmative – 30 Negative – 15 (See Roll Call No. 460)

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 EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

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
Chair

Senate Executive Nominations Committee
Report #6
March 7, 2013

Affordable Housing Trust Board of Trustees, Maryland

1. Myriam A. Torrico District 20
11901 New Hampshire Avenue
Silver Spring, MD 20904

Member of the Maryland Affordable Housing Trust Board of Trustees;
appointed to serve a term of four years from October 1, 2011

African American History and Culture, Commission on

2. Donna Cypress District 40
3108 Auchentoroly Terrace
Baltimore, MD 21217

Member of the Commission on African American History and Culture;
appointed to serve a term of four years from July 1, 2012

3. Tamara D. England, D.Min. District 11
104 Hemison Court
Pikesville, MD 21208

Member of the Commission on African American History and Culture;
appointed to serve a term to expire June 30, 2015

Airport Zoning Appeals Board

4. James W. Osborne, Jr. District 31
1513 Tieman Drive
Glen Burnie, MD 21061

Member of the Airport Zoning Appeals Board; appointed to serve a term of four
years from July 1, 2013

Amusement Ride Safety Advisory Board, State

5. Dawn Adekoya District 14
3028 Schubert Drive
Silver Spring, MD 20904

Member of the State Amusement Ride Safety Advisory Board; reappointed to serve a term of four years from July 1, 2012

Appalachian States Low-Level Radioactive Waste Commission

6. Robert M. Summers, Ph.D. District 42
7315 Yorktown Drive
Baltimore, MD 21204

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

Archaeology, Advisory Committee on

7. Marian Craig Creveling District 30
1707 Forestville Road
Edgewater, MD 21037

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2013

8. Robert D. Wall, Ph.D. District 12
1602 Beechwood Avenue
Catonsville, MD 21228

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2013

Arts Council, Maryland State

9. Shelley Cole Morhaim District 11
3502 Englemeade Road
Baltimore, MD 21208

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2013

10. Gary Vikan District 43
214 Chancery Road
Baltimore, MD 21218

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2013

Canal Place Preservation and Development Authority

11. Michael W. McKay District 1
407 Washington Street
Cumberland, MD 21502

Member of the Canal Place Preservation and Development Authority; appointed to serve remainder of a term of four years from June 1, 2011

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

12. Stephen Z. Meehan, Esq. District 36
105 Riverview Place
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2011

Civil Rights, Commission on

13. Laura M. Esquivel District 20
909 Elm Avenue
Takoma Park, MD 20912

Member of the Commission on Civil Rights; appointed to serve a term of six years from July 1, 2011

Economic Development Commission, Maryland

14. Manish D. Kothari District 15
13219 Maplecrest Drive
Potomac, MD 20850

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2010 and a term of three years from July 1, 2013

15. Ellen Moyer District 30
35 Eastern Avenue
Annapolis, MD 21403

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2012

Hart–Miller–Pleasure Island Citizens Oversight Committee

16. Paul D. Brylske District 7
822 Frog Mortar Road
Baltimore, MD 21220

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2012

17. Craig E. Doyle District 6
7827 North Cove Road
Baltimore, MD 21219

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

Health Care Commission, Maryland

18. Diane Stollenwerk District 43
3957 Cloverhill Road
Baltimore, MD 21218

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2009 and a term of four years from October 1, 2013

Higher Education Commission, Maryland

19. Joel Packer District 20
418 Neale Court
Silver Spring, MD 20901

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Indian Affairs, Commission on

20. Ashley C. Minner District 6
3517 Sollers Point Road
Baltimore, MD 21222

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2012

Infants and Toddlers, Interagency Coordinating Council for

21. Laura Barbee–Matthews District 27
10006 Graystone Drive
Upper Marlboro, MD 20772

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2013

22. George P. Failla, Jr., Esq. District 5
2517 Highcrest Court
Manchester, MD 21102

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2013

23. Karen Larenas District 13
8114 Mission Hill Place
Jessup, MD 20794

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2013

24. Mary L. O'Connor Leppert, M.B., B.Ch. District 9
1403 Quick Fox Court
Eldersburg, MD 21784

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2013

25. Monica Ortiz Neustrup District 39
10506 Apple Ridge Road
Gaithersburg, MD 20886

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2012

26. Abila Tazanu, M.D. District 23
12303 Starling Lane
Laurel, MD 20708

Member of the Interagency Coordinating Council for Infants and Toddlers;
appointed to serve a term of three years from July 1, 2012

Labor Relations Board, State

27. Edward J. Gutman District 43
3704 N. Charles Street #905

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Amusement Ride Safety Advisory Board, State

- S-1. Christopher M. Trimper District 38
10252 Bent Creek Road
Ocean City, MD 21842

Member of the State Amusement Ride Safety Advisory Board; reappointed to serve a term of four years from July 1, 2013

Appalachian States Low-Level Radioactive Waste Commission

- S-2. Edward C. Hammerberg District 40
1477 Roland Heights Avenue
Baltimore, MD 21211

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

- S-3. Joshua Sharfstein, M.D. District 41
5820 Pimlico Road
Baltimore, MD 21209

Member of the Appalachian States Low-Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2013

Arts Council, Maryland State

- S-4. Lora Bottinelli District 38
218 W. Federal Street
Snow Hill, MD 21863

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2013

- S-5. Margaret Footner District 5
18329 Peters Avenue
White Hall, MD 21161

Member of the Maryland State Arts Council; reappointed to serve a term of

three years from July 1, 2013

Blind Industries and Services of Maryland, Board of Trustees of

- S–6. Michael L. Gosse, Ph.D. District 46
2540 E. Baltimore Street
Baltimore, MD 21224

Member of the Board of Trustees of Blind Industries and Services of Maryland; reappointed to serve a term of three years from July 1, 2012

Dental Examiners, State Board of

- S–7. Issie Shelton Jenkins, Esq. District 9
12826 Forest Creek Court
Sykesville, MD 21784

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2013

- S–8. Sonia A. Stockton District 41
5921 Simmonds Avenue
Baltimore, MD 21215

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2013

Economic Development Commission, Maryland

- S–9. Ricardo Martinez District 42
10370 Pot Spring Road
Timonium, MD 21093

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

- S–10. A. Nayab Siddiqui District 13
7005 Woodscape Drive
Clarksville, MD 21029

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

Health and Mental Hygiene, Board of Review of the Department of

- S–11. Betty Makell Coleman District 30
8 Kirby Lane

Annapolis, MD 21401

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2013

S-12. Anne Ruth Cullen District 23
3024 Traymore Lane
Bowie, MD 20715

Member of the Board of Review of the Department of Health and Mental Hygiene; reappointed to serve a term of three years from July 1, 2013

Health Benefit Exchange Board, Maryland

S-13. Kenneth S. Apfel District 33
304 Clopton Hill
Sherwood Forest, MD 21405

Member of the Maryland Health Benefit Exchange Board; reappointed to serve a term of four years from June 1, 2013

S-14. Tom S. Saquella District 36
15 Greenwood Shoals
Grasonville, MD 21638

Member of the Maryland Health Benefit Exchange Board; reappointed to serve a term of four years from June 1, 2013

Historical Trust, Board of Trustees of the Maryland

S-15. Larry S. Gibson District 43
237 Lambeth Road
Baltimore, MD 21218

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2013

Public Service Commission

S-16. Walter Kevin Hughes District 39
16404 Pebble Hill Lane
North Potomac, MD 20878

Chair of the Public Service Commission; reappointed to serve a term of five years from July 1, 2013

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 – 46 Negative – 0 (See Roll Call No. 461)

Senate Bill 18 – Senator Young

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Young moved, duly seconded, to place **Senate Bill 18** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

FLOOR AMENDMENT

SB0018/473424/1

BY: Senator Young

AMENDMENTS TO SENATE BILL 18
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike “by certain professional inspectors”; in line 8, strike “, in certain circumstances,”; and in line 14, after “date;” insert “providing that this Act does not require a political subdivision to inspect a certain balcony more than once within a certain period of time;”.

AMENDMENT NO. 2

On page 3, in line 29, strike “**BY A PROFESSIONAL INSPECTOR**”.

On page 4, strike beginning with “IN” in line 12 down through the comma in line 13.

On page 6, strike beginning with the comma in line 26 down through “Act” in line 28; after line 28, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not require a political subdivision that conducts balcony inspections before the effective date of this Act to alter its method of conducting inspections, but any change to balcony inspection methods made on or after October 1, 2013, must comply with this Act.”;

and in line 29, strike “4.” and substitute “5.”.

The preceding 2 amendments were read only.

Senator Young moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2013.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Benson 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.

The motion was adopted.

Senator Benson moved to suspend the rules to allow **Senate Bill 1060** to be referred immediately.

The motion was adopted.

Senate Bill 1060 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George’s County – Palmer Park Boys & Girls Club

FOR the purpose of authorizing the creation of a State Debt not to exceed \$50,000, the proceeds to be used as a grant to the Board of Directors of Palmer Park Boys &

Girls Club, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

QUORUM CALL

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

(See Roll Call No. 462)

ADJOURNMENT

At 1:07 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 11, 2013.

**Annapolis, Maryland
Monday, March 11, 2013
8:00 P.M. Session**

The Senate met at 8:02 P.M.

Prayer by Reverend Martha Clementson, Grace Lutheran Church, guest of Senator Getty.

(See Exhibit A of Appendix III)

The Journal of March 8, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 464)

CONCURRENCE CALENDAR #1

AMENDED IN THE HOUSE

**Senate Bill 305 – Chair, Finance Committee (By Request – Department of
Legislative Services)**

AN ACT concerning

**Division of Labor and Industry and Associated Boards and Councils – Sunset
Extension and Program Evaluation**

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

SB0305/343699/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 305

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 20 and 24, in each instance, strike “authorizing” and substitute “requiring”.

AMENDMENT NO. 2

On page 7, in line 31, strike “MAY” and substitute “SHALL”.

On page 9, in line 24, strike “MAY” and substitute “SHALL”.

On page 10, in line 3, strike “MAY” and substitute “SHALL”.

On page 11, in line 30, strike “MAY” and substitute “SHALL”.

On page 14, in lines 2 and 25, in each instance, strike “MAY” and substitute “SHALL”.

On page 17, in line 11, strike “MAY” and substitute “SHALL”.

On page 18, in line 18, strike “\$100” and substitute “\$50”.

On page 19, in line 15, strike “MAY” and substitute “SHALL”.

The preceding 2 amendments were read and concurred in.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 465)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 505 – Senator Jim Rosapepe:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland College Park
in recognition of
the outstanding achievements of the State’s flagship
campus and our appreciation for the benefits
the University brings to Maryland.
The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 11th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 466)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

**House Bill 16 – Delegates Arora ~~and Kipke~~, Kipke, Bromwell, Krebs,
Morhaim, Pena-Melnyk, Reznik, Ready, and Tarrant**

AN ACT concerning

State Government – Administrative Procedure Act – Effective Date of Adopted Regulations

FOR the purpose of altering the effective date of certain regulations adopted under the
Administrative Procedure Act; and generally relating to regulations adopted
under the Administrative Procedure Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–117
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

**House Bill 148 – Delegates McConkey, Costa, Hubbard, Ivey, Nathan-Pulliam,
Oaks, Pena-Melnyk, Sophocleus, ~~and V. Turner~~ V. Turner, Hammen,
Pendergrass, Bromwell, Cullison, Elliott, Frank, Kach, A. Kelly, Kipke,
Krebs, McDonough, Morhaim, Murphy, Ready, Reznik, and Tarrant**

AN ACT concerning

State Government – Refund of Fees – Policy

FOR the purpose of stating the policy of the State regarding the refund of fees paid to
a unit; defining a certain term; and generally relating to the policy of the State
regarding the refund of fees.

BY adding to

Article – State Government
Section 1–102
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 164 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Department of Health and Mental Hygiene – Regulatory Authority – Permit and Licensing Renewals and Building Plan Reviews

FOR the purpose of lengthening the renewal period for tissue bank permits and residential service agency licenses; altering the entity to which certain food establishments must submit for review certain plans and specifications before the construction, remodeling, or alteration of the food establishments; providing for a delayed effective date for certain provisions of this Act; making conforming changes; and generally relating to the regulatory authority of the Department of Health and Mental Hygiene and permit and licensure renewals and building plan reviews.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 17–310(a) and (c), 19–4A–03(b), and 21–321
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 17–310(b) and 19–4A–03(a) and (c)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 179 – Delegates Hubbard, Hammen, Bobo, Elliott, Frush, Griffith, Krebs, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Rosenberg, and V. Turner

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority and Reporting Requirements

FOR the purpose of altering the authority of pharmacists to administer certain vaccinations to certain individuals; authorizing a pharmacist to administer certain vaccinations to an individual in a certain age group who has a prescription or to an adult under a written protocol that meets certain requirements; altering a certain vaccination reporting requirement; requiring a pharmacist, under certain circumstances, to document at least one effort to inform certain health care practitioners or other sources of care that a vaccination has been administered; repealing a requirement that the State Board of Pharmacy, the State Board of Physicians, and the State Board of Nursing meet periodically and take certain actions relating to certain regulations; requiring the Secretary of Health and Mental Hygiene, in consultation with a workgroup of stakeholders, to study the feasibility and desirability of requiring certain health care providers who administer vaccinations to report the vaccinations to the ImmuNet Program; requiring the study to take certain factors into account; requiring the Secretary to submit the findings and recommendations of the study to certain legislative committees on or before a certain date; making certain conforming changes; ~~providing for the effective dates of this Act~~; and generally relating to the authority of pharmacists to administer vaccinations and requiring reporting of vaccinations.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–508
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

~~BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–508(a)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)
(As enacted by Section 1 of this Act)~~

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

House Bill 293 – Delegates Hubbard, Boteler, Cardin, Cluster, Costa, K. Kelly, Kipke, Malone, ~~and Olszewski~~ Olszewski, Hammen, Pendergrass, Bromwell, Cullison, Elliott, Frank, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnik, Ready, Reznik, Tarrant, and V. Turner

AN ACT concerning

Construction Contracts Awarded by Public Bodies – Retention of Percentage as Security

FOR the purpose of altering the cap on the percentage amount of a contract for construction awarded by a public body that may be specified in the contract as retainage for security; repealing the provision of law that limits the retainage to a certain percent of the contract except under certain circumstances; providing for the application of this Act; and generally relating to the retention as security of a percentage of the amount of a contract for construction awarded by a public body.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–110
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 448 – Delegate Ready

AN ACT concerning

State Government – Notary Public – Appointment

FOR the purpose of authorizing a State Senator to delegate the Senator's authority to approve an applicant for notary public to the Secretary of State; authorizing the Governor to appoint and commission, under certain circumstances, an individual as a notary public on the approval of the Secretary; requiring a certain application, under certain circumstances, to bear or be accompanied by the written approval of the Secretary; and generally relating to the appointment of a notary public.

BY repealing and reenacting, with amendments,
Article – State Government
Section 18–101 and 18–103(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 527 – Delegate Clagett

AN ACT concerning

Frederick Regional Higher Education Advisory Board

FOR the purpose of establishing the Frederick Regional Higher Education Advisory Board; providing for the composition, appointment, and terms of the Board members; providing for the election of a chair of the Board and the establishment of certain committees; prohibiting Board members from receiving certain compensation but entitling Board members to reimbursement for certain expenses; providing for the powers and duties of the Board; authorizing the Board to apply, accept, and expend certain gifts, appropriations, or grants; authorizing the Board to adopt a corporate seal; requiring the Board to keep certain records and be subject to certain audits; requiring the Frederick County Chamber of Commerce Major Employers Group to take a certain action on or before a certain date; requiring the Board to conduct a certain assessment; defining certain terms; and generally relating to the establishment of the Frederick Regional Higher Education Advisory Board.

BY adding to

Article – Education

Section 24–1001 through 24–1004 to be under the new subtitle “Subtitle 10. Frederick Regional Higher Education Advisory Board”

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

House Bill 560 – The Speaker (By Request – Administration) and Delegates Bohanan, Busch, Cardin, Clagett, Conway, Gaines, Griffith, Guzzone, Healey, Hixson, Howard, James, Lafferty, McIntosh, Mitchell, and Zucker

AN ACT concerning

Public–Private Partnerships

FOR the purpose of establishing the policy of the State on public–private partnerships; altering provisions of law relating to public–private partnerships; authorizing a certain agency to establish a public–private partnership and execute a partnership agreement in connection with certain functions, services, or assets; requiring a certain agency to adopt certain regulations and establish certain processes for the development, solicitation, evaluation, award, and delivery of public–private partnerships; requiring certain legislative committees to review and comment on certain processes and regulations; requiring certain agencies to submit, on or before a certain date each year, certain reports to certain legislative committees; establishing certain requirements for certain reports; establishing deadlines for the review of certain presolicitation reports; requiring certain projects to comply with certain provisions of law; requiring that State employees retain certain protections under certain circumstances; requiring a reporting agency to issue a public notice of solicitation for a public–private

partnership under certain circumstances; requiring certain agencies to comply with certain requirements before issuing a solicitation for a public–private partnership; providing that a certain entity may be qualified as a bidder through certain processes; authorizing a reporting agency to engage in discussions with qualified bidders at certain times and under certain circumstances; requiring a certain agency to make a certain responsibility determination concerning certain entities; authorizing a reporting agency to reimburse a private entity for certain costs and pay a certain entity for the right to use a certain work product; requiring a reporting agency to adopt certain regulations that establish the process for the reimbursement of a private entity; prohibiting a reporting agency from reimbursing a private entity under certain circumstances; ~~requiring a certain agency to submit certain reports to certain officials and committees~~; prohibiting the Board of Public Works from approving a public–private partnership agreement until the completion of a certain review by certain officials and committees; establishing deadlines for the review of public–private partnership agreements; requiring a certain agency to post a certain agreement on a certain Web site; requiring certain entities to provide performance bonds; prohibiting a public–private partnership agreement from exceeding a certain number of years, with certain exceptions; prohibiting noncompete agreements for certain assets; authorizing the award of certain compensation under certain circumstances; establishing certain requirements for a final public–private partnership agreement; requiring certain proceeds to accrue to certain funds; requiring a certain agency to post on the Internet a certain final agreement; requiring certain information to be withheld from the posted version of the agreement; authorizing a certain agency to establish by regulation certain application fees for certain unsolicited proposals; establishing certain requirements for certain unsolicited proposals; authorizing an individual or firm that submits an unsolicited proposal to participate in a certain subsequent process; providing that certain provisions of the State ethics law do not preclude a certain individual or firm from entering into a certain agreement; providing, under certain circumstances, that the provisions of the Minority Business Enterprise Program apply to public–private partnerships; prohibiting the Board of Public Works from approving a public–private partnership agreement until the reporting agency, in consultation with certain entities, establishes certain minority business enterprise goals and procedures; requiring that certain goals and procedures be based on the requirements of certain provisions of law; exempting public–private partnerships from certain requirements of the State procurement law; repealing certain obsolete provisions; defining a certain term; altering certain definitions; providing for the application of this Act; providing for the termination of certain provisions of this Act; and generally relating to public–private partnerships.

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 10A–101

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing

Article – State Finance and Procurement

Section 10A–102

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Finance and Procurement

Section 10A–102 through 10A–105 to be under the new subtitle “Subtitle 1. Definitions; General Provisions”; 10A–201 through 10A–204 to be under the new subtitle “Subtitle 2. Solicited Proposals”; 10A–301 to be under the new subtitle “Subtitle 3. Unsolicited Proposals”; 10A–401 through 10A–403 to be under the new subtitle “Subtitle 4. Public–Private Partnership Agreements”; and 11–203(h)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing

Article – Transportation

Section 4–406

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 716 – Delegates Tarrant, Costa, Cullison, Elliott, Hubbard, A. Kelly, Kipke, Krebs, Nathan–Pulliam, Pena–Melnik, Ready, and V. Turner

AN ACT concerning

Drug Therapy Management – Physician–Pharmacist Agreements

FOR the purpose of repealing certain provisions of law requiring certain physician–pharmacist agreements to be approved by the State Board of Pharmacy and the State Board of Physicians; requiring, in a group model health maintenance organization, a licensed physician who has entered into a certain physician–pharmacist agreement to provide drug therapy management to submit a copy of the agreement, certain modifications to the agreement, and certain protocols to the State Board of Physicians; requiring, in a group model health maintenance organization, a licensed pharmacist who has entered into a certain physician–pharmacist agreement to provide drug therapy management to submit a copy of the agreement, certain modifications to the agreement, and certain protocols to the State Board of Pharmacy; repealing certain provisions of law relating to the approval, term, and renewal of certain physician–pharmacist agreements; altering a certain definition; making stylistic and conforming

changes; and generally relating to physician–pharmacist agreements for drug therapy management in a group model health maintenance organization.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–713.6
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 723 – Delegates Tarrant, Costa, Cullison, Elliott, Hubbard, A. Kelly, Kipke, Krebs, Ready, and V. Turner

AN ACT concerning

Health Occupations – Physician Assistants – Authority to Practice

FOR the purpose of authorizing a physician assistant to complete a certain certificate that an individual of a certain age is pregnant or has given birth to a child; authorizing a physician assistant to provide certain information on a certificate of birth under certain circumstances; authorizing a physician assistant to fill out and sign a certificate of death under certain circumstances; requiring certain individuals to notify the medical examiner under certain circumstances if a deceased was not under treatment by a physician assistant during a terminal illness; authorizing a physician assistant to file a replacement death certificate under certain circumstances; authorizing a physician assistant to complete a “do not resuscitate order”; authorizing a physician assistant to serve as a witness to an advance directive; requiring that certain documentation of an oral advance directive be dated and signed by a physician assistant under certain circumstances; authorizing a physician assistant to provide an oral emergency medical services “do not resuscitate order”; requiring a certain form to be suitable for containing a physician assistant’s medical orders relating to a patient’s medical condition; requiring a health care facility on request of a patient to offer a physician assistant the opportunity to participate in updating or completing a “Medical Orders for Life–Sustaining Treatment” form; requiring a health care facility to comply with certain medical orders regardless of whether the physician assistant who signed the form has admitting privileges or is otherwise credentialed at the health care facility; providing that certain provisions of law may not be construed to require a physician assistant to prescribe or render medical treatment that is ethically inappropriate or medically ineffective; ~~authorizing a physician assistant to make a certain petition for an emergency evaluation of an individual; requiring a physician assistant to give a certain petition to a peace officer; requiring a peace officer to take an emergency evaluate to a certain emergency facility if the peace officer has a certain petition that is signed and submitted by a physician assistant;~~

authorizing a physician assistant to certify certain medical conditions of an applicant for a special disability registration number and plates for a certain vehicle; requiring a certain health occupation board to be responsible for the development and maintenance of certain database systems; authorizing a physician assistant to certify the existence of certain permanent disabilities for applicants for a certain parking placard; authorizing a physician assistant to certify the existence of a temporary disability of an applicant for a temporary parking placard; altering a certain definition; defining certain terms; making certain stylistic and conforming changes; and generally relating to the authority to practice as a physician assistant.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 2–301

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 4–201(a), 4–208(a)(1), 4–212(a), and 5–601(a), ~~10–620(a), and 10–622(a)~~

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Health – General

Section 4–201(m) and 5–601(s)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 4–201(m), (n), and (o), 4–208(a)(2), 4–212(b), (c), (e), and (h), 5–601(i), (s), and (t), 5–602(c) and (d), 5–608(c), 5–608.1(b), (c), and (f), and 5–611(a) and (b), ~~10–620(c), 10–622(b) and (d), 10–623, 10–624(a), and 10–628~~

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–616(a), (b)(1) and (2), and (m), 13–616.1(a) and (k), and 13–616.2(a), (b), (c), and (i)

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 724 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Risk Based Capital Standards – Fraternal Benefit Societies and Life Insurers

FOR the purpose of requiring that a fraternal benefit society's risk based capital be determined in accordance with a certain formula set forth in certain instructions; altering the circumstances under which a company action level event occurs in the case of a life insurer; establishing the circumstances under which a company action level event occurs in the case of a fraternal benefit society; requiring the Maryland Insurance Commissioner to take any action that may be necessary to place a fraternal benefit society under conservation, rehabilitation, or liquidation if a mandatory control level event occurs; providing that certain provisions of law apply to fraternal benefit societies; defining a certain term; and generally relating to company action level events, fraternal benefit societies, and life insurers.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 4–301(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article – Insurance
Section 4–301(f–1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 4–301(k), 4–304, 4–305(a), 4–308, and 8–403
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 877 – Delegates Morhaim, Anderson, Arora, Aumann, Barnes, Barve, Burns, Cardin, Carr, Cluster, Cullison, DeBoy, Eckardt, Feldman, Frank, Frick, Haddaway–Riccio, Hubbard, Impallaria, Kaiser, Kipke, Kramer, Lafferty, Lee, Malone, McDermott, McDonough, A. Miller, W. Miller, Mizeur, Nathan–Pulliam, Olszewski, Pendergrass, Ready, Reznik, B. Robinson, Rosenberg, Simmons, Sophocleus, Stein,

Stifler, Stocksdale, Summers, Tarrant, Waldstreicher, ~~and Weir~~ Weir, Hammen, Bromwell, Costa, Elliott, Kach, A. Kelly, Krebs, Murphy, Oaks, Pena-Melnyk, and V. Turner

AN ACT concerning

**Procurement – Investment Activities in Iran – Board of Public Works
Authority to Adopt Regulations**

FOR the purpose of requiring the Board of Public Works to adopt certain regulations if the Board determines that certain acts, laws, or amendments authorize or require the reduction of certain dollar amounts or alteration of certain parameters relating to certain investment activities in Iran; clarifying the intent of the General Assembly; requiring the Department of Legislative Services to provide certain written notice concerning certain legislation to the Attorney General of the United States; clarifying that certain legislation that amends certain provisions of law is severable; providing for the termination of certain legislation that amends certain provisions of law; requiring the Board to notify the Department of Legislative Services of certain events within a certain time period; and generally relating to persons that engage in investment activities in Iran and the authority of the Board of Public Works to adopt regulations.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 17–701, 17–703, and 17–707
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–702
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Chapter 447 of the Acts of the General Assembly of 2012
Section 2 through 5

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 430 – Chair, Judiciary Committee (By Request – Departmental – Transportation)

AN ACT concerning

Criminal Law – Alcoholic Beverages – Consumption and Possession in Motor Vehicles

Reassigned to the Committee on Judicial Proceedings under Rule 33(d).

Read and ordered journalized.

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 11, 2013

The Honorable Thomas V. Mike Miller, Jr.

President

Maryland State Senate

State House

Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, § 13 of the Constitution of Maryland, I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

**GUBERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS
REQUIRING CONFIRMATION
2013 SESSION OF THE MARYLAND GENERAL ASSEMBLY**

APPRENTICESHIP AND TRAINING COUNCIL

Rosie L.D. Pointer 7501 Epping Avenue Fort Washington, Maryland 20744 Prince George's/26	Reappointment Employee Organization Term of 4 years from July 1, 2013
William C. Taylor 6218 Dimrill Court Fort Washington, Maryland 20744 Prince George's/26	Reappointment General Public – Chair Term of 4 years from July 1, 2013
CONSUMER COUNCIL	
Betty Ann Clark 3604 Wabash Avenue Baltimore, Maryland 21215 Baltimore City/40	Appointment Consumer Term of 6 years from July 1, 2012
EDUCATION, STATE BOARD OF	
James H. DeGraffenreidt, Jr. 406 Cedarcroft Road Baltimore, Maryland 21212 Baltimore City/43	Reappointment Member Term of 4 years from July 1, 2012
FOOD CENTER AUTHORITY, MARYLAND	
Afra Vance 2643 Chesterfield Avenue Baltimore, Maryland 21213 Baltimore City/45	Appointment Member Term of 5 years from July 1, 2010
JUDICIAL DISABILITIES, COMMISSION ON	
Richard M. Karceski, Esq. 9183 Furrow Avenue Ellicott City, Maryland 21042 Howard/09	Appointment Attorney Term of 4 years from January 1, 2012
Marcy C. Canavan 16504 Old Marshall Hall Road Accokeek, Maryland 20607 Prince George's/27	Reappointment Public Term of 4 years from January 1, 2013
Susan R. Hoffmann 133 Monument Street Rockville, Maryland 20850 Montgomery/17	Reappointment Public Term of 4 years from January 1, 2013
PAROLE COMMISSION, MARYLAND	
H. Erle Schafer 237 Carroll Road Glen Burnie, Maryland 21060 Anne Arundel/31	Reappointment Member Term of 6 years from January 1, 2013
STADIUM AUTHORITY, MARYLAND	

Manervia W. Riddick 801 Othman Drive Fort Washington, Maryland 20744 Prince George's/26	Reappointment Member Term of 4 years from July 1, 2013
Leonard J. Attman 16 Talton Court Baltimore, Maryland 21208 Baltimore County/11	Reappointment Member Term of 4 years from July 1, 2013
TOURISM DEVELOPMENT BOARD, MARYLAND	
Vira Safai 13548 Potomac Riding Lane Potomac, Maryland 20850 Montgomery/15	Appointment Lodging Term of 3 years from July 1, 2013
Alice Lloyd 112 Talbot Street Easton, Maryland 21601 Talbot/37	Appointment Lodging Term of 3 years from July 1, 2013
UNINSURED EMPLOYERS FUND BOARD	
Julia A. Burgos 8550 Warburton Place White Plains, Maryland 20695 Charles/28	Appointment Management Term of 4 years from July 1, 2011
WORKERS' COMPENSATION COMMISSION, ADVISORY COMMITTEE ON THE BUDGET OF THE	
Matthew D. Trollinger, Esq. 1311 Leicester Drive La Plata, Maryland 20646 Charles/28	Appointment Member Term of 3 years from July 1, 2013
Ricardo Loaiza 1229 Dale Drive Silver Spring, Maryland 20910 Montgomery/18	Appointment Member Term of 3 years from July 1, 2011
ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Victoria K. Fretwell 1407 Stonecreek Road Annapolis, Maryland 21403 Anne Arundel/30	Reappointment Member Term of 6 years from July 1, 2013
ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS	
Melvin Hyatt 19 Williams Drive Annapolis, Maryland 21401 Anne Arundel/30	Reappointment Democrat – Chair Term to expire May 4, 2015
James C. Thomas 46 Glendale Avenue Glen Burnie, Maryland 21061 Anne Arundel/32	Reappointment Democrat Term to expire May 4, 2015

John G. Warner 2027 Poplar Ridge Road Pasadena, Maryland 21122 Anne Arundel/31	Reappointment Republican Term to expire May 4, 2015
CALVERT COUNTY BOARD OF LICENSE COMMISSIONERS	
Malcolm L. Funn 8157 Harrison Boulevard Chesapeake Beach, Maryland 20732 Calvert/27	Appointment Democrat Remainder of a term of 2 years to expire June 3, 2013 and a term of 2 years to expire June 1, 2015
Beth E. Swoap 2118 Loblolly Lane St. Leonard, Maryland 20685 Calvert/29	Reappointment Democrat – Chair Term of 2 years to expire June 1, 2015
Ruth N. Reid 3010 Ponds Wood Road Huntingtown, Maryland 20639 Calvert/27	Reappointment Republican Term of 2 years to expire June 1, 2015
John H. Smack 2641 Plum Point Road Huntingtown, Maryland 20639 Calvert/27	Reappointment Alternate – Democrat Term of 2 years to expire June 1, 2015
HOWARD COMMUNITY COLLEGE BOARD OF TRUSTEES	
Kevin J. Doyle 6217 Graftons View Court Elkridge, Maryland 21075 Howard/12	Reappointment Member Term of 6 years from July 1, 2013
PRINCE GEORGE'S COMMUNITY COLLEGE BOARD OF TRUSTEES	
Sidney L. Gibson 9706 Poling Terrace Fort Washington, Maryland 20744 Prince George's/26	Appointment Member Term of 5 years from July 1, 2013

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 511 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Century High School
Carroll County
in recognition of

having won the great honor of being a
2013 Blue Ribbon School. We are very proud
of your achievements. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 11th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 467)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #31

**Senate Bill 70 – Chair, Budget and Taxation Committee (By Request –
Departmental – Business and Economic Development)**

EMERGENCY BILL

AN ACT concerning

**Business and Economic Development – Enterprise Fund and Invest
Maryland Program**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the House of Delegates.

**Senate Bill 71 – Chair, Judicial Proceedings Committee (By Request –
Departmental – Human Resources)**

AN ACT concerning

**Child Support Enforcement – ~~Information from Financial Institutions –~~
Attachment and Seizure of Retirement Accounts and Claims Against
Retirement Plans**

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

Affirmative – 45 Negative – 2 (See Roll Call No. 469)

The Bill was then sent to the House of Delegates.

Senate Bill 202 – Senators King, Brinkley, Currie, Garagiola, Madaleno, Manno, Peters, Ramirez, Raskin, and Robey

AN ACT concerning

Recordation and Transfer Taxes – Transfer of Property Between Related Entities – Exemption

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

Affirmative – 47 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 504 – Senator Rob Garagiola:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Winston Churchill High School Ice Hockey Team
in recognition of
the exemplary teamwork displayed to win the
Maryland Scholastic Hockey League Boys
Division Championship on February 25, 2013.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 11th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 471)

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 279 – The President (By Request – Administration) and Senators Raskin, Benson, Conway, Ferguson, Forehand, Frosh, Garagiola, King, Klausmeier, Madaleno, Pinsky, Pugh, Rosapepe, Young, ~~and Zirkin~~

**Zirkin, Montgomery, Gladden, Kasemeyer, Jones–Rodwell, Manno,
McFadden, Muse, and Peters**

AN ACT concerning

Election Law – Improving Access to Voting

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

Affirmative – 35 Negative – 12 (See Roll Call No. 472)

The Bill was then sent to the House of Delegates.

**Senate Bill 484 – Senators Dyson, Astle, Colburn, Conway, Jacobs, Madaleno,
Manno, Pinsky, Pipkin, and Simonaire**

AN ACT concerning

Income Tax Credit – Oyster Shell Recycling

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

Affirmative – 46 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the House of Delegates.

Senate Bill 573 – Senators Robey, Kasemeyer, Kittleman, and Mathias

AN ACT concerning

County Property Tax – Personal Property Rate

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

Affirmative – 47 Negative – 0 (See Roll Call No. 474)

The Bill was then sent to the House of Delegates.

**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 235 – Senators Ferguson, Conway, Gladden, Jones–Rodwell,
McFadden, and Pugh**

AN ACT concerning

Baltimore City – Alcoholic Beverages – License Revocation

SB0235/894735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 235

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “closure” in line 6 and substitute “prohibiting the Board of Liquor License Commissioners for Baltimore City or a court from staying an order to revoke an alcoholic beverages license until a certain number of days after a license is revoked; providing that a person whose license revocation by the Board is subsequently overturned on appeal is entitled to reimbursement for lost wages as a result of a certain prohibition; prohibiting a person whose license has been revoked by the Board from giving, serving, dispensing, keeping, or allowing to be consumed any alcoholic beverages until certain circumstances occur”.

AMENDMENT NO. 2

On page 1, after line 7, insert:

“BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 16–101(c)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)”;

and after line 15, insert:

“16–101.

(c) (1) [Upon] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON the filing of an appeal, the local licensing board may stay its order until the final determination thereof.

(2) IN BALTIMORE CITY, THE BOARD OF LIQUOR LICENSE COMMISSIONERS OR A COURT MAY NOT STAY AN ORDER TO REVOKE A LICENSE PENDING JUDICIAL REVIEW UNTIL 45 DAYS AFTER THE LICENSE IS REVOKED.

(3) A PERSON WHOSE LICENSE REVOCATION BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY IS SUBSEQUENTLY OVERTURNED ON APPEAL IS ENTITLED TO REIMBURSEMENT FOR LOST WAGES AS A RESULT OF PARAGRAPH (2) OF THIS SUBSECTION.”.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 17 through 23, inclusive, and substitute:

“A PERSON WHOSE LICENSE HAS BEEN REVOKED BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY MAY NOT GIVE, SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES UNTIL A STAY IS GRANTED IN ACCORDANCE WITH § 16-101(C) OF THIS SUBTITLE OR THE REVOCATION IS REVERSED ON APPEAL.”.

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 302 – Senators Glassman and Simonaire

AN ACT concerning

Environment – Water Pollution Control – Reporting and Penalties

SB0302/314734/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 302

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and Penalties”; strike beginning with “altering” in line 7 down through “control;” in line 8; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 24 on page 3, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 327 – Senator Gladden

AN ACT concerning

Elections for Judges of the Orphans’ Courts – Nonpartisan Elections

SB0327/424731/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 327

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “change;” in line 11 and substitute “clarifying that the requirements for party affiliation for a candidate for office do not apply to a candidate for judge of the orphans’ court; requiring that a certificate of candidacy for judge of the orphans’ court be filed with the State Board of Elections; providing that a certain provision of law prohibiting the name of a certain candidate from appearing on a certain ballot does not apply to a candidate for judge of the orphans’ court; altering the order in which offices to be voted on appear on a ballot; requiring that the names of candidates for judge of the orphans’ court be placed on the ballot without a party label or other indication of party affiliation;”; in line 12, strike “nomination and”; and in line 16, strike “5–703(a), 5–703.1(a), and 9–210(a)” and substitute “5–302, 5–706, and 9–210(a) and (g)”.

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

AMENDMENT NO. 2

On page 2, in line 16, after “office” insert “, INCLUDING JUDGE OF THE ORPHANS’ COURT”; in the same line, in each instance, strike the brackets; strike beginning with the semicolon in line 17 down through “**COURT**” in line 18; and after line 24, insert:

“5–302.

(a) A certificate of candidacy shall be filed under oath on the prescribed form.

(b) The certificate of candidacy shall be filed with the State Board if the candidacy is for:

(1) an office to be voted upon by the voters of the entire State;

(2) the General Assembly of Maryland;

(3) Representative in Congress;

(4) the office of judge of the circuit court for a county; [or]

(5) THE OFFICE OF JUDGE OF THE ORPHANS’ COURT FOR A COUNTY; OR

[(5)](6) an office of elected delegate to a presidential national convention provided for under Title 8, Subtitle 5 of this article.

(c) (1) If the candidacy is for an office other than an office described in subsection (b) of this section, the certificate of candidacy shall be filed with the local board of the applicable county.

(2) In accordance with regulations adopted by the State Board, each local board shall provide the name and other required information for each candidate to the State Board.

5-706.

(a) This section does not apply to:

(1) a candidate for the office of judge of the circuit court;

(2) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE ORPHANS' COURT;

~~[(2)](3)~~ a candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

~~[(3)](4)~~ a candidate defeated in a presidential preference primary.

(b) The name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office."

On pages 2 through 5, strike in their entirety the lines beginning with line 25 on page 2 through line 13 on page 5, inclusive.

On page 6, in line 12, after "(i)" insert "**JUDGE OF THE ORPHANS' COURT;**

(II)";

in line 13, strike "(ii)" and substitute "**(III)**"; strike beginning with "judge" in line 23 down through "(vi)" in line 24; and in line 25, strike "(vii)" and substitute "**(VI)**".

On page 7, in line 2, strike "OTHER"; and after line 2, insert:

"(g) (1) Except for contests for judicial office or an office to be filled by nonpartisan election, the party affiliation of a candidate who is a nominee of a political party shall be indicated on the ballot.

(2) (i) A candidate who is not a nominee of a political party or affiliated with a partisan organization shall be designated as an "unaffiliated".

(ii) A candidate who is affiliated with a partisan organization shall be designated under “other candidates”.

(3) The names of candidates for judge of the circuit court, JUDGE OF THE ORPHANS’ COURT, or for a county board of education, and the names of incumbent appellate judges, shall be placed on the ballot without a party label or other distinguishing mark or location which might indicate party affiliation.”.

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:

Senate Bill 428 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Education – Nonvoting Student Representative

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 542 – Senators Young, Jacobs, Raskin, and Shank

AN ACT concerning

Election Law – Polling Places – Electioneering

SB0542/184735/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 542

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “boundary;” insert “requiring that campaign signs be allowed on the premises of a public building that is used for a polling place for, at a minimum, certain time periods;”; and strike beginning with “unless” in line 6 down through “boundary” in line 7 and substitute “except under certain circumstances”.

AMENDMENT NO. 2

On page 2, in line 20, strike “ELECTIONEERING” and substitute “1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, ELECTIONEERING”; after line 22, insert:

“2. CAMPAIGN SIGNS SHALL BE ALLOWED ON THE PREMISES OF THE PUBLIC BUILDING, AT A MINIMUM, FROM:

A. 5 P.M. THE DAY IMMEDIATELY PRECEDING ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION DAY; AND

B. 5 P.M. THE DAY BEFORE AN EARLY VOTING PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER THE EARLY VOTING PERIOD ENDS.”;

in line 27, after the first “TO” insert “:

1.”;

and in line 28, after “ARTICLE” insert “; AND

2. ALLOW CAMPAIGN SIGNS ON THE PREMISES, AT A MINIMUM, FROM:

A. 5 P.M. THE DAY IMMEDIATELY PRECEDING ELECTION DAY UNTIL 8 A.M. ON THE DAY IMMEDIATELY FOLLOWING ELECTION DAY; AND

B. 5 P.M. THE DAY BEFORE AN EARLY VOTING PERIOD BEGINS UNDER § 10-301.1 OF THIS TITLE UNTIL 8 A.M. THE DAY AFTER THE EARLY VOTING PERIOD ENDS”.

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 548 – Senators Pugh, Benson, Conway, Currie, Ferguson, Forehand, Glassman, Madaleno, Manno, McFadden, Peters, and Raskin

AN ACT concerning

State Department of Education – Minority Teacher Recruitment – Study and Report

SB0548/634133/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 548

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “State Department of”; in line 4, after “Education” insert “, the Maryland Higher Education Commission, and the University System of Maryland”; in line 7, after “Department” insert “, Commission, and System”; in line 10, strike “and the State Department of Education”.

AMENDMENT NO. 2

On page 1, in lines 13 and 17, in each instance, after “Education” insert “, the Maryland Higher Education Commission, and the University System of Maryland jointly”; and in line 18, strike “its” and substitute “their”.

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 563 – Senator Simonaire

AN ACT concerning

Environment – Permit Applications – Notice – Neighboring Jurisdictions

SB0563/124933/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 563

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Permit Applications – Notice – Neighboring Jurisdictions” and substitute “and Public Utilities – Notice to Neighboring Jurisdictions of Applications”; in line 10, after “Assembly;” insert “requiring the Public Service Commission, on receipt of an application for a certificate of public convenience and necessity to construct a certain generating station, overhead transmission line, or qualified generator lead line, to provide notice immediately or require the applicant to provide notice immediately of the application to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly; requiring the Commission, on receipt of a certain application for approval to construct a certain generating station, to provide notice immediately or require the applicant to provide notice immediately of the application to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly; exempting a certain notice requirement from a certain waiver authorization; requiring the Commission, on receipt of a certain application and certain additional information relating to the construction of a certain generating station and associated overhead transmission lines, to provide notice immediately or require the applicant to provide notice immediately to the governing bodies of certain counties and municipal corporations and to certain members of the General Assembly;”; in line 11, strike “environmental permit”; in the same line, after “applications” insert “to the Department of the Environment and the Public Service Commission”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Public UtilitiesSection 7–207(c), 7–207.1, and 7–208(d)Annotated Code of Maryland(2010 Replacement Volume and 2012 Supplement)BY repealing and reenacting, without amendments,Article – Public UtilitiesSection 7–208(a) through (c)Annotated Code of Maryland(2010 Replacement Volume and 2012 Supplement)”.AMENDMENT NO. 2

On page 5, after line 29, insert:

“Article – Public Utilities7–207.

(c) (1) On receipt of an application for a certificate of public convenience and necessity under this section, the Commission shall provide notice IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY OF THE APPLICATION to:

(I) the Department of Planning;

(II) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE CONSTRUCTED;

(III) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE;

(IV) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE

GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE IS PROPOSED TO BE CONSTRUCTED;

(V) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION, OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE; and [to]

(VI) all other interested persons.

(2) The Department of Planning shall forward the application to each appropriate State unit and unit of local government for review, evaluation, and comment regarding the significance of the proposal to State, area-wide, and local plans or programs.

7-207.1.

(a) This section applies to a person who:

(1) constructs a generating station:

(i) designed to provide on-site generated electricity if:

1. the capacity of the generating station does not exceed 70 megawatts; and

2. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; or

(ii) that produces electricity from wind if:

1. the generating station is land-based;
2. the capacity of the generating station does not exceed 70 megawatts;

3. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company;

4. the Commission provides an opportunity for public comment at a public hearing as provided in subsection [(e)] (F) of this section; and

5. the generating station's wind turbines are not located within a distance from the Patuxent River Naval Air Station that is determined by regulations adopted by the Commission in coordination with the Commander, Naval Air Warfare Center Aircraft Division, provided that the distance requirement under the regulation is:

A. not greater than is necessary to encompass an area in which utility scale wind turbines could create Doppler radar interference for missions at the Patuxent River Naval Air Station;

B. not greater than 46 miles, measured from location 38.29667N, 76.37668W; and

C. subject to modification if necessary to reflect changes in missions or technology at the Patuxent River Naval Air Station or changes in wind energy technology; or

(2) constructs a generating station if:

(i) the capacity of the generating station does not exceed 25 megawatts;

(ii) the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; and

(iii) at least 10% of the electricity generated at the generating station each year is consumed on-site.

(b) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (a) of this section.

(2) An application for approval under this section shall:

(i) be made to the Commission in writing on a form adopted by the Commission;

(ii) be verified by oath or affirmation; and

(iii) contain information that the Commission requires, including:

1. proof of compliance with all applicable requirements of the independent system operator; and

2. a copy of an interconnection, operation, and maintenance agreement between the generating station and the local electric company.

(C) ON RECEIPT OF AN APPLICATION FOR APPROVAL UNDER THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY OF THE APPLICATION TO:

(1) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION IS PROPOSED TO BE CONSTRUCTED;

(2) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION;

(3) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION IS PROPOSED TO BE CONSTRUCTED; AND

(4) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION.

[(c)] (D) When reviewing an application for approval under this section, the Commission shall:

(1) ensure the safety and reliability of the electric system;

(2) require the person constructing the generating station to notify the Commission 2 weeks before the first export of electricity from a generating station approved under this section; and

(3) conduct its review and approval in an expeditious manner.

[(d)] (E) [The] EXCEPT FOR THE NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE Commission may waive an element of the approval process under this section if the Commission determines that the waiver is in the public interest.

[(e)] (F) (1) The Commission shall provide an opportunity for public comment and hold a public hearing as provided under this subsection on an application for approval made under subsection (a)(1)(ii) of this section in each county and municipal corporation in which any portion of the construction of a generating station is proposed to be located.

(2) Upon the request of the governing body of a county or municipal corporation in which any portion of the construction of a generating station is proposed to be located, the Commission shall hold the public hearing jointly with the governing body.

(3) Once in each of 2 successive weeks immediately before the hearing date, the Commission, at the expense of the applicant, shall provide weekly notice of the public hearing and opportunity for public comment by advertisement in a newspaper of general circulation in the county or municipal corporation affected by the application.

7-208.

(a) This section applies to any person:

(1) constructing a generating station and its associated overhead transmission lines designed to carry a voltage in excess of 69,000 volts; or

(2) exercising the right of condemnation in connection with the construction.

(b) (1) To obtain the certificate of public convenience and necessity required under § 7-207 of this subtitle for construction under this section, a person shall file an application with the Commission at least 2 years before construction of the facility will commence.

(2) The Commission may waive the 2-year requirement on a showing of good cause.

(c) The applicant shall:

(1) include in an application under this section the information that the Commission requests initially; and

(2) furnish any additional information that the Commission requests subsequently.

(d) (1) On the receipt of an application under this section, together with any additional information requested under subsection (c)(2) of this section, the Commission shall provide notice to:

(i) all interested persons;

(ii) the Department of Agriculture;

(iii) the Department of Business and Economic Development;

(iv) the Department of the Environment;

(v) the Department of Natural Resources;

(vi) the Department of Transportation; and

(vii) the Department of Planning.

(2) ON RECEIPT OF AN APPLICATION UNDER THIS SECTION, AND WHENEVER ADDITIONAL INFORMATION IS RECEIVED UNDER SUBSECTION (C)(2) OF THIS SECTION, THE COMMISSION SHALL PROVIDE NOTICE IMMEDIATELY OR REQUIRE THE APPLICANT TO PROVIDE NOTICE IMMEDIATELY TO:

(I) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PORTION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES IS PROPOSED TO BE CONSTRUCTED;

(II) THE GOVERNING BODY OF EACH COUNTY OR MUNICIPAL CORPORATION WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES;

(III) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF A COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES IS PROPOSED TO BE CONSTRUCTED; AND

(IV) EACH MEMBER OF THE GENERAL ASSEMBLY REPRESENTING ANY PART OF EACH COUNTY WITHIN 1 MILE OF THE PROPOSED LOCATION OF THE GENERATING STATION OR THE ASSOCIATED OVERHEAD TRANSMISSION LINES.

[(2)](3) The Commission shall hold a public hearing on the application as required by § 7–207 of this subtitle, after:

(i) the receipt of any additional information requested under subsection (c)(2) of this section that the Commission considers necessary; and

(ii) any publication of notice the Commission considers to be proper.

[(3)](4) (i) At the public hearing, the Commission shall ensure presentation of the information and recommendation of the State units specified in paragraph (1) of this subsection and shall allow the official representative of each unit to sit during hearing of all parties.

(ii) Based on the evidence relating to the unit's areas of concern, the Commission shall allow each unit 15 days after the conclusion of the hearing to modify or affirm the unit's initial recommendations."

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 766 – Senator Edwards

AN ACT concerning

Business Occupations – Oil and Gas Land Professionals – Registration

Favorable report 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 224 – Senators Pugh, Conway, Garagiola, Glassman, and Montgomery

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – Bona Fide Wellness Program and Wellness Promotion

SB0224/757875/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 224

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Bona Fide”; in line 3, strike “and Wellness Promotion”; strike beginning with the comma in line 4 down through “inclusion” in line 6 and substitute “to include a certain wellness program”; in lines 8 and 14, in each instance, strike “bona fide”; strike beginning with “authorizing” in line 8 down through “enrollees;” in line 11; in line 12, strike “the General Assembly” and substitute “certain legislative committees”; in line 13, strike “a certain date” and substitute “certain dates”; in the same line, after “Act;” insert “defining a certain term;”; in line 15, strike “and wellness promotion”; and after line 20, insert:

“BY adding to

Article – State Personnel and Pensions

Section 2–501(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“(D) “WELLNESS PROGRAM” MEANS A PROGRAM THAT IS DESIGNED TO:

(1) PROMOTE HEALTH OR PREVENT OR DETECT DISEASE OR ILLNESS;

(2) IMPROVE CLINICAL OUTCOMES;

(3) PREVENT OR REDUCE ACUTE ADMISSIONS AND READMISSIONS TO HEALTH CARE FACILITIES;

(4) IMPROVE TREATMENT COMPLIANCE FOR CHRONIC CONDITIONS;

(5) PROMOTE HEALTHY BEHAVIORS; OR

(6) PREVENT OR CONTROL INJURY.”;

strike beginning with the comma in line 18 down through “PROGRAM” in line 21 and substitute “**SHALL INCLUDE A WELLNESS PROGRAM IN THE PROGRAM**”; in line 22, strike “BONA FIDE”; strike beginning with “INCLUDE” in line 23 down through “PROGRAM” in line 24 and substitute “**BE DEVELOPED IN CONSULTATION WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE**”; in line 26, strike “PLAN;” and substitute “**PROCESS; AND**”; strike beginning with “COMPLY” in line 27 down through “4.” in line 29; and in line 30, strike “BONA FIDE”.

On page 3, strike in their entirety lines 1 through 13, inclusive; strike beginning with the second comma in line 14 down through the first comma in line 15; in line 16, strike “General Assembly” and substitute “Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee”; and in line 17, after “Act” insert “:

(1) within 60 calendar days after the date that the Department releases the request for proposals for administration of health care benefits under the State Employee and Retiree Health and Welfare Benefits Program; and

(2) on or before February 1, 2016”.

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

Senate Bill 632 – Senator King

AN ACT concerning

State Brain Injury Trust Fund

SB0632/267975/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 632

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator King” and substitute “Senators King, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Ramirez, and Pugh”; and strike beginning with “altering” in line 10 down through “Fund;” in line 12.

On page 2, strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 2

On page 4, strike beginning with “**MOTOR**” in line 1 down through “**(2)**” in line 4; and in lines 5 and 6, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively.

On pages 5 and 6, strike in their entirety the lines beginning with line 28 on page 5 through line 23 on page 6, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 634 – Senators Peters, Currie, DeGrange, Glassman, Kittleman, Klausmeier, and Robey

AN ACT concerning

Commercial Law – Self-Service Storage Facilities

SB0634/187973/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 634

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 5 down through “lien;” in line 6; in line 18, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; and in line 19, after “stylistic” insert “and clarifying”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 11, inclusive.

On page 2 in lines 12, 16, 18, 21, and 27 and on page 3 in lines 1 and 4, in each instance, strike the brackets.

On page 2, in lines 12, 16, 18, 21, and 27, strike “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively.

On page 3, in lines 1 and 4, strike “(I)” and “(J)”, respectively; and in line 7, strike “(K)” and substitute “(J)”.

On page 4, in line 24, strike “(I)”; in line 27, strike “OR IN ANY OTHER COMMERCIALLY REASONABLE MANNER”; and strike in their entirety lines 28 through 30, inclusive.

The preceding 2 amendments were read only.

Senator Frosh 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:

Senate Bill 686 – Senator Garagiola

AN ACT concerning

Family Investment Program – Earned Income Disregard Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #19**

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

Senate Bill 372 – Senator Robey

AN ACT concerning

**Health Occupation Boards – Criminal History Records Checks – General
Authority**

SB0372/604732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 372

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Act;” insert “prohibiting a health occupation board from requiring certain applicants to submit certain fingerprints under certain circumstances; providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

**“(3) (I) IF A HEALTH OCCUPATION BOARD ADOPTS
REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY
NOT REQUIRE AN APPLICANT TO SUBMIT AN ADDITIONAL SET OF FINGERPRINTS
AFTER A SET HAS BEEN SUBMITTED UNDER SUBSECTION (C)(1)(I) OF THIS
SECTION.**

**(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO
PROHIBIT A HEALTH OCCUPATION BOARD FROM REQUIRING A LICENSEE OR
CERTIFICATE HOLDER TO HAVE AN ADDITIONAL CRIMINAL HISTORY RECORDS
CHECK, FOR GOOD CAUSE, AT THE BOARD’S EXPENSE.”.**

The preceding 2 amendments were read only.

Senator Middleton 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 459 – Senators Conway and Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Provision of Services Without Supervision

SB0459/304838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 459

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Without Supervision” and substitute “at a Community–Based Health Fair”; and in line 5, strike “in any setting;” and substitute “without compensation at certain community–based health fairs; requiring the Board of Dental Examiners, in consultation with the Department of Health and Mental Hygiene’s Office of Oral Health, to develop a certain form; requiring a certain dental hygienist to complete and submit a certain form to the Office of Oral Health under certain circumstances; defining a certain term:”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“(A) IN THIS SECTION, “COMMUNITY–BASED HEALTH FAIR” MEANS A HEALTH SERVICE EVENT THAT OFFERS PRIMARY HEALTH CARE SERVICES TO AN INDIVIDUAL FOR FREE OR USING A SLIDING FEE SCHEDULE THAT IS SPONSORED BY:

(1) THE FEDERAL, THE STATE, OR A LOCAL GOVERNMENT;

(2) A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

(3) A NONPROFIT COMMUNITY ORGANIZATION THAT HAS THE STATED PURPOSE OF PROVIDING HEALTH SERVICES TO THE DISADVANTAGED.”;

in line 16, before “NOTWITHSTANDING” insert “(B)”; in line 17, after “PROVIDE” insert “WITHOUT COMPENSATION”; in line 18, strike “IN ANY SETTING” and substitute “AT A COMMUNITY-BASED HEALTH FAIR”; in line 19, strike “ORAL HEALTH AND WELLNESS ASSESSMENTS” and substitute “A PRELIMINARY DENTAL EXAMINATION, INCLUDING CHARTING ANY CAVITIES, RESTORATIONS, OR MISSING TEETH”; in line 20, strike “DENTAL HYGIENE” and substitute “ORAL HEALTH”; and in line 21, strike “A REFERRAL TO A DENTAL HOME” and substitute “TAKING BLOOD PRESSURE, PULSE RATE, RESPIRATION RATE, HEIGHT, AND WEIGHT”.

AMENDMENT NO. 3

On page 2, in line 1, strike “FLUORIDE VARNISH TREATMENTS” and substitute “REFERRALS TO A DENTAL HOME, INCLUDING PROVIDING A PATIENT WITH A LIST OF CLINICAL PUBLIC HEALTH FACILITIES”; and after line 1, insert:

“(C) (1) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT’S OFFICE OF ORAL HEALTH, SHALL DEVELOP A STANDARD FORM TO BE USED BY A DENTAL HYGIENIST WHO PERFORMS THE SERVICES AUTHORIZED UNDER THIS SECTION AT A COMMUNITY-BASED HEALTH FAIR.

(2) A DENTAL HYGIENIST WHO PERFORMS SERVICES IN ACCORDANCE WITH THIS SECTION SHALL:

(I) FILL OUT THE FORM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR EACH PATIENT WHO RECEIVED SERVICES FROM THE DENTAL HYGIENIST; AND

(II) SUBMIT THE COMPLETED FORM TO THE OFFICE OF ORAL HEALTH.”.

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 460 – Senators Conway and Middleton

AN ACT concerning

Health Occupations – Physician Assistants – Authority to Practice

SB0460/574030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 460

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 26 down through “assistant;” in line 30.

On page 2, in line 17, after “4–212(a),” insert “and”; in the same line, strike “, 10–620(a), and 10–622(a)”; strike beginning with “5–611(a)” in line 28 down through “10–628” in line 29 and substitute “and 5–611(a) and (b)”.

AMENDMENT NO. 2

On pages 10 through 13, strike in their entirety the lines beginning with line 32 on page 10 through line 34 on page 13, 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 with amendments:

Senate Bill 501 – Senator Conway

AN ACT concerning

State Board of Nursing – Licensure by Endorsement – Clinical Experience

SB0501/294839/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 501

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “applications” insert “and certain evidence of active nursing practice”; in line 7, after “circumstances,” insert “authorizing the Board to deny certain licenses to certain applicants;”; and in line 10, after “termination” insert “of certain provisions”.

AMENDMENT NO. 2

On page 2, after line 20, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

8–307.”;

in line 21, after “(C)” insert “(1)”; in lines 27 and 31, strike “(1)” and “(3)”, respectively, and substitute “(I)”, and “(II)”, respectively; strike in their entirety lines 29 and 30; in line 32, strike “**1,000 HOURS OF**”; and in the same line, strike “**WITHIN THE**”.

On page 3, in line 1, strike “**12–MONTH PERIOD IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION**” and substitute “AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION”; strike in their entirety lines 3 and 4, and substitute:

“(III) OTHERWISE MEETS THE REQUIREMENTS OF THIS SECTION.

(2) (I) AN APPLICANT APPLYING FOR A REGISTERED NURSE LICENSE UNDER THIS SUBSECTION SHALL SUBMIT EVIDENCE OF COMPLETING 1,000 HOURS OF ACTIVE PRACTICE AS A REGISTERED NURSE WITHIN THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

(II) AN APPLICANT APPLYING FOR A LICENSED PRACTICAL NURSE LICENSE UNDER THIS SUBSECTION SHALL SUBMIT EVIDENCE OF COMPLETING 1,000 HOURS OF ACTIVE PRACTICE AS A LICENSED PRACTICAL NURSE WITHIN THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.

(3) IF AN APPLICANT APPLYING FOR A LICENSE UNDER THIS SUBSECTION HAS BEEN DISCIPLINED IN ANOTHER STATE OR COUNTRY FOR AN ACT THAT WOULD BE A VIOLATION UNDER § 8-316(A) OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO THE APPLICANT.”;

in line 5, strike “(D)” and substitute “(4)”; in the same line, after “IMPLEMENT” insert “THIS”; in line 6, strike “(C) OF THIS SECTION”; in lines 7 and 14, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively; in line 12, strike “§ 8-307” and substitute “§ 8-307(c)”; in line 13, strike “1” and substitute “2”; in the same line, after “Act” insert “, between October 1, 2013, and October 1, 2016, and between October 1, 2016, and October 1, 2018, respectively”; in line 15, strike “It” and substitute “Section 2 of this Act”; and in line 16, after “Assembly,” insert “Section 2 of”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 690 – Senator Montgomery

AN ACT concerning

**Maryland Board of Physicians – Failure to Renew a License or
Misrepresentation as a Licensed Person – Penalties**

SB0690/834930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 690

(First Reading File Bill)

On page 2, in line 32, strike the brackets; and in the same line, strike “**(4)(I)**”.

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 761 – Senator Montgomery**EMERGENCY BILL**

AN ACT concerning

Health Occupations – State Board of Pharmacy – Waivers – Pharmacies That Only Dispense DevicesFavorable 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 781 – Senator Conway

AN ACT concerning

Pharmacists – Biosimilar Biological Products – Substitutions**SB0781/124936/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 781

(First Reading File Bill)

On page 4, in line 30, strike “FOR THE USE”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #20**

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

Senate Bill 261 – Senators Young, Garagiola, Kittleman, and Montgomery

AN ACT concerning

**State Government – Administrative Procedure Act – Effective Date of
Adopted Regulations**

SB0261/294630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 261

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Montgomery” and substitute “, Montgomery, Benson, Dyson, Ferguson, Rosapepe, and Simonaire”.

AMENDMENT NO. 2

On page 2, in line 8, after “IF” insert “:

1.”;

and in line 9, after “LAW;” insert:

“2. THE REGULATION RELATES TO AIR QUALITY
STANDARDS;

3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION IS REQUIRED BY STATE LAW TO ADOPT THE REGULATION ON OR BEFORE A SPECIFIED DATE WITHIN 12 MONTHS AFTER THE LAW’S EFFECTIVE DATE;

4. THE REGULATION RELATES TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15 OF THE HEALTH – GENERAL ARTICLE;

5. THE REGULATION RELATES TO THE IMPLEMENTATION OF FEDERAL HEALTH CARE REFORM UNDER THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT;

6. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FINDS THAT AN EARLIER EFFECTIVE DATE IS NECESSARY TO PROTECT THE HEALTH OR SAFETY OF THE RESIDENTS OF THE STATE; OR

7. THE REGULATION IS ADOPTED BY THE DEPARTMENT OF NATURAL RESOURCES;”.

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 433 – Senators Ferguson, Colburn, Klausmeier, Madaleno, Shank, and Young

AN ACT concerning

Task Force to Study the Establishment of Charter Schools for Adult Education

SB0433/314330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 433

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Charter” in line 2 down through “Education” in line 3 and substitute “Educational Programs for Adult Learners”; strike beginning with “Charter” in line 4 down through “Education” in line 5 and substitute “Educational Programs for Adult Learners”; and in line 13, strike “Charter Schools for Adult Education” and substitute “Educational Programs for Adult Learners”.

AMENDMENT NO. 2

On page 1, strike beginning with “Charter” in line 16 down through “Education” in line 17 and substitute “Educational Programs for Adult Learners”.

On page 2, in line 23, strike “charter schools for adult education” and substitute “educational programs for adult learners”; strike beginning with “charter” in line 24 down through “education” in line 25 and substitute “educational programs for adult learners”; and in lines 27 and 28, strike beginning with “a” in line 27 down through “education” in line 28 and substitute “educational programs for adult learners”.

On page 3, strike in their entirety lines 1 through 3, inclusive; after line 3, insert:

“(ii) a funding source for educational programs for adult learners”;

strike beginning with “admitted” in line 5 down through “education” in line 6 and substitute “able to access public primary and secondary education funding for educational programs for adult learners”; in lines 8, 10, and 14, in each instance, strike “charter schools for adult education” and substitute “educational programs for adult learners”; and strike beginning with “a” in line 11 down through “education” in line 12 and substitute “an educational program for adult learners”.

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 547 – Senators Middleton and Frosh

AN ACT concerning

Natural Resources – Nuisance Organisms – Penalties

SB0547/204539/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 547

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “regulation;” insert “establishing a certain total maximum fine for offenses arising out of the same enforcement action;”.

AMENDMENT NO. 2

On page 2, in line 4, after “OFFENSE” insert “, BUT NOT EXCEEDING A TOTAL OF \$25,000 FOR OFFENSES ARISING OUT OF THE SAME ENFORCEMENT ACTION”.

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 957 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Banquet Facility 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 1004 – Calvert County Senators

AN ACT concerning

Calvert County – Alcoholic Beverages – Sunday Sales

Senator Dyson moved, duly seconded, to make the Bill and Report a Special Order for March 12, 2013.

The motion was adopted.

INTRODUCTION OF BILLS

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.

The motion was adopted.

Senate Bill 1061 – Senator Klausmeier

AN ACT concerning

**Maryland Consolidated Capital Bond Loan of 2006 – Baltimore County –
Perry Hall Mansion**

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to change the name of a certain grantee; providing that a certain grant may not terminate before a certain date; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2006.

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

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.

The motion was adopted.

Senate Bill 1062 – Senator Muse

AN ACT concerning

Condominiums and Homeowners Associations – Attorney’s Fees

FOR the purpose of prohibiting a governing body of a homeowners association or council of unit owners of a condominium from demanding, collecting, or seeking to recover attorney’s fees from a lot owner or unit owner unless the amount of the attorney’s fees is reasonable in relation to the amount in controversy or the nature of a certain violation; establishing that, in a certain action against a lot owner or unit owner, there is a certain rebuttable presumption that attorney’s fees sought are reasonable; authorizing, in a certain action, the court or lot owner or unit owner to challenge the rebuttable presumption established under this Act; establishing that, if a challenge to the presumption under this Act is made, the governing body or council of unit owners bears a certain evidentiary burden; establishing that the Maryland Contract Lien Act does not apply to certain matters under certain circumstances; and generally relating to the recovery of attorney’s fees by condominiums and homeowners associations.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110(d)(1) and 14–202
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Real Property
Section 11–110.1 and 11B–117.1
Annotated Code of Maryland
(2010 Replacement Volume and 2012 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. 475)

ADJOURNMENT

At 9:19 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 12, 2013.

**Annapolis, Maryland
Tuesday, March 12, 2013
10:00 A.M. Session**

The Senate met at 10:08 A.M.

Prayer by Reverend Paul C. Sparklin, St. Elizabeth Ann Seton Catholic Parish, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of March 11, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 480)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 512 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Links, Incorporated
in recognition of
your 2013 “Links at the Legislature” in Annapolis. We commend your outstanding
work on behalf of the citizens
of Maryland to reduce childhood obesity, eliminate school bullying and increase
financial literacy for all children.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 12th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 481)

LAID OVER BILLS

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

Senate Bill 327 – Senator Gladden

AN ACT concerning

Elections for Judges of the Orphans' Courts – Nonpartisan Elections

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0327/424731/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 327

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “change;” in line 11 and substitute “clarifying that the requirements for party affiliation for a candidate for office do not apply to a candidate for judge of the orphans’ court; requiring that a certificate of candidacy for judge of the orphans’ court be filed with the State Board of Elections; providing that a certain provision of law prohibiting the name of a certain candidate from appearing on a certain ballot does not apply to a candidate for judge of the orphans’ court; altering the order in which offices to be voted on appear on a ballot; requiring that the names of candidates for judge of the orphans’ court be placed on the ballot without a party label or other indication of party affiliation;”; in line 12, strike “nomination and”; and in line 16, strike “5–703(a), 5–703.1(a), and 9–210(a)” and substitute “5–302, 5–706, and 9–210(a) and (g)”.

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

AMENDMENT NO. 2

On page 2, in line 16, after “office” insert “, INCLUDING JUDGE OF THE ORPHANS’ COURT”; in the same line, in each instance, strike the brackets; strike beginning with the semicolon in line 17 down through “COURT” in line 18; and after line 24, insert:

“5–302.

(a) A certificate of candidacy shall be filed under oath on the prescribed form.

(b) The certificate of candidacy shall be filed with the State Board if the candidacy is for:

(1) an office to be voted upon by the voters of the entire State;

(2) the General Assembly of Maryland;

(3) Representative in Congress;

(4) the office of judge of the circuit court for a county; [or]

(5) THE OFFICE OF JUDGE OF THE ORPHANS’ COURT FOR A COUNTY; OR

[(5)](6) an office of elected delegate to a presidential national convention provided for under Title 8, Subtitle 5 of this article.

(c) (1) If the candidacy is for an office other than an office described in subsection (b) of this section, the certificate of candidacy shall be filed with the local board of the applicable county.

(2) In accordance with regulations adopted by the State Board, each local board shall provide the name and other required information for each candidate to the State Board.

5–706.

(a) This section does not apply to:

(1) a candidate for the office of judge of the circuit court;

(2) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE ORPHANS’ COURT;

[(2)](3) a candidate selected by a political party to fill a vacancy in nomination under Subtitle 9 or Subtitle 10 of this title; or

[(3)](4) a candidate defeated in a presidential preference primary.

(b) The name of a candidate who is defeated for the nomination for a public office may not appear on the ballot at the next succeeding general election as a candidate for any office.”.

On pages 2 through 5, strike in their entirety the lines beginning with line 25 on page 2 through line 13 on page 5, inclusive.

On page 6, in line 12, after “(i)” insert “**JUDGE OF THE ORPHANS’ COURT;**

(II)”;

in line 13, strike “(ii)” and substitute “**(III)**”; strike beginning with “judge” in line 23 down through “(vi)” in line 24; and in line 25, strike “(vii)” and substitute “**(VI)**”.

On page 7, in line 2, strike “**OTHER**”; and after line 2, insert:

“(g) (1) Except for contests for judicial office or an office to be filled by nonpartisan election, the party affiliation of a candidate who is a nominee of a political party shall be indicated on the ballot.

(2) (i) A candidate who is not a nominee of a political party or affiliated with a partisan organization shall be designated as an “unaffiliated”.

(ii) A candidate who is affiliated with a partisan organization shall be designated under “other candidates”.

(3) The names of candidates for judge of the circuit court, **JUDGE OF THE ORPHANS’ COURT**, or for a county board of education, and the names of incumbent appellate judges, shall be placed on the ballot without a party label or other distinguishing mark or location which might indicate party affiliation.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 634 – Senators Peters, Currie, DeGrange, Glassman, Kittleman, Klausmeier, and Robey

AN ACT concerning

Commercial Law – Self-Service Storage Facilities

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0634/187973/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 634

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “altering” in line 5 down through “lien;” in line 6; in line 18, after “defining” insert “a”; in the same line, strike “terms” and substitute “term”; and in line 19, after “stylistic” insert “and clarifying”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 11, inclusive.

On page 2 in lines 12, 16, 18, 21, and 27 and on page 3 in lines 1 and 4, in each instance, strike the brackets.

On page 2, in lines 12, 16, 18, 21, and 27, strike “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively.

On page 3, in lines 1 and 4, strike “(I)” and “(J)”, respectively; and in line 7, strike “(K)” and substitute “(J)”.

On page 4, in line 24, strike “(I)”; in line 27, strike “OR IN ANY OTHER COMMERCIALLY REASONABLE MANNER”; and strike in their entirety lines 28 through 30, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 372 – Senator Robey

AN ACT concerning

Health Occupation Boards – Criminal History Records Checks – General Authority

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0372/604732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 372

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Act;” insert “prohibiting a health occupation board from requiring certain applicants to submit certain fingerprints under certain circumstances; providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“(3) (I) IF A HEALTH OCCUPATION BOARD ADOPTS REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT REQUIRE AN APPLICANT TO SUBMIT AN ADDITIONAL SET OF FINGERPRINTS AFTER A SET HAS BEEN SUBMITTED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION.

(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT A HEALTH OCCUPATION BOARD FROM REQUIRING A LICENSEE OR CERTIFICATE HOLDER TO HAVE AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK, FOR GOOD CAUSE, AT THE BOARD’S EXPENSE.”.

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2013.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 18 – Senator Young

AN ACT concerning

Public Safety – Building Codes – Balcony Inspections (Jonathan’s Law)

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

FLOOR AMENDMENT

SB0018/473424/1

BY: Senator Young

AMENDMENTS TO SENATE BILL 18

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike “by certain professional inspectors”; in line 8, strike “, in certain circumstances,”; and in line 14, after “date;” insert “providing that this Act does not require a political subdivision to inspect a certain balcony more than once within a certain period of time;”.

AMENDMENT NO. 2

On page 3, in line 29, strike “BY A PROFESSIONAL INSPECTOR”.

On page 4, strike beginning with “IN” in line 12 down through the comma in line 13.

On page 6, strike beginning with the comma in line 26 down through “Act” in line 28; after line 28, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not require a political subdivision that conducts balcony inspections before the effective date of this Act to alter its method of conducting inspections, but any change to balcony inspection methods made on or after October 1, 2013, must comply with this Act.”;

and in line 29, strike “4.” and substitute “5.”.

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0018/943821/1

BY: Senator Young

AMENDMENT TO SENATE BILL 18

(Bill as Printed for Third Reading)

On page 2, in line 9, after “(3)” insert “(I)”; in lines 11, 12, 13, 14, 15, 16, 17, and 18, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, “5.”, “6.”, “7.”, and “8.”, respectively; and after line 18, insert:

“(II) “MULTIFAMILY DWELLING” DOES NOT INCLUDE:

1. A CONDOMINIUM, AS DEFINED IN § 11-101 OF THE REAL PROPERTY ARTICLE; OR

2. A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1004 – Calvert County Senators

AN ACT concerning

Calvert County – Alcoholic Beverages – Sunday Sales

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

Senator Dyson moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2013.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 482)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 631 – Senators King, DeGrange, Forehand, Garagiola, Klausmeier, Manno, Miller, and Peters

AN ACT concerning

Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

Senator Kasemeyer moved, duly seconded, to place **Senate Bill 631** back on second reading for the purpose of adding amendments.

The motion was adopted.

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

Senator Kasemeyer moved, duly seconded, to make the Bill a Special Order for March 13, 2013.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

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

Senate Bill 160 – Senators Frosh, Brochin, Gladden, Raskin, and Stone**EMERGENCY BILL**

AN ACT concerning

**Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable
Presumption**

SB0160/798879/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 160

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Manno”; in line 6, after “dog;” insert “providing that the presumption may not be rebutted as a matter of law; providing that the presumption may be rebutted by certain clear and convincing evidence;”.

On page 2, in line 20, strike “No. 53, September Term 2011” and substitute “427 Md. 627 (2012)”.

AMENDMENT NO. 2

On page 1, in line 22, after “(A)” insert “(1)”.

On page 2, after line 2, insert:

“(2) NOTWITHSTANDING ANY OTHER LAW OR RULE, THE PRESUMPTION MAY NOT BE REBUTTED AS A MATTER OF LAW.

“(3) THE PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE OWNER DID NOT KNOW AND SHOULD NOT HAVE KNOWN THAT THE DOG HAD VICIOUS OR DANGEROUS PROPENSITIES.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings and Senator Kasemeyer, Chair, for the Committee on Budget and Taxation reported favorably:

**Senate Bill 239 – The President (By Request – Maryland Judiciary) and
Senators Garagiola and Pipkin**

AN ACT concerning

Judgeships – Court of Special Appeals, Circuit Courts, and District Court

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 262 – Chair, Judicial Proceedings Committee (By Request –
Maryland Judicial Conference)**

AN ACT concerning

Task Force to Study Implementing a Civil Right to Counsel in Maryland

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 408 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Special Deputy Sheriffs – Insurance Coverage

SB0408/508772/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 408

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Insurance Coverage”; and strike beginning with “establishing” in line 3 down through “duties” in line 5 and substitute “specifying that the duties to which the Sheriff of Washington County is required to assign special deputy sheriffs include certain duties; making the provision of county liability insurance to a special deputy sheriff discretionary, rather than mandatory; repealing a certain limitation on the provision of county liability insurance”.

AMENDMENT NO. 2

On page 2, in line 5, after “county” insert “, INCLUDING:”

A. PERFORMING A VEHICLE TRAFFIC STOP RESULTING FROM THE SPECIAL DEPUTY SHERIFF’S OBSERVATION THAT THE OPERATION OF THE VEHICLE ENDANGERED HUMAN LIFE;

B. STABILIZING A TRAFFIC SITUATION THAT IS ENDANGERING HUMAN LIFE;

C. STABILIZING AN EMERGENCY SITUATION THAT INVOLVES THE POTENTIAL FOR LOSS OF HUMAN LIFE, BODILY INJURY, OR DAMAGE TO PROPERTY;

D. RESPONDING AS AN INITIAL RESPONDER OR AN EMERGENCY RESPONDER AFTER BEING DISPATCHED BY THE WASHINGTON COUNTY EMERGENCY COMMUNICATIONS CENTER TO A LOCATION OUTSIDE THE SPECIAL DEPUTY SHERIFF’S JURISDICTION BUT WHICH THE EMERGENCY COMMUNICATIONS CENTER BELIEVED WAS IN THE SPECIAL DEPUTY SHERIFF’S JURISDICTION;

E. RESPONDING TO AN EMERGENCY UNDER A MUTUAL AID AND ASSISTANCE AGREEMENT TO WHICH A MUNICIPALITY AND THE WASHINGTON COUNTY SHERIFF’S OFFICE ARE PARTIES AND WHICH IS IN EFFECT AT THE TIME OF THE RESPONSE OR UNDER A MUTUAL AID AGREEMENT UNDER § 2-105 OF THE CRIMINAL PROCEDURE ARTICLE IF THE SPECIAL DEPUTY SHERIFF IS IN COMPLIANCE WITH THE AGREEMENT;

F. SERVING ON A TASK FORCE THAT IS JOINTLY OPERATED BY A MUNICIPAL POLICE DEPARTMENT AND THE WASHINGTON COUNTY SHERIFF'S OFFICE; OR

G. SERVING ON A SPECIAL RESPONSE TEAM THAT HAS BEEN ACTIVATED FOR A RESPONSE OUTSIDE THE SPECIAL DEPUTY SHERIFF'S JURISDICTION".

On pages 2 and 3, strike beginning with "AND" in line 13 on page 2 down through "JURISDICTION" in line 6 on page 3.

On page 3, in line 7, strike "(II)4" and substitute "(II)1".

AMENDMENT NO. 3

On page 2, in line 11, strike "shall" and substitute "MAY"; and strike beginning with "only" in line 12 down through "sheriff" in line 13.

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 419 – Senators Frosh, Conway, Gladden, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

**Civil Actions – Examination in Aid of Enforcement – Procedure After Arrest
for Failure to Appear**

SB0419/818973/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 419

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Rosapepe” and substitute “Rosapepe, and Muse”; in line 5, after the second “to” insert “answer interrogatories or to”; in line 8, strike “certain”; and in the same line, after “determination” insert “of certain conditions of release; specifying the conditions of release that may be imposed under certain circumstances”.

AMENDMENT NO. 2

On page 1, in line 22, after “TO” insert “ANSWER INTERROGATORIES OR TO”.

On page 2, in line 10, after “to” insert “answer interrogatories or to”.

AMENDMENT NO. 3

On page 1, in line 20, before “AN” insert “(A)”.

On page 2, after line 7, insert:

“(B) IF A JUDICIAL OFFICER DETERMINES THAT THE INDIVIDUAL SHOULD BE RELEASED ON OTHER THAN PERSONAL RECOGNIZANCE WITHOUT ANY ADDITIONAL CONDITIONS, THE JUDICIAL OFFICER SHALL IMPOSE ON THE INDIVIDUAL THE LEAST ONEROUS CONDITION OR COMBINATION OF CONDITIONS THAT WILL REASONABLY ENSURE THE APPEARANCE OF THE INDIVIDUAL AS REQUIRED.”.

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 637 – Carroll County Senators

AN ACT concerning

**Courts and Judicial Proceedings – Circuit Court for Carroll County – Fees
for Appearance of Counsel**

SB0637/778173/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 637
(First Reading File Bill)

On page 3, in line 20, strike “**COURT OF SPECIAL APPEALS OR**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

**Senate Bill 640 – Senators Frosh, Brochin, Forehand, Getty, Gladden, Muse,
Raskin, Stone, and Zirkin**

AN ACT concerning

**Civil Cases – Maryland Legal Services Corporation Fund – Surcharges –
Repeal of Termination Date**

Favorable report 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:

Senate Bill 228 – Senators Frosh, Montgomery, Raskin, and Young

AN ACT concerning

**Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of
Limitations**

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 297 – Senator Zirkin

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimis Quantity

SB0297/178774/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 297

(First Reading File Bill)

On page 2, in line 18, strike “1.”.

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendment 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 441 – Senators Gladden, Currie, Forehand, Frosh, Ramirez, Stone, and Zirkin

AN ACT concerning

Correctional Training Commission – Correctional Officer Members

SB0441/158471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 441

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, and Shank”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Correctional Officer”; in line 3, strike “requiring that certain members” and substitute “altering the membership”; and strike beginning with “be” in line 4 down through “Governor” in line 7.

AMENDMENT NO. 3

On page 1, in line 18, strike “14”; and after line 23, insert:

“(4) A REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE SERVICES, DESIGNATED BY THE SECRETARY OF JUVENILE SERVICES;”.

On page 2, in lines 1, 2, 4, 5, 6, 8, 9, and 12, strike “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively, and substitute “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, and “**(13)**”, respectively; in line 11, strike “and”; after line 11, insert:

“(12) ONE CORRECTIONAL OFFICER OF THE STATE RECOMMENDED BY THE EXCLUSIVE REPRESENTATIVE FOR THE OFFICERS COVERED UNDER TITLE 10, SUBTITLE 9 OF THIS ARTICLE AND APPOINTED BY THE GOVERNOR; AND”;

in lines 12, 17, and 18, in each instance, strike the brackets; and strike beginning with “RECOMMENDED” in line 12 down through “AND” in line 14.

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 473 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Children – Records Access

SB0473/938676/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 473

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “the” insert “Office of Youth Violence Prevention in the”; in lines 6, 8, 10, 12, 14, and 18, in each instance, after “the” insert “Office of Youth Violence Prevention in the”; and in line 16, after “purposes,” insert “providing that the Office of Youth Violence Prevention in the Baltimore City Department of Health and the Baltimore City Mayor’s Office on Criminal Justice are liable for certain unauthorized releases;”.

On page 2, in line 3, after “Section” insert “1-202(b-1) and”.

AMENDMENT NO. 2

On page 2, in line 25, after the semicolon, insert “OR”.

On page 2 in line 26 and on page 9 in lines 9 and 22, in each instance, after “**THE**” insert “**OFFICE OF YOUTH VIOLENCE PREVENTION IN THE**”.

On page 2 in line 27, on page 3 in lines 27 and 28, on page 6 in lines 9 and 11, on page 8 in lines 7, 9, 29, and 32, and on page 9 in line 14, in each instance, after “**THE**” insert “**OFFICE OF YOUTH VIOLENCE PREVENTION IN THE**”.

On page 3, strike beginning with “; **OR**” in line 9 down through “**SERVICES**” in line 14; and after line 16, insert:

“(4) (I) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL KEEP CONFIDENTIAL ANY INFORMATION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

“(II) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD REVIEWED UNDER PARAGRAPH (2) OF THIS SUBSECTION.”.

On page 6, after line 30, insert:

“(9) (I) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL KEEP CONFIDENTIAL ANY INFORMATION PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION.

(II) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION.

(10) (I) THE BALTIMORE CITY MAYOR’S OFFICE ON CRIMINAL JUSTICE SHALL KEEP CONFIDENTIAL ANY INFORMATION PROVIDED UNDER PARAGRAPH (8) OF THIS SUBSECTION.

(II) THE BALTIMORE CITY MAYOR’S OFFICE ON CRIMINAL JUSTICE SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD PROVIDED UNDER PARAGRAPH (8) OF THIS SUBSECTION.”.

On page 8, after line 20, insert:

“(B-1) (1) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL KEEP CONFIDENTIAL ANY INFORMATION PROVIDED UNDER SUBSECTION (B)(4) OF THIS SECTION.

(2) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A REPORT OR RECORD PROVIDED UNDER SUBSECTION (B)(4) OF THIS SECTION.”.

On page 9, in line 9, after “(2)” insert “(I)”; after line 11, insert:

“(II) THE OFFICE OF YOUTH VIOLENCE PREVENTION IN THE BALTIMORE CITY HEALTH DEPARTMENT SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A RECORD PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”;

in lines 24 and 31, in each instance, strike “AND”; in line 27, strike the period and substitute “; AND”; and after line 27, insert:

“(III) SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A RECORD PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

On page 10, in line 4, strike the period and substitute “**; AND**”; and after line 4, insert:

“(III) SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A RECORD PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 536 – Senators Shank and Zirkin

AN ACT concerning

Department of Juvenile Services – Graduated Responses – Report

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 580 – Senator Raskin

AN ACT concerning

Medical Marijuana – Caregiver – Affirmative Defense

SB0580/768275/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 580
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike “, at least a certain number of days before trial,”; and in line 11, after “documentation” insert “in accordance with certain rules of discovery”.

AMENDMENT NO. 2

On page 3, in lines 28 and 29, strike “, AT LEAST 30 DAYS BEFORE TRIAL,”; and in line 32, after “DEFENSE” insert “IN ACCORDANCE WITH THE RULES OF DISCOVERY PROVIDED IN MARYLAND RULES 4-262 AND 4-263”.

On page 6, in lines 7 and 8, strike “, AT LEAST 30 DAYS BEFORE TRIAL,”; and in line 11, after “DEFENSE” insert “IN ACCORDANCE WITH THE RULES OF DISCOVERY PROVIDED IN MARYLAND RULES 4-262 AND 4-263”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

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

Senate Bill 458 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 477 – Senator Jones-Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Employment of Retirees – Required
Break in Service**

SB0477/369739/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 477

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after “employed” insert “on a certain basis”; in line 14, strike “27–406(b)” and substitute “27–406(a) and (b)”; and in line 19, strike “27–406(a),”.

On page 2, in line 7, strike “and (b)”; and after line 10, insert:

“BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 27–406(b)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

(As enacted by Chapter 688 of the Acts of the General Assembly of 2010)”.

AMENDMENT NO. 2

On page 2, strike beginning with “AND” in line 29 down through “EMPLOYER” in line 30; and in line 31, after “retired” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS, BY:”

(1) THE STATE OR OTHER PARTICIPATING EMPLOYER; OR

**(2) A WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT, IF THE
RETIREE WAS AN EMPLOYEE OF THE WITHDRAWN PARTICIPATING
GOVERNMENTAL UNIT WHILE THE WITHDRAWN GOVERNMENTAL UNIT WAS A
PARTICIPATING EMPLOYER”.**

On page 5, strike beginning with “AND” in line 14 down through “EMPLOYER” in line 15; and in line 16, after “retired” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS, BY:”

(1) THE STATE OR OTHER PARTICIPATING EMPLOYER; OR

(2) A WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT, IF THE RETIREE WAS AN EMPLOYEE OF THE WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT WHILE THE WITHDRAWN GOVERNMENTAL UNIT WAS A PARTICIPATING EMPLOYER”.

On page 7, strike beginning with “A” in line 27 down through “basis” in line 29 and substitute “AN INDIVIDUAL WHO IS RECEIVING A SERVICE RETIREMENT ALLOWANCE UNDER THIS TITLE”; and in line 29, after “EMPLOYED” insert “BY THE STATE OR OTHER PARTICIPATING EMPLOYER ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS”.

On page 8, strike beginning with “AND” in line 8 down through “EMPLOYER” in line 9; in line 10, after “retired” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS, BY:”

(1) THE STATE OR OTHER PARTICIPATING EMPLOYER; OR

(2) A WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT, IF THE RETIREE WAS AN EMPLOYEE OF THE WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT WHILE THE WITHDRAWN GOVERNMENTAL UNIT WAS A PARTICIPATING EMPLOYER”;

strike beginning with “AND” in line 32 down through “EMPLOYER” in line 33; and in line 34, after “retired” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS, BY:”

(1) THE STATE OR OTHER PARTICIPATING EMPLOYER; OR

(2) A WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT, IF THE RETIREE WAS AN EMPLOYEE OF THE WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT WHILE THE WITHDRAWN GOVERNMENTAL UNIT WAS A PARTICIPATING EMPLOYER”.

On page 9, in line 17, strike “A” and substitute “SUBJECT TO SUBSECTION (B) OF THIS SECTION, A”; and in line 26, after “EMPLOYER” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS”.

On page 10, strike beginning with “AND” in line 5 down through “EMPLOYER” in line 6; in line 6, after “EMPLOYED” insert “BY THE STATE OR OTHER PARTICIPATING EMPLOYER ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS”; strike beginning with “AND” in line 14 down through “EMPLOYER” in line 15; in line 16, after “RETIRED” insert “, ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS BY:

(1) THE STATE OR OTHER PARTICIPATING EMPLOYER; OR

(2) A WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT, IF THE RETIREE WAS AN EMPLOYEE OF THE WITHDRAWN PARTICIPATING GOVERNMENTAL UNIT WHILE THE WITHDRAWN GOVERNMENTAL UNIT WAS A PARTICIPATING EMPLOYER”;

and in line 26, strike “A” and substitute “SUBJECT TO SUBSECTION (E) OF THIS SECTION, A”.

On page 11, in line 2, after “EMPLOYER” insert “ON A PERMANENT, TEMPORARY, OR CONTRACTUAL BASIS”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 506 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Technology–Related Businesses – Payment in Lieu of Taxes Agreements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 508 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 516 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Economic Development – Baltimore Convention Facility – Operating Deficits

SB0516/159736/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 516

(First Reading File Bill)

On page 1, in the sponsor line, after “Administration)” insert “and Senators Conway, Ferguson, McFadden, and Pugh”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 588 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 613 – Senator Klausmeier

AN ACT concerning

Income Tax – Electronic Filing – Designation to Purchase Federal Savings Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 633 – Senators Peters, Brinkley, and Currie

AN ACT concerning

Libraries – County Library Capital Project Grant – Wealth-Based Cost Share

SB0633/169434/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 633

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Currie” and substitute “Currie, Colburn, Edwards, Jones–Rodwell, King, Manno, McFadden, and Muse”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 656 – Senator Miller

AN ACT concerning

Calvert County – Property Tax – Natural Gas Facility

Senator Dyson moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2013.

The motion was adopted.

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

Senate Bill 674 – Senators Edwards and Mathias

AN ACT concerning

Employees' Pension System – Elected or Appointed Officials – Optional Membership

SB0674/969430/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 674

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Optional”; strike beginning with “providing” in line 4 down through “term;” in line 18 and substitute “prohibiting certain individuals who are serving in certain elected or appointed positions from being members of the Employees' Pension System while serving in those positions;”; in line 19, strike “optional”; strike in their entirety lines 21 through 25, inclusive; and in line 27, strike “the Laws of Maryland read as follows”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 28 on page 1 through line 17 on page 4, inclusive, and substitute:

“(a) This section applies to an individual:

(1) (i) who, on or after July 1, 2011, was serving as an elected or appointed official of a municipality that became a participating governmental unit on or after July 1, 2006, and remains in the same elected or appointed position on July 1, 2013;

(ii) for whom no member or employer contributions have been made with respect to the individual’s service as an elected or appointed official; and

(iii) who has not been enrolled in the Employees’ Pension System on or before June 30, 2013; or

(2) (i) who, on or after July 1, 2011, was serving as an orphans’ court judge in a county not required to provide a pension under § 2–108 of the Estates and Trusts Article and remains an orphans’ court judge on July 1, 2013;

(ii) for whom no member or employer contributions have been made with respect to the individual’s service as an orphan’s court judge; and

(iii) who has not been enrolled in the Employees’ Pension System on or before June 30, 2013.

(b) Notwithstanding any other provision of law to the contrary, an individual under subsection (a) of this section may not be a member of the Employees’ Pension System while in the position described in subsection (a) of this section.”.

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 370 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

**Garrett County – County Commissioners – Industrial Wind Energy
Conversion Systems**

SB0370/767171/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 370

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after the second “Act;” insert “providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and after line 27, insert:

“BY adding to

Article – Local Government

Section 13–706

Annotated Code of Maryland

(As enacted by Chapter (H.B. 472) of the Acts of the General Assembly of 2013)”.

AMENDMENT NO. 2

On page 2, in line 5, after “(2)” insert “(I)”; in line 8, strike “SYSTEM, INCLUDING” and substitute “SYSTEM.”

(II) UNLESS THE PROPERTY OWNER SPECIFIES OTHERWISE, “DECOMMISSIONING” INCLUDES THE REMOVAL AND LEGAL DISPOSAL OF;

in line 27, after “OF” insert “THE TOWER OF A WIND TURBINE IN”; and in line 28, strike “, COMMERCIAL, PUBLIC, OR AGRICULTURAL” and substitute “OR SCHOOL”.

On page 3, in line 10, after “PROPOSED” insert “WIND TURBINE IN AN INDUSTRIAL”; in line 11, after “PROPOSED” insert “INDUSTRIAL”; in line 15, strike

“A” and substitute “AN OCCUPANCY”; in line 19, after “A” insert “NET”; in line 20, after “SITE” insert “, LESS THE SALVAGE VALUE OF THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM”; and in line 23, strike “A” and substitute “AN ESTIMATED”.

On page 4, in line 1, after “A” insert “NET”; in line 2, strike “, WITHOUT REGARD TO SALVAGE VALUE,”; in line 3, after “SITE” insert “, LESS THE SALVAGE VALUE OF THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM”; in line 6, strike “SUBPARAGRAPH (I) OF THIS PARAGRAPH” and substitute “PARAGRAPH (1)(II) OF THIS SUBSECTION”; and in line 20, strike “180” and substitute “365”.

AMENDMENT NO. 3

On page 4, after line 31, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Local Government

13–706.

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

(2) (I) “DECOMMISSIONING” MEANS THE REMOVAL AND LEGAL DISPOSAL OF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM AND ANY OTHER COMPONENTS RELATED TO THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM.

(II) UNLESS THE PROPERTY OWNER SPECIFIES OTHERWISE, “DECOMMISSIONING” INCLUDES THE REMOVAL AND LEGAL DISPOSAL OF BUILDINGS, ROADS, CONCRETE, FENCING, GRAVEL, STONE, AND FOUNDATIONS TO A DEPTH OF 36 INCHES.

(3) “INDUSTRIAL WIND ENERGY CONVERSION SYSTEM” MEANS AN AGGREGATION OF PARTS, INCLUDING THE BASE, WIND TURBINE, GENERATOR, SUPPORTS, GUY WIRES, AND ACCESSORY EQUIPMENT IN A CONFIGURATION

NECESSARY TO CONVERT THE POWER OF WIND INTO MECHANICAL OR ELECTRICAL ENERGY THAT IS INTENDED FOR SALE TO ENERGY PROVIDERS THROUGH THE ELECTRIC TRANSMISSION GRID.

(4) “RESTORATION OF PAD SITE” MEANS, AT THE LOCATION OF THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM:

(I) STABILIZING, GRADING, AND SEEDING DISTURBED AREAS TO GROW GROUND COVER; AND

(II) REPLACING THE EXCAVATED FOUNDATION AREAS WITH TOPSOIL THAT:

1. IS FREE OF NOXIOUS WEEDS, ROCKS, ROOT MAT, OR FOREIGN OBJECTS LARGER THAN 2 INCHES IN SIZE; AND

2. HAS PROPER SOIL NUTRIENTS TO PROVIDE AND SUSTAIN THE GROWTH OF GROUND COVER.

(5) “SETBACK DISTANCE” MEANS THE DISTANCE MEASURED FROM THE BASE OF THE TOWER OF A WIND TURBINE IN AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM TO ANY RESIDENTIAL OR SCHOOL BUILDING IN ALL DIRECTIONS.

(6) “STRUCTURE HEIGHT” MEANS THE MEASUREMENT FROM GROUND LEVEL AT THE BASE OF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM TO THE HIGHEST POINT OF THE STRUCTURE OR THE HIGHEST POINT OF THE BLADE AT ITS GREATEST EXTENSION.

(7) “WIND TURBINE” MEANS THE TOWER, HUB, BLADES, AND NACELLE.

(B) THIS SECTION DOES NOT APPLY TO ANY INDUSTRIAL WIND ENERGY CONVERSION SYSTEM THAT HAS SUBMITTED AN INTERCONNECTION APPLICATION TO THE PJM INTERCONNECTION QUEUE BEFORE MARCH 1, 2013.

(C) (1) IN GARRETT COUNTY, EACH INDIVIDUAL INDUSTRIAL WIND ENERGY CONVERSION SYSTEM SHALL COMPLY WITH A MINIMUM SETBACK DISTANCE EQUAL TO NO LESS THAN TWO AND ONE-HALF TIMES THE STRUCTURE HEIGHT.

(2) ON WRITTEN AUTHORIZATION OF ALL PROPERTY OWNERS OF ADJOINING PARCELS TO A PROPOSED WIND TURBINE IN AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM, THE APPLICANT OF THE PROPOSED INDUSTRIAL WIND ENERGY CONVERSION SYSTEM MAY SEEK A VARIANCE WITH THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT OF UP TO 50% OF THE MINIMUM SETBACK DISTANCE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) BEFORE AN OCCUPANCY PERMIT IS ISSUED FOR AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM IN GARRETT COUNTY, THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT SHALL:

(I) AT THE APPLICANT'S EXPENSE, RETAIN AN INDEPENDENT AND CERTIFIED PROFESSIONAL ENGINEER TO PREPARE A NET COST ESTIMATE FOR DECOMMISSIONING AND RESTORATION OF THE PAD SITE, LESS THE SALVAGE VALUE OF THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM; AND

(II) REQUIRE THE APPLICANT TO POST A BOND EQUAL TO 100% OF THE COST ESTIMATE DETERMINED UNDER ITEM (I) OF THIS PARAGRAPH AND ADJUSTED BY AN ESTIMATED CONSTRUCTION PRICING INDEX TO ENSURE THAT COST INCREASES DURING THE FOLLOWING 5-YEAR INTERVAL WILL NOT DECREASE THE VALUE OF THE BOND.

(2) A BOND POSTED IN ACCORDANCE WITH PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE HELD BY THE GARRETT COUNTY FINANCE DEPARTMENT TO BE USED AS SURETY IN THE EVENT OF NONCOMPLIANCE WITH A REQUIREMENT UNDER THIS SECTION BY AN OWNER OF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM.

(3) (I) ON COMPLETION OF THE CONSTRUCTION OF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM IN GARRETT COUNTY, AND EVERY 10 YEARS THEREAFTER, THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT, AT THE APPLICANT'S EXPENSE, SHALL RETAIN AN INDEPENDENT CERTIFIED PROFESSIONAL ENGINEER TO PREPARE A NET COST ESTIMATE FOR DECOMMISSIONING AND RESTORATION OF THE PAD SITE, LESS THE SALVAGE VALUE OF THE INDUSTRIAL WIND ENERGY CONVERSION SYSTEM.

(II) THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT MAY ALTER THE AMOUNT OF THE BOND DETERMINED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION TO PROVIDE ADEQUATE SECURITY FOR THE COSTS OF DECOMMISSIONING AND RESTORATION OF THE PAD SITE.

(4) IF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM IN GARRETT COUNTY IS SOLD, THE BOND POSTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RELEASED IF THE NEW OWNER POSTS A BOND WITH THE GARRETT COUNTY FINANCE DEPARTMENT THAT:

(I) IS EQUAL TO THE AMOUNT OF THE BOND POSTED BY THE SELLER; OR

(II) IS A GREATER AMOUNT IF THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT DETERMINES THAT ADDITIONAL SECURITY IS NECESSARY TO PROVIDE FOR THE COST OF DECOMMISSIONING AND RESTORATION OF THE PAD SITE.

(5) (I) IF AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM IN GARRETT COUNTY HAS NOT GENERATED ELECTRICITY FOR A CONTINUOUS PERIOD OF 365 DAYS OR AN OWNER HAS ABANDONED AN INDUSTRIAL WIND ENERGY CONVERSION SYSTEM, THE GARRETT COUNTY DEPARTMENT OF PLANNING AND LAND DEVELOPMENT MAY REQUIRE THE OWNER TO DECOMMISSION AND RESTORE THE PAD SITE.

(II) IF THE OWNER FAILS TO COMPLY WITH THE REQUIREMENTS UNDER THIS PARAGRAPH, THE BOND SHALL BE USED BY GARRETT COUNTY TO COVER THE COSTS OF DECOMMISSIONING AND RESTORATION OF THE PAD SITE.”.

AMENDMENT NO. 4

On page 4, in line 32, strike “2.” and substitute “3.”.

On page 5, in lines 1 and 6, strike “3.” and “4.”, respectively, and substitute “4.” and “6.”, respectively; strike beginning with “this” in line 1 down through “Act” in line 5 and substitute “, notwithstanding Section 3 of this Act, Garrett County may not adopt a rule, a regulation, a law, or an ordinance for zoning of an industrial wind energy conversion system that has submitted an application to the PJM Interconnection queue before March 1, 2013”; after line 5, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Chapter _____ (H.B. 472) of the Acts of the General Assembly of 2013. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.”;

and in line 9, after “and” insert “, except as provided in Section 5 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.

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

Senate Bill 494 – Senators Pugh, Conway, Forehand, Garagiola, Jones–Rodwell, King, Madaleno, Montgomery, and Muse

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence – Duties

SB0494/247479/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Muse” and substitute “Muse, Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Ramirez, and Pipkin”; strike beginning with “how” in line 4 down through “shortages” in line 5 and substitute “and develop certain strategies and recommendations for advancing telemedicine technologies and use”.

AMENDMENT NO. 2

On page 5, strike beginning with “HOW” in line 1 down through “CARE” in line 3 and substitute “AND DEVELOP STRATEGIES AND RECOMMENDATIONS FOR ADVANCING TELEMEDICINE TECHNOLOGIES AND USE, INCLUDING:

(I) METHODS OF SUPPORTING INNOVATION, DEVELOPMENT, AND INVESTMENT IN THE EMERGING TECHNOLOGY;

(II) THE PROTECTION OF DATABASES IN THE USE OF TELEMEDICINE; AND

(III) ANY OTHER ISSUES RELATING TO ADVANCING AND SUPPORTING TELEMEDICINE TECHNOLOGIES AND USE THAT THE COMMISSION CONSIDERS APPROPRIATE”.

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 496 – Senators Pugh, Forehand, Garagiola, Jones–Rodwell,
Kelley, King, Madaleno, Montgomery, and Muse**

AN ACT concerning

Maryland Medical Assistance Program – Telemedicine

SB0496/627774/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 496

(First Reading File Bill)

On page 1, in the sponsor line, strike “and Muse” and substitute “Muse, Astle, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Pipkin, and Ramirez”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 776 – Senator Pugh

AN ACT concerning

Task Force on the Use of Telehealth to Improve Maryland Health Care**SB0776/747571/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 776

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Pugh” and substitute “Senators Pugh, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Pipkin, and Ramirez”.

AMENDMENT NO. 2

On page 2, strike beginning with “Director” in line 1 down through “Network” in line 2 and substitute “Vice President of Telemedicine”; in line 2, strike “Director’s” and substitute “Vice President’s”; in line 12, strike “the medical communities” and substitute “organizations”; and in line 31, strike “licensed”.

On page 3, in line 2, strike “and”; in line 4, after “Board” insert “;

(xiv) two representatives of Federally Qualified Health Centers, including one from a center in a rural area and one from a center in an urban area;

(xv) one representative of the Maryland Chamber of Commerce;
and

(xvi) one representative of the Arc of Maryland”;

in line 19, strike the second “and”; in line 20, after the semicolon insert “and

(v) the types of telehealth services that are resulting, or would result, in cost-effective care and improved outcomes for patients in the Medicaid program.”;

in line 27, strike the second “and”; and in line 28, after the semicolon insert “and

(vi) whether the term “telemedicine”, as defined in § 15-139 of the Insurance Article, should be amended to include a reference to a service, known as an “electronic visit” or “e-visit”, that:

1. includes an online medical evaluation and management service;

2. is completed using a HIPAA-compliant online connection and a secured Web site or secured electronic mail address for each patient encounter; and

3. creates a permanent record of each visit.”.

On page 4, in line 20, strike “May 1, 2014” and substitute “December 1, 2013”; in line 23, strike “2014” and substitute “2015”; in line 27, strike “October” and substitute “June”; in the same line, strike “1 year and 8 months” and substitute “3 years”; and in line 28, strike “2015” and substitute “2016”.

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 798 – Senators Middleton, Astle, Colburn, Edwards, Kittleman, Mathias, Montgomery, and Pugh

AN ACT concerning

Hospitals – Credentialing and Privileging Process – Telemedicine

SB0798/137373/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 798

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Pugh” and substitute “Pugh, Garagiola, Glassman, Kelley, Klausmeier, Muse, Pipkin, and Ramirez”.

AMENDMENT NO. 2

On page 3, in line 25, after “482” insert “, IF:”

(I) THE PHYSICIAN WHO PROVIDES MEDICAL SERVICES THROUGH TELEMEDICINE HOLDS A LICENSE TO PRACTICE MEDICINE IN THE STATE ISSUED UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(II) THE CREDENTIALING AND PRIVILEGING DECISIONS WITH RESPECT TO THE PHYSICIAN WHO PROVIDES MEDICAL SERVICES THROUGH TELEMEDICINE ARE:

1. APPROVED BY THE MEDICAL STAFF OF THE HOSPITAL; AND

2. RECOMMENDED BY THE MEDICAL STAFF OF THE HOSPITAL TO THE HOSPITAL’S GOVERNING BODY”.

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 Frosh, Brochin, Gladden, Raskin, and Stone

EMERGENCY BILL

AN ACT concerning

Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable Presumption

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE
AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0160/798879/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 160

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Manno”; in line 6, after “dog;” insert “providing that the presumption may not be rebutted as a matter of law; providing that the presumption may be rebutted by certain clear and convincing evidence;”.

On page 2, in line 20, strike “No. 53, September Term 2011” and substitute “427 Md. 627 (2012)”.

AMENDMENT NO. 2

On page 1, in line 22, after “(A)” insert “(1)”.

On page 2, after line 2, insert:

“(2) NOTWITHSTANDING ANY OTHER LAW OR RULE, THE PRESUMPTION MAY NOT BE REBUTTED AS A MATTER OF LAW.”

“(3) THE PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE THAT THE OWNER DID NOT KNOW AND SHOULD NOT HAVE KNOWN THAT THE DOG HAD VICIOUS OR DANGEROUS PROPENSITIES.”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0160/333623/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 160, AS AMENDED

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0160/798879/1), in Amendment No. 1, strike beginning with “providing” in line 3 down through “evidence;” in line 4.

AMENDMENT NO. 2

In the Judicial Proceedings Committee Amendments, in Amendment No. 2, strike in their entirety lines 5 through 7, inclusive.

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

Affirmative – 6 Negative – 40 (See Roll Call No. 483)

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. 484)

ADJOURNMENT

At 12:22 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 13, 2013.

**Annapolis, Maryland
Wednesday, March 13, 2013
10:00 A.M. Session**

The Senate met at 10:13 A.M.

Prayer by Reverend Doctor Tracy Davenport, Harundale Presbyterian Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 12, 2013 was read and approved.

QUORUM CALL

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

(See Roll Call No. 488)

Introduction and Remarks by the Mayor of Istanbul

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 60 – Delegates Smigiel and Dumais

AN ACT concerning

**Criminal Law – Professional Counselors and Therapists – Conduct
(Lynette’s Law)**

FOR the purpose of prohibiting a certain professional counselor or therapist from engaging in a sexual act, sexual contact, or vaginal intercourse with a person who is receiving counseling from the professional counselor or therapist or received counseling from the professional counselor or therapist within a certain period of time; ~~prohibiting a certain professional counselor or therapist from knowingly, and with intent to deceive, making a false statement concerning the person’s criminal record on an employment application;~~ providing for a certain statute of limitations for the prosecution of a violation of this Act; defining ~~certain terms~~ a certain term; making stylistic changes; and generally relating to the conduct of professional counselors and therapists.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–307
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–308
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

~~BY adding to~~
~~Article – Criminal Law~~
~~Section 9–509~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2012 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–106(z)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 68 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages – Micro-Breweries

FOR the purpose of authorizing the Comptroller to issue a Class 7 micro-brewery license to a holder of a Class D beer license in Dorchester County; providing for the hours and days for consumer sales under the Class 7 micro-brewery license; and generally relating to alcoholic beverages in Dorchester County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–208(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208(b) and (f)

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 133 – Dorchester County Delegation

AN ACT concerning

Dorchester County – Alcoholic Beverages – Refillable Containers

FOR the purpose of creating in Dorchester County a refillable container license; authorizing the Board of License Commissioners to issue the license to holders of certain alcoholic beverages licenses; specifying that a holder of the refillable container license may sell draft beer for consumption off the licensed premises in a certain refillable container; prohibiting a holder of a refillable container license to display or provide shelving for beer for off-premises consumption; specifying that a container to be used as a refillable container meet certain requirements; requiring that an applicant for a refillable container license meet certain requirements and pay a certain annual license fee; requiring that applicants for a refillable container license meet certain advertising, posting of notice, and public hearing requirements; specifying the term of a refillable container license; specifying the hours of sale for a refillable container license; authorizing a holder of a refillable container license to refill only a container that was branded by the license holder; authorizing the Board to adopt certain regulations; defining a certain term; and generally relating to alcoholic beverages in Dorchester County.

BY adding to

Article 2B – Alcoholic Beverages

Section 8–210

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 134 – Delegates McHale, Hammen, and Clippinger

AN ACT concerning

Alcoholic Beverages – Baltimore City – 46th District – Class B Location Restrictions – Limited Exemption

FOR the purpose of authorizing the transfer within a certain area in the 46th Legislative District in Baltimore City of certain alcoholic beverages licenses

subject to certain restrictions under certain circumstances; making stylistic changes; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(f) and 9–204.3
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 145 – ~~Delegate George~~ Anne Arundel County Delegation

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Refillable Container License

FOR the purpose of creating in the City of Annapolis a refillable container license; authorizing the Alcoholic Beverage Control Board to issue the license to a holder of certain classes of alcoholic beverages licenses; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a certain refillable container; requiring a refillable container to meet certain requirements; requiring an applicant for the license to complete a certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements; specifying the term of the license; specifying the hours of sale for the license; allowing a holder of the license to refill only a refillable container that was branded by ~~the~~ a license holder; requiring the Alcoholic Beverage Control Board to adopt certain regulations; and generally relating to alcoholic beverages in the City of Annapolis.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–202.2
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 162 – Caroline County Delegation

AN ACT concerning

Caroline County – Alcoholic Beverages – Micro-Brewery Licenses

FOR the purpose of adding Caroline County to the list of counties in which the Comptroller may issue a Class 7 micro-brewery (on- and off-sale) license; adding Caroline County to the list of counties in which a Class 7 micro-brewery licensee may sell at retail beer brewed under the license to customers for consumption off the licensed premises in refillable containers under certain conditions; and generally relating to alcoholic beverages in Caroline County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 172 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Licensees – Nonalcoholic Items – Hours of Sale

FOR the purpose of specifying the days and hours during which alcoholic beverages licensees in Charles County may sell nonalcoholic items; making stylistic changes; and generally relating to alcoholic beverages licensees in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–509
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 199 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne's County – Beer, Wine and Liquor Tasting License

FOR the purpose of creating in Queen Anne's County a beer, wine and liquor tasting license; specifying to whom the license may be issued; setting maximum limits on the amounts of certain individual servings; specifying that the license may be issued for tasting purposes only; establishing a license fee; and generally relating to alcoholic beverages licenses in Queen Anne's County.

BY renumbering

Article 2B – Alcoholic Beverages

Section 8–410.2 and 8–410.3, respectively

to be Section 8–410.3 and 8–410.4, respectively

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 8–410.2

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 212 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Alcoholic Beverages – Cecil and Queen Anne's County Counties – Beer and Wine Festivals

FOR the purpose of increasing the number of special wine festival licenses that the Cecil County Liquor Board may issue; authorizing the Queen Anne's County Board of License Commissioners to issue a certain number of Beer and Wine Festival (BWF) licenses in the county each year; authorizing the Board to select a certain number of weekends each year for a certain festival; requiring the Board to choose a certain location for a certain festival and to ensure that the primary focus of a certain festival is the promotion of certain beer and wine; altering a certain definition; making ~~a certain~~ technical correction corrections; and generally relating to wine festivals in Cecil County and beer and wine festivals in Queen Anne's County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 8–306.1 and 8–311

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 213 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Inspectors

FOR the purpose of repealing a requirement that the alcoholic beverages inspector that the Board of License Commissioners of Queen Anne’s County is required to appoint be a full-time inspector; and generally relating to alcoholic beverages inspectors in Queen Anne’s County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–112(a)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–112(s)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 216 – Delegates Hershey, Jacobs, and Smigiel

AN ACT concerning

Queen Anne’s County – Alcoholic Beverages – Micro-Brewery Licenses

FOR the purpose of adding Queen Anne’s County to the list of counties in which a Class 7 micro-brewery license may be issued; adding Queen Anne’s County to the list of counties in which the beer brewed by the license holder for consumption off the licensed premises may be sold in refillable containers; and generally relating to alcoholic beverages in Queen Anne’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–208
Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 220 – Delegates Rosenberg, Cardin, Hixson, Howard, Kaiser, Luedtke, A. Miller, Stukes, F. Turner, and Walker

AN ACT concerning

Voters' Rights Protection Act of 2013

FOR the purpose of ~~prohibiting a person from willfully and knowingly influencing or attempting to influence a voter's voting decision through the use of fraud;~~ authorizing the Attorney General to institute an action in a circuit court for injunctive relief to prohibit a person from engaging in or continuing to engage in certain violations of election law; providing that injunctive relief may be granted under this Act only to prevent certain violations of election law from affecting a pending election; requiring a circuit court to hear and determine an action filed under this Act as soon as practicable; providing that the grant of a remedy under this Act does not preclude any other remedy available under State or federal law; providing that a circuit court shall have jurisdiction over any proceeding instituted under this Act; requiring a circuit court to exercise its jurisdiction without regard to whether a person asserting a right under this Act has exhausted any other remedy available under law; and generally relating to election law violations related to voting.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Election Law
Section 16–201
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Election Law
Section 16–1003
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 227 – The Speaker (By Request – Administration) and Delegates Olszewski, Mitchell, Clippinger, Davis, and Busch

AN ACT concerning

Maryland Employment Advancement Right Now (EARN) Program

FOR the purpose of establishing the Maryland Employment Advancement Right Now (EARN) Program (Maryland EARN Program) in the Department of Labor, Licensing, and Regulation (Department); requiring the Department, in consultation with the Department of Business and Economic Development and the Governor's Workforce Investment Board, to establish and administer the Program to provide certain grants on a competitive basis for certain purposes; requiring applications for certain grants under the Program to include certain information; authorizing certain grants to be awarded in a certain manner; requiring the grant process to give priority to certain strategic industry partnerships; authorizing the Department to adopt certain regulations; requiring the Department to monitor certain grants; authorizing the Department to impose certain requirements on certain recipients of certain grants and to revoke certain grants under certain circumstances; providing that certain intellectual property developed as a result of grants awarded under the Program remain in the public domain under certain circumstances; requiring the Department, in consultation with the Department of Budget and Management to develop and implement a certain State employment advancement strategy; requiring the Department, in consultation with the Department of Business and Economic Development and the Department of Information Technology to develop a certain Web site; providing for the funding of the Program; requiring the Department to submit a certain annual report; requiring the Department to convene a certain working group; requiring the Department to provide certain individuals with certain information; defining certain terms; and generally relating to the establishment of the Maryland Employment Advancement Right Now (EARN) Program.

BY adding to

Article – Labor and Employment

Section 11–701 through 11–710 to be under the new subtitle “Subtitle 7.
Maryland Employment Advancement Right Now Program”

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

**House Bill 229 – The Speaker (By Request – Administration) and Delegates
Braveboy, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard,
Hubbard, Ivey, Pena–Melnyk, V. Turner, Valderrama, Valentino–Smith,
Vaughn, Walker, and A. Washington**

AN ACT concerning

State Aid for Public Education – Certification of Net Taxable Income

FOR the purpose of altering the definition of “net taxable income” for purposes of calculating certain State aid formulas for education; requiring the Comptroller to certify annually the amount of net taxable income in a certain manner; requiring certain State aid to be calculated in a certain manner; requiring certain State aid to be paid in a certain manner under certain circumstances; providing for the application of this Act; and generally relating to the certification of net taxable income for the purposes of certain State aid for education funding.

BY repealing and reenacting, without amendments,
Article – Education
Section 5–202(a)(1) and (14)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(a)(9)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY adding to
Article – Education
Section 5–202(k)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 275 – Wicomico County Delegation

AN ACT concerning

Wicomico County Liquor Act of 2013

FOR the purpose of creating in Wicomico County a refillable container license; authorizing the Board of License Commissioners to issue the license to a holder of any class of alcoholic beverages license issued by the Board except a Class C license, Class D license, Class B–Conference Center license, or Class B–Stadium license; authorizing the holder of the license to sell draft beer for consumption off the licensed premises in a certain refillable container; requiring a refillable container to meet certain requirements; requiring an applicant for the license to complete a certain form and pay a certain fee; requiring that certain applicants meet certain advertising, posting of notice, and public hearing requirements; specifying the term of the license; requiring that receipts collected under the license be included in a certain calculation of average daily receipts; specifying the hours of sale for the license; allowing a holder of the license to refill only a

refillable container that was branded by the license holder; authorizing the Board to adopt certain regulations related to the license; authorizing the holder of a Class B–Stadium license to sell certain alcoholic beverages without meals; authorizing the holder to sell alcoholic beverages in aluminum containers under certain circumstances; increasing the total number of days during which beer, wine, or beer and wine sampling or tasting events may be held during a period for which a certain license is in effect; repealing a certain requirement that the Board determine the time by which establishments shall cease serving alcoholic beverages on a certain date; extending the hours for which alcoholic beverages may be sold on Sundays under certain circumstances; exempting a certain holder of a refillable container license from a prohibition on refilling a certain container, under certain circumstances; making stylistic changes; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 7–101(w), 8–223, 8–412(f), 11–402(x), 11–523(c), and 12–113(c)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 8–412(a), (b), and (c)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 285 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Alcoholic Beverages – Micro–Brewery License

FOR the purpose of adding St. Mary’s County to the list of counties in which a Class 7 micro–brewery license may be issued; adding St. Mary’s County to the list of counties in which the license holder may sell at retail beer brewed under the license for consumption off the licensed premises under certain conditions; providing that a Class 7 micro–brewery license may be issued to a holder of a Class B beer, wine and liquor license in St. Mary’s County; providing for the hours and days for sale for a Class 7 micro–brewery license; and generally relating to alcoholic beverages in St. Mary’s County.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 2–208

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 300 – Delegate Krebs

AN ACT concerning

Carroll County – Alcoholic Beverages – Special Beer Festival Licenses

FOR the purpose of specifying that the Board of License Commissioners for Carroll County may issue one or more special beer festival licenses; requiring the Board to approve one weekend for each special beer festival under certain circumstances; making stylistic changes; and generally relating to special beer festivals in Carroll County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–805
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 301 – St. Mary’s County Delegation

AN ACT concerning

St. Mary’s County – Alcoholic Beverages – Class 6 Pub–Brewery License

FOR the purpose of authorizing the State Comptroller to issue a Class 6 pub–brewery license to a holder of a certain alcoholic beverages license that is issued for use on the premises of a restaurant located in St. Mary’s County; and generally relating to the issuance of a Class 6 pub–brewery license in St. Mary’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–207(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–207(b), (c), (d), (e), and (f)

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 343 – ~~Delegate Impallaria~~ Harford County Delegation

AN ACT concerning

Harford County – Alcoholic Beverages – Hours of Sale for Class B Licensees

FOR the purpose of altering the hours of sale for a Class B Cafe licensee in Harford County; and generally relating to the sale of alcoholic beverages in Harford County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–513
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 345 – ~~Delegate Impallaria~~ Harford County Delegation

AN ACT concerning

Harford County Liquor Control Board – Reserve Account

FOR the purpose of establishing a Reserve Account of the Harford County Liquor Control Board as a special, nonlapsing account; specifying the purpose of the Reserve Account; requiring a designee of the Board to administer the Reserve Account; requiring the Board to hold the Reserve Account separately and account for the Reserve Account; specifying the contents of the Reserve Account; specifying a certain maximum amount that is payable annually into the Reserve Account; specifying the circumstances under which expenditures from the Reserve Account may occur; stating a certain maximum amount that the Reserve Account may hold at any time; requiring that fines imposed or recognizances forfeited for certain violations be payable to the Board; defining certain terms; making certain stylistic changes; clarifying language; and generally relating to the Reserve Account of the Harford County Liquor Control Board.

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

Section 10–204(n) and 16–502(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 405 – Frederick County Delegation

AN ACT concerning

Frederick County – Board of License Commissioners – Expanded Membership

FOR the purpose of expanding the membership of the Board of License Commissioners in Frederick County; providing for the terms of the members; updating an obsolete provision; and generally relating to the Board of License Commissioners in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–103(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 410 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – License Fees

FOR the purpose of altering the distribution of alcoholic beverages license fees in Frederick County; requiring that the ~~Board of License Commissioners keep a certain percentage of license fees that are collected and that a certain percentage of license fees be distributed to the County Treasurer~~ County Treasurer receive all of the license fees that the Board of License Commissioners collects; requiring that all of the salaries and expenses of the Board of License Commissioners be paid from certain license fees; ~~making certain stylistic changes~~; and generally relating to alcoholic beverages license fees in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–204(l)

Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 459 – Delegate Otto

AN ACT concerning

Somerset County – Alcoholic Beverages – Beer and Wine Tasting License

FOR the purpose of establishing in Somerset County a beer and wine tasting (BWT) alcoholic beverages license for a holder of a beer, wine and liquor license or a beer and wine license; specifying that a BWT license authorizes a holder to serve certain alcoholic beverages for tasting purposes only and for no consideration; requiring the County Board of License Commissioners to regulate the quantity and number of bottles of certain alcoholic beverages to be served; specifying license and issuance fees; repealing certain provisions relating to a wine tasting license; prohibiting a holder from exercising the privileges of the BWT license during any festival event; authorizing the Board to adopt certain regulations; and generally relating to alcoholic beverages in Somerset County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–410.2
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 464 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Sunday Sales

FOR the purpose of specifying that certain provisions of law concerning the Sunday sale of alcoholic beverages in Garrett County apply to a precinct of an election district in which the voters in a referendum authorized by law approve Sunday sales; specifying that certain provisions of law concerning Sunday sales apply to a holder of a Class D license operating an establishment that meets certain specifications; providing for certain fees; making technical and stylistic changes; and generally relating to alcoholic beverages sales in Garrett County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 11–512(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–512(c)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 476 – Delegate Simmons

AN ACT concerning

Criminal Procedure – Alien Defendants – Nullity of Bail Bonds

FOR the purpose of providing that, if a defendant who has posted a bail bond is taken into custody and deported by a certain agency of the federal government because of the defendant's immigration status, the bond shall be null and void; providing that any bond that becomes null and void under this Act shall be returned to the surety and the surety shall have no liability with respect to the bond; providing that, if the surety is a compensated surety, the surety shall refund any premium paid in connection with the bond within a certain time after the bond is returned to the surety; and generally relating to bail bonds for alien defendants.

BY adding to
Article – Criminal Procedure
Section 5–206.1
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 491 – Delegate Otto

AN ACT concerning

Somerset County – Alcoholic Beverages – Selling Near Schools, Places of Worship, Public Libraries, and Youth Centers

FOR the purpose of making certain exceptions to the prohibition against the Somerset County Board of License Commissioners approving a license to sell alcoholic

beverages for certain establishments located within 300 feet of a school, church or other place of worship, public library, or youth center; and generally relating to the issuance of a license to sell alcoholic beverages in Somerset County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–220
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 645 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Sale of Alcoholic Beverages – Distance from Schools, Places of Worship, or Youth Centers MC 16–13

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to approve, by majority vote rather than unanimous action, the application for a license to sell alcoholic beverages more than a certain distance away from certain schools, places of worship, or youth centers; making certain stylistic changes; and generally relating to the sale of alcoholic beverages in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–216(a)(1) and (3)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 647 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Town of Kensington – Beer and Wine Sampling or Tasting MC 9–13

FOR the purpose of authorizing the Montgomery County Board of License Commissioners to issue up to a certain number of additional licenses to certain

licensees for holding beer and wine tastings or samplings in the Town of Kensington; making the licenses subject to certain requirements; and generally relating to beer and wine tasting or sampling in the Town of Kensington.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)(v)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 649 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Refillable Beer Containers MC 4–13

FOR the purpose of authorizing the Board of License Commissioners for Montgomery County to issue a refillable container permit to a holder of a certain alcoholic beverages license under certain circumstances; providing for the renewal of the permit; authorizing a holder of a Class B beer and light wine license or a Class D beer and light wine license to sell draft beer in certain refillable containers for consumption off the licensed premises; specifying the term of and hours of sale for the permit; providing that a holder of the permit may refill only a refillable container that was branded by the permit holder; authorizing the Board of License Commissioners to adopt certain regulations; and generally relating to alcoholic beverages in Montgomery County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 5–201(a)(1) and 5–401(a)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 5–201(q) and 5–401(q)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 672 – Montgomery County Delegation

AN ACT concerning

**Montgomery County – Consumption of Wine Not Bought from License
Holder – Class H Licenses
MC 17-13**

FOR the purpose of allowing an individual in a restaurant, club, or hotel in Montgomery County for which a Class H alcoholic beverages license is issued the privilege of consuming wine not purchased from or provided by the license holder only under certain circumstances; imposing a certain duty on the Montgomery County Board of License Commissioners; allowing the license holder under this Act to charge the individual a certain fee for the privilege allowed under this Act; requiring the license holder under this Act to dispose of any unfinished wine; allowing the individual to remove partially consumed wine if the license holder inserts a cork or places a cap on the bottle; imposing a certain restriction on the license holder; making certain stylistic changes; and generally relating to the consumption of wine in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12-107(b)(10)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 749 – Delegate Beitzel

AN ACT concerning

**Garrett County – Alcoholic Beverages – Licenses, Permits, and Other
Authorizations**

FOR the purpose of authorizing the Board of License Commissioners in Garrett County to grant certain license holders a privilege at no charge to sell certain alcoholic beverages at catered events in commemorative or special event bottles for consumption off the licensed premises under certain circumstances; establishing a Class BDR beer and wine license for a deluxe restaurant that has a certain minimum seating capacity and a certain minimum capital investment; specifying certain privileges, issuing fees, and annual fees for certain licenses with or without a catering option; providing for the days and hours of sale for certain licenses; authorizing the Board to adopt certain regulations; establishing a refillable container permit; authorizing the Board to issue the permit to certain draft beer license holders; requiring a container to meet certain specifications to be used as a refillable container ~~permit~~; specifying the

time when sales may begin on Sunday for a wine festival license issued for use in a certain location; authorizing certain Sunday sales to be made under certain circumstances; establishing beer festival licenses; authorizing the Board to issue annually a certain number of beer festival licenses; requiring that a beer festival license be issued to a holder of a certain license; authorizing a holder of a beer festival license to display and sell beer under certain circumstances; requiring the Board to perform certain activities; requiring a product to be displayed and sold at a beer festival to be invoiced in a certain manner and to be delivered to the beer festival from the licensed premises of the wholesaler; authorizing certain license holders to enter into a certain agreement under certain circumstances; authorizing Sunday sales under certain circumstances; requiring the Board to adopt certain regulations; adding an establishment for which a certain license is issued to the list of establishments in which an individual under certain circumstances may consume wine not purchased from or provided by the license holder; and generally relating to alcoholic beverages in Garrett County.

BY adding to

Article 2B – Alcoholic Beverages

Section 5–201(m–1) and (m–2), 6–201(m)(6), 6–401(m)(4), and 8–807

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 5–401(m), 6–201(m)(5)(iii), 6–401(m)(2)(ii), 7–101(p), 8–212, 8–308.3(h),
and 12–107(b)(10)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 5–401(a)(1) and 8–308.3(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 813 – Delegates Kaiser, Eckardt, Arora, Bobo, Carr, Donoghue, Frick, Guzzone, Haynes, Healey, Hubbard, Luedtke, McDonough, A. Miller, Mitchell, Reznik, B. Robinson, F. Turner, V. Turner, Valentino-Smith, Vitale, Waldstreicher, M. Washington, ~~and Zucker~~ Zucker, and Howard

AN ACT concerning

Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities

FOR the purpose of establishing the Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities.

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

House Bill 816 – Allegany County Delegation

EMERGENCY BILL

AN ACT concerning

Alcoholic Beverages – Allegany County – Video Lottery Facility Sales and Consumption

FOR the purpose of creating in Allegany County a Class BWL–VLF (video lottery facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire) beer, wine and liquor license; specifying that the Board of License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food services facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a video lottery facility; authorizing a concessionaire license holder to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees; specifying that an off-sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire

license may be taken anywhere in a video lottery facility or on grounds controlled by the video lottery facility licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; authorizing a person to consume alcoholic beverages on the licensed premises of a video lottery facility during certain hours of operation of the facility; specifying that the hours for the sale of alcoholic beverages under a video lottery facility license or concessionaire license are the same as the hours of operation for a video lottery facility; defining certain terms; making this Act an emergency measure; and generally relating to alcoholic beverages and video lottery facilities in Allegany County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(a) and (b)(1) and (2), 11–304(a), and 11–501(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–201(b–1) and 11–501(d)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–304(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–23(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 895 – Howard County Delegation

AN ACT concerning

**Education – Howard County Library System – Collective Bargaining
Ho. Co. 3–13**

FOR the purpose of authorizing employees of the Howard County Library System to form, join, and participate in an employee organization and engage in certain other activities related to collective bargaining; authorizing an employee to refrain from certain activities; specifying the responsibilities of the library system and the certified exclusive representative; specifying the collective bargaining units and the composition of the units; requiring that a certain employee organization submit a certain petition to the Director of the Howard County Library System; prohibiting a certain employee organization from discriminating with regard to terms or conditions of membership because of certain characteristics; requiring that a certain petition be submitted to the State Mediation and Conciliation Service for certain purposes; authorizing the library system or a certain employee organization to submit a certain request to the State Mediation and Conciliation Service for certain purposes; requiring that the library system and the employee organization or certified exclusive representative share equally certain costs; requiring the library system to recognize certain rights of the certified exclusive representative; requiring the certified exclusive representative to represent employees in a certain manner; requiring the library system and the certified exclusive representative to enter into a collective bargaining agreement that contains provisions regarding certain matters; requiring the library system to make certain payroll deductions under certain circumstances; requiring that certain dues be remitted to the certified exclusive representative; prohibiting certain grievance procedures from allowing an arbitrator to alter the terms of the collective bargaining agreement; specifying when a collective bargaining agreement is effective and when it expires; requiring the library system and the certified representative to reach an agreement by a certain date except under certain circumstances; specifying the procedures to be followed if an impasse is reached in the collective bargaining negotiations; requiring the library system to submit certain terms of the collective bargaining agreement to the Board of Library Trustees for Howard County for its acceptance or rejection; requiring the Board to take certain action regarding the terms submitted to it for review; requiring the library system and the certified exclusive representative to take certain action if the Board rejects a term; requiring the Board to take certain action if it accepts a term; authorizing the Howard County Executive and Howard County Council to take certain action regarding certain requests submitted to them for approval; requiring the Howard County Executive to take certain action if the Howard County Executive accepts a certain request; requiring the library system and the certified exclusive representative to take certain action if the County Executive or County Council reject a certain request; providing that the library system retains certain rights and responsibilities under certain circumstances; providing for the decertification of the certified exclusive representative under certain circumstances; prohibiting the library system and an employee organization from taking certain actions regarding collective bargaining; prohibiting an employee or an employee organization from engaging

in, inducing, initiating, or ratifying a strike; authorizing a court of competent jurisdiction to enjoin a strike under certain circumstances; prohibiting an employee from receiving compensation from the library system under certain circumstances; authorizing the library system to take certain action against an employee or an employee organization for violating a certain provision of this Act; providing that this Act and a collective bargaining agreement entered into under this Act supersede certain provisions of law under certain circumstances; providing for the construction of a certain provision of this Act; defining certain terms; and generally relating to collective bargaining for employees of the Howard County Library System.

BY adding to

Article – Education

Section 23–601 through 23–614 to be under the new subtitle “Subtitle 6.
Howard County Library System – Collective Bargaining”

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 901 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages Establishments – Distance from Schools

FOR the purpose of altering a certain minimum distance restriction in Howard County so as to prohibit the issuance of a Class B alcoholic beverages license for a restaurant located a certain distance from a public school building; making a stylistic change; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 9–214(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 9–214(b)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1070 – Prince George’s County Delegation

AN ACT concerning

Alcoholic Beverages – City of College Park – Sales by License Holders Near School Buildings
PG 309–13

FOR the purpose of ~~requiring the City Council of the City of College Park to make a certain determination regarding~~ authorizing, in the City of College Park, the granting of a license to sell alcoholic beverages in a certain building located within a certain distance of a ~~place of worship~~ school building under certain circumstances; making certain stylistic changes; and generally relating to the sale of alcoholic beverages in the City of College Park.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1072 – Prince George’s County Delegation

AN ACT concerning

Alcoholic Beverages – City of Laurel – Sales by License Holders
PG 308–13

FOR the purpose of ~~requiring the City Council of the City of Laurel to make a certain determination regarding the granting of a license to sell alcoholic beverages in a certain building located within a certain distance of~~ providing that, in the City of Laurel, a license may be granted to sell alcoholic beverages in any building regardless of its distance from a place of worship; making certain stylistic changes; and generally relating to the sale of alcoholic beverages in the City of Laurel.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1074 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Hours of Sale for Golf Course Licenses PG 318–13

FOR the purpose of altering the hours of sale for beer and wine under a special 7–day Class B–GC (golf course) on–sale beer and wine license in Prince George’s County; and generally relating to the sale of alcoholic beverages on golf courses in Prince George’s County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–505
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1079 – Prince George’s County Delegation

AN ACT concerning

Prince George’s County – Alcoholic Beverages – Salary of Part–Time Liquor Inspectors PG 316–13

FOR the purpose of making certain technical corrections to clarify that the annual salary of part–time liquor inspectors in Prince George’s County is ~~at least~~ a

certain amount; and generally relating to the compensation of liquor inspectors in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1) and 15–112(r)(1) and (3)(ii)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(6) and 15–112(r)(3)(iii)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1081 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit – ~~Exemption for~~ Class BH Licensees PG 301–13

FOR the purpose of ~~specifying that a holder of a Class BH alcoholic beverages license in Prince George's County need not obtain an entertainment permit before providing entertainment~~ authorizing a holder of a Class BH license in Prince George's County that obtains a special entertainment permit to allow an individual under a certain age to be present on the licensed premises while alcoholic beverages are being served during certain events; altering a certain definition; making technical corrections; and generally relating to the issuance of entertainment permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(1)(i) and (19)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(r)(4) ~~and (19)(i)~~
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1082 – Prince George’s County Delegation

AN ACT concerning

**Prince George’s County – Alcoholic Beverages – ~~Class B–CE and~~ Class B–AE
Licenses
PG 317–13**

FOR the purpose of increasing the number of ~~Class B–CE alcoholic beverages licenses for catering establishments and~~ Class B–AE (arts and entertainment) alcoholic beverages licenses that may be issued in Prince George’s County; 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)(8) and (18) and 9–217(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1146 – Prince George’s County Delegation

AN ACT concerning

**Task Force to Study Locating Businesses in Libraries in Prince George’s
County
PG 415–13**

FOR the purpose of establishing the Task Force to Study Locating Businesses in Libraries in Prince George’s County; providing for the composition, chair, and staffing of the Task Force; establishing the duties of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to report its findings and recommendations on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study Locating Businesses in Libraries in Prince George’s County.

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

House Bill 1240 – Howard County Delegation

AN ACT concerning

**Howard County – Alcoholic Beverages – Continuing Care Retirement
Community License
Ho. Co. 10–13**

FOR the purpose of establishing in Howard County a Class C (Continuing Care Retirement Community) beer, wine and liquor license; establishing qualifications for a licensee; authorizing a licensee to keep for sale and sell at retail to a resident or a guest of the community beer, wine, and liquor for consumption on the premises; providing for an annual license fee; and generally relating to alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(o)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–301(o)(6)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 1292 – Delegates O'Donnell, Fisher, Proctor, and Vallario

AN ACT concerning

Calvert County – Alcoholic Beverages Licenses – Retirement Communities

FOR the purpose of establishing a Continuing Care Retirement Community license in Calvert County; authorizing the license to be issued for a club that meets certain requirements; authorizing a licensee to sell beer, wine, and liquor to certain individuals under certain circumstances; providing for an annual license fee; and generally relating to alcoholic beverages licenses in Calvert County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 6–301(f)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 6–301(f)(3)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

**House Bill 1305 – ~~Delegates McMillan and George~~ Anne Arundel County
Delegation**

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Residency Requirement

FOR the purpose of specifying that an applicant for an alcoholic beverages license in the City of Annapolis may meet the residency requirement by residing anywhere in Anne Arundel County for a certain number of years before filing an application for the license; making stylistic changes; and generally relating to alcoholic beverages licenses in the City of Annapolis.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–103(b)(4)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

FIRST CITIZEN AWARDS

First Citizen Awards: March 13, 2013
Remarks by
Edward C. Papenfuse, State Archivist

President Miller, members of the Senate, distinguished guests, ladies and gentlemen:

It is my privilege to be here again today to present, on your behalf, the *First Citizen* Awards of the Maryland Senate. This is the 20th year that I have had the honor of

explaining the reasons for the award, and to prepare brief summaries of the many contributions the awardees have made in their lifetime of public service.

The text of the award says best what it means to be a *First Citizen*:

First Citizen is the name that Charles Carroll of Carrollton chose to sign a series of articles published by Anne Catharine Green in the Annapolis *Maryland Gazette* in 1773. They form a strong defense of an independent legislature and were among the earliest arguments for a new concept of government based upon traditional community rights and liberties that protected its citizens from arbitrary rule.

At the time, Carroll, as a Roman Catholic, could neither vote nor hold public office because of his faith. With the publication of these articles, Carroll launched a career of public service that began with his active participation in the Revolution gaining him a vote with the right to run for public office, and did not end until his death at the age of 95 in 1832, as the last surviving signer of the Declaration of Independence. In addition to helping draft Maryland's first Constitution and adding his signature to the Declaration of Independence in 1776, Carroll served as President of the Maryland Senate, of which he was a member from 1777 to 1800, and as one of the first United States Senators from Maryland (1789-1792).

To be a First Citizen is to be a dedicated and effective participant in the process of making government work for the benefit of all.

Although not yet fully articulated in the First Citizen letters, Charles Carroll was challenging all citizens to think about much needed changes in government, changes that would allow people like him “freedom of speech and thought,” changes that would separate the powers of the Executive and the Legislature, and that would ensure that taxation could not be imposed by anyone not subject to the laws passed by the Legislature. Carroll was among the first people in the colonies to advance a new concept of government based on the advice and consent of the people. This led to one of the most creative experiments in defining self-government that the world has ever witnessed.

To Carroll, and to others such as his distant cousin, Charles Carroll the Barrister, Samuel Chase, and William Paca, all of whom served in the Maryland Senate, making government work for the good of the whole meant a thoughtful reworking of the structure of government by writing it all down, debating the results, and crafting the final product in committees separately and of the whole. Carroll as *First Citizen* saw government much as every citizen should see it today, in constant need of attention and thoughtful legislative action.

Standing at the ready to assist in his first public debate over legislative rights with a seasoned politician who was widely known for his ability to win an argument, was the printer to the colony and publisher of the local newspaper, Anne Catharine Green. While women would not reach full citizenship until the 20th century, Maryland has been fortunate to have a number of women printers and editors like Anne Catharine

Green who pushed the envelope of public debate through the printed word, and in doing so, advanced reasoned democracy.

Over seven months beginning in January of 1773 and ending with Carroll having the last published word on July 1, 1773, the debate between Charles Carroll and Daniel Dulany raged in print over whether or not the Governor had the right to set fees for government services without the consent of the legislature. In the end Carroll won the argument, but not until a new government was formed and George Washington had achieved a military victory over the King's army.

Anne Catharine Green would be pleased with the three awards to be given today, all to women of distinction who have deployed the privileges of citizenship to the betterment of us all through public service.

Today the Maryland Senate honors three individuals who through their chosen public careers that began in the law and in the fourth estate, have helped forge meaningful public policy and municipal progress in the face of daunting fiscal constraint and accelerating political shrillness.

The first honoree today, needs little introduction to those who know anything about the importance of the port of Baltimore to the economic health and well-being of the Old Line State. Helen Delich Bentley, fondly known as *Tugboat Helen* from her biography in *Women of Achievement in Maryland History*, has served the Port of Baltimore and the people of Maryland well over a long career that began fresh out of college in 1945 as reporter for the *Baltimore Sun* covering the maritime industry, labor, and transportation. In 1969 she entered public service as the first woman to head the Federal Maritime Commission. As she rightfully put it "I am very proud to have broken the glass ceiling for women in the federal government by demanding to be the first woman chair of the Federal Maritime Commission, rather than just accepting a commission seat. I was able to make major contributions to the shipping industry, and the appointment resulted in my being the fourth-highest ranking woman in U.S. government history." Her five terms in Congress are distinguished in part by her *reputation as a relentless fighter for economic opportunity* and as a *formidable mediator between labor and management*. In the words of one of her biographers, she exemplifies some of the best qualities of a public servant. She is "*determined, diligent, tenacious*".

The second honoree follows in the footsteps of her father who the Senate honored with the First Citizen Award posthumously in 2004, but stands in her own right as a dedicated leader in her efforts to keep Baltimore on the path to municipal survival and success. Trained as a lawyer, Stephanie Rawlings Blake was the youngest person ever elected to the City Council of Baltimore. She survived Outward Bound, and some grueling political campaigns and is known for her ability to bring all elements of the community together to seek solutions to the challenges of rebuilding the infrastructure of city services and reversing decades of urban decay. Her skills as a manager and communicator have recently been recognized by her appointment as secretary of the Democratic National Committee. She brings passion, determination, advocacy, and

commitment to every aspect of her public service. In her third message on the State of the City, Mayor Rawlings-Blake quoted Abraham Lincoln, *the best thing about the future is that it comes one day at a time*. Lincoln also said *You cannot escape the responsibility of tomorrow by evading it today*. Mayor Rawlings-Blake has shown the courage to face the challenges of the day, one day at a time.

The third award is to a person well known to state house insiders, but who deserves a wider press for her skills at getting legislation passed and brokering compromise where compromise is needed. Victoria L. Gruber has been a member of the Maryland Bar since 1997 and has recently been recognized by the *Daily Record* as one of 100 most influential women in Maryland. She came to her current post having been president of the Student Government Association at the University of Maryland College Park, a lobbyist with a well-known firm while studying for a law degree that placed her first in her class, a budget analyst, and counsel to the Senate Budget and Taxation Committee. As one admirer puts it, Vicki “learned areas of the budget that others found too challenging or arcane, and that knowledge proved invaluable as the legislature confronted difficult decisions about budget cuts, revenue, and entitlement reform. She is an extremely dedicated public servant who has achieved tremendous professional success while building and maintaining a reputation that is beyond reproach.”

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 489)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 224 – Senators Pugh, Conway, Garagiola, Glassman, and Montgomery

AN ACT concerning

State Employee and Retiree Health and Welfare Benefits Program – ~~Bona Fide~~ Wellness Program and Wellness Promotion

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

Affirmative – 47 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the House of Delegates.

**Senate Bill 235 – Senators Ferguson, Conway, Gladden, Jones–Rodwell,
McFadden, and Pugh**

AN ACT concerning

Baltimore City – Alcoholic Beverages – License Revocation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the House of Delegates.

Senate Bill 302 – Senators Glassman and Simonaire

AN ACT concerning

Environment – Water Pollution Control – Reporting ~~and Penalties~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 492)

The Bill was then sent to the House of Delegates.

Senate Bill 428 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Education – Nonvoting Student Representative

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

Affirmative – 47 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the House of Delegates.

Senate Bill 542 – Senators Young, Jacobs, Raskin, and Shank

AN ACT concerning

Election Law – Polling Places – Electioneering

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

Affirmative – 47 Negative – 0 (See Roll Call No. 494)

The Bill was then sent to the House of Delegates.

Senate Bill 548 – Senators Pugh, Benson, Conway, Currie, Ferguson, Forehand, Glassman, Madaleno, Manno, McFadden, Peters, and Raskin

AN ACT concerning

~~State Department of Education~~ – Minority Teacher Recruitment – Study and Report

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

Affirmative – 47 Negative – 0 (See Roll Call No. 495)

The Bill was then sent to the House of Delegates.

Senate Bill 563 – Senator Simonaire

AN ACT concerning

~~Environment – Permit Applications – Notice – Neighboring Jurisdictions and Public Utilities – Notice to Neighboring Jurisdictions of Applications~~

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

Affirmative – 47 Negative – 0 (See Roll Call No. 496)

The Bill was then sent to the House of Delegates.

Senate Bill 632 – ~~Senator King~~ Senators King, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Ramirez, and Pugh

AN ACT concerning

State Brain Injury Trust Fund

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

Affirmative – 47 Negative – 0 (See Roll Call No. 497)

The Bill was then sent to the House of Delegates.

Senate Bill 686 – Senator Garagiola

AN ACT concerning

Family Investment Program – Earned Income Disregard Pilot Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the House of Delegates.

Senate Bill 766 – Senator Edwards

AN ACT concerning

Business Occupations – Oil and Gas Land Professionals – Registration

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

Affirmative – 47 Negative – 0 (See Roll Call No. 499)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #34**Senate Bill 261 – Senators Young, Garagiola, Kittleman, ~~and Montgomery~~
Montgomery, Benson, Dyson, Ferguson, Rosapepe, and Simonaire**

AN ACT concerning

**State Government – Administrative Procedure Act – Effective Date of
Adopted Regulations**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 500)

The Bill was then sent to the House of Delegates.

**Senate Bill 433 – Senators Ferguson, Colburn, Klausmeier, Madaleno, Shank,
and Young**

AN ACT concerning

**Task Force to Study the Establishment of ~~Charter Schools for Adult~~
~~Education~~ Educational Programs for Adult Learners**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 501)

The Bill was then sent to the House of Delegates.

Senate Bill 459 – Senators Conway and Middleton

AN ACT concerning

**Health Occupations – Dental Hygienists – Provision of Services ~~Without~~
~~Supervision~~ at a Community-Based Health Fair**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the House of Delegates.

Senate Bill 460 – Senators Conway and Middleton

AN ACT concerning

Health Occupations – Physician Assistants – Authority to Practice

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

Affirmative – 47 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the House of Delegates.

Senate Bill 501 – Senator Conway

AN ACT concerning

State Board of Nursing – Licensure by Endorsement – Clinical Experience

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

Affirmative – 47 Negative – 0 (See Roll Call No. 504)

The Bill was then sent to the House of Delegates.

Senate Bill 547 – Senators Middleton and Frosh

AN ACT concerning

Natural Resources – Nuisance Organisms – Penalties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 505)

The Bill was then sent to the House of Delegates.

Senate Bill 690 – Senator Montgomery

AN ACT concerning

**Maryland Board of Physicians – Failure to Renew a License or
Misrepresentation as a Licensed Person – Penalties**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 506)

The Bill was then sent to the House of Delegates.

Senate Bill 761 – Senator Montgomery

EMERGENCY BILL

AN ACT concerning

**Health Occupations – State Board of Pharmacy – Waivers – Pharmacies That
Only Dispense Devices**

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

Affirmative – 47 Negative – 0 (See Roll Call No. 507)

The Bill was then sent to the House of Delegates.

Senate Bill 781 – Senator Conway

AN ACT concerning

Pharmacists – Biosimilar Biological Products – Substitutions

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

Affirmative – 46 Negative – 1 (See Roll Call No. 508)

The Bill was then sent to the House of Delegates.

Senate Bill 957 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Banquet Facility License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 509)

The Bill was then sent to the House of Delegates.

YEAS AND NAYS**SENATE BILLS PASSED IN THE HOUSE**

NUMBER	SPONSOR	CONTENT
SB 278	The President	Maryland Employment Advancement Right Now (EARN) Program

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #11

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

Senate Bill 178 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Blood or Genetic Test Results – Legal Finding of Paternity

SB0178/158472/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 178

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “legal” and substitute “presumptive”; in the same line, after “circumstances;” insert “requiring the Child Support Enforcement Administration to serve a certain notice on the alleged father; prohibiting the Administration from establishing a child support obligation before the conclusion of a certain challenge; establishing that the results of a certain laboratory report constitute a legal finding of paternity under certain circumstances;”; in line 5, strike “Child Support Enforcement”; and in line 9, after “circumstances;” insert “providing for the application of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 1, after line 23, insert:

“(A) THIS SECTION DOES NOT APPLY TO A CASE IN WHICH:

(1) THE CUSTODIAL PARENT OR THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID IS THE VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR RAPE BY THE NONCUSTODIAL PARENT;

(2) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS CONCEIVED AS A RESULT OF RAPE BY THE NONCUSTODIAL PARENT;

(3) THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID WAS BORN OR CONCEIVED DURING A MARRIAGE; OR

(4) PARENTAGE OF THE CHILD FOR WHOM CHILD SUPPORT IS TO BE PAID HAS BEEN DETERMINED UNDER § 1-208 OF THE ESTATES AND TRUSTS ARTICLE.”

AMENDMENT NO. 3

On page 2, in line 1, strike “(A)” and substitute “(B)”; in line 3, strike “LEGAL” and substitute “PRESUMPTIVE”; in line 5, strike “APPROVED” and substitute “SELECTED BY THE COURT FROM A LIST PROVIDED”; in line 7, strike “99%” and substitute “99.0%”; after line 7, insert:

“(C) (1) THE ADMINISTRATION SHALL SERVE A NOTICE OF THE PRESUMPTIVE FINDING OF PATERNITY ON THE ALLEGED FATHER.

(2) THE NOTICE SHALL:

(I) STATE THAT THE LABORATORY REPORT OF A BLOOD OR GENETIC TEST ESTABLISHES A STATISTICAL PROBABILITY OF PATERNITY OF AT LEAST 99.0%;

(II) STATE THAT THE LABORATORY REPORT CONSTITUTES A PRESUMPTIVE FINDING OF PATERNITY;

(III) ADVISE THE ALLEGED FATHER OF HIS RIGHT TO CHALLENGE THE PRESUMPTIVE FINDING IN COURT AND HAVE THE COURT DETERMINE PATERNITY;

(IV) EXPLAIN THE PROCEDURE FOR CHALLENGING THE PRESUMPTIVE FINDING OF PATERNITY;

(V) STATE THAT IF THE ALLEGED FATHER FAILS TO CHALLENGE THE PRESUMPTIVE FINDING OF PATERNITY WITHIN 45 DAYS AFTER BEING SERVED WITH THE NOTICE, THE LABORATORY REPORT WILL CONSTITUTE A LEGAL FINDING OF PATERNITY; AND

(VI) ADVISE THE ALLEGED FATHER OF THE CONSEQUENCES OF A LEGAL FINDING OF PATERNITY.

(3) THE ADMINISTRATION MAY NOT ESTABLISH A CHILD SUPPORT OBLIGATION BEFORE THE CONCLUSION OF A CHALLENGE BY AN ALLEGED FATHER TO A PRESUMPTIVE FINDING OF PATERNITY.”;

in line 8, strike “(B)” and substitute “(D)”;

in the same line, after “THE” insert
“**ALLEGED FATHER FAILS TO FILE A TIMELY CHALLENGE TO A PRESUMPTIVE FINDING OF PATERNITY:**”

(I) THE”;

in the same line, strike the first “A” and substitute “THE”; and in line 9, strike “**UNDER SUBSECTION (A) OF THIS SECTION,**” and substitute “**;AND**

(II)”.

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 264 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Children in Need of Assistance – Review Hearings

SB0264/968773/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 264

(First Reading File Bill)

On page 2, in line 4, after the first “**THE**” insert “**APPROPRIATENESS OF AND**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 265 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Children in Need of Assistance – Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 415 – Senators King, Benson, Colburn, Currie, Forehand, Jacobs, Kelley, Madaleno, Manno, Montgomery, Peters, Raskin, Robey, Rosapepe, Shank, Stone, and Young

AN ACT concerning

Criminal History Records Checks – Child Care Providers

SB0415/588774/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 415

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “and a certain listing”; strike beginning with “requiring” in line 9 down through “check;” in line 12; and in line 13, strike “a certain cross-reference” and substitute “certain cross-references”.

AMENDMENT NO. 2

On page 2 in line 17 and on page 5 in lines 11 and 12, in each instance, strike “AND LISTING OF JUVENILE SEX OFFENDERS”.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 15 through 18, inclusive; strike in their entirety lines 27 through 30, inclusive; in lines 19, 21, 23, 25, 26, and 31, in each instance, strike the brackets; and in lines 19, 21, 23, 25, and 31, strike “(III)”, “(IV)”, “(V)”, “(VI)”, and “(7)”, respectively.

AMENDMENT NO. 4

On page 5, strike beginning with “OF” in line 8 down through “SUBTITLE” in line 10; and in line 13, after “ARTICLE” insert “, OF:”

(1) AN EMPLOYEE, EMPLOYER, OR INDIVIDUAL IDENTIFIED IN § 5-561(B)(1), (B)(2), OR (C)(5)(I) OF THIS SUBTITLE; AND

(2) AN INDIVIDUAL WHO PROVIDES OR AGREES TO PROVIDE INFORMAL CHILD CARE, AS DEFINED IN CHILD CARE SUBSIDY REGULATIONS ADOPTED UNDER TITLE 13A OF THE CODE OF MARYLAND REGULATIONS”.

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 503 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Divorce

SB0503/478971/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 503
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “shall” and substitute “may”.

AMENDMENT NO. 2

On page 2, in line 19, strike “**SHALL**” and substitute “**MAY**”.

On page 4, in line 11, strike “**SHALL**” and substitute “**MAY**”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 507 – Senators Shank, Edwards, and Young

AN ACT concerning

**Correctional Facilities – Inmate Programs in Washington County – Payment
of Child Support**

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 620 – Senators Raskin, Astle, Benson, Brochin, Colburn, Currie,
Forehand, Frosh, Garagiola, Jacobs, Jennings, Jones–Rodwell, Kelley,
King, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Muse,
Peters, Pinsky, Pugh, Ramirez, Robey, Rosapepe, Shank, Stone, Young,
and Zirkin**

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

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 372 – Senator Robey

AN ACT concerning

**Health Occupation Boards – Criminal History Records Checks – General
Authority**

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE
AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0372/604732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 372

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Act;” insert “prohibiting a health occupation board from requiring certain applicants to submit certain fingerprints under certain circumstances; providing for the construction of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“(3) (I) IF A HEALTH OCCUPATION BOARD ADOPTS REGULATIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT REQUIRE AN APPLICANT TO SUBMIT AN ADDITIONAL SET OF FINGERPRINTS AFTER A SET HAS BEEN SUBMITTED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION.

“(II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO PROHIBIT A HEALTH OCCUPATION BOARD FROM REQUIRING A LICENSEE OR CERTIFICATE HOLDER TO HAVE AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK, FOR GOOD CAUSE, AT THE BOARD’S EXPENSE.”.

The preceding 2 amendments were read only.

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

The motion was adopted.

Senate Bill 1004 – Calvert County Senators

AN ACT concerning

Calvert County – Alcoholic Beverages – Sunday Sales

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

Senator Dyson moved, duly seconded, to make the Bill and Report a Special Order for March 19, 2013.

The motion was adopted.

**Senate Bill 631 – Senators King, DeGrange, Forehand, Garagiola, Klausmeier,
Manno, Miller, and Peters**

AN ACT concerning

Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

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

FLOOR AMENDMENT

SB0631/509331/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 631

(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 6 down through “Act;” in line 7.

AMENDMENT NO. 2

On page 6, strike in their entirety lines 26 through 29, inclusive; in line 30, strike “3.” and substitute “2.”; and in line 31, strike beginning with the second comma through “2010”.

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 656 – Senator Miller

AN ACT concerning

Calvert County – Property Tax – Natural Gas Facility

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

Favorable report adopted.

FLOOR AMENDMENT

SB0656/223220/1

BY: Senator Dyson

AMENDMENT TO SENATE BILL 656

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Miller” and substitute “Senators Miller and Dyson”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

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

Senate Bill 297 – Senator Zirkin

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimis Quantity

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

SB0297/178774/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 297

(First Reading File Bill)

On page 2, in line 18, strike “1.”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0297/173320/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 297

(First Reading File Bill)

On page 1, in the sponsor line, strike “Senator Zirkin” and substitute “Senators Zirkin and Kittleman”.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator McFadden 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.

The motion was adopted.

Senate Bill 1063 – Senator McFadden

AN ACT concerning

Evaluation of the Application of Minority Business Enterprise Program by the Public Service Commission

FOR the purpose of requiring the Department of Transportation, the Governor’s Office of Minority Affairs, and the Public Service Commission, in consultation with the Office of the Attorney General, to evaluate the feasibility and constitutionality of requiring the Commission to apply the provisions of a certain minority business enterprise program when exercising certain authority; providing for the termination of this Act; and generally relating to an evaluation of the application of the State minority business enterprise program by the Public Service Commission in exercising certain authority.

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. 510)

ADJOURNMENT

At 11:37 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 14, 2013.

Annapolis, Maryland
Thursday, March 14, 2013
10:00 A.M. Session

The Senate met at 10:10 A.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of Senator Reilly.

(See Exhibit A of Appendix III)

The Journal of March 13, 2013 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 512)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 531 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
James (Pat) Harden Daugherty
in recognition of
your exemplary service to our nation and state as a Bronze Star Medal soldier in the
Army's 92nd Infantry Division, the only all African-American unit, the "Buffalo
Soldiers".

The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 513)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 18 – Senator Young

SECOND PRINTING

AN ACT concerning

**Public Safety – Building Codes – Balcony Inspections
(Jonathan’s Law)**

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 514)

**Senate Bill 239 – The President (By Request – Maryland Judiciary) and
Senators Garagiola and Pipkin**

AN ACT concerning

Judgeships – Court of Special Appeals, Circuit Courts, and District Court

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

Affirmative – 45 Negative – 0 (See Roll Call No. 515)

The Bill was then sent to the House of Delegates.

**Senate Bill 262 – Chair, Judicial Proceedings Committee (By Request –
Maryland Judicial Conference)**

AN ACT concerning

Task Force to Study Implementing a Civil Right to Counsel in Maryland

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

Affirmative – 45 Negative – 0 (See Roll Call No. 516)

The Bill was then sent to the House of Delegates.

Senate Bill 370 – Senator Edwards

EMERGENCY BILL

AN ACT concerning

**Garrett County – County Commissioners – Industrial Wind Energy
Conversion Systems**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 517)

The Bill was then sent to the House of Delegates.

Senate Bill 408 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Special Deputy Sheriffs – ~~Insurance Coverage~~

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

Affirmative – 46 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the House of Delegates.

**Senate Bill 419 – Senators Frosh, Conway, Gladden, Madaleno, Pinsky,
Raskin, ~~and Rosapepe~~ Rosapepe, and Muse**

AN ACT concerning

**Civil Actions – Examination in Aid of Enforcement – Procedure After Arrest
for Failure to Appear**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 519)

The Bill was then sent to the House of Delegates.

**Senate Bill 494 – Senators Pugh, Conway, Forehand, Garagiola,
Jones-Rodwell, King, Madaleno, Montgomery, ~~and Muse~~ Muse,
Middleton, Astle, Glassman, Kelley, Kittleman, Klausmeier, Mathias,
Ramirez, and Pipkin**

AN ACT concerning

Commission on Maryland Cybersecurity Innovation and Excellence – Duties

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

Affirmative – 46 Negative – 0 (See Roll Call No. 520)

The Bill was then sent to the House of Delegates.

Senate Bill 496 – Senators Pugh, Forehand, Garagiola, Jones–Rodwell, Kelley, King, Madaleno, Montgomery, ~~and Muse~~ Muse, Astle, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Pipkin, and Ramirez

AN ACT concerning

Maryland Medical Assistance Program – Telemedicine

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

Affirmative – 46 Negative – 0 (See Roll Call No. 521)

The Bill was then sent to the House of Delegates.

Senate Bill 634 – Senators Peters, Currie, DeGrange, Glassman, Kittleman, Klausmeier, and Robey

AN ACT concerning

Commercial Law – Self–Service Storage Facilities

Senator Middleton moved, duly seconded, to make the Bill a Special Order for March 15, 2013.

The motion was adopted.

Senate Bill 637 – Carroll County Senators

AN ACT concerning

**Courts and Judicial Proceedings – Circuit Court for Carroll County – Fees
for Appearance of Counsel**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 522)

The Bill was then sent to the House of Delegates.

Senate Bill 640 – Senators Frosh, Brochin, Forehand, Getty, Gladden, Muse, Raskin, Stone, and Zirkin

AN ACT concerning

**Civil Cases – Maryland Legal Services Corporation Fund – Surcharges –
Repeal of Termination Date**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the House of Delegates.

Senate Bill 776 – ~~Senator Pugh~~ Senators Pugh, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Mathias, Middleton, Pipkin, and Ramirez

AN ACT concerning

Task Force on the Use of Telehealth to Improve Maryland Health Care

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

Affirmative – 46 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the House of Delegates.

Senate Bill 798 – Senators Middleton, Astle, Colburn, Edwards, Kittleman, Mathias, Montgomery, ~~and Pugh~~ Pugh, Garagiola, Glassman, Kelley, Klausmeier, Muse, Pipkin, and Ramirez

AN ACT concerning

Hospitals – Credentialing and Privileging Process – Telemedicine

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

Affirmative – 46 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 160 – Senators Frosh, Brochin, Gladden, Raskin, ~~and Stone~~ Stone, and Manno

EMERGENCY BILL

AN ACT concerning

**Civil Actions – Personal Injury or Death Caused by Dog – Rebuttable
Presumption**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the House of Delegates.

Senate Bill 228 – Senators Frosh, Montgomery, Raskin, and Young

AN ACT concerning

**Criminal Law – Use of Handgun in Crime of Violence or Felony – Statute of
Limitations**

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

Affirmative – 36 Negative – 10 (See Roll Call No. 527)

The Bill was then sent to the House of Delegates.

**Senate Bill 441 – Senators Gladden, Currie, Forehand, Frosh, Ramirez, Stone,
~~and Zirkin~~ Zirkin, and Shank**

AN ACT concerning

Correctional Training Commission – ~~Correctional Officer~~ Members

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

Affirmative – 46 Negative – 0 (See Roll Call No. 528)

The Bill was then sent to the House of Delegates.

Senate Bill 458 – Calvert County Senators

AN ACT concerning

Calvert County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the House of Delegates.

Senate Bill 473 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Children – Records Access

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

Affirmative – 46 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the House of Delegates.

Senate Bill 477 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Employment of Retirees – Required Break in Service

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

Affirmative – 46 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the House of Delegates.

Senate Bill 506 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Technology–Related Businesses – Payment in Lieu of Taxes Agreements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 532)

The Bill was then sent to the House of Delegates.

Senate Bill 508 – Senators Shank, Edwards, and Young

AN ACT concerning

Washington County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the House of Delegates.

Senate Bill 516 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senators Conway, Ferguson, McFadden, and Pugh

AN ACT concerning

Economic Development – Baltimore Convention Facility – Operating Deficits

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

Affirmative – 46 Negative – 0 (See Roll Call No. 534)

The Bill was then sent to the House of Delegates.

Senate Bill 536 – Senators Shank and Zirkin

AN ACT concerning

Department of Juvenile Services – Graduated Responses – Report

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

Affirmative – 46 Negative – 0 (See Roll Call No. 535)

The Bill was then sent to the House of Delegates.

Senate Bill 580 – Senator Raskin

AN ACT concerning

Medical Marijuana – Caregiver – Affirmative Defense

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

Affirmative – 46 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the House of Delegates.

Senate Bill 588 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 537)

The Bill was then sent to the House of Delegates.

Senate Bill 613 – Senator Klausmeier

AN ACT concerning

Income Tax – Electronic Filing – Designation to Purchase Federal Savings Bonds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 538)

The Bill was then sent to the House of Delegates.

Senate Bill 633 – Senators Peters, Brinkley, ~~and Currie~~ Currie, Colburn, Edwards, Jones–Rodwell, King, Manno, McFadden, and Muse

AN ACT concerning

Libraries – County Library Capital Project Grant – Wealth–Based Cost Share

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

Affirmative – 46 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the House of Delegates.

Senate Bill 674 – Senators Edwards and Mathias

AN ACT concerning

Employees’ Pension System – Elected or Appointed Officials – ~~Optional~~ Membership

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

Affirmative – 45 Negative – 0 (See Roll Call No. 540)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON RULES REPORT #8

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1028 – Senator Klausmeier

AN ACT concerning

Baltimore County – Alcoholic Beverages – License Transfers

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1057 – Senator Middleton

AN ACT concerning

Department of Health and Mental Hygiene – Health Care Staff Agencies – Regulation

The bill was re-referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1058 – Senator Jennings

AN ACT concerning

Education – The Reasonable School Discipline Act of 2013

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

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1059 – Senator Raskin

AN ACT concerning

Landlord and Tenant – Application Fees – Prospective Tenants Who Receive Housing Assistance

The bill was re-referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Budget and Taxation:

Senate Bill 1061 – Senator Klausmeier

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Baltimore County – Perry Hall Mansion

The bill was re-referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Judicial Proceedings:

Senate Bill 1062 – Senator Muse

AN ACT concerning

Condominiums and Homeowners Associations – Attorney’s Fees

The bill was re-referred to the Committee on Judicial Proceedings.

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 #7

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

Chair

Senate Executive Nominations Committee

Report #7

March 14, 2013

African American History and Culture, Commission on

1. Lynn Groesbeck Bowman District 1
123 Pine Street Rear
Frostburg, MD 21532

Member of the Commission on African American History and Culture;
appointed to serve a term to expire June 30, 2014

Blind Industries and Services of Maryland, Board of Trustees of

2. Donald J. Morris District 4
16547 Old Emmitsburg Road
Emmitsburg, MD 21727

Member of the Board of Trustees of Blind Industries and Services of Maryland;
reappointed to serve a term of three years from July 1, 2012

Civil Rights, Commission on

3. Naima Said, Esq. District 12
12112 Blue Paper Trail
Columbia, MD 21044

Member of the Commission on Civil Rights; appointed to serve remainder of a
term of six years from July 1, 2007

Economic Development Commission, Maryland

4. Ward W. Barney District 38
24 Mallard Drive East
Ocean Pines, MD 21811

Member of the Maryland Economic Development Commission; appointed to
serve a term of three years from July 1, 2012

5. Robert N. Smelkinson District 43
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

Hart–Miller–Pleasure Island Citizens Oversight Committee

6. Frederick H. Habicht, Jr. District 6
2517 Barrison Point Road
Essex, MD 21221

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

7. Samuel L. Lee District 7
11313 Beach Road
White Marsh, MD 21162

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

Indian Affairs, Commission on

8. Patricia Ward Carson District 38
P.O. Box 106
Crisfield, MD 21817

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2013

Longitudinal Data System Center Governing Board, Maryland

9. Jennifer Strong Mullinix District 44
3626 Hineline Road
Baltimore, MD 21229

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve a term of three years from July 1, 2013

Nursing, State Board of

10. Lois V. Rosedom–Boyd District 10
6760 Real Princess Lane
Baltimore, MD 21207

Member of the State Board of Nursing; appointed to serve a term of four years from July 1, 2012

Professional Engineers, State Board for

11. H.C. Harclerode, II District 7
1 Country Club Lane
Phoenix, MD 21131

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2013

12. Rosalind Lucille Yee District 33
945 Tidewater Grove Court
Annapolis, MD 21401

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2012

Professional Standards and Teacher Education Board

13. Donna Newcomer, Ed.D. District 2
1412 Hamilton Boulevard
Hagerstown, MD 21742

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2010

Residential Boarding Education Programs, Board of Trustees of

14. Morton P. Fisher, Jr., Esq. District 42
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2013

Seafood Marketing Advisory Commission

15. William L. Rice District 28
10750 Rockles View Place
Newburg, MD 20664

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2010

St. Mary's College of Maryland, Board of Trustees

16. Stephanie Rawlings–Blake District 41
100 Holliday Street, Room #250
Baltimore, MD 21202

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2013

Uninsured Employers Fund Board

17. Michael J. Hayes, Esq. District 11
448 Doe Meadow Drive
Owings Mills, MD 21117

Member of the Uninsured Employers Fund Board; appointed to serve a term of four years from July 1, 2011

University System of Maryland Board of Regents

18. Robert D. Rauch District 37
28466 Waterview Drive
Easton, MD 21601

Member of the University System of Maryland Board of Regents; appointed to serve remainder of a term of five years from July 1, 2009

19. Thomas G. Slater, Esq. District 3
2229 Lamppost Lane
Frederick, MD 21701

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2012

20. Tracye Turner District 23
3204 Dunwood Ridge Terrace
Bowie, MD 20721

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2012

Veterans' Home Commission, Maryland

21. Andrew H. Anderson District 37
29995 Bolingbroke Lane
Trappe, MD 21673

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2013

Wellmobile Program Advisory Board, Governor's

22. Elmer T. Carreno, M.D. District 14
14625 Cutstone Way
Silver Spring, MD 20905

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2010 and a term of three years from October 1, 2013

Women, Maryland Commission for

23. Agnes Diane Williams District 23
902 Jennings Mill Drive
Bowie, MD 20721

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

Workers' Compensation Commission, State

24. Lauren A. Sfekas Godwin, Esq. District 9
12019 Windsor Moss
Ellicott City, MD 21042

Member of the State Workers' Compensation Commission; reappointed to serve a term of twelve years from February 1, 2013

25. Cynthia S. Miraglia, Esq. District 42
6444 Cloister Gate Drive
Baltimore, MD 21212

Member of the State Workers' Compensation Commission; reappointed to serve a term of twelve years from February 1, 2013

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Longitudinal Data System Center Governing Board, Maryland

- S–1. Nicole C. Marano District 5
6 Clynmalira Court
Phoenix, MD 21131

Member of the Maryland Longitudinal Data System Center Governing Board; reappointed to serve a term of three years from July 1, 2013

- S–2. Jason Perkins–Cohen District 41
4818 Keswick Road
Baltimore, MD 21210

Member of the Maryland Longitudinal Data System Center Governing Board; reappointed to serve a term of three years from July 1, 2013

- S–3. Brian A. Roberts District 17
8 Ramsdell Terrace
Gaithersburg, MD 20878

Member of the Maryland Longitudinal Data System Center Governing Board; reappointed to serve a term of three years from July 1, 2013

Marine Contractors Licensing Board

- S–4. Richard J. Ayella District 9
9879 Fox Hill Court
Ellicott City, MD 21042

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-5. Jack R. Beckwith District 29
28799 Three Notch Road
Mechanicsville, MD 20659

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-6. Jordan R. Loran District 42
6701 Parkway Road
Idlewylde, MD 21239

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-7. Christopher P. McCabe District 38
29035 Tanager Way
Eden, MD 21822

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-8. Milton Rehbein District 7
1426 Burke Road
Middle River, MD 21220

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-9. Joshua W. Schleupner District 37
24620 Porter Mill Road
Hebron, MD 21830

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-10. Douglas F. Suess District 7
18 Overshot Court
Phoenix, MD 21131

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

Prevailing Wage Rates, Advisory Council on

S–11. Kenneth M. Grunley
8816 Twin Creek Court
Potomac, MD 20854

District 15

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2013

Professional Engineers, State Board for

S–12. David G. Mongan
2341 Elderberry Lane
Reisterstown, MD 21136

District 5

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2013

Real Estate Appraisers and Home Inspectors, State Commission of

S–13. Steven P. O'Farrell
18826 Crofton Road
Hagerstown, MD 21742

District 2

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2013

St. Mary's College of Maryland, Board of Trustees

S–14. Peg Duchesne
12625 Laurel–Bowie Road, #3105
Laurel, MD 20709

District 23

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

S–15. Timothy Louis Heely
21652 Joe Hazel Road
Leonardtown, MD 20650

District 29

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S-16. Sven Erik Holmes District 99
2429 Kalorama Road, NW
Washington, DC 20008

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S-17. Steny H. Hoyer District 99
1705 Longworth House Office Building
Washington, DC 20515

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S-18. Katharine A. Russell District 99
368 Cypress Point Drive
Palm Desert, CA 92211

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

Tourism Development Board, Maryland

- S-19. Patricia C. Heffelfinger District 15
12404 Frost Court
Potomac, MD 20854

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2013

University System of Maryland Board of Regents

- S-20. Gary L. Attman District 11
3712 Michelle Way
Pikesville, MD 21208

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2013

- S-21. Norman Augustine District 15
9826 Sorrel Avenue
Potomac, MD 20854

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2013

Veterans' Home Commission, Maryland

- S–22. Gary Douglas Knight District 29
1035 Leeward Way
Solomons, MD 20688

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2013

Women, Maryland Commission for

- S–23. Wandra Ashley–Williams District 9
4922 Water Grove Lane
Ellicott City, MD 21043

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

- S–24. Darlene M. Breck District 28
8425 Welcome Woods Place
Welcome, MD 20693

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

- S–25. Anita Lombardi Riley District 9
5887 Pawtucket Lane
Eldersburg, MD 21784

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Anne Arundel Community College Board of Trustees

- L–1. Nchedochukwu C. Idahosa District 32
211–E Woodhill Drive
Glen Burnie, MD 21061

Student Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2013

Baltimore City Community College, Board of Trustees for

- L-2. Mary Elizabeth Owen-Southall, Ph.D. District 40
3413 Rosedale Road
Baltimore, MD 21215

Member of the Board of Trustees for Baltimore City Community College; reappointed to serve a term of six years from July 1, 2011

- L-3. Maria Harris Tildon District 41
5616 Cross County Boulevard
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; reappointed to serve a term of six years from July 1, 2012

Cecil College Board of Trustees

- L-4. Donna L. Horgan District 36
135 Riverside Drive
Elkton, MD 21921

Member of the Cecil College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

College of Southern Maryland, Board of Trustees of the

- L-5. John W. Roache, M.D. District 29
28140 Three Notch Road
Mechanicsville, MD 20659

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Frederick County Board of License Commissioners

- L-6. Richard L. Stup District 3
199 Fairfield Drive
Frederick, MD 21702

Member of the Frederick County Board of License Commissioners; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Hagerstown Community College Board of Trustees

- L–7. L. William Proctor, Jr., Esq. District 2
19625 Spring Creek Road
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

- L–8. Gregory I. Snook District 2
16025 Cloverton Lane
Williamsport, MD 21795

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

Howard Community College Board of Trustees

- L–9. Mamie Johns Perkins District 13
6812 Wolf Creek Court
Clarksville, MD 21029

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2012

- L–10. Katherine K. Rensin District 9
3405 Shady Lane
Glenwood, MD 21738

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

Washington County Board of License Commissioners

- L–11. Charles F. Mades District 2
17223 Cloverleaf Road
Hagerstown, MD 21740

Member of the Washington County Board of License Commissioners; reappointed to serve a term of six years from June 1, 2013

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 15, 2013.

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #21**

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

Senate Bill 344 – Senators Middleton and Frosh

AN ACT concerning

Potomac River Fisheries Commission – Inspection Tax and Penalty

SB0344/314238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 344

(First Reading File Bill)

On page 2, in line 9, strike “OYSTER REPLENISHMENT–RELATED PROGRAMS” and substitute “PLANTING SEED OR SHELL OYSTER ON WORKING BOTTOM”.

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 662 – Senators Mathias and Colburn

AN ACT concerning

Natural Resources – Commercial Fishing – Licensing

SB0662/614435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 662

(First Reading File Bill)

On page 4, in line 16, strike “\$200” and substitute “\$150”; and in line 25, strike “\$150” and substitute “\$350”.

On page 5, in line 13, strike “OR”; and in line 14, after “(V)” insert “SUMMER FLOUNDER: \$25; OR

(VI)”.

On page 18, in line 20, after “shellfish” insert “FROM WATERS OF THE STATE”; and in line 33, strike beginning with “TIDAL” down through “AND” and substitute “PERSON WITH”.

On page 20, strike beginning with “ON” in line 18 down through “DEPARTMENT” in line 19.

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 729 – Calvert County Senators

AN ACT concerning

Calvert County – County Commissioners – Method of Election

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 748 – Senator Middleton

AN ACT concerning

Agriculture – Nutrient Management – Waters of the State

SB0748/864936/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 748

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Waters of the State” and substitute “Limiting Applicability”; in line 3, strike beginning with “altering” through the fourth “the” and substitute “specifying that certain”; in line 5, after “Agriculture” insert “apply to certain surface waters, the Chesapeake Bay and its tributaries, and other certain bodies of water”; strike in their entirety lines 6 through 10, inclusive; in line 13, strike “8–801(n)” and substitute “8–803.4(e) and 8–803.5(d)”; in line 20, strike “(e) and”; in the same line, strike “and (d)”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article – Agriculture

Section 8–803.6(a)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 through 12, inclusive.

AMENDMENT NO. 3

On page 2 in line 16 and on page 3 in line 16, in each instance, strike “waters of the State” and substitute “:

(I) SURFACE WATER SUBJECT TO THE JURISDICTION OF THE STATE;

(II) THE CHESAPEAKE BAY AND ITS TRIBUTARIES;

(III) A POND WITHIN THE STATE;

(IV) A LAKE WITHIN THE STATE;

(V) A RIVER WITHIN THE STATE;

(VI) A STREAM WITHIN THE STATE;

(VII) A PUBLIC DITCH WITHIN THE STATE;

(VIII) A TAX DITCH WITHIN THE STATE; OR

(IX) A PUBLIC DRAINAGE SYSTEM WITHIN THE STATE, OTHER THAN THOSE DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY SEWAGE”.

On page 4, in line 2, strike “the waters of the State” and substitute “:

1. SURFACE WATER SUBJECT TO THE JURISDICTION OF THE STATE;

2. THE CHESAPEAKE BAY AND ITS TRIBUTARIES;

3. A POND WITHIN THE STATE;

4. A LAKE WITHIN THE STATE;

5. A RIVER WITHIN THE STATE;

6. A STREAM WITHIN THE STATE;

7. A PUBLIC DITCH WITHIN THE STATE;

8. A TAX DITCH WITHIN THE STATE; AND

9. A PUBLIC DRAINAGE SYSTEM WITHIN THE STATE, OTHER THAN THOSE DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY SEWAGE”.

On page 4, strike in their entirety lines 11 through 15, inclusive; in line 17, after the first “of” insert “Sections 4 and 5 of”; in line 18, after the second “of” insert “Sections 4 and 5 of”; and in line 19, after “of” insert “Sections 4 and 5 of”.

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:

Senate Bill 750 – Senator Robey

AN ACT concerning

**Public Safety – Maryland Building Performance Standards – Local Wind
Design and Wind-Borne Debris Standards**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

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

Senate Bill 30 – Senators Zirkin and Forehand

AN ACT concerning

**Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young
Child**

Senator Reilly moved, duly seconded, to make the Bill and Report a Special Order for March 15, 2013.

The motion was adopted.

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

Senate Bill 39 – Senator Colburn

AN ACT concerning

**Motor Vehicle Registration – Special Vintage Reproduction Registration
Plate**

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 212 – Senators Edwards, Astle, and Shank

AN ACT concerning

**Vehicle Laws – Registration Plates for Motorcycles – Individuals with
Disabilities**

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 399 – Senator Astle

AN ACT concerning

**Motor Vehicle Administration – Selective Service Registration – Driver's
License and Identification Card Applicants**

SB0399/828471/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 399

(First Reading File Bill)

On page 2, in line 6, strike “**15**” and substitute “**17**”.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 600 – Senator Garagiola

AN ACT concerning

Vehicle Laws – Electric Vehicles

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 621 – Senators Raskin, Astle, Forehand, Frosh, Gladden,
Jennings, King, Shank, and Stone**

AN ACT concerning

Vehicles Laws – Emergency Vehicles – Motorcades and Escorts

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 742 – Senator Jones–Rodwell (By Request – Baltimore City
Administration) and Senator Ferguson**

AN ACT concerning

Vehicle Laws – Residential Parking in Baltimore City

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 541)

ADJOURNMENT

At 11:24 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 15, 2013.

**Annapolis, Maryland
Friday, March 15, 2013
11:00 A.M. Session**

The Senate met at 11:07 A.M.

Prayer by Reverend Karen F. Bunnell, Elkton United Methodist Church, guest of Senator Pipkin.

(See Exhibit A of Appendix III)

The Journal of March 14, 2013 was read and approved.

On motion of Senator Garagiola it was ordered that Senators Miller, Currie, Dyson, Kittleman, Muse and Shank be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 543)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 549 – Senator David R. Brinkley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Frederick Fury U–19 Girls Ice Hockey Team
in recognition of
being the first Frederick Fury team that has qualified for
USA Hockey's National Championships.
Congratulations and good luck in San Jose!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 41 Negative – 0 (See Roll Call No. 544)

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS****House Bill 247 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

AN ACT concerning

Criminal Procedure – Criminal Justice Information System Central Repository – Administration

FOR the purpose of establishing that the Criminal Justice Information System Central Repository is the official State repository for criminal history record information; specifying the duties of the Central Repository; and generally relating to the responsibilities of the Central Repository.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–213
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

House Bill 277 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Children in Need of Assistance – Review Hearings

FOR the purpose of requiring the juvenile court to conduct certain hearings within certain periods of time to review the status of certain children under its jurisdiction; requiring the juvenile court to take certain actions at a review hearing under this Act; establishing that a certain hearing to review a child's permanency plan satisfies the requirements for a review hearing under this Act; and generally relating to children in need of assistance.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–816.2
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 286 – Delegates Niemann, Beidle, Glenn, and Lafferty

AN ACT concerning

Real Property – Common Ownership Communities – Foreclosure of Liens

FOR the purpose of authorizing the governing body of a common ownership community to foreclose on a lien against a unit owner, ~~member~~, or lot owner only if the damages secured by the lien consist solely of certain delinquent assessments, costs, and attorney's fees under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to the foreclosure of liens by the governing body of a common ownership community.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–204
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 292 – Chair, Judiciary Committee (By Request – Departmental – State Police)

AN ACT concerning

Public Safety – Statewide DNA Data Base System – DNA Sample Collection on Arrest – Reporting Requirement and Repeal of Sunset

FOR the purpose of altering a certain reporting requirement to require law enforcement agencies and the Department of State Police to report certain information regarding DNA collection and analysis to the Governor's Office of Crime Control and Prevention instead of the Office of Legislative Audits; requiring the Governor's Office of Crime Control and Prevention to compile certain information and submit the information to the Office of Legislative Audits; repealing the termination date for certain provisions of the statewide DNA data base law applicable to the collection, analysis, and reporting of certain information relating to DNA; and generally relating to the statewide DNA data base system.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 2–514
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Chapter 337 of the Acts of the General Assembly of 2008
Section 4

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

House Bill 365 – Delegate Glass

AN ACT concerning

Harford County – Archery Hunting – Safety Zone

FOR the purpose of establishing for archery hunters in Harford County a safety zone of a certain size within which archery hunting may not take place except under certain circumstances; and generally relating to archery hunting in Harford County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(g)
Annotated Code of Maryland
(2012 Replacement Volume)

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

House Bill 414 – Frederick County Delegation

AN ACT concerning

Frederick County – Gaming Permits

FOR the purpose of repealing in Frederick County a certain limitation on the number of certain raffles that may be held on a single day; authorizing the Board of County Commissioners of Frederick County to determine the number of permits to conduct a raffle that certain organizations in Frederick County may receive in a calendar year; and generally relating to raffles in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1304(a) and (b)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law

Section 13–1304(f)(2)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY adding to

Article – Criminal Law
Section 13–1304(f)(4)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

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

House Bill 588 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Children – Records Access

FOR the purpose of authorizing access to certain court records and police records by the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice under certain circumstances; requiring that the Baltimore City Health Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice be liable for the unauthorized release of certain records and information; requiring the Baltimore City Health Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice to submit a certain report within a certain period of time; requiring that certain records concerning child abuse and neglect be disclosed to the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention under certain circumstances; requiring the Department of Juvenile Services to disclose to the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention certain records concerning certain children under certain circumstances; requiring the Department of State Police to provide to the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice certain information concerning certain children under certain circumstances; requiring the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice to keep certain information confidential; authorizing the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice to use certain information solely for certain purposes; providing for the termination of this Act; and generally relating to records concerning children and access by the Baltimore City Health ~~Department~~ Department's Office of Youth Violence Prevention and the Baltimore City Mayor's Office on Criminal Justice.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–827(a) and 3–8A–27
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1–202(b) and (c)(1)(v)
Annotated Code of Maryland
(2007 Volume and 2012 Supplement)

BY adding to
Article – Human Services
Section 1–202(f) and 9–219(f)
Annotated Code of Maryland
(2007 Volume and 2012 Supplement)

BY adding to
Article – Public Safety
Section 2–308(d)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 592 – Delegates Kaiser, Barkley, Beidle, Bohanan, Carr, Carter, DeBoy, Dwyer, Glenn, Guzzone, Hogan, Lafferty, B. Robinson, Schulz, Sophocleus, Szeliga, V. Turner, and M. Washington

AN ACT concerning

Election Law – Reporting of Precinct Results

FOR the purpose of requiring a local board of canvassers to prepare a statement of election results by precinct that includes all votes cast by voters registered in each precinct who voted ~~provisionally, absentee, and~~ early on certain voting machines; requiring the State Board of Elections to prepare a report that includes election results by precinct of all votes cast by voters registered in each precinct who voted ~~provisionally, absentee, and~~ early on certain voting machines; and generally relating to the reporting of election results.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 11–402
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 626 – Delegates Mitchell, Vallario, Bobo, Carr, Clippinger, Gilchrist, Guzzone, Ivey, A. Kelly, Lee, Luedtke, S. Robinson, Simmons, M. Washington, and Zucker

AN ACT concerning

Register of Wills – Salary

FOR the purpose of altering a certain limit on the maximum salary that the Board of Public Works may set for a register of wills; providing that this Act does not apply to the salary or compensation of an incumbent register of wills during a certain term of office; and generally relating to the salary of a register of wills.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 2–205(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–205(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

House Bill 628 – Delegates Norman, Niemann, Healey, Holmes, Jacobs, S. Robinson, and Stein

AN ACT concerning

Real Property – Maryland Contract Lien Act – Monetary Judgments

FOR the purpose of clarifying that the party entitled to enforce a lien on property under the Maryland Contract Lien Act may bring suit, without waiving the lien, for a monetary judgment for the lien amount, plus costs and attorney's fees, without foreclosing on the property subject to the lien, or if the property subject to the lien has been foreclosed, may maintain suit in the foreclosure proceeding or bring a separate suit for a monetary judgment for any deficiency amount, plus costs and attorney's fees under certain circumstances; and generally relating to monetary judgments under the Maryland Contract Lien Act.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–204
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 730 – Delegates Parrott, Afzali, Aumann, Boteler, Dwyer, Eckardt, Frank, George, Haddaway–Riccio, Hogan, Hough, Impallaria, Kipke, Krebs, McComas, W. Miller, Norman, Smigiel, Stocksdales, Szeliga, and Vitale

AN ACT concerning

Election Law – Polling Places – Electioneering

FOR the purpose of requiring that electioneering be allowed on the premises of a public building that is used for a polling place up to a certain electioneering boundary; requiring that campaign signs be allowed on the premises of a public building that is used for a polling place for, at a minimum, certain time periods; prohibiting a polling place from being located in a privately owned building ~~unless the owner of the building agrees to allow electioneering on the premises up to a certain electioneering boundary~~ except under certain circumstances; and generally relating to electioneering at polling places.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 10–101(a)(1) and (2)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–101(a)(3) and (4)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 742 – Delegates Waldstreicher ~~and McDermott~~, McDermott, Clippinger, Cluster, Conaway, Dumais, Hough, K. Kelly, and Mitchell

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Citation Authority

FOR the purpose of authorizing a police officer to charge by citation for certain crimes; making this Act an emergency measure; and generally relating to criminal citations.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 4–101(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

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

**House Bill 752 – Chair, Ways and Means Committee (By Request –
Departmental – Lottery)**

EMERGENCY BILL

AN ACT concerning

Video Lottery Gaming – Term of License

FOR the purpose of altering the term of a certain video lottery license; making this Act an emergency measure; and generally relating to video lottery licenses and the Maryland Lottery and Gaming Control Commission.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–07(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 766 – Delegates Frush and Vitale

AN ACT concerning

**Environment – ~~Landscape Architects and Land Surveyors – Plan~~
~~Certification~~ Severn River Watershed – Silt and Erosion Control –
Certification**

FOR the purpose of authorizing professional land surveyors and licensed landscape architects to certify silt and erosion control plans in the Severn River Watershed; ~~authorizing professional land surveyors and licensed landscape~~

~~architects to certify certain site plans for certain purposes; and generally relating to certification of silt and erosion control plans and site plans in the Severn River Watershed.~~

BY repealing and reenacting, with amendments,

Article – Environment

Section 4-308 ~~and 9-206(b)(2)~~

Annotated Code of Maryland

(2007 Replacement Volume and ~~2010~~ 2012 Supplement)

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

House Bill 791 – Delegates McHale and Malone

AN ACT concerning

Tax Credits – Electric Vehicles – Extensions

FOR the purpose of extending the credit against the State income tax for certain qualified electric vehicle recharging equipment for certain tax years; providing for the amount of tax credit certificates that may be issued by the Maryland Energy Administration; transferring certain money from the Strategic Energy Investment Fund to the General Fund in certain fiscal years; extending the credit against the motor vehicle excise tax for certain qualified plug-in electric drive vehicles for a certain period of time; establishing that the tax credit is subject to available funding; transferring certain money from the Strategic Energy Investment Fund to the Transportation Trust Fund in a certain fiscal year; and generally relating to the extension of tax credits relevant to electric vehicles.

BY repealing and reenacting, without amendments,

Article – Environment

Section 2-1002(g)(2)

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 9-20B-05(a) and (e)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10-729

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 13–815

Annotated Code of Maryland

(2012 Replacement Volume)

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

House Bill 836 – Delegates Malone and McHale

AN ACT concerning

Vehicle Laws – Electric Vehicles

FOR the purpose of altering and harmonizing certain variations of the defined term “plug-in electric drive vehicle” as that term applies to planning by a utility for the availability and reliability of electric supply, excise tax credits, and exemptions allowing the use of high occupancy vehicle lanes regardless of the number of passengers; clarifying the application of the excise tax credit for plug-in electric drive vehicles; clarifying the application of and extending the termination date for the exemption allowing the use of high occupancy vehicle lanes by plug-in electric drive vehicles regardless of the number of passengers; altering the deadlines for the reporting requirements for the Maryland Electric Vehicle Infrastructure Council; extending the termination date for the Council; and generally relating to electric vehicles.

BY repealing and reenacting, without amendments,

Article – State Government

Section 10–616(p)(1)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 10–616(p)(5)(xvi)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – Transportation

Section 11–145.1

Annotated Code of Maryland

(2012 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 13–815 and 25–108
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 491 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, with amendments,
Chapter 492 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, without amendments,
Chapter 400 of the Acts of the General Assembly of 2011
Section 1(b)

BY repealing and reenacting, with amendments,
Chapter 400 of the Acts of the General Assembly of 2011
Section 1(h) and 2

BY repealing and reenacting, without amendments,
Chapter 401 of the Acts of the General Assembly of 2011
Section 1(b)

BY repealing and reenacting, with amendments,
Chapter 401 of the Acts of the General Assembly of 2011
Section 1(h) and 2

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

House Bill 840 – Delegate Luedtke

AN ACT concerning

Joint Committee on Gaming Oversight – Membership

FOR the purpose of expanding the membership of the Joint Committee on Gaming Oversight; specifying that the Director of the State Lottery and Gaming Control Agency, the Special Secretary of the Governor’s Office of Minority Affairs, and the Governor appoint as members individuals who represent certain entities or who have expertise in certain areas; and generally relating to the Joint Committee on Gaming Oversight.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–38

Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 858 – Delegate Waldstreicher

AN ACT concerning

Estates and Trusts – Modified Administration and Inheritance Tax

FOR the purpose of altering the circumstances under which a personal representative of an estate may file for an election for modified administration; providing that, if a personal representative discovers certain property after the time for filing a certain verified final report, the representative shall file a certain report and make a final distribution of the property within certain time periods; providing that a certain application to prepay inheritance tax for a subsequent interest may be filed with the register of the county where a certain information report was filed; making conforming changes; providing for the application of this Act; and generally relating to the modified administration of trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–702, 5–704, and 5–706
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–219
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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

House Bill 859 – Delegate Waldstreicher

AN ACT concerning

Interests in Grantor and Qualified Terminable Interest Property Trusts

FOR the purpose of providing that an individual who creates a certain trust may not be considered the settlor of the trust under certain circumstances; providing that a creditor of an individual who creates a certain trust may not compel certain distributions; providing for the construction of this Act; and generally relating to interests in certain trusts.

BY adding to

Article – Estates and Trusts

Section 14–116

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

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

House Bill 921 – Delegates Valentino–Smith, Kach, Lee, McComas, and Vallario

AN ACT concerning

Correctional Services – Inmate Earnings – Compensation for Victims of Crime

FOR the purpose of adding a requirement that the Department of Public Safety and Correctional Services pay compensation for victims of crime in accordance with certain provisions to a list of deductions that the Department is required to withhold from an inmate's earnings; requiring the Department to withhold a certain amount of the earnings of an inmate in a certain program for compensation for victims of crime; requiring the Department to allocate earnings that are withheld in a certain manner; requiring the Criminal Injuries Compensation Board to distribute certain amounts to a certain person or governmental unit; establishing that compliance with a judgment of restitution is a required condition of work release if work release is allowed; applying certain provisions relating to responsibility for the administration of payments of restitution to the Department instead of to the Division of Parole and Probation; requiring the Department to submit a certain report by a certain date; altering the purpose of the Criminal Injuries Compensation Fund to include distribution of certain restitution payments; and generally relating to compensation for victims of crime.

BY repealing and reenacting, with amendments,

Article – Correctional Services

Section 11–604

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 11–607 and 11–819(b)

Annotated Code of Maryland

(2008 Replacement Volume and 2012 Supplement)

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

House Bill 950 – Delegate Dumais

AN ACT concerning

Circuit Court Clerks – Salary

FOR the purpose of altering a certain limit on the maximum salary that the Board of Public Works may set for a clerk of a circuit court; providing that this Act does not apply to the salary or compensation of an incumbent clerk of a circuit court during a certain term of office; and generally relating to the salary of a clerk of a circuit court.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–504(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

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

House Bill 1053 – Delegate B. Robinson (By Request – Baltimore City Administration) and Delegates Anderson, Conaway, and M. Washington**EMERGENCY BILL**

AN ACT concerning

Video Lottery Facilities – Employee Licenses – Crimes of Moral Turpitude or Gambling

FOR the purpose of limiting the requirement that the State Lottery Commission deny a video lottery employee license to an applicant convicted for a crime involving moral turpitude or gambling to those applicants convicted, paroled, or on probation for the crime within a certain prior period; making this Act an emergency measure; and generally relating to video lottery employee licenses.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–14
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 1059 – Delegate Haynes

AN ACT concerning

Video Lottery Operation Licensees – Employee Data Collection

FOR the purpose of requiring a video lottery operation licensee to compile certain data concerning its employees and submit the data to the State Lottery and Gaming Control Commission on or before a certain date; requiring the Commission to submit a certain report to the General Assembly and certain other persons within a certain time; and generally relating to video lottery operation licensees and the State Lottery and Gaming Control Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–01(a) and (k)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Government
Section 9–1A–23(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

**House Bill 1155 – Delegates Branch, Barve, Hixson, Luedtke, Myers,
F. Turner, and Walker**

AN ACT concerning

Video Lottery Facilities – Table Game Proceeds

FOR the purpose of adding table games to a certain definition of proceeds that applies to video lottery terminal operations; and generally relating to table game operations at video lottery facilities.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–01(u)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

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

House Bill 1327 – Delegate Otto

AN ACT concerning

Agricultural Commodity – Assessment – Collection

FOR the purpose of repealing the requirement that a certain assessment on an agricultural commodity be collected annually; repealing the requirement that a certain assessment be deducted by a purchaser on and after the date specified in a certain notification letter; requiring a purchaser to remit an assessment to a certified agency as directed by the Secretary of Agriculture; authorizing a certified agency to initiate judicial proceedings under certain circumstances; authorizing a certain certified agency to inspect certain books and records; making certain clarifying and conforming changes; making stylistic changes; and generally relating to the collection of an assessment on an agricultural commodity.

BY repealing and reenacting, with amendments,

Article – Agriculture

Section 10–108 and 10–111

Annotated Code of Maryland

(2007 Replacement Volume and 2012 Supplement)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 142	Sen. Pugh	Public Utilities – Telephone Service – Charges for Directory Assistance

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 716 – Delegates Tarrant, Costa, Cullison, Elliott, Hubbard, A. Kelly, Kipke, Krebs, Nathan–Pulliam, Pena–Melnik, Ready, and V. Turner

AN ACT concerning

Drug Therapy Management – Physician–Pharmacist Agreements

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

Read and ordered journalized.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #22**

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

Senate Bill 47 – Senator Young

AN ACT concerning

Procurement – Maryland Buy American Steel and Manufactured Goods Act

SB0047/114330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 47

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Young” and substitute “Senators Young, Forehand, Garagiola, Klausmeier, Madaleno, Montgomery, Stone, Colburn, Benson, Dyson, Manno, Conway, Rosapepe, Ferguson, Jennings, and Simonaire”; in line 2, strike “Maryland Buy American Steel and” and substitute “Purchase of American”; in the same line, strike “Act”; strike beginning with “Maryland” in line 3 down through “Act” in line 10 and substitute “State procurement law to grant a preference for American manufactured goods in State contracting; requiring a public body to require that certain contractors and subcontractors use or supply American manufactured goods under certain procurements; providing for the application and construction of this Act; requiring a public body to give a certain notice; requiring the”

Board of Public Works to adopt certain regulations regarding the granting of a preference for the use of American manufactured goods; defining certain terms; and generally relating to the purchase of American manufactured goods"; strike in their entirety lines 11 through 16, inclusive; in line 17, strike "repealing and reenacting, without amendments," and substitute "adding to"; and in line 19, strike "17-302 and 17-305" and substitute "14-416".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 6 on page 4, inclusive, and substitute:

"14-416.

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

(2) "AMERICAN MANUFACTURED GOODS" MEANS GOODS THAT:

(I) ARE MANUFACTURED IN THE UNITED STATES; OR

(II) ARE ASSEMBLED IN THE UNITED STATES.

(3) (I) "EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS" MEANS ANY GOODS WHEN PROVIDED FOR INSTALLATION IN, AS PART OF, OR AS AN ADDITION TO A SYSTEM DESIGNED TO:

1. PREVENT, RESPOND TO, ALERT REGARDING, SUPPRESS, CONTROL, OR EXTINGUISH AN EMERGENCY OR THE CAUSE OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY; OR

2. ASSIST IN EVACUATION IN THE EVENT OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY.

(II) "EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS" INCLUDES SYSTEMS OR ITEMS FOR OR RELATING TO:

1. FIRE ALARMS;

2. FIRE SPRINKLERS;
3. FIRE SUPPRESSION;
4. FIRE EXTINGUISHING;
5. SECURITY;
6. GAS DETECTION;
7. INTRUSION DETECTION;
8. ACCESS CONTROL;
9. VIDEO SURVEILLANCE AND RECORDING;
10. MASS NOTIFICATION;
11. PUBLIC ADDRESS;
12. EMERGENCY LIGHTING;
13. PATIENT WANDERING;
14. INFANT TAGGING; AND
15. NURSE CALL.

(4) “PUBLIC BODY” MEANS:

- (I) A UNIT;
- (II) A COUNTY;
- (III) A MUNICIPALITY IN THE STATE;

(IV) A SCHOOL DISTRICT IN THE STATE; OR

(V) A SPECIAL DISTRICT IN THE STATE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PUBLIC BODY SHALL REQUIRE A CONTRACTOR OR SUBCONTRACTOR TO USE OR SUPPLY AMERICAN MANUFACTURED GOODS IN THE PERFORMANCE OF A CONTRACT FOR:

(1) CONSTRUCTING OR MAINTAINING A PUBLIC WORK; OR

(2) BUYING OR MANUFACTURING MACHINERY OR EQUIPMENT THAT IS TO BE INSTALLED AT A PUBLIC WORK SITE.

(C) THIS SECTION DOES NOT APPLY:

(1) IF THE HEAD OF A PUBLIC BODY DETERMINES THAT:

(I) THE PRICE OF THE AMERICAN MANUFACTURED GOODS EXCEEDS THE PRICE OF A SIMILAR MANUFACTURED GOOD THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES; OR

(IV) THE PROCUREMENT OF A MANUFACTURED GOOD WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST; OR

(2) TO EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS.

**(D) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO
DEFINE THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:**

- (1) “REASONABLY AVAILABLE”;**
- (2) “UNREASONABLE AMOUNT”; AND**
- (3) “SUBSTANTIALLY LESS”.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) This Act shall be applied in a manner consistent with the State’s obligations under any applicable international agreement to which the State is bound; and

(2) This Act may not be construed to amend, alter, or impair any obligation imposed under Title 17, Subtitle 3 of the State Finance and Procurement Article.”;

and in line 7, strike “2.” and substitute “3.”.

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 524 – Senator Colburn

AN ACT concerning

**Wetlands and Riparian Rights – Licenses and Permits for
Nonwater-Dependent Projects on State or Private Wetlands**

SB0524/624330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 524

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike the first “wetlands”; in line 10, after the semicolon insert “authorizing the Board of Public Works to consider certain factors when determining a certain percentage for the calculation of the annual compensation rate for certain nonwater-dependent projects;”; in line 15, after “projects” insert “that were”; and in the same line, after “existence” insert “and did not have an application pending before the Board of Public Works or the Department”.

AMENDMENT NO. 2

On page 2, in lines 5, 10, and 22, in each instance, strike “tidal”.

AMENDMENT NO. 3

On page 4, in line 11, strike “TIDAL”; and after line 27, insert:

“(3) “NONWATER-DEPENDENT PROJECT” DOES NOT INCLUDE:

(I) A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;

(II) A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR

(III) AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.”.

AMENDMENT NO. 4

On page 7 in line 31 and on page 9 in line 14, in each instance, after “STATE” insert “OR PRIVATE”.

AMENDMENT NO. 5

On page 13, strike beginning with the colon in line 14 down through “SHALL” in line 15 and substitute “SHALL”; in line 15, strike “A MINIMUM” and substitute “AN”;

in lines 17 and 21, strike “A.” and “B.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 21, strike “MULTIPLYING” and substitute “:

1. MULTIPLYING”;

in line 28, after “2.” insert “MULTIPLYING THE RATE CALCULATED UNDER ITEM 1 OF THIS ITEM BY A PERCENTAGE CONSIDERED APPROPRIATE BY THE BOARD NOT TO EXCEED 100%.

(3) IN DETERMINING THE APPROPRIATE PERCENTAGE UNDER PARAGRAPH (2)(II)2 OF THIS SUBSECTION, THE BOARD MAY CONSIDER:

(I) THE EXTENT TO WHICH THE NONWATER-DEPENDENT PROJECT IS USED ON A SEASONAL OR YEAR-ROUND BASIS;

(II) THE EXTENT OF THE ECONOMIC IMPACT OF THE NONWATER-DEPENDENT PROJECT ON THE LOCAL JURISDICTION;

(III) THE NATURE AND EXTENT OF THE ENVIRONMENTAL IMPACT OF THE NONWATER-DEPENDENT PROJECT;

(IV) THE EXTENT TO WHICH THE NONWATER-DEPENDENT PROJECT AND, IF APPLICABLE, ITS ROOF OR COVERING, ARE PERMANENT OR TEMPORARY;

(V) ANY HISTORY OF VIOLATION OF THIS TITLE BY THE LICENSEE;

(VI) ANY REAL PROPERTY LEASE RATES FOR THE AREA FOR A COMMERCIAL ACTIVITY SIMILAR TO THE LICENSEE’S OR ANY REAL PROPERTY APPRAISALS OBTAINED BY THE LICENSEE; AND

(VII) ANY OTHER FACTOR THAT THE BOARD CONSIDERS RELEVANT.

(4)”;

in line 28, strike “MAY” and substitute “THE BOARD MAY”; in the same line, strike “MINIMUM”; in line 29, strike “ANY” and substitute “:

(I) ANY”;

and in line 31, strike “ITEM 1 OF THIS ITEM; OR” and substitute “PARAGRAPH (2)(I) OF THIS SUBSECTION; OR

(II) A CHANGE IN ANY FACTOR THE BOARD CONSIDERS UNDER PARAGRAPH (3) OF THIS SUBSECTION”.

AMENDMENT NO. 6

On page 14, strike beginning with “(II)” in line 1 down through “PARAGRAPH” in line 3.

AMENDMENT NO. 7

On page 15, in line 11, after “(2)” insert “(I) “NONWATER-DEPENDENT PROJECT” MEANS A TEMPORARY OR PERMANENT STRUCTURE THAT, BY REASON OF ITS INTRINSIC NATURE, USE, OR OPERATION, DOES NOT REQUIRE LOCATION IN, ON, OR OVER STATE OR PRIVATE WETLANDS.

(II)”;

in lines 12, 13, 15, 17, and 19, strike “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, and “5.”, respectively; in lines 21, 23, and 25, strike “1.”, “2.”, and “3.”, respectively, and substitute “A.”, “B.”, and “C.”, respectively; and after line 26, insert:

“(III) “NONWATER-DEPENDENT PROJECT” DOES NOT INCLUDE:

1. A FUEL PUMP OR OTHER FUEL-DISPENSING EQUIPMENT ON A PIER;

2. A SANITARY SEWAGE PUMP OR OTHER WASTEWATER REMOVAL EQUIPMENT ON A PIER; OR

3. AN OFFICE ON A PIER FOR MANAGING MARINA OPERATIONS, INCLUDING MONITORING VESSEL TRAFFIC, REGISTERING VESSELS, PROVIDING DOCKING SERVICES, AND HOUSING ELECTRICAL OR EMERGENCY EQUIPMENT RELATED TO MARINA OPERATIONS.”.

AMENDMENT NO. 8

On page 21, in line 2, after “that” insert “expires on or before July 1, 2013, or”; in line 3, strike “as of” and substitute “on or before”; after line 15, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b) of this section, Section 1 of this Act may not be construed to apply to:

(1) A State wetlands license application or a private wetlands permit application that was pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012;

(2) A State wetlands license application or a private wetlands permit application submitted to the Department of the Environment between July 1, 2013 and June 30, 2016, inclusive, if the application is for authorization of a nonwater-dependent project that is the same or substantially similar to a proposed nonwater-dependent project that:

(i) Is the subject of an application pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012; and

(ii) 1. The Board of Public Works or the Department of the Environment denied; or

2. The applicant withdrew; or

(3) A pier or a nonwater-dependent structure on a pier that was in existence on or before June 30, 1989.

(b) Section 1 of this Act shall apply if, on or after July 1, 1989:

(1) A nonwater-dependent structure was added on a pier without the appropriate State wetlands license or private wetlands permit; or

(2) The length, width, or channelward encroachment of a pier or a nonwater-dependent structure on a pier was increased without the appropriate State wetlands license or private wetlands permit.”;

in line 16, strike “3.” and substitute “4.”; and in line 18, after “license” insert “application was not pending before the Board of Public Works or the Department of the Environment on or before December 31, 2012, and for which a State wetlands license”.

On page 21 in lines 2, 6, 9, 13, 18, 20, 31, 35, and 37 and on page 22 in lines 5, 7, 18, and 20, in each instance, strike “tidal”.

On page 21 in lines 20 and 35 and on page 22 in lines 7 and 19, in each instance, strike “July” and substitute “January”.

On page 22, in lines 3 and 23, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively; in line 5, after “permit” insert “application was not pending before the Department of the Environment on or before December 31, 2012, and for which a private wetlands permit”.

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 619 – Senator Astle

AN ACT concerning

Wildlife Management and Sustainability Act of 2013

SB0619/184032/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 619

(First Reading File Bill)

On page 3, in line 15, strike “AND”; and in line 17, after “SECTION” insert “;
AND

**(6) FINES COLLECTED AND PAID TO THE FUND UNDER § 10-1102
OF THIS TITLE**”.

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.

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

Senate Bill 811 – Senator Rosapepe

AN ACT concerning

**Procurement – Investment Activities in Iran – Board of Public Works
Authority to Adopt Regulations**

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 480 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Lou Davis

in recognition of
the unveiling of “Lou’s Lox, Eggs and Onions” by Chick and Ruth’s Delly, honoring
more than 40 years of outstanding reporting of local, state, national and international
events.

The entire membership extends best wishes on

this memorable occasion and directs this resolution
be presented on this 15th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 41 Negative – 0 (See Roll Call No. 545)

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #23**

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

**Senate Bill 575 – Senators Simonaire, Benson, Dyson, Ferguson, Jennings,
Montgomery, Reilly, and Young**

AN ACT concerning

Environment – Maryland Clean Water Fund – Uses

SB0575/204538/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 575

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Uses” and substitute “Annual Report”; strike beginning with “use” in line 3 down through “changes” in line 6 and substitute “report on the status of the Maryland Clean Water Fund to certain committees of the General Assembly on or before a certain date each year”; and in line 6, strike “uses of”.

AMENDMENT NO. 2

On page 2, in line 9, strike “(1)”; in lines 11, 14, 17, 19, 20, 22, 23, 24, 25, 27, and 29, in each instance, strike the brackets; in lines 11, 14, 17, 19, 20, 22, 23, 24, 25, 27, and 29, strike “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “1.”, “2.”, “(VI)”, “1.”, “2.”, and “(VII)”, respectively.

On page 3, in lines 1, 3, 14, and 22, in each instance, strike the brackets; in lines 1 and 3, strike “1.” and “2.”, respectively; strike in their entirety lines 6 through 13,

inclusive; in lines 15 and 22, in each instance, strike “(C)(1)(V)”; and after line 30, insert:

“(H) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE MARYLAND CLEAN WATER FUND, INCLUDING A DETAILED DESCRIPTION OF ALL REVENUES AND EXPENDITURES OF THE FUND FOR THE PREVIOUS YEAR.”.

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 762 – Senator Ramirez

AN ACT concerning

Environment – Asbestos Occupation – Training Program and Examination

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 814 – Senator Shank

AN ACT concerning

**Washington County – Salary Study Commission – Updating Salary Provisions
– Membership**

SB0814/414836/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 814

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Salary” insert “and Expense”; strike line 3 in its entirety; in line 6, after “Commission,” insert “repealing certain provisions relating to the expense allowance for the judges of the Orphans’ Court for Washington County; authorizing the Board of County Commissioners of Washington County to provide for a certain expense allowance for the judges of the Orphans’ Court for Washington County;”; in lines 6 and 7, strike “Washington County Salary Study Commission” and substitute “salaries and expenses of certain county officials in Washington County”; and strike in their entirety lines 13 through 27, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Local Government

Section 16–205 and 28–203

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 472) of the Acts of the General Assembly of 2013)

BY repealing and reenacting, without amendments,

Article – Local Government

Section 28–207 and 28–209

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 472) of the Acts of the General Assembly of 2013)”.

On page 2, in line 8, strike “2–108(v)(1)” and substitute “2–108(v)”.

AMENDMENT NO. 2

On page 2, in line 18, strike “**BOARD OF**”; and strike beginning with “**ARTICLE**” in line 19 down through “**CODE**” in line 20 and substitute “**TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE**”.

On pages 2 through 4, strike in their entirety the lines beginning with line 26 on page 2 through line 22 on page 4, inclusive, and substitute:

“Article – Local Government

16–205.

(a) (1) The annual salary of the County Treasurer of Washington County is:

(i) [\$6,000] AS SET BY THE COUNTY COMMISSIONERS OF WASHINGTON COUNTY UNDER TITLE 28, SUBTITLE 2 OF THIS ARTICLE; or

(ii) any increased compensation authorized by the County Commissioners of Washington County.

(2) The County Treasurer shall determine the annual salaries of the deputy treasurer and employees in the office, subject to:

(i) the approval of the County Commissioners; and

(ii) any increased compensation authorized by the County Commissioners.

(b) The County Commissioners of Washington County shall pay the office expenses of the County Treasurer of Washington County.

28–203.

(a) Subject to subsections (b) and (d) of this section, the Commission consists of the following members:

(1) one member from the Democratic Central Committee of Washington County;

(2) one member from the Republican Central Committee of Washington County;

(3) one member from the Washington County Chamber of Commerce;

(4) one member from the Washington County Farm Bureau;

(5) one member from the League of Women Voters of Washington County;

- (6) one member from the Western Maryland Central Labor Council;
- (7) one member from the Cumberland Valley Associated Builders and Contractors, Inc.;
- (8) one member from the Joint Veterans Council of Washington County; and
- (9) one at-large member **WHO IS A RESIDENT** selected by the **BOARD OF COUNTY COMMISSIONERS OF** Washington County [Retired Teachers Association].

(b) Each member shall be a registered voter of Washington County who in the previous 4 years has voted in at least two elections, at least one of which was in the gubernatorial election year.

(c) On or before March 31, 2016, and on or before March 31 each fourth year thereafter, the County Commissioners of Washington County shall request that each organization listed in subsection (a) of this section recommend an appointee to the county commissioners on or before the following May 15.

(d) (1) The County Commissioners of Washington County shall appoint the individual recommended by each organization listed in subsection (a) of this section.

(2) If an organization fails to make a recommendation to the county commissioners on or before June 1, the members who have been appointed to the Commission shall meet, solicit prospective members from the public, and select by majority vote a qualified substitute public member to the Commission to serve through the following December 1.

(3) A member of the Commission may not be an elected official or an employee of an official whose salary the Commission studies.

28-207.

(a) The Commission shall study the salaries of:

- (1) the County Commissioners of Washington County;
- (2) the Washington County Board of Education;
- (3) the Washington County Board of Liquor License Commissioners;
- (4) the judges of the Orphans' Court for Washington County;
- (5) the Sheriff of Washington County; and
- (6) the Treasurer of Washington County.

(b) On or before the December 1 following appointment, the Commission shall issue a report that contains recommendations to the County Commissioners of Washington County for review and consideration.

28–209.

(a) (1) This subsection does not apply to the salaries of the County Commissioners of Washington County or the Sheriff of Washington County.

(2) Subject to subsection (b) of this section and Article III, § 35 of the Maryland Constitution, the county commissioners, by local law, shall set the salary for each office included in the recommendations.

(b) The County Commissioners of Washington County may accept, reduce, or reject, but may not increase, the recommendations of the Commission.

(c) On or before the December 15 following appointment of the Commission, the County Commissioners of Washington County shall submit recommendations to the members of the General Assembly who represent any part of Washington County concerning the salaries of the county commissioners and the sheriff.”.

AMENDMENT NO. 3

On page 4, in line 27, strike “**BOARD OF**”; and strike beginning with “**ARTICLE**” in line 28 down through “**CODE**” in line 29 and substitute “**TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE**”.

On page 5, in line 5, strike “BOARD OF”; and in line 6, strike “ARTICLE 24, TITLE 12, SUBTITLE 2 OF THE CODE” and substitute “TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE”.

AMENDMENT NO. 4

On page 5, after line 6, insert:

“(2) [(i) Each judge shall also receive an expense allowance, not to exceed \$1,000 per year, to be paid by the Board of County Commissioners upon presentation of an itemized voucher of legitimate expenses.

(ii) For purposes of subparagraph (i) of this paragraph, legitimate expenses include:

1. Registration fees for business related seminars and conferences;

2. \$10 per year for judge’s association membership;

3. Parking expenses incurred while on business related trips out of the county, upon presentation of a receipt from the parking facility indicating the amount;

4. A gasoline expense, equal to the amount per mile paid other Washington County employees while traveling to business related activities held out of the county;

5. A meal expense, not to exceed \$30 per day, incurred while on business related trips out of the county; and

6. A room expense, not to exceed \$85 per day, incurred while on business related activities held out of the county.] **THE BOARD OF COUNTY COMMISSIONERS MAY PROVIDE FOR AN EXPENSE ALLOWANCE AS THE BOARD DETERMINES.**”.

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:

Senate Bill 980 – Senator Pipkin

AN ACT concerning

Queen Anne’s County – Winery Special Event Permits – Farmers’ Markets

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #15

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

Senate Bill 151 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Hospitals – Outpatient Services – Off-Site Facility – Rate Regulation

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 757 – Senator Ramirez

AN ACT concerning

**Maryland Occupational Safety and Health Act – Discrimination Against
Employee – Complaints**

SB0757/467070/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 757

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Ramirez” and substitute “Senators Ramirez and Garagiola”; and strike beginning with the first “an” in line 4 down through “language;” in line 7 and substitute “the Commissioner of Labor and Industry to accept certain oral complaints made by a certain employee if the employee submits a written complaint, signed by the employee, within a certain time period after making the oral complaint;”.

AMENDMENT NO. 2

On page 2, in line 13, strike “An” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN”; in lines 15 and 16, strike “, ORALLY OR IN WRITING,”; in line 16, in each instance, strike the bracket; in line 17, strike the bracket; strike beginning with “IF” in line 18 down through “INCLUDE” in line 20 and substitute “THE COMMISSIONER SHALL ACCEPT AS TIMELY AN ORAL COMPLAINT MADE BY THE EMPLOYEE UNDER THE CIRCUMSTANCES DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, PROVIDED THE EMPLOYEE SUBMITS A WRITTEN COMPLAINT WITHIN 7 BUSINESS DAYS OF THE ORAL COMPLAINT AND THAT INCLUDES”.

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 797 – Senator Middleton

AN ACT concerning

**Renewable Energy Portfolio Standard – Wood– and Plant–Derived Biomass
Systems**

SB0797/687971/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 797

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Thermal Energy – Task Force and Regulations”; strike beginning with “providing” in line 4 down through “systems” in line 15 and substitute “establishing the Maryland Thermal Renewable Energy Credit Task Force; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to analyze how to restructure the renewable energy portfolio standard to incorporate certain thermal energy sources; requiring the Task Force to make certain determinations and consider the impact of certain changes; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force; requiring the Department of the Environment to publish certain regulations to facilitate the commissioning of certain solid fuel boilers in the State under certain circumstances; and generally relating to the establishment of the Maryland Thermal Renewable Energy Credit Task Force and the regulation of thermal energy”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 9 on page 2, and substitute:

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

- (a) There is a Maryland Thermal Renewable Energy Credit Task Force.
- (b) The Task Force consists of the following 14 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 Director of the Maryland Energy Administration;

- (4) the Secretary of Natural Resources, or the Secretary's designee;
 - (5) the Secretary of the Environment, or the Secretary's designee;
 - (6) the Secretary of Agriculture, or the Secretary's designee;
 - (7) the Executive Director of the Technical Staff of the Maryland Public Service Commission, or the Executive Director's designee; and
 - (8) the following seven members, appointed by the Governor:
 - (i) one representative of the solar industry;
 - (ii) one representative of the animal–waste bioenergy industry;
 - (iii) one representative of the geothermal industry;
 - (iv) one representative of the forest products industry;
 - (v) one representative from the Sustainable Forestry Council;
 - (vi) one representative of the biomass thermal energy industry;
 - (vii) one representative of the environmental community.
- and
- (c) The Director of the Maryland Energy Administration shall be the chair of the Task Force.
 - (d) The Maryland Energy Administration 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) In accordance with subsection (g) of this section, the Task Force shall:

(1) analyze how to restructure the renewable energy portfolio standard under Title 7, Subtitle 7 of the Public Utilities Article to incorporate thermal energy sources, including energy derived from wood-derived biomass;

(2) determine whether it is appropriate to create a separate compliance tier for thermal energy sources;

(3) determine an appropriate method of awarding renewable energy credits for thermal energy sources, including energy derived from wood-derived biomass; and

(4) determine any other changes to State law that the Task Force deems appropriate to incorporate thermal energy sources in the renewable energy portfolio standard.

(g) In conducting the analysis and determinations required under subsection (f) of this section, the Task Force shall consider the impact of any proposed changes on:

(1) the State's ability to:

(i) meet the greenhouse gas reduction goal under § 2-1204 of the Environment Article;

(ii) achieve the goals set forth in the State's renewable energy portfolio standards under § 7-703 of the Public Utilities Article; and

(iii) utilize wood-derived biomass to help meet the State's renewable energy goals, consistent with § 5-102 of the Natural Resources Article; and

(2) any other factor the Task Force deems appropriate.

(h) On or before December 31, 2013, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall publish by October 1, 2013, a proposed regulation revising COMAR

26.11.09.04 to facilitate the commissioning of small– to medium–scale solid fuel boilers in the State that meet environmental standards that the Department of the Environment deems appropriate.”.

On pages 2 through 7, strike in their entirety the lines beginning with line 10 on page 2 through line 23 on page 7.

On page 7, in line 25, strike “January 1, 2014” and substitute “June 1, 2013”.

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 841 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Garagiola, Kelley, King, Klausmeier, Madaleno, Manno, McFadden, Montgomery, Muse, Pinsky, Pugh, Ramirez, and Stone

AN ACT concerning

Higher Education Fair Share Act

SB0841/787978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 841

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “McFadden,” insert “Middleton,”; and in line 6, after the semicolon insert “requiring employees of certain institutions of higher education to furnish written proof of certain payments to the President of the institution or the President’s designee;”.

AMENDMENT NO. 2

On page 2, in line 7, strike the second “to” and substitute “WRITTEN PROOF OF THE PAYMENT TO:”

1. A.”;

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

**B. IN THE CASE OF AN EMPLOYEE OF AN
INSTITUTION OF HIGHER EDUCATION SPECIFIED IN § 3-102(A)(1)(V) OF THIS
TITLE, THE PRESIDENT OF THE INSTITUTION OR THE PRESIDENT’S DESIGNEE;
AND**

2.”;

and in line 8, strike “written proof of such payment”.

The preceding 2 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON RULES REPORT #9

Senator Klausmeier, Chair, for the Committee on Rules moved the following Bill be re-referred to the Committee on Finance:

Senate Bill 1063 – Senator McFadden

AN ACT concerning

**Evaluation of the Application of Minority Business Enterprise Program by
the Public Service Commission**

The bill was re-referred to the Committee on Finance.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #7

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
Chair

Senate Executive Nominations Committee
Report #7
March 14, 2013

African American History and Culture, Commission on

1. Lynn Groesbeck Bowman District 1
123 Pine Street Rear
Frostburg, MD 21532

Member of the Commission on African American History and Culture;
appointed to serve a term to expire June 30, 2014

Blind Industries and Services of Maryland, Board of Trustees of

2. Donald J. Morris District 4
16547 Old Emmitsburg Road
Emmitsburg, MD 21727

Member of the Board of Trustees of Blind Industries and Services of Maryland;
reappointed to serve a term of three years from July 1, 2012

Civil Rights, Commission on

3. Naima Said, Esq. District 12
12112 Blue Paper Trail
Columbia, MD 21044

Member of the Commission on Civil Rights; appointed to serve remainder of a
term of six years from July 1, 2007

Economic Development Commission, Maryland

4. Ward W. Barney District 38
24 Mallard Drive East
Ocean Pines, MD 21811

Member of the Maryland Economic Development Commission; appointed to
serve a term of three years from July 1, 2012

5. Robert N. Smelkinson District 43
4603 Kerneway
Baltimore, MD 21212

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2013

Hart–Miller–Pleasure Island Citizens Oversight Committee

6. Frederick H. Habicht, Jr. District 6
2517 Barrison Point Road
Essex, MD 21221

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

7. Samuel L. Lee District 7
11313 Beach Road
White Marsh, MD 21162

Member of the Hart–Miller–Pleasure Island Citizens Oversight Committee; reappointed to serve a term of two years from July 1, 2011

Indian Affairs, Commission on

8. Patricia Ward Carson District 38
P.O. Box 106
Crisfield, MD 21817

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2013

Longitudinal Data System Center Governing Board, Maryland

9. Jennifer Strong Mullinix District 44
3626 Hineline Road
Baltimore, MD 21229

Member of the Maryland Longitudinal Data System Center Governing Board; appointed to serve a term of three years from July 1, 2013

Nursing, State Board of

10. Lois V. Rosedom–Boyd District 10
6760 Real Princess Lane
Baltimore, MD 21207

Member of the State Board of Nursing; appointed to serve a term of four years from July 1, 2012

Professional Engineers, State Board for

11. H.C. Harclerode, II District 7
1 Country Club Lane
Phoenix, MD 21131

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2013

12. Rosalind Lucille Yee District 33
945 Tidewater Grove Court
Annapolis, MD 21401

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2012

Professional Standards and Teacher Education Board

13. Donna Newcomer, Ed.D. District 2
1412 Hamilton Boulevard
Hagerstown, MD 21742

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2010

Residential Boarding Education Programs, Board of Trustees of

14. Morton P. Fisher, Jr., Esq. District 42
2435 Still Forest Road
Baltimore, MD 21208

Member of the Board of Trustees of Residential Boarding Education Programs; reappointed to serve a term of three years from July 1, 2013

Seafood Marketing Advisory Commission

15. William L. Rice District 28
10750 Rockles View Place
Newburg, MD 20664

Member of the Seafood Marketing Advisory Commission; appointed to serve a term of four years from July 1, 2010

St. Mary's College of Maryland, Board of Trustees

16. Stephanie Rawlings–Blake District 41
100 Holliday Street, Room #250
Baltimore, MD 21202

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2013

Uninsured Employers Fund Board

17. Michael J. Hayes, Esq. District 11
448 Doe Meadow Drive
Owings Mills, MD 21117

Member of the Uninsured Employers Fund Board; appointed to serve a term of four years from July 1, 2011

University System of Maryland Board of Regents

18. Robert D. Rauch District 37
28466 Waterview Drive
Easton, MD 21601

Member of the University System of Maryland Board of Regents; appointed to serve remainder of a term of five years from July 1, 2009

19. Thomas G. Slater, Esq. District 3
2229 Lamppost Lane
Frederick, MD 21701

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2012

20. Tracye Turner District 23
3204 Dunwood Ridge Terrace
Bowie, MD 20721

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2012

Veterans' Home Commission, Maryland

21. Andrew H. Anderson District 37
29995 Bolingbroke Lane
Trappe, MD 21673

Member of the Maryland Veterans' Home Commission; reappointed to serve a

term of five years from July 1, 2013

Wellmobile Program Advisory Board, Governor's

22. Elmer T. Carreno, M.D. District 14
14625 Cutstone Way
Silver Spring, MD 20905

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2010 and a term of three years from October 1, 2013

Women, Maryland Commission for

23. Agnes Diane Williams District 23
902 Jennings Mill Drive
Bowie, MD 20721

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

Workers' Compensation Commission, State

24. Lauren A. Sfekas Godwin, Esq. District 9
12019 Windsor Moss
Ellicott City, MD 21042

Member of the State Workers' Compensation Commission; reappointed to serve a term of twelve years from February 1, 2013

25. Cynthia S. Miraglia, Esq. District 42
6444 Cloister Gate Drive
Baltimore, MD 21212

Member of the State Workers' Compensation Commission; reappointed to serve a term of twelve years from February 1, 2013

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Longitudinal Data System Center Governing Board, Maryland

- S-1. Nicole C. Marano District 5

6 Clynmalira Court
Phoenix, MD 21131

Member of the Maryland Longitudinal Data System Center Governing Board;
reappointed to serve a term of three years from July 1, 2013

- S–2. Jason Perkins–Cohen District 41
4818 Keswick Road
Baltimore, MD 21210

Member of the Maryland Longitudinal Data System Center Governing Board;
reappointed to serve a term of three years from July 1, 2013

- S–3. Brian A. Roberts District 17
8 Ramsdell Terrace
Gaithersburg, MD 20878

Member of the Maryland Longitudinal Data System Center Governing Board;
reappointed to serve a term of three years from July 1, 2013

Marine Contractors Licensing Board

- S–4. Richard J. Ayella District 9
9879 Fox Hill Court
Ellicott City, MD 21042

Member of the Marine Contractors Licensing Board; reappointed to serve a
term of three years from October 1, 2013

- S–5. Jack R. Beckwith District 29
28799 Three Notch Road
Mechanicsville, MD 20659

Member of the Marine Contractors Licensing Board; reappointed to serve a
term of three years from October 1, 2013

- S–6. Jordan R. Loran District 42
6701 Parkway Road
Idlewylde, MD 21239

Member of the Marine Contractors Licensing Board; reappointed to serve a
term of three years from October 1, 2013

- S–7. Christopher P. McCabe District 38
29035 Tanager Way
Eden, MD 21822

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-8. Milton Rehbein District 7
1426 Burke Road
Middle River, MD 21220

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-9. Joshua W. Schleupner District 37
24620 Porter Mill Road
Hebron, MD 21830

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

- S-10. Douglas F. Suess District 7
18 Overshot Court
Phoenix, MD 21131

Member of the Marine Contractors Licensing Board; reappointed to serve a term of three years from October 1, 2013

Prevailing Wage Rates, Advisory Council on

- S-11. Kenneth M. Grunley District 15
8816 Twin Creek Court
Potomac, MD 20854

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2013

Professional Engineers, State Board for

- S-12. David G. Mongan District 5
2341 Elderberry Lane
Reisterstown, MD 21136

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2013

Real Estate Appraisers and Home Inspectors, State Commission of

- S-13. Steven P. O'Farrell District 2
18826 Crofton Road
Hagerstown, MD 21742

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2013

St. Mary's College of Maryland, Board of Trustees

- S–14. Peg Duchesne District 23
12625 Laurel–Bowie Road, #3105
Laurel, MD 20709

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S–15. Timothy Louis Heely District 29
21652 Joe Hazel Road
Leonardtown, MD 20650

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S–16. Sven Erik Holmes District 99
2429 Kalorama Road, NW
Washington, DC 20008

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S–17. Steny H. Hoyer District 99
1705 Longworth House Office Building
Washington, DC 20515

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

- S–18. Katharine A. Russell District 99
368 Cypress Point Drive
Palm Desert, CA 92211

Member of the Board of Trustees of St. Mary's College of Maryland; reappointed to serve a term of six years from June 1, 2013

Tourism Development Board, Maryland

- S–19. Patricia C. Heffelfinger District 15
12404 Frost Court
Potomac, MD 20854

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2013

University System of Maryland Board of Regents

S-20. Gary L. Attman District 11
3712 Michelle Way
Pikesville, MD 21208

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2013

S-21. Norman Augustine District 15
9826 Sorrel Avenue
Potomac, MD 20854

Member of the University System of Maryland Board of Regents; reappointed to serve a term of five years from July 1, 2013

Veterans' Home Commission, Maryland

S-22. Gary Douglas Knight District 29
1035 Leeward Way
Solomons, MD 20688

Member of the Maryland Veterans' Home Commission; reappointed to serve a term of five years from July 1, 2013

Women, Maryland Commission for

S-23. Wandra Ashley-Williams District 9
4922 Water Grove Lane
Ellicott City, MD 21043

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

S-24. Darlene M. Breck District 28
8425 Welcome Woods Place
Welcome, MD 20693

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

S-25. Anita Lombardi Riley District 9
5887 Pawtucket Lane
Eldersburg, MD 21784

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2013

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Anne Arundel Community College Board of Trustees

- L–1. Nchedochukwu C. Idahosa District 32
211–E Woodhill Drive
Glen Burnie, MD 21061

Student Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2013

Baltimore City Community College, Board of Trustees for

- L–2. Mary Elizabeth Owen–Southall, Ph.D. District 40
3413 Rosedale Road
Baltimore, MD 21215

Member of the Board of Trustees for Baltimore City Community College; reappointed to serve a term of six years from July 1, 2011

- L–3. Maria Harris Tildon District 41
5616 Cross County Boulevard
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; reappointed to serve a term of six years from July 1, 2012

Cecil College Board of Trustees

- L–4. Donna L. Horgan District 36
135 Riverside Drive
Elkton, MD 21921

Member of the Cecil College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

College of Southern Maryland, Board of Trustees of the

- L–5. John W. Roache, M.D. District 29
28140 Three Notch Road

Mechanicsville, MD 20659

Member of the Board of Trustees of the College of Southern Maryland; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Frederick County Board of License Commissioners

- L-6. Richard L. Stup District 3
199 Fairfield Drive
Frederick, MD 21702

Member of the Frederick County Board of License Commissioners; appointed to serve remainder of a term of five years from July 1, 2008 and a term of five years from July 1, 2013

Hagerstown Community College Board of Trustees

- L-7. L. William Proctor, Jr., Esq. District 2
19625 Spring Creek Road
Hagerstown, MD 21742

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

- L-8. Gregory I. Snook District 2
16025 Cloverton Lane
Williamsport, MD 21795

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

Howard Community College Board of Trustees

- L-9. Mamie Johns Perkins District 13
6812 Wolf Creek Court
Clarksville, MD 21029

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2012

- L-10. Katherine K. Rensin District 9
3405 Shady Lane
Glenwood, MD 21738

Member of the Howard Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2013

Washington County Board of License Commissioners

L-11. Charles F. Mades
17223 Cloverleaf Road
Hagerstown, MD 21740

District 2

Member of the Washington County Board of License Commissioners;
reappointed to serve a term of six years from June 1, 2013

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 – 41 Negative – 0 (See Roll Call No. 546)

Senate Bill 30 – Senators Zirkin and Forehand

AN ACT concerning

**Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young
Child**

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

Favorable report adopted.

FLOOR AMENDMENT

SB0030/583625/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 30

(First Reading File Bill)

On page 2, in line 4, strike “A” and substitute “:

(1) A”;

and in line 6, after “HIGHWAYS” insert “; OR”

(2) A CONVERTIBLE WHEN THE CONVERTIBLE’S TOP IS DOWN”.

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

Affirmative – 17 Negative – 22 (See Roll Call No. 547)

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 18, 2013.

The motion was adopted.

Senate Bill 634 – Senators Peters, Currie, DeGrange, Glassman, Kittleman, Klausmeier, and Robey

AN ACT concerning

Commercial Law – Self-Service Storage Facilities

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Astle moved, duly seconded, to make the Bill a Special Order for March 18, 2013.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 548)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 178 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Blood or Genetic Test Results – Legal Finding of Paternity

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

Affirmative – 41 Negative – 0 (See Roll Call No. 549)

The Bill was then sent to the House of Delegates.

Senate Bill 264 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Children in Need of Assistance – Review Hearings

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

Affirmative – 41 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the House of Delegates.

Senate Bill 265 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Children in Need of Assistance – Rights of Preadoptive Parents, Foster Parents, and Caregivers of Child

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

Affirmative – 41 Negative – 0 (See Roll Call No. 551)

The Bill was then sent to the House of Delegates.

Senate Bill 297 – ~~Senator Zirkin~~ Senators Zirkin and Kittleman

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimis Quantity

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 18, 2013.

The motion was adopted.

Senate Bill 415 – Senators King, Benson, Colburn, Currie, Forehand, Jacobs, Kelley, Madaleno, Manno, Montgomery, Peters, Raskin, Robey, Rosapepe, Shank, Stone, and Young

AN ACT concerning

Criminal History Records Checks – Child Care Providers

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

Affirmative – 41 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

Senate Bill 503 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Divorce

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

Affirmative – 40 Negative – 1 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

Senate Bill 507 – Senators Shank, Edwards, and Young

AN ACT concerning

Correctional Facilities – Inmate Programs in Washington County – Payment of Child Support

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

Affirmative – 41 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 620 – Senators Raskin, Astle, Benson, Brochin, Colburn, Currie, Forehand, Frosh, Garagiola, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Klausmeier, Madaleno, Manno, Middleton, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, Robey, Rosapepe, Shank, Stone, Young, and Zirkin

AN ACT concerning

Family Law – Denial of Paternity, Custody, and Visitation

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

Affirmative – 41 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the House of Delegates.

Senate Bill 656 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Property Tax – Natural Gas Facility

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

Affirmative – 41 Negative – 0 (See Roll Call No. 556)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES**FIRST READING OF HOUSE BILLS****House Bill 100 – The Speaker (By Request – Administration)**

AN ACT concerning

Budget Bill**(Fiscal Year 2014)**

FOR the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2014, 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.

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2013

FOR the purpose of altering the frequency with which certain payments from a certain special fund are required to be paid; requiring the reduction of certain grants and payments under certain circumstances; ~~repealing certain requirements for a certain notice relating to abandoned property to be published in certain newspapers; requiring the Comptroller to maintain, or cause to be maintained, an abandoned property database containing the names and last known addresses, if any, of persons listed in certain reports; requiring the Comptroller to maintain, or cause to be maintained, a certain Internet Web site relating to the abandoned property database; requiring the Comptroller to publish certain notices of a certain Internet Web site;~~ providing that a certain District Court surcharge shall be added to fines imposed for certain traffic cases and not to court costs; ~~requiring a certain arrest citation form to include a line to add a certain surcharge; requiring a police officer to add a certain surcharge to a certain fine on a certain traffic citation; requiring the Comptroller to annually pay a certain surcharge in a certain manner;~~ altering certain circumstances under which a county board of education is required to reimburse the Department of Juvenile Services; altering or repealing certain required appropriations; providing for the applicability of certain provisions of law relating to a statewide information technology master plan to certain projects that involve certain agreements with certain public institutions of higher education; repealing the requirement that certain licensed veterans' organizations purchase or lease certain instant ticket lottery machines from the State Lottery and Gaming Control Agency; altering the distribution of certain revenue; providing for the transfer of certain funds for certain purposes; altering a certain requirement that the Health Services Cost Review Commission and the Department of Health and Mental Hygiene adopt certain policies to provide a certain combined amount in revenues and savings so as to place a limit on the combined amount of revenues and savings beginning in a certain fiscal year; providing that for certain fiscal years certain savings from the adoption of certain policies may be used to offset certain hospital assessment and remittance revenue in a certain year; repealing certain reporting requirements; providing for the expiration of certain tax credits under certain circumstances; requiring the Director of the Maryland Historical Trust to notify certain persons and, on or before a certain date, to submit a certain report to the Comptroller; ~~repealing certain credits allowed against certain taxes for the purchase of Maryland-mined coal;~~ setting certain limits in increases in payments to certain providers for a certain fiscal year; requiring the Department of Health and Mental Hygiene to achieve certain savings from certain rates; requiring the Health Services Cost Review Commission to conduct a certain study in a certain manner; requiring the Medicaid Program to provide certain information under certain circumstances; providing certain criteria for a certain study; requiring that a certain report be provided to the Governor and General Assembly on or before a certain date; requiring that the Commission take certain actions to provide certain General Fund savings; restricting the use of certain appropriations for a certain fiscal year; requiring the reversion to the General Fund of certain funding under certain circumstances; defining certain terms; making a technical correction; making conforming changes; making the

provisions of this Act severable; and generally relating to the financing of State and local government.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–404(a) and 11–404.1
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

~~BY repealing~~
~~Article – Commercial Law~~
~~Section 17–311(a), (b), and (c)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2012 Supplement)~~

~~BY adding to~~
~~Article – Commercial Law~~
~~Section 17–311(a), (b), and (c)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2012 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 1–605(d)(8) and 7–301(a)(1) and (f)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 4–801(f)
Annotated Code of Maryland
(2008 Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 22–306.1(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(a)(2)(v)
Annotated Code of Maryland
(2012 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 3A-302
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9-112(d)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2-202(a) and 2-606(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY adding to
Article – Tax – General
Section 2-606(g)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13-209(g)(1)
Annotated Code of Maryland
(2012 Replacement Volume)

BY adding to
Article – Tax – Property
Section 13-209(h)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

~~BY repealing~~
~~Article – Tax – General~~
~~Section 8-406(b) and 10-704.1~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2012 Supplement)~~

~~BY adding to~~
~~Article – Transportation~~
~~Section 27-101.3~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume)~~

BY repealing and reenacting, with amendments,

Chapter 76 of the Acts of the General Assembly of 2004
Section 2 1.(h)

BY repealing and reenacting, with amendments,
Chapter 397 of the Acts of the General Assembly of 2011
Section 16

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

QUORUM CALL

The presiding officer announced a quorum call, showing 41 Members present.

(See Roll Call No. 557)

RECESS

At 12:17 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 8:00 P.M. on Monday, March 18, 2013.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 15, 2013
Calendar Day: Monday, March 18, 2013

At 8:04 P.M. the Senate resumed its session.

Prayer by Pastor Kermit Netteburg, Beltsville Seventh-day Adventist Church, guest of Senator Rosapepe.

(See Exhibit A of Appendix III)

QUORUM CALL

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

(See Roll Call No. 564)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 559 – Senator Joanne C. Benson:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Glenarden Track Team
in recognition of
your extraordinary achievement in winning the 2013
USATF National Youth Indoor Track and Field Championship 4x200 meter relay
(boys 9–10).
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 18th day of March 2013.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 565)

LAID OVER BILLS

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

Senate Bill 47 – Senator Young

AN ACT concerning

Procurement – Maryland Buy American Steel and Manufactured Goods Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0047/114330/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 47

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Young” and substitute “Senators Young, Forehand, Garagiola, Klausmeier, Madaleno, Montgomery, Stone, Colburn, Benson, Dyson, Manno, Conway, Rosapepe, Ferguson, Jennings, and Simonaire”; in line 2, strike “Maryland Buy American Steel and” and substitute “Purchase of American”; in the same line, strike “Act”; strike beginning with “Maryland” in line 3 down through “Act” in line 10 and substitute “State procurement law to grant a preference for American manufactured goods in State contracting; requiring a public body to require that certain contractors and subcontractors use or supply American manufactured goods under certain procurements; providing for the application and construction of this Act; requiring a public body to give a certain notice; requiring the Board of Public Works to adopt certain regulations regarding the granting of a preference for the use of American manufactured goods; defining certain terms; and generally relating to the purchase of American manufactured goods”; strike in their entirety lines 11 through 16, inclusive; in line 17, strike “repealing and reenacting, without amendments,” and substitute “adding to”; and in line 19, strike “17–302 and 17–305” and substitute “14–416”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 6 on page 4, inclusive, and substitute:

“14–416.

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

(2) “AMERICAN MANUFACTURED GOODS” MEANS GOODS THAT:

(I) ARE MANUFACTURED IN THE UNITED STATES; OR

(II) ARE ASSEMBLED IN THE UNITED STATES.

(3) (I) “EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS” MEANS ANY GOODS WHEN PROVIDED FOR INSTALLATION IN, AS PART OF, OR AS AN ADDITION TO A SYSTEM DESIGNED TO:

1. PREVENT, RESPOND TO, ALERT REGARDING, SUPPRESS, CONTROL, OR EXTINGUISH AN EMERGENCY OR THE CAUSE OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY; OR

2. ASSIST IN EVACUATION IN THE EVENT OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY.

(II) “EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS” INCLUDES SYSTEMS OR ITEMS FOR OR RELATING TO:

1. FIRE ALARMS;

2. FIRE SPRINKLERS;

3. FIRE SUPPRESSION;

4. FIRE EXTINGUISHING;

5. SECURITY;

6. GAS DETECTION;

7. INTRUSION DETECTION;

8. ACCESS CONTROL;
9. VIDEO SURVEILLANCE AND RECORDING;
10. MASS NOTIFICATION;
11. PUBLIC ADDRESS;
12. EMERGENCY LIGHTING;
13. PATIENT WANDERING;
14. INFANT TAGGING; AND
15. NURSE CALL.

(4) “PUBLIC BODY” MEANS:

- (I) A UNIT;
- (II) A COUNTY;
- (III) A MUNICIPALITY IN THE STATE;
- (IV) A SCHOOL DISTRICT IN THE STATE; OR
- (V) A SPECIAL DISTRICT IN THE STATE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PUBLIC BODY SHALL REQUIRE A CONTRACTOR OR SUBCONTRACTOR TO USE OR SUPPLY AMERICAN MANUFACTURED GOODS IN THE PERFORMANCE OF A CONTRACT FOR:

- (1) CONSTRUCTING OR MAINTAINING A PUBLIC WORK; OR

(2) BUYING OR MANUFACTURING MACHINERY OR EQUIPMENT THAT IS TO BE INSTALLED AT A PUBLIC WORK SITE.

(C) THIS SECTION DOES NOT APPLY:

(1) IF THE HEAD OF A PUBLIC BODY DETERMINES THAT:

(I) THE PRICE OF THE AMERICAN MANUFACTURED GOODS EXCEEDS THE PRICE OF A SIMILAR MANUFACTURED GOOD THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES; OR

(IV) THE PROCUREMENT OF A MANUFACTURED GOOD WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST; OR

(2) TO EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS.

(D) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO DEFINE THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:

(1) “REASONABLY AVAILABLE”;

(2) “UNREASONABLE AMOUNT”; AND

(3) “SUBSTANTIALLY LESS”.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) This Act shall be applied in a manner consistent with the State's obligations under any applicable international agreement to which the State is bound; and

(2) This Act may not be construed to amend, alter, or impair any obligation imposed under Title 17, Subtitle 3 of the State Finance and Procurement Article.;

and in line 7, 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.

Senate Bill 619 – Senator Astle

AN ACT concerning

Wildlife Management and Sustainability Act of 2013

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

SB0619/184032/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 619

(First Reading File Bill)

On page 3, in line 15, strike "AND"; and in line 17, after "SECTION" insert ";
AND

(6) FINES COLLECTED AND PAID TO THE FUND UNDER § 10-1102 OF THIS TITLE.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 841 – The President (By Request – Administration) and Senators Benson, Conway, Currie, Garagiola, Kelley, King, Klausmeier, Madaleno, Manno, McFadden, Montgomery, Muse, Pinsky, Pugh, Ramirez, and Stone

AN ACT concerning

Higher Education Fair Share Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0841/787978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 841
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “McFadden,” insert “Middleton.”; and in line 6, after the semicolon insert “requiring employees of certain institutions of higher education to furnish written proof of certain payments to the President of the institution or the President’s designee.”.

AMENDMENT NO. 2

On page 2, in line 7, strike the second “to” and substitute “WRITTEN PROOF OF THE PAYMENT TO:

1. A.”;

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

B. IN THE CASE OF AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION SPECIFIED IN § 3-102(A)(1)(V) OF THIS TITLE, THE PRESIDENT OF THE INSTITUTION OR THE PRESIDENT’S DESIGNEE; AND

2.”;

and in line 8, strike “written proof of such payment”.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

ADJOURNMENT

At 8:21 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:22 P.M. on Legislative Day March 16, 2013, Calendar Day, Monday, March 18, 2013.

Annapolis, Maryland
Legislative Day: March 16, 2013
Calendar Day: Monday, March 18, 2013
8:22 P.M. Session

The Senate met at 8:21 P.M.

QUORUM CALL

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

(See Roll Call No. 566)

The Journal of March 15, 2013 was read and approved.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 276	The President	Death Penalty Repeal – Substitution of Life Without the Possibility of Parole

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #38

Senate Bill 39 – Senator Colburn

AN ACT concerning

**Motor Vehicle Registration – Special Vintage Reproduction Registration
Plate**

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

Affirmative – 46 Negative – 1 (See Roll Call No. 567)

The Bill was then sent to the House of Delegates.

Senate Bill 212 – Senators Edwards, Astle, and Shank

AN ACT concerning

Vehicle Laws – Registration Plates for Motorcycles – Individuals with Disabilities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 568)

The Bill was then sent to the House of Delegates.

Senate Bill 344 – Senators Middleton and Frosh

AN ACT concerning

Potomac River Fisheries Commission – Inspection Tax and Penalty

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

Affirmative – 45 Negative – 2 (See Roll Call No. 569)

The Bill was then sent to the House of Delegates.

Senate Bill 399 – Senator Astle

AN ACT concerning

Motor Vehicle Administration – Selective Service Registration – Driver's License and Identification Card Applicants

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

Affirmative – 43 Negative – 4 (See Roll Call No. 570)

The Bill was then sent to the House of Delegates.

Senate Bill 600 – Senator Garagiola

AN ACT concerning

Vehicle Laws – Electric Vehicles

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

Affirmative – 47 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the House of Delegates.

**Senate Bill 621 – Senators Raskin, Astle, Forehand, Frosh, Gladden,
Jennings, King, Shank, and Stone**

AN ACT concerning

Vehicles Laws – Emergency Vehicles – Motorcades and Escorts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 572)

The Bill was then sent to the House of Delegates.

**Senate Bill 631 – Senators King, DeGrange, Forehand, Garagiola, Klausmeier,
Manno, Miller, and Peters**

SECOND PRINTING

AN ACT concerning

Hotel Rental Tax – Exemption – Lodging at a Corporate Training Center

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

Affirmative – 37 Negative – 9 (See Roll Call No. 573)

The Bill was then sent to the House of Delegates.

Senate Bill 662 – Senators Mathias and Colburn

AN ACT concerning

Natural Resources – Commercial Fishing – Licensing

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

Affirmative – 41 Negative – 6 (See Roll Call No. 574)

The Bill was then sent to the House of Delegates.

Senate Bill 729 – Calvert County Senators

AN ACT concerning

Calvert County – County Commissioners – Method of Election

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

Affirmative – 47 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

Senate Bill 742 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senator Ferguson

AN ACT concerning

Vehicle Laws – Residential Parking in Baltimore City

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

Affirmative – 47 Negative – 0 (See Roll Call No. 576)

The Bill was then sent to the House of Delegates.

Senate Bill 748 – Senator Middleton

AN ACT concerning

Agriculture – Nutrient Management – ~~Waters of the State~~ Limiting Applicability

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

Affirmative – 47 Negative – 0 (See Roll Call No. 577)

The Bill was then sent to the House of Delegates.

Senate Bill 750 – Senator Robey

AN ACT concerning

**Public Safety – Maryland Building Performance Standards – Local Wind
Design and Wind-Borne Debris Standards**

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

Affirmative – 46 Negative – 0 (See Roll Call No. 578)

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 30 – Senators Zirkin and Forehand

AN ACT concerning

**Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young
Child**

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

FLOOR AMENDMENT

SB0030/523121/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 30

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Crimes – Prohibition on Smoking”; strike beginning with the second “the” in line 4 down through “vehicle” in line 6 and substitute “a person from burning a lighted cigarette, cigar, pipe, or any other device or substance that contains tobacco”; strike beginning with “providing” in line 7 down through “term,” in line 8; in line 9, strike “prohibitions against tobacco smoking in a motor vehicle” and substitute “a prohibition on tobacco smoking”; and strike in their entirety lines 10 through 14, inclusive, and substitute:

“BY adding to

Article – Criminal Law

Section 10–106.1

Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 11 on page 2, inclusive, and substitute:

"Article – Criminal Law

10–106.1.

(A) A PERSON MAY NOT BURN A LIGHTED CIGARETTE, CIGAR, PIPE, OR ANY OTHER DEVICE OR SUBSTANCE THAT CONTAINS TOBACCO.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50."

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senate Bill 634 – Senators Peters, Currie, DeGrange, Glassman, Kittleman, Klausmeier, and Robey

AN ACT concerning

Commercial Law – Self-Service Storage Facilities

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 36 Negative – 10 (See Roll Call No. 579)

The Bill was then sent to the House of Delegates.

Senate Bill 297 – ~~Senator Zirkin~~ Senators Zirkin and Kittleman

AN ACT concerning

Criminal Law – Possession of Marijuana – De Minimis Quantity

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Zirkin moved, duly seconded, to make the Bill a Special Order for March 19, 2013.

The motion was adopted.

**THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL
AFFAIRS REPORT #26**

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

Senate Bill 840 – Senator Stone

AN ACT concerning

Voting – Notice of Election by Specimen Ballot

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 875 – Senator Conway

AN ACT concerning

**Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and
Oil Contaminated Site Environmental Cleanup Fund**

SB0875/334431/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 875

(First Reading File Bill)

On page 9, in line 23, after “year” insert “IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE”.

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 899 – Senators Mathias, Brinkley, Colburn, DeGrange, Edwards, Forehand, Glassman, Jennings, Manno, Middleton, Montgomery, Simonaire, and Stone

AN ACT concerning

Local Government – Fire, Rescue, and Ambulance Funds – Distribution of Money to Volunteer Companies

SB0899/214036/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 899

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, Dyson, Young, Reilly, Rosapepe, Benson, and Pinsky”; strike beginning with “of” in line 2 down through “Companies” in line 3; in line 12, after “report;” insert “establishing a Workgroup to Study the Laws and Policies Related to the Distribution of Money to Volunteer and Career Companies; providing for the membership and duties of the Workgroup; providing for the designation of a chair of the Workgroup; prohibiting members of the Workgroup from receiving compensation; authorizing members to receive certain reimbursement; requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly on or before a certain date;”; and in the same line, after “Act;” insert “providing for the termination of certain provisions of this Act;”.

AMENDMENT NO. 2

On page 8, after line 2, insert:

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

(a) There is a Workgroup to Study the Laws and Policies Related to the Distribution of Money to Volunteer and Career Companies.

(b) The Workgroup consists of the following members:

(1) two members from the Senate of Maryland, appointed by the President of the Senate on or before July 1, 2013;

(2) two members of the House of Delegates, appointed by the Speaker of the House on or before July 1, 2013;

(3) a representative of the Maryland State Firemen's Association;

(4) a representative of the Maryland Fire Chiefs Association;

(5) a representative of the Metropolitan Fire Chiefs Council of the State of Maryland; and

(6) a representative of the Professional Firefighters of Maryland.

(c) On or before July 1, 2013, the Governor shall appoint a chair of the Workgroup from among its members.

(d) A member of the Workgroup:

(1) may not receive compensation for serving as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Workgroup shall:

(1) study the adequacy of State laws and policies related to the distribution of money to volunteer and career fire companies; and

(2) consider and make recommendations regarding options for the distribution of State funds to volunteer and career fire companies.

(f) On or before December 1, 2013, the Workgroup shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Budget and Taxation Committee and the House Appropriations Committee.”;

in line 3, strike “2.” and substitute “3.”; and in line 4, after “2013.” insert “Section 2 of this Act shall remain effective for a period of 5 months and, at the end of November 30, 2013, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

The preceding 2 amendments were read and 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 965 – Senator Rosapepe

AN ACT concerning

Maryland Smart Growth Investment Fund Workgroup

SB0965/674135/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 965
(First Reading File Bill)

On page 2, after line 4, insert:

“(7) the Secretary of Budget and Management, or the Secretary’s designee.”;

in lines 5, 7, and 8, strike “(7)”, “(8)”, and “(9)”, respectively, and substitute “(8)”, “(9)”, and “(10)”, respectively.

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 969 – Senators Glassman, Dyson, and Mathias

AN ACT concerning

Public Safety – Fire Protection and Prevention – Residential Smoke Alarms

SB0969/324138/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 969

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “deposit;” insert “authorizing a certain landlord to require reimbursement from a tenant for the cost of a certain fire alarm;”; and in line 22, after “time;” insert “altering the information about smoke alarms that must be included in a certain residential property disclosure statement; providing for the application of certain provisions of this Act;”.

On page 2, after line 14, insert:

“BY repealing and reenacting, with amendments,

Article – Real Property

Section 10–702(e)(2)

Annotated Code of Maryland

(2010 Replacement Volume and 2012 Supplement)”.

AMENDMENT NO. 2

On page 5, after line 33, insert:

“(B) “SLEEPING AREA” MEANS A SPACE THAT INCLUDES ONE OR MORE SLEEPING ROOMS AND A HALL OR COMMON AREA IMMEDIATELY ADJACENT TO ANY SLEEPING ROOM.

(C) “SLEEPING ROOM” MEANS AN ENCLOSED ROOM WITH A BED ARRANGED TO BE USED AS A BEDROOM.”

On page 6, in lines 1 and 4, strike “(B)” and “(C)”, respectively, and substitute “(D)” and “(E)”, respectively.

AMENDMENT NO. 3

On page 6, after line 27, insert:

“(A) THIS SECTION APPLIES ONLY TO NEW RESIDENTIAL UNITS CONSTRUCTED AFTER JULY 1, 2013.”;

and in line 28, strike “(A)” and substitute “(B)”.

On page 7, in lines 4, 8, 12, and 17, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(C)”, “(D)”, “(E)”, and “(F)”, respectively; and in lines 16 and 21, in each instance, strike “(A)” and substitute “(B)”.

AMENDMENT NO. 4

On page 8, in line 17, after “PLACEMENT” insert “IN A ONE– OR TWO–FAMILY DWELLING”; in line 24, strike “A CHANGE OF OWNERSHIP OR”; in line 25, strike “THE” and substitute “A”; and in the same line, after “UNIT” insert “AND THE RESIDENTIAL UNIT HAS NOT PREVIOUSLY BEEN EQUIPPED IN ACCORDANCE WITH THIS SUBTITLE WITH SEALED LONG–LIFE BATTERY SMOKE ALARMS WITH SILENCE/HUSH BUTTON FEATURES WITHIN THE 10 YEARS PRECEDING THE CHANGE OF OWNERSHIP OR CHANGE OF TENANT”.

AMENDMENT NO. 5

On page 10, in line 11, strike the first comma and substitute “AND”; in the same line, strike “, AND LANDLORDS”; and after line 15, insert:

“(F) A LANDLORD MAY REQUIRE REIMBURSEMENT FROM A TENANT FOR THE COST OF A SMOKE ALARM REQUIRED UNDER THIS SUBTITLE.”

AMENDMENT NO. 6

On page 11, in line 3, after “LANDLORD” insert “IN WRITING”; in line 5, after “(3)” insert “(I)”; and after line 7, insert:

“(II) THE WRITTEN NOTIFICATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO THE LANDLORD, OR BY HAND DELIVERY TO THE LANDLORD OR THE LANDLORD’S AGENT, AT THE ADDRESS USED FOR THE PAYMENT OF RENT.

“(III) IF THE DELIVERY OF THE NOTIFICATION IS MADE BY HAND AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LANDLORD OR THE LANDLORD’S AGENT SHALL PROVIDE TO THE TENANT A WRITTEN RECEIPT FOR THE DELIVERY.

“(IV) THE LANDLORD SHALL PROVIDE WRITTEN ACKNOWLEDGMENT OF THE NOTIFICATION AND SHALL REPAIR OR REPLACE THE SMOKE ALARM WITHIN 5 CALENDAR DAYS AFTER THE NOTIFICATION.”.

AMENDMENT NO. 7

On page 12, after line 12, insert:

“Article – Real Property

10-702.

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

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

(ii) Insulation;

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

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

(v) Infestation of wood-destroying insects;

(vi) Land use matters;

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

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

(ix) Whether the smoke [detectors] ALARMS:

1. [will] WILL provide an alarm in the event of a power outage;

2. ARE OVER 10 YEARS OLD; AND

3. IF BATTERY OPERATED, ARE SEALED, TAMPER RESISTANT UNITS INCORPORATING A SILENCE/HUSH BUTTON AND USE LONG-LIFE BATTERIES AS REQUIRED IN ALL MARYLAND HOMES BY 2018; and

(x) If the property relies on the combustion of a fossil fuel for heat, ventilation, hot water, or clothes dryer operation, whether a carbon monoxide alarm is installed on the property.”.

The preceding 7 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 #9

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

House Bill 100 – The Speaker (By Request – Administration)

AN ACT concerning

**Budget Bill
(Fiscal Year 2014)**

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2013 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit B of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE –
COMMITTEE REPRINT TO HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit C of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND
HOUSE BILL 102 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit D of Appendix III)

The preceding 45 amendments were read only.

Senator Kasemeyer moved, duly seconded, that the Bill and Amendments be laid over under the Rules.

The motion was adopted.

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

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2013

SENATE BUDGET AND TAXATION COMMITTEE –
COMMITTEE REPRINT TO HOUSE BILL 102 – THE BUDGET RECONCILIATION AND
FINANCING ACT OF 2013

(See Exhibit E of Appendix III)

HB0102/879732/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 102

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 12 down through “costs;” in line 14; and in line 25, after “Agency;” insert “altering a certain maximum fee for commissioning a notary public; altering a certain maximum fee that may be set for certain notarial acts;”.

On page 2, in line 1, after “purposes;” insert “altering a certain requirement for the Maryland Transit Administration to set certain fare prices to include a requirement that the Administration increase base fare prices for certain services by a certain percentage from a certain Consumer Price Index;”; strike beginning with “providing” in line 6 down through “year;” in line 8; in line 12, after “Comptroller;” insert “altering the calculation of certain State distributions made to certain counties and Baltimore City based on per capita yield of county income taxes; altering the minimum rate for the county income tax for a county to qualify for a certain grant; repealing a certain obsolete provision;”; in line 23, after “circumstances;” insert “prohibiting merit increases for State employees before a certain date, except under certain circumstances; requiring certain reports to be submitted to certain committees of the General Assembly on or before a certain date;”; in line 24, after “terms;” insert “providing for the effective dates of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; and in the same line, strike “making conforming changes;”.

On pages 2 and 3, strike in their entirety the lines beginning with line 42 on page 2 through line 8 on page 3, inclusive.

On page 3, in line 26, after “9–112(d)(4)” insert “, 18–103(e)(3), and 18–112”; after line 28, insert:

“BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 21–308(a)(4)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)”;

and in line 31, strike “2–202(a) and”.

On page 4, after line 9, insert:

“BY repealing and reenacting, with amendments,

Article – Transportation

Section 7–208(b–1)

Annotated Code of Maryland

(2012 Replacement Volume)”;

and after line 25, insert:

“BY repealing and reenacting, without amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1101(a)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 9–1101(b)(2) and (3) and (d)

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – Local Government

Section 16–501(a) and (c)(3)

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 472) of the Acts of the General Assembly of
2013)

BY repealing and reenacting, with amendments,

Article – Local Government

Section 16–501(b) and (e)

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B. 472) of the Acts of the General Assembly of
2013)”.

AMENDMENT NO. 2

On page 7, strike in its entirety line 15.

On pages 8 and 9, strike in their entirety the lines beginning with line 3 on page 8 through line 6 on page 9, inclusive.

AMENDMENT NO. 3

On page 9, strike in their entirety lines 7 through 13, inclusive.

On page 11, strike in their entirety lines 2 through 19, inclusive.

AMENDMENT NO. 4

On page 10, after line 32, insert:

“18-103.

(e) (3) Each notary shall pay to the clerk:

(i) a fee of \$1 for qualifying the notary and registering the name, address, and commission expiration date of the notary; and

(ii) a fee of ~~[\$10]~~ \$11 or a lesser amount as prescribed by the Secretary of State for the commission issued.

18-112.

(a) The Secretary of State shall adopt regulations to establish fees, not to exceed ~~[\$2]~~ \$4 for an original notarial act, and an appropriate lesser amount for the repetition of that original notarial act or to make a copy of the matter addressed by that original notarial act.

(b) A notary public may charge 19 cents per mile, or a higher amount set by regulation of the Secretary of State, and a fee not to exceed \$5, as compensation for travel required for the performance of a notarial act.”.

AMENDMENT NO. 5

On page 11, before line 1, insert:

“Article – State Personnel and Pensions

21-308.

(a) (4) For fiscal year 2014 and each fiscal year thereafter, in addition to the amounts required under paragraph (2) of this subsection, the Governor shall include in the budget bill ~~[\$300,000,000]~~ **\$200,000,000.**

AMENDMENT NO. 6

On page 12, after line 30, insert:

“Article – Transportation

7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) ~~[Shall]~~ **SUBJECT TO ITEMS (2) AND (3) OF THIS SUBSECTION, SHALL** set the fare prices and collect other operating revenues in an amount sufficient to achieve the farebox recovery requirement established in subsection (b) of this section; ~~[and]~~

(2) **BEGINNING IN FISCAL YEAR 2014, SHALL INCREASE BASE FARE PRICES TO THE NEAREST DIME FOR CORE BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES BY AT LEAST THE SAME PERCENTAGE AS THE 3–YEAR INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, AS DETERMINED FROM JANUARY 1, 2010, TO DECEMBER 31, 2012, AND EACH SUBSEQUENT 3–YEAR PERIOD FOR WHICH THE AMOUNT IS BEING CALCULATED; AND**

(3) **May not reduce the level of services provided by the Administration for the purpose of achieving the farebox recovery requirement.**

AMENDMENT NO. 7

On pages 14 and 15, strike beginning with “HOSPITAL” in line 36 on page 14 down through “ADOPTED.” in line 4 on page 15 and substitute “**A COMBINATION OF SPECIAL FUND REVENUES AND GENERAL FUND SAVINGS FROM REDUCED HOSPITAL OR OTHER PAYMENTS MADE BY THE MEDICAID PROGRAM. THE POLICIES ADOPTED UNDER THIS SUBSECTION SHALL BE IN LIEU OF THE HOSPITAL ASSESSMENT AND REMITTANCE REVENUE GENERATED IN FISCAL YEAR 2012, BUT MAY INCLUDE HOSPITAL ASSESSMENTS AND REMITTANCES.**”.

AMENDMENT NO. 8

On page 15, after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1101.

(a) (1) Subject to subsection (d) of this section, for each fiscal year, the Comptroller shall distribute to a county the amount determined for each county under this section.

(2) The amount a county shall receive under this section in any fiscal year shall be based on the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, from returns filed through November 1 immediately preceding the applicable fiscal year, as determined by the Comptroller.

(b) (2) [(i) Subject to subparagraph (ii) of this paragraph, if] IF the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

[(ii) For fiscal year 2012 only, if the per capita yield of the county income tax for a county determined under paragraph (1)(i) of this subsection is less than 77% of the per capita statewide yield of the county income tax determined under paragraph (1)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 77% of the statewide per capita yield, as rounded to the nearest dollar.]

(3) A county may not receive a distribution under this subsection if the county tax rate in that county was less than [2.4%] 2.6%:

(i) For the taxable year that ended in the second prior fiscal year; or

(ii) For any subsequent taxable year through the taxable year that ends in the current fiscal year.

(d) (1) [For] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (I) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 2.8% BUT LESS THAN 3%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 20% OF THE AMOUNT DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION.

(II) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 3% BUT LESS THAN 3.2%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 40% OF THE AMOUNT DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION.

(III) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 3.2%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 60% OF THE AMOUNT DETERMINED UNDER SUBSECTION (B)(2) OF THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Local Government

16–501.

(a) Subject to subsection (e) of this section, for each fiscal year, the Comptroller shall pay to an eligible county a grant in the amount determined under subsection (c)(3) of this section.

(b) A county may not receive a grant under subsection (a) of this section if the county's income tax rate was less than [2.4%] 2.6%:

(1) for the taxable year that ended in the second prior fiscal year; or

(2) for any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) (3) If the per capita yield of the county income tax for a county determined under paragraph (2)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (2)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(e) (1) [For] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (I) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 2.8% BUT LESS THAN 3%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 20% OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

(II) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 3% BUT LESS THAN 3.2%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 40% OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.

(III) IF A COUNTY OR BALTIMORE CITY HAS A COUNTY INCOME TAX RATE OF AT LEAST 3.2%, THE COUNTY OR BALTIMORE CITY MAY RECEIVE A MINIMUM OF 60% OF THE AMOUNT DETERMINED UNDER SUBSECTION (C)(3) OF THIS SECTION.”.

AMENDMENT NO. 9

On page 17, after line 36, insert:

“SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2014, the Governor may include in the annual operating or capital budget submission for county library capital projects the lesser of:

(1) \$5,000,000; or

(2) the total estimated State cost of capital projects approved by the State Board of Education under § 23–510(e)(4) of the Education Article.”.

AMENDMENT NO. 10

On page 17, before line 37, insert:

“SECTION 14. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) Except as otherwise provided in this section, State employees employed by any entity, including the University System of Maryland, Morgan State University, and St. Mary’s College of Maryland, may not receive merit increases before April 1, 2014.

(b) This provision does not affect:

(1) salaries for constitutional officers or members of the General Assembly;

(2) increases necessary for the retention of faculty in the University System of Maryland, Morgan State University, or St. Mary’s College of Maryland;

(3) payments under a collective bargaining agreement negotiated with an accredited representative in accordance with § 7–601 of the Transportation Article; or

(4) for fiscal year 2014 only, operationally critical staff.

(c) On or before December 1, 2013, in accordance with § 2–1246 of the State Government Article, the University System of Maryland, Morgan State University, and St. Mary’s College of Maryland shall each submit a report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted by the governing boards of those institutions to designate operationally critical staff, all staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.

(d) On or before December 1, 2013, in accordance with § 2–1246 of the State Government Article, the Department of Budget and Management shall submit a

report to the Senate Budget and Taxation Committee and the House Appropriations Committee that details the policies adopted to designate operationally critical staff, all Executive Branch staff identified as critical under subsection (b)(4) of this section, and any merit increases awarded as a consequence of this designation.”.

AMENDMENT NO. 11

On page 12, in line 15, strike “SECTION” and substitute “SUBSECTION”.

On page 15, in lines 9, 19, 22, and 26, strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, “6.”, and “7.”, respectively.

On page 16, in line 34, strike “6.” and substitute “8.”.

On page 17, in lines 8, 16, 25, 33, and 37, strike “7.”, “8.”, “9.”, “10.”, and “11.”, respectively, and substitute “9.”, “10.”, “11.”, “12.”, and “15.”, respectively.

On page 18, after line 3, insert:

“SECTION 16. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2013.

SECTION 17. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Chapter _____ (H.B. 472) of the Acts of the General Assembly of 2013. If Section 3 of this Act takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.”;

in line 4, strike “12.” and substitute “18.”; and in the same line, after “That” insert “, except as provided in Sections 16 and 17 of this Act.”.

The preceding 11 amendments were read only.

Senator Kasemeyer moved, duly seconded, to suspend Rule 52(c)(1) to allow the reprint to be considered as the official bill on second reading.

The motion was adopted.

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

The motion was adopted.

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

House Bill 496 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

**State Retirement and Pension System – Funding Method and Amortization of
Unfunded Liabilities or Surpluses**

Senator Jones–Rodwell moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2013.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #10

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

**Senate Bill 474 – Senator Jones–Rodwell (Chair, Joint Committee on
Pensions)**

AN ACT concerning

**State Retirement and Pension System – Funding Method and Amortization of
Unfunded Liabilities or Surpluses**

Senator Jones–Rodwell moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2013.

The motion was adopted.

INTRODUCTION OF BILLS

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.

The motion was adopted.

Senate Bill 1064 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Renewable Energy Portfolio Standard – Solar Water Heating Systems

FOR the purpose of altering the definition of “solar water heating system” for purposes of the renewable energy portfolio standard to include systems that consist of certain concentrating solar thermal collectors under certain circumstances; making a stylistic change; making this Act an emergency measure; and generally relating to the renewable energy portfolio standard.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–701(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(k–1)
Annotated Code of Maryland
(2010 Replacement Volume and 2012 Supplement)

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.

The motion was adopted.

Senate Bill 1065 – Senator Raskin (Chair, Workgroup to Conduct a Review of Disclosure Requirements of the Public Ethics Laws)

AN ACT concerning

**Public Ethics – Public Officials, Local Governments, and Lobbyists –
Training, Reporting, and Enforcement**

FOR the purpose of repealing a requirement that a certain regulated lobbyist attend a certain training course in a certain time period; altering the information related to employment and sources of earned income that a member of the General Assembly is required to report to the Joint Ethics Committee; requiring a regulated lobbyist to complete a certain training course in a certain time period; requiring an individual who was a public official and registers as a regulated lobbyist in a certain time period to seek certain advice from the State Ethics Commission; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a county or municipal corporation to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a school board to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission to

petition a certain circuit court to compel a school board to comply with certain requirements; altering the duties, reporting requirements, and termination date of a certain workgroup established to study public ethics; and generally relating to public ethics, public officials, local governments, and lobbyists.

BY repealing and reenacting, with amendments,

Article – State Government

Section 15–205(b) and (e), 15–513(b), and 15–808

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 15–513(c) and (d) and 15–607(h) and (i)

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY adding to

Article – State Government

Section 15–716, 15–717, and 15–816

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Chapter 620 of the Acts of the General Assembly of 2012

Section 2 and 3

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

Senator Pugh 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.

The motion was adopted.

Senator Pugh moved to suspend the rules to allow **Senate Bill 1066** to be referred immediately.

The motion was adopted.

Senate Bill 1066 – Senator Pugh

AN ACT concerning

Minority Business Enterprises – Not-for-Profit Entities

FOR the purpose of excluding a not-for-profit entity organized to promote the interests of physically or mentally disabled individuals from a certain definition of minority business enterprise; prohibiting certain contracts from being counted as part of a unit of State government's total dollar value of procurement contracts; authorizing a certain not-for-profit entity participating as a minority business enterprise on a certain procurement contract awarded by a unit before a certain date to continue to participate in that contract until the contract terminates; providing that the not-for-profit entity's participation may not be counted toward achieving certain minority business enterprise participation goals and the unit may not require that a certified minority business enterprise be substituted for the not-for-profit entity in order to meet certain minority business enterprise goals; requiring the Department of Disabilities, in consultation with certain entities, to undertake certain studies and submit to the Legislative Policy Committee a final report on the studies on or before a certain date; providing for the application of this Act; defining a certain term; and generally relating to minority business enterprise participation in State procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14-301 and 14-302(a)(1) and (11)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY adding to
Article – State Finance and Procurement
Section 14-302(a)(12)
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

Read the first time and 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. 580)

ADJOURNMENT

At 9:32 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day March 17, 2013, Calendar Day, Tuesday, March 19, 2013.