Journal *of* Proceedings

of the

Senate
of
Maryland

2012 Regular Session

Volume II

Compiled and edited by:

Donald G. Hopkins
Journal Clerk

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

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Annapolis, Maryland
Friday, February 17, 2012
11:00 A.M. Session

The Senate met at 11:10 A.M.

Prayer by Pastor Craig McLaughlin, Mount Zion United Methodist Church, guest of Senator Glassman.

(See Exhibit A of Appendix III)

The Journal of February 16, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 215)

INTRODUCTION OF BILLS

Senate Bill 999 – Senator Muse

AN ACT concerning

Labor and Employment – Abusive Work Environments – Employee Remedies

FOR the purpose of prohibiting a supervisor or an employee who is supervised by the supervisor from subjecting an employee to an abusive work environment that includes certain abusive conduct that causes certain harm to the employee; providing that a supervisor or an employee is individually liable for a violation of this Act; providing that a certain supervisor is vicariously liable for a violation of this Act; prohibiting a supervisor from retaliating against an employee who opposes or resists abusive conduct in the employee's work environment or takes other action regarding a violation of this Act; authorizing an employee to file an action for a violation of this Act; requiring that a certain action be filed in a certain circuit court and within a certain time period after the last act that constitutes the alleged violation; specifying certain affirmative defenses for a supervisor or an employee against whom a certain action has been filed; authorizing certain remedies for violations of this Act; prohibiting a circuit court from ordering punitive damages under certain circumstances; limiting the liability of a supervisor for emotional distress to a certain dollar

amount under certain circumstances; requiring an employee who has received workers' compensation under a certain provision of law to repay the compensation under certain circumstances; stating the intent of the General Assembly; providing for the application of this Act; defining certain terms; and generally relating to abusive work environments.

BY adding to
Article – Labor and Employment
Section 3–1101 through 3–1104 to be under the new subtitle "Subtitle 11. Abusive Work Environments"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1000 – Senator Muse

AN ACT concerning

Horse Racing – State Racing Commission – Membership

FOR the purpose of requiring the Governor to select a certain number of members of the State Racing Commission from a list provided by certain associations and from certain members of the public at large; requiring the Governor to select the chair of the State Racing Commission in a certain manner; declaring the intent of the General Assembly; and generally relating to the State Racing Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1001 – Senator Muse

AN ACT concerning

State Personnel – Grievances – Inclusion of Disputes about Counseling Memoranda

FOR the purpose of altering the definition of "grievance", for purposes of provisions of law governing grievance procedures for certain employees in the State Personnel Management System, to include a dispute about a counseling memorandum issued to a certain State employee; repealing a provision of law

that prohibits a certain State employee from taking certain action in response to a counseling memorandum; making a stylistic change; and generally relating to counseling memoranda and grievance procedures in the State Personnel Management System.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 11–102 and 12–102(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11–107(a) and 12–101
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1002 – Senator Manno

AN ACT concerning

Income Tax – Subtraction Modification – Noneconomic Damages

FOR the purpose of allowing an individual a subtraction modification under the Maryland income tax for certain payments received by a claimant for certain damages as a result of certain claims of unlawful discrimination; defining certain terms; providing for the application of this Act; and generally relating to an income tax subtraction modification for certain damages as a result of certain claims of unlawful discrimination.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 10–207(y)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1003 – Senator Middleton

AN ACT concerning

Life and Health Insurance Guaranty Corporation Act – Revisions

FOR the purpose of revising the Life and Health Insurance Guaranty Corporation Act; clarifying the purpose of the Act to protect certain persons against failure in the performance of contractual obligations due to the impairment or insolvency of certain insurers; clarifying the persons and circumstances under which certain coverage shall be provided by the Life and Health Insurance Guaranty Corporation; authorizing the Corporation to provide coverage to certain payees or certain beneficiaries of payees under structured settlement annuities under certain circumstances; specifying certain circumstances under which certain persons are not provided coverage under the Act; specifying certain circumstances under which certain policies and contracts issued by member insurers are not provided coverage under the Act; specifying certain interest and certain changes in value of certain policies or contracts that will not be subject to forfeiture under certain circumstances; establishing the principal place of business for certain entities for purposes of the Act; clarifying the authority of the Corporation to take certain action for member insurers that are impaired insurers; clarifying the authority of the Corporation to take certain action for member insurers that are insolvent insurers; clarifying the powers and duties of the Maryland Insurance Commissioner under certain circumstances; authorizing the Corporation, subject to approval of the Commissioner, to issue substitute coverage for certain policies and contracts under certain circumstances; altering the maximum amounts of certain contractual obligations of certain impaired or insolvent insurers for which the Corporation may become liable under certain circumstances; authorizing the Corporation to join an organization of certain state associations for a certain purpose; authorizing the Corporation to elect to succeed to the rights and obligations of certain insolvent insurers relating to certain reinsurance contracts within a certain period of time after the date of an order of liquidation; requiring a receiver and certain reinsurers to make certain information available under certain circumstances for certain purposes after commencement of certain delinquency proceedings; establishing certain rights and obligations of the Corporation relating to certain reinsurance contracts assumed by the Corporation under certain circumstances; requiring the Corporation and certain reinsurers to make certain calculations within a certain period of time after a certain election; requiring certain reinsurers and the Corporation to make certain payments to a receiver in a certain manner under certain circumstances; requiring a receiver to remit certain payments to the Corporation in a certain manner under a certain circumstance; prohibiting certain reinsurers from taking certain actions relating to reinsurance contracts under certain circumstances; establishing certain rights and obligations of the Corporation and certain reinsurers during a certain period of time after the date of an order of liquidation; authorizing the Corporation to transfer certain reinsurance on certain policies, annuities, or covered obligations under certain circumstances;

providing for the application of this Act as it relates to certain laws and certain rights and obligations under certain reinsurance contracts; providing for the application of this Act as it relates to certain rights of the Corporation; extending a certain immunity to certain organizations and certain agents or employees of certain organizations; defining certain terms; altering certain defined terms; and generally relating to the Life and Health Insurance Guaranty Corporation Act.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 9–401, 9–402, 9–403, 9–404, 9–407, 9–408, 9–414, and 9–417
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Insurance
Section 9–407.1
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1004 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Qualifying Thermal Biomass Systems

FOR the purpose of specifying that energy from a certain qualifying thermal biomass system is eligible for inclusion in meeting the renewable energy portfolio standard; specifying that a person that owns and operates a certain qualifying thermal biomass system shall receive a certain renewable energy credit under certain circumstances; requiring the total amount of energy generated and consumed by a residential, nonresidential, or commercial qualifying thermal biomass system to be measured in a certain way; requiring the Public Service Commission to adopt certain regulations; defining a certain term; altering a certain term; providing for a delayed effective date; and generally relating to the eligibility of qualifying thermal biomass systems for inclusion in meeting 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 2011 Supplement)

BY adding to
Article – Public Utilities
Section 7–701(h–1) and 7–704(h)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–701(l)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1005 – Senator Pugh

AN ACT concerning

Labor and Employment – Determination of Independent Contractor Status – Workplace Fraud Act and Unemployment Insurance

FOR the purpose of establishing an exception for an employer that produces certain documents for inspection to the presumption that an employer–employee relationship exists for purposes of the Workplace Fraud Act; repealing the requirement that the Commissioner of Labor and Industry consider certain factors as strong evidence that an employer did not violate a certain provision of law; providing for a presumption, under certain circumstances, that an individual working for remuneration is an independent contractor under certain circumstances; prohibiting the Commissioner, under certain circumstances, from entering a place of business or work site to review and copy certain records; authorizing an employer to comply with a certain requirement to provide records by producing copies of the records; altering the number of days within which an employer is required to produce certain records; repealing a certain provision of law regarding the issuance of citations by the Commissioner for violations of the Workplace Fraud Act; requiring the Commissioner to take certain action regarding an alleged violation of the Workplace Fraud Act within a certain time after the Commissioner receives certain records from an employer; providing that an employer is entitled to a certain hearing within a certain number of days after the hearing is requested unless the right is waived; repealing a certain notification requirement; requiring that a copy of a certain order be submitted to a public body under certain circumstances; altering the requirement that a certain public body withhold certain funds from an employer; repealing the requirement that a certain public body release certain funds on issuance of a certain order; establishing that certain work is not covered employment for the purposes of unemployment insurance if the Secretary of Labor, Licensing, and Regulation is satisfied that the individual

performing the work entered into a certain contract with the employer; and generally relating to the determination of independent contractor status.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–903 through 3–906, 3–913, and 8–205
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1006 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Fund Producers – Commissions

FOR the purpose of altering the commission the Maryland Automobile Insurance Fund is required to pay to a fund producer of a policyholder to whom a private passenger auto insurance policy is issued by the Fund; and generally relating to commissions paid to fund producers by the Maryland Automobile Insurance Fund.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–512
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1007 – Senator Astle

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Anne Arundel County – Goshen House

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2008 to alter the requirement that the Board of Directors of the Goshen Farm Preservation Society, Inc. grant a certain historic easement to the Maryland Historical Trust; extending the deadline for the Board to present evidence that a matching fund will be provided; and generally relating to amending the Maryland Consolidated Capital Bond Loan of 2008.

BY repealing and reenacting, with amendments,

Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(J)

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

Senate Bill 1008 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Baltimore Museum of Industry

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 Trustees of the Baltimore Museum of Industry, 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 1009 – Senator Peters

AN ACT concerning

Creation of a State Debt – Prince George's County – Green Branch Athletic Complex

FOR the purpose of authorizing the creation of a State Debt not to exceed $3,000,000, 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 1010 – Senator Stone

AN ACT concerning

Business Regulation – Task Force on Work–Site Competency in Masonry

FOR the purpose of establishing the Task Force on Work–Site Competency in Masonry; specifying the membership, chair, and staffing of the Task Force;

specifying that a member of the Task Force may not receive compensation but may receive certain reimbursement; requiring the Task Force to develop a certain standardized test, establish certain test score requirements, and make certain recommendations related to a work–site competency certification in masonry; requiring the Task Force, on or before certain dates, to submit certain preliminary and final reports to the Governor and the General Assembly; providing for the termination of this Act; and generally relating to the Task Force on Work–Site Competency in Masonry.

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

MESSAGE FROM THE EXECUTIVE

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

February 17, 2012

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
2012 SESSION OF THE MARYLAND GENERAL ASSEMBLY

APPRENTICESHIP AND TRAINING COUNCIL	
Robert F. Yeatman, Jr.	Reappointment

5872 Swamp Circle Road P.O. Box 232 Deale, Maryland 20751 Anne Arundel/33	Employee Organization Term of 4 years from July 1, 2012
George Patrick Maloney 7 Beach Road Severna Park, Maryland 21146 Anne Arundel/33	Reappointment Employer Representative Term of 4 years from July 1, 2012
ARCHAEOLOGY, ADVISORY COMMITTEE ON	
William S. Dudley, Ph.D. 9949 Eagle Drive Easton, Maryland 21601 Talbot/37	Reappointment Member Term of 3 years from July 1, 2012
Thomas Frederick Forhan 7001 Westmoreland Avenue Takoma Park, Maryland 20912 Montgomery/20	Reappointment Member Term of 3 years from July 1, 2012
ARCHITECTS, STATE BOARD OF	
Diane Cho 1926 Club Road Stevenson, Maryland 21153 Baltimore County/11	Reappointment Architect – Chair Term of 5 years from July 1, 2012
ARTS COUNCIL, MARYLAND STATE	
Eric A. Conway 2 Timberpark Court Lutherville, Maryland 21093 Baltimore County/07	Reappointment Member Term of 3 years from July 1, 2012
CHESAPEAKE AND ATLANTIC COASTAL BAYS, CRITICAL AREA COMMISSION FOR THE	
Hon. Christopher J. Trumbauer 44 Calvert Street Annapolis, Maryland 21401 Anne Arundel/30	Appointment Anne Arundel – Appointed or Elected Remainder of a term of 4 years from July 1, 2008 and a term of 4 years from July 1, 2012
Hon. Donald J. Sydnor 307 Gay Street Cambridge, Maryland 21613 Dorchester/37	Reappointment Dorchester/Talbot – Appointed or Elected Term of 4 years from July 1, 2012
Hon. Matthew R. Holloway 125 North Division Street Salisbury, Maryland 21803	Reappointment Wicomico – Appointed or Elected Term of 4 years from July 1, 2012

Wicomico/37	
Caroline D. Gabel 113 Hoffman Lane Chestertown, Maryland 21620 Queen Anne's/36	Reappointment Queen Anne's – Citizen Term of 4 years from July 1, 2012
CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS, STATE BOARD OF	
Robert G. Frieman, D.C. 2602 Chestnut Woods Court Reisterstown, Maryland 21136 Baltimore County/11	Appointment Chiropractor Term of 4 years from July 1, 2012
Michael N. Moskowitz, D.C. 14115 Forest Ridge Drive Potomac, Maryland 20878 Montgomery/15	Appointment Chiropractor Term of 4 years from July 1, 2012
Joanne M. Bushman, D.C. 30349 Holly Lane Delmar, Maryland 21875 Wicomico/38	Appointment Chiropractor Term of 4 years from July 1, 2011
Gloria W. Boddie–Epps 914 Cox Avenue Hyattsville, Maryland 20783 Prince George's/47	Appointment Consumer Term of 4 years from July 1, 2012
CIVIL RIGHTS, COMMISSION ON	
Gary C. Norman, Esq. 4145 Falls Road Baltimore, Maryland 21211 Baltimore City/40	Reappointment Member Term of 6 years from July 1, 2011
Norman I. Gelman 7904 Turncrest Drive Potomac, Maryland 20854 Montgomery/15	Reappointment Member Term of 6 years from July 1, 2009
CLEAN ENERGY CENTER, BOARD OF DIRECTORS OF THE MARYLAND	
Jeffrey W. Eckel 481 Old Orchard Circle Millersville, Maryland 21108 Anne Arundel/33	Reappointment Venture Capital Term of 4 years from July 1, 2012
George Earl Ashton, III 530 Anderson Avenue Rockville, Maryland 20850 Montgomery/17	Reappointment General Public Term of 4 years from July 1, 2012
COMMUNITY SERVICES REIMBURSEMENT RATE COMMISSION	

Rebecca L. M. Fuller, Ph.D. 175 Southwood Road Pasadena, Maryland 21122 Anne Arundel/31	Appointment No Connection Remainder of a term of 3 years from October 1, 2011
Patsy Baker Blackshear, Ph.D. 2705 Riva Road Annapolis, Maryland 21401 Anne Arundel/33	Appointment No Connection Term of 3 years from October 1, 2011
CONSUMER COUNCIL	
Kenneth Furlough 1102 Sulphur Spring Road Baltimore, Maryland 21227 Baltimore County/12	Appointment Business Group Remainder of a term of 6 years from July 1, 2006 and a term of 6 years from July 1, 2012
CONTRACT APPEALS, MARYLAND STATE BOARD OF	
Michael J. Collins 608 Seena Road Baltimore, Maryland 21221 Baltimore County/06	Reappointment Member – Chair Term of 5 years from February 1, 2012
CORRECTIONAL STANDARDS, COMMISSION ON	
Robert L. Green 10905 Honeyfield Road Williamsport, Maryland 21795 Washington/02	Reappointment Local Correctional Term of 3 years from July 1, 2012
Jeffrey Washington 10503 Vista Grande Drive Mitchellville, Maryland 20721 Prince George's/24	Reappointment National Accreditation Organization Term of 3 years from July 1, 2012
Hon. Sheree Sample–Hughes 125 North Division Street Salisbury, Maryland 21803 Wicomico/37	Reappointment Local Elected Official Term of 3 years from July 1, 2012
CORRECTIONAL TRAINING COMMISSION	
LaMonte E. Cooke 24837 Langford Road Chestertown, Maryland 21620 Kent/36	Reappointment Correctional Official Term of 3 years from July 1, 2012
DENTAL EXAMINERS, STATE BOARD OF	
Irma S. Simon 2071 Mt. Hebron Drive Ellicott City, Maryland 21042	Appointment Consumer Term of 4 years from June 1, 2012

Howard/09	
Issie L. Jenkins 12826 Forest Creek Court Sykesville, Maryland 21784 Howard/09	Appointment Consumer Remainder of a term of 4 years from June 1, 2009
DIETETIC PRACTICE, STATE BOARD OF	
Concepcion Placiente 9107 Kilbride Road Nottingham, Maryland 21236 Baltimore County/08	Appointment Dietitian or Nutritionist Term of 4 years from July 1, 2012
DISTRICT COURT OF MARYLAND – DISTRICT 10 – CARROLL AND HOWARD COUNTIES	
Hon. Pamila Junette Brown 3451 Courthouse Drive Ellicott City, Maryland 21043 Howard/12	Reappointment Judge – Howard County Term of 10 years from May 6, 2012
ECONOMIC DEVELOPMENT COMMISSION, MARYLAND	
Tracy Tyler 3536 Indian Grant Road East New Market, Maryland 21631 Dorchester/37	Reappointment Lower Eastern Shore Term of 3 years from July 1, 2012
Dheeraj (Raj) Khera 9805 Juniper Hill Road Rockville, Maryland 20850 Montgomery/15	Appointment Member Term of 3 years from July 1, 2011
Timothy J. Adams 14302 Dunwood Valley Drive Bowie, Maryland 20721 Prince George's/23	Reappointment Member Term of 3 years from July 1, 2012
Kevin M. Johnson 3109 Fox Valley Drive West Friendship, Maryland 21794 Howard/09	Reappointment Member Term of 3 years from July 1, 2012
Landon S. King 8502 Huntspring Drive Lutherville, Maryland 21093 Baltimore County/11	Appointment Member Term of 3 years from July 1, 2012
William E. Kirwan, Ph.D. 3112 Old Court Road Baltimore, Maryland 21208 Baltimore County/11	Reappointment Member Term of 3 years from July 1, 2012

EMERGENCY NUMBER SYSTEMS BOARD	
Brian Josef 2 Magic Mountain Court North Bethesda, Maryland 20852 Montgomery/16	Reappointment Wireless Telephone Industry Term of 4 years from July 1, 2012
Anthony Myers 603 Sadler Road Towson, Maryland 21286 Baltimore County/42	Reappointment Public Service Commission Term of 4 years from July 1, 2012
Bryan C. Ebling 403 Sunrise Avenue P.O. Box 44 Ridgely, Maryland 21660 Caroline/37	Reappointment Volunteer Fire Service Term of 4 years from July 1, 2012
John E. Markey 7113 Flint Court Middletown, Maryland 21769 Frederick/04	Reappointment EM Services Term of 4 years from July 1, 2012
Kenneth M. Miller 1414 Harmony Lane Annapolis, Maryland 21409 Anne Arundel/30	Reappointment GIS Term of 4 years from July 1, 2012
Roderick W. Hart 9841 Branchleigh Road Randallstown, Maryland 21133 Baltimore County/10	Reappointment Public Term of 4 years from July 1, 2012
ENVIRONMENTAL SANITARIAN REGISTRATION, STATE BOARD OF	
Yvonne S. DeLoatch 200 Presstman Street Baltimore, Maryland 21217 Baltimore City/44	Reappointment Sanitarian/Local Government Term of 5 years from July 1, 2012
HANDGUN PERMIT REVIEW BOARD	
Seymour R. Goldstein, Esq. 3404 Woodvalley Drive Baltimore, Maryland 21208 Baltimore County/11	Reappointment Member Term of 3 years from March 27, 2012
HERITAGE AREAS AUTHORITY, MARYLAND	
Wayne E. Clark 3649 5th Street North Beach, Maryland 20714 Calvert/27	Reappointment President's Nominee Term of 4 years from October 1, 2012

Donna Marie Ware 16 Eastern Avenue Annapolis, Maryland 21403 Anne Arundel/30	Reappointment Speaker's Nominee Term of 4 years from October 1, 2012
Amy Owsley 304 Elm Avenue Easton, Maryland 21601 Talbot/37	Reappointment Maryland Greenways Term of 4 years from October 1, 2012
Robert David Campbell 9510 Garwood Street Silver Spring, Maryland 20901 Montgomery/20	Reappointment Historic Preservation Term of 4 years from October 1, 2012
HIGHER EDUCATION COMMISSION, MARYLAND	
Ian D. MacFarlane 206 Edgevale Road Baltimore, Maryland 21210 Baltimore City/41	Appointment Member Remainder of a term of 5 years from July 1, 2008
Edith J. Patterson, Ed.D. 5001 Preston Lane P.O. Box 115 Pomfret, Maryland 20675 Charles/28	Appointment Member Term of 5 years from July 1, 2011
John W. Yaeger, Ed.D. 53 College Avenue Annapolis, Maryland 21401 Anne Arundel/30	Appointment Member Term of 5 years from July 1, 2011
Brandon Bell 5900 Watch Chain Way, #703 Columbia, Maryland 21044 Howard/12	Appointment Member Remainder of a term of 5 years from July 1, 2007 and a term of 5 years from July 1, 2012
HISTORICAL TRUST BOARD OF TRUSTEES, MARYLAND	
Samuel J. Parker, Jr. 5601 56th Avenue Riverdale, Maryland 20737 Prince George's/22	Appointment Member Remainder of a term of 4 years from July 1, 2010
Hon. Margo Goggin Bailey 116 Washington Avenue Chestertown, Maryland 21620 Kent/36	Appointment Member Term of 4 years from July 1, 2011
Charles L. Edson, Esq. 5802 Surrey Street	Reappointment Member

Chevy Chase, Maryland 20815 Montgomery/16	Term of 4 years from July 1, 2011
Brien J. Poffenberger 107 E. Main Street P.O. Box 633 Sharpsburg, Maryland 21782 Washington/02	Reappointment Member Term of 4 years from July 1, 2011
Charles A. Stek 18611 Mink Hollow Road Highland, Maryland 20777 Montgomery/14	Appointment Member Remainder of a term of 4 years from July 1, 2008 and a term of 4 years from July 1, 2012
O. James Lighthizer, Esq. 1547 Eton Way Crofton, Maryland 21114 Anne Arundel/33	Reappointment Member Term of 4 years from July 1, 2012
Monica Wharton Henley 8602 Chapel View Road Ellicott City, Maryland 21043 Howard/09	Reappointment Member Term of 4 years from July 1, 2012
INDIAN AFFAIRS, COMMISSION ON	
Sherry L. Majors 27499 Mount Vernon Road Princess Anne, Maryland 21853 Somerset/38	Reappointment Member Term of 3 years from July 1, 2010
Kathryn E. R. Fitzhugh 2363 Elliott Island Road Vienna, Maryland 21869 Dorchester/37	Reappointment Member Term of 3 years from July 1, 2011
Guy G. Wells 201 S. 6th Street Denton, Maryland 21629 Caroline/36	Reappointment Member Term of 3 years from July 1, 2010
Thomas W. Windsor, II 4917 78th Avenue Hyattsville, Maryland 20784 Prince George's/47	Reappointment Member Term of 3 years from July 1, 2011
Leanora E. Winters 9260 Sam Owings Place Owings, Maryland 20736 Calvert/27	Appointment Member Term of 3 years from July 1, 2011
Virginia R. Busby	Reappointment

3174 Freestone Court Abingdon, Maryland 21009 Harford/07	Member Term of 3 years from July 1, 2009 and a term of 3 years from July 1, 2012
INJURED WORKERS' INSURANCE FUND, BOARD FOR THE	
Leonard G. Schuler, Jr. 3 Old Garrett Court White Hall, Maryland 21161 Baltimore County/05	Reappointment Member Term of 5 years from June 1, 2012
INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED	
Karen Zopf 716 Hickory Lot Road Towson, Maryland 21286 Baltimore County/42	Reappointment Interior Designer Term of 3 years from July 1, 2012
LEGAL SERVICES CORPORATION BOARD OF DIRECTORS, MARYLAND	
Glenn F. Ivey 2700 Valley Way Cheverly, Maryland 20785 Prince George's/47	Appointment Attorney Term of 3 years from July 1, 2011
NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS OF	
Belinda B. Strayhorn 110 Bunker Hill Lane Odenton, Maryland 21113 Anne Arundel/32	Reappointment Consumer Term of 4 years from April 22, 2012
OPTOMETRY, STATE BOARD OF EXAMINERS IN	
Kisha Fields Matthews 8227 Township Drive Owings Mills, Maryland 21117 Baltimore County/11	Reappointment Consumer Term of 4 years from June 1, 2012
PAROLE COMMISSION, MARYLAND	
Christopher John Reynolds, Esq. 3411 Abelia Road Port Republic, Maryland 20676 Calvert/29	Reappointment Member Term of 6 years from January 1, 2012
Perry Sfikas, Esq. 623 Umbra Street Baltimore, Maryland 21224 Baltimore City/46	Reappointment Member Term of 6 years from January 1, 2012
Sheila J. Sullivan, Esq. 1811 Cable Court Owings, Maryland 20736	Appointment Member Remainder of a term of 6 years from

Calvert/27	January 1, 2010
PATUXENT INSTITUTION BOARD OF REVIEW	
Wayne S. Price, Sr. 7212 Hawthorne Street Landover, Maryland 20785 Prince George's/47	Reappointment Public/Victim Rights Organization – Chair Term of 4 years from March 21, 2012
Arnold J. Hopkins 404 Rockfleet Road, Unit 204 Lutherville, Maryland 21093 Baltimore County/05	Reappointment Public Term of 4 years from March 21, 2012
PHARMACY, STATE BOARD OF	
Richard W. Matens 2401 Pelham Avenue Baltimore, Maryland 21213 Baltimore City/45	Reappointment Consumer Term of 4 years from July 1, 2012
PHYSICAL THERAPY EXAMINERS, STATE BOARD OF	
Delores Alexander 9905 Shoshone Way Randallstown, Maryland 21133 Baltimore County/10	Appointment Consumer Term of 4 years from June 1, 2012
PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF	
Barbara A. Crosby 1014 Upnor Road Baltimore, Maryland 21212 Baltimore City/43	Reappointment Consumer Term of 4 years from July 1, 2012
POLICE TRAINING COMMISSION	
Charles H. Hinnant 20 Bedford Street Cumberland, Maryland 21502 Allegany/01	Reappointment Police Official Term of 3 years from June 1, 2012
PROCUREMENT ADVISORY COUNCIL	
Nancy C. West, Esq. 905 Fairway Drive Towson, Maryland 21286 Baltimore County/42	Appointment Local Government – Local Procurement Expertise Term of 2 years from the first Monday in May, 2011
PSYCHOLOGISTS, STATE BOARD OF	
Harriet B. Rakes 8357 Tamar Drive, #423	Reappointment Consumer

Columbia, Maryland 21045 Howard/13	Term of 4 years from July 1, 2012
Steven A. Sobelman, Ph.D. 2901 Boston Street, #410 Baltimore, Maryland 21224 Baltimore City/46	Reappointment Psychologist – Services Term of 4 years from July 1, 2012
Irene W. Leigh, Ph.D. 10910 Brewer House Road Rockville, Maryland 20852 Montgomery/16	Appointment Psychologist – Teaching, Training and Research Remainder of a term of 4 years from July 1, 2008 and a term of 4 years from July 1, 2012
RACING COMMISSION, STATE	
John P. McDaniel 13032 Highland Road Highland, Maryland 20777 Howard/13	Reappointment Thoroughbred Racing Term of 4 years from July 1, 2012
Charles G. Tildon, III 5616 Cross Country Boulevard Baltimore, Maryland 21209 Baltimore City/41	Reappointment Member Term of 4 years from July 1, 2012
Mary Louise Preis 810 Drohomer Place Baltimore, Maryland 21210 Baltimore City/41	Reappointment Member Term of 4 years from July 1, 2012
REAL ESTATE APPRAISERS AND HOME INSPECTORS, STATE COMMISSION OF	
Steven P. O'Farrell 18825 Crofton Road Hagerstown, Maryland 21742 Washington/02	Appointment Appraiser Remainder of a term of 3 years from January 1, 2010
Derek E. Owings 482 Talon Lane Sykesville, Maryland 21784 Carroll/09	Appointment Residential Appraiser Term of 3 years from January 1, 2012
SOCIAL WORK EXAMINERS, STATE BOARD OF	
Annie Denise Peak 9909 Old Indian Head Road Upper Marlboro, Maryland 20772 Prince George's/27	Reappointment LSW – Graduate Term of 4 years from July 1, 2012
Mark R. Lannon	Appointment

12738 Little Antietam Road Hagerstown, Maryland 21742 Washington/02	LSW – Associate Term of 4 years from July 1, 2012
Lillye McNeill Dumas–Wells 3662 Forest Hill Road Baltimore, Maryland 21207 Baltimore County/10	Reappointment Consumer Term of 4 years from July 1, 2012
Thelma P. Rich, D.D. 2425 Harlem Avenue Baltimore, Maryland 21216 Baltimore City/44	Appointment LCSW – Social Work Term of 4 years from July 1, 2012
TEACHER EDUCATION BOARD, PROFESSIONAL STANDARDS AND	
Dawn Pipkin P.O. Box 476 Hollywood, Maryland 20636 St. Mary's/29	Appointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2012
Ayana English–Brown 9501 Meadow Lark Avenue Upper Marlboro, Maryland 20772 Prince George's/27	Reappointment Statewide Teachers' Organization with Majority Representation Term of 3 years from July 1, 2012
Lorraine E. Cornish–Harrison 1812 Hillenwood Road Baltimore, Maryland 21239 Baltimore City/43	Reappointment Statewide Teachers' Organization with Non–Majority Representation Term of 3 years from July 1, 2012
Alyssia J. James, Ed.D. 9105 Wellington Place Lanham, Maryland 20706 Prince George's/22	Reappointment MD Teacher Ed. and College of Teacher Ed. Assns. Term of 3 years from July 1, 2012
Valerie Saxton Sharpe 5104 Bonnie Brae Court Ellicott City, Maryland 21043 Howard/09	Appointment MD Teacher Ed. and College of Teacher Ed. Assns. Term of 3 years from July 1, 2012
Shirley Brandman 6715 Landon Lane Bethesda, Maryland 20817 Montgomery/16	Reappointment MD Assn. of Boards of Education Term of 3 years from July 1, 2012
TOURISM DEVELOPMENT BOARD, MARYLAND	
Gail E. Smith–Howard 12109 Gold Ribbon Way Columbia, Maryland 21044 Howard/12	Appointment Lodging Term of 3 years from July 1, 2011

TRANSPORTATION AUTHORITY, MARYLAND	
Peter J. Basso 514 Mannakee Street Rockville, Maryland 20850 Montgomery/17	Reappointment Member Term of 4 years from July 1, 2011
Mary Beyer Halsey 207 Smith Road Rising Sun, Maryland 21911 Cecil/34	Reappointment Member Term of 4 years from July 1, 2011
Walter E. Woodford, Jr. 212 Overlook Lane P.O. Box 337 Centreville, Maryland 21617 Queen Anne's/36	Reappointment Member Term of 4 years from July 1, 2012
Michael J. Whitson 28264 Old Village Road Mechanicsville, Maryland 20659 St. Mary's/29	Reappointment Member Term of 4 years from July 1, 2012
Rev. Dr. William C. Calhoun, Sr. 932 N. Central Avenue Baltimore, Maryland 21202 Baltimore City/41	Reappointment Member Term of 4 years from July 1, 2012
A. Bradley Mims 10007 Welshire Drive Upper Marlboro, Maryland 20772 Prince George's/27	Reappointment Member Term of 4 years from July 1, 2012
VETERANS HOME COMMISSION, MARYLAND	
Lt. Col. Glynn E. Parker (Ret.) 1520 Birchwood Drive Oxon Hill, Maryland 20745 Prince George's/26	Appointment Member Remainder of a term of 5 years from July 1, 2009
Terry T. Shima 415 Russell Avenue, #1005 Gaithersburg, Maryland 20877 Montgomery/17	Reappointment Member Term of 5 years from July 1, 2012
VETERINARY MEDICAL EXAMINERS, STATE BOARD OF	
Sarah T. Hruda 9185 Keechland Farm Road Newburg, Maryland 20664 Charles/28	Appointment Public Term of 5 years from June 1, 2012
WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD OF	

Hiram Tanner 12308 Longwater Drive Mitchellville, Maryland 20721 Prince George's/23	Reappointment Agriculture Term of 4 years from July 1, 2012

GUBERNATORIAL APPOINTMENTS TO LOCAL BOARDS
REQUIRING CONFIRMATION
2012 SESSION OF THE MARYLAND GENERAL ASSEMBLY

MONTGOMERY COLLEGE BOARD OF TRUSTEES	
Michael Knapp 17525 Charity Lane Germantown, Maryland 20874 Montgomery/15	Appointment Member Remainder of a term of 6 years from July 1, 2006 and a term of 6 years from July 1, 2012
SOUTHERN MARYLAND BOARD OF TRUSTEES, COLLEGE OF	
Michael L. Middleton 8410 Evesham Place La Plata, Maryland 20646 Charles/28	Reappointment Member Term of 5 years from July 1, 2012

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 55 – Delegate Malone

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving

FOR the purpose of establishing that a certain prohibition against an individual who is under a certain age using a wireless communication device while operating a motor vehicle does not apply to the use of a wireless communication device as a text messaging device; making certain technical corrections; altering a certain definition; and generally relating to the use of a text messaging device while driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124 and 21–1124.1

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 60 – Delegates Haddaway–Riccio and Eckardt

AN ACT concerning

Talbot County – Zoning Regulations – Enforcement

FOR the purpose of authorizing the legislative body of Talbot County to provide by local law for an administrative proceeding to enforce certain zoning regulations; allowing the local law to include certain authority to impose certain fines and penalties for zoning violations; and generally relating to the enforcement of zoning regulations in Talbot County.

BY adding to
Article – Land Use
Section 9–1801 and 9–1802 to be under the new subtitle "Subtitle 18. Talbot County"
Annotated Code of Maryland
(As enacted by Chapter ___ (S.B.___/H.B.___)(2lr0396) of the Acts of the General Assembly of 2012)

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

House Bill 61 – Delegates Eckardt, Cane, and Haddaway–Riccio

AN ACT concerning

Dorchester County – Bay Restoration Fund – Collection of Restoration Fee

FOR the purpose of authorizing the Dorchester County ~~Commissioners~~ Council to collect the Bay Restoration Fee on behalf of the Dorchester County Sanitary District; and generally relating to the collection of the Bay Restoration Fee.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(d)(2) and (3)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(d)(4)

Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 67 – Delegates S. Robinson, Carr, and Olszewski

AN ACT concerning

Vehicle Laws – Nonfunctioning Traffic Control Signals – Requirement to Stop

FOR the purpose of altering a certain provision of law requiring vehicular traffic to stop and take certain actions when approaching a nonfunctioning traffic control signal at certain intersections to apply the requirement to all intersections; requiring vehicular traffic approaching a nonfunctioning traffic control signal at an intersection to stop in a certain manner, yield to certain other vehicles or pedestrians, and remain stopped until it is safe to enter and continue through the intersection; clarifying certain language; and generally relating to nonfunctioning traffic control signals at intersections.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(a) and (l)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–209
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 92 – Delegates Simmons and Dumais

AN ACT concerning

~~Domestic Violence~~ Peace and Protective Orders – Shielding – Complete Removal of Information from Public Web Site

FOR the purpose of clarifying the definition of "shielding" in certain provisions relating to the removal from the public Web site maintained by the Maryland Judiciary of certain court records ~~concerning domestic violence~~ relating to peace order or protective order proceedings; clarifying certain language; making

certain stylistic changes; and generally relating to ~~domestic violence~~ peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1510
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–512
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

House Bill 111 – Delegates Anderson, Braveboy, Cane, Carter, Conaway, Glenn, Haynes, Holmes, McDermott, McIntosh, Mitchell, Nathan–Pulliam, Oaks, Pena–Melnyk, B. Robinson, Rosenberg, Washington, and Zucker

AN ACT concerning

Criminal Law – Failure to Return Rental Vehicle – ~~Repeal~~ Notice

FOR the purpose of ~~repealing a certain crime of abandonment of a rented motor vehicle or refusal or willful neglect to return a rented motor vehicle at the end of the leasing or rental period; making a certain conforming change; providing for the application of this Act~~ providing that a person may not be prosecuted under a certain provision of law prohibiting the abandonment or refusal to return a rented motor vehicle if, within a certain number of days after a written demand for the return of the motor vehicle is mailed in a certain manner to the person who leased or rented the motor vehicle, the person returns or accounts for the motor vehicle to the person who delivered the motor vehicle; providing that a certain prosecution may not be started until a certain number of days after a certain written demand is mailed; and generally relating to ~~repealing a certain crime of~~ failure to return a rental vehicle.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–205
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~

~~Section 14–105~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

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

House Bill 115 – Delegates Jameson, Cluster, and DeBoy

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

FOR the purpose of expanding the authority of a police officer without a warrant to arrest a person suspected of committing a certain theft crime; and generally relating to warrantless arrests.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–104(g) and 7–105
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–203(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–203(b)(4)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 117 – Delegates Mitchell, Anderson, Clippinger, Conaway, McDermott, Simmons, Smigiel, Stukes, and Washington

AN ACT concerning

State Commission on Criminal Sentencing Policy – Annual Report – Reporting Date

FOR the purpose of altering the date by which the State Commission on Criminal Sentencing Policy is required to submit a certain report; clarifying the contents

of the report; and generally relating to the State Commission on Criminal Sentencing Policy.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–209
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 124 – Frederick County Delegation

AN ACT concerning

Frederick County – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Frederick County, from time to time, to borrow not more than $100,000,000 in order to finance the cost of certain public facilities in Frederick County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; providing that such borrowing may be undertaken by Frederick County in the form of installment purchase obligations executed and delivered by Frederick County for the purpose of acquiring agricultural land and woodland preservation easements; and generally relating to the issuance and sale of the bonds by Frederick County.

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

House Bill 187 – Delegates K. Kelly and Simmons

AN ACT concerning

Criminal Procedure – Expungement – Filing on Behalf of Deceased Person

FOR the purpose of authorizing a person's attorney or personal representative to file a certain petition for expungement on behalf of the person if the person died before disposition of a certain charge by nolle prosequi or dismissal; providing for the application of this Act; and generally relating to expungement of criminal records.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–105(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–105(a–1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 212 – Delegates Eckardt, Haddaway–Riccio, Hershey, Jacobs, McDermott, and Smigiel

AN ACT concerning

Caroline County, Dorchester County, and Talbot County – Prospective Employees and Volunteers – Criminal History Records Check

FOR the purpose of authorizing a certain officer in Caroline County, Dorchester County, and Talbot County to request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check for a prospective county employee or volunteer; requiring that a certain officer submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the prospective employee or volunteer and a certain officer the prospective employee's or volunteer's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing the subjects of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; requiring the governing bodies of Caroline County, Dorchester County, and Talbot County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks.

BY renumbering
Article – Criminal Procedure
Section 10–236
to be Section 10–234.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–231.2, 10–232.1, and 10–234.2
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 214 – ~~**Delegate Impallaria**~~ **Harford County Delegation**

AN ACT concerning

Harford County – Harford Community College – Authority to Incur Debt

FOR the purpose of authorizing the Harford Community College Board of Trustees to borrow money for certain purposes and secure certain debt in a certain manner; and generally relating to the authority of the Harford Community College Board of Trustees to incur debt.

BY repealing and reenacting, with amendments,
Article – Education
Section 16–302
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 9 (Emergency Bill)	Sen. Forehand	Md Consolidated Capital Bond Loan of 2011 – Montgomery Co Mental Hlth Assn HVAC Replacement

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

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 16, 2012

Aviation Commission, Maryland

1. Erwin L. Greenberg District 5
3448 Butler Road
Glyndon, MD 21071

Member of the Maryland Aviation Commission; appointed to serve remainder of a term of three years from October 1, 2010

Controlled Hazardous Substance Advisory Council

2. Jessica Day Lackey Medicus District 12
1815 Edmondson Avenue
Catonsville, MD 21228

Member of the Controlled Hazardous Substance Advisory Council; appointed to serve a term to expire June 30, 2011, and a term of 10 years from July 1, 2011

Emergency Number Systems Board

3. Peter A. Lazich District 1
12020 Ernstville Road
Big Pool, MD 21711

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2010

Environmental Sanitarian Registration, State Board of

4. Bertram F. Nixon District 5
2125 Misty Meadow Road
Finksburg, MD 21048

Member of the State Board of Environmental Sanitarian Registration; appointed to serve a term of five years from July 1, 2011

Fire–Rescue Education and Training Commission

5. Kathleen M. Hartley District 38
11845 Peyton Court
Bishopville, MD 21813

Member of the Fire–Rescue Education and Training Commission; appointed to serve a term of four years from July 1, 2011

6. John D. Jerome District 5
929 Gahle Road
Westminster, MD 21157

Member of the Fire–Rescue Education and Training Commission; reappointed to serve a term of four years from July 1, 2011

7. John W. Kisser District 12
2814 Tennessee Avenue
Halethorpe, MD 21227

Member of the Fire–Rescue Education and Training Commission; appointed to serve a term of four years from July 1, 2009

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

8. Kimberly M. Thomas, Esq. District 10
9504 Painted Tree Drive
Randallstown, MD 21133

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, 2008 and a term of three years from July 1, 2011

Health Benefit Exchange Board, Maryland

9. Kenneth S. Apfel District 33
304 Clopston Hill
Sherwood, MD 21405

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2013

10. Georges C. Benjamin, M.D. District 17
108 Pembrooke View Lane
Gaithersburg, MD 20877

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2015

11. Darrell J. Gaskin, Ph.D. District 21
3030 Shoreline Blvd.
Laurel, MD 20724

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2015

12. Jennifer A. Goldberg, Esq. District 13
7526 Summer Leave Lane
Columbia, MD 21046

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2014

Health Care Commission, Maryland

13. Robert L. Conway District 27
4001 Starlight Court, P.O. Box 158
Huntingtown, MD 20639

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2009

14. Garret A. Falcone District 9
612 Sherry Drive
Eldersburg, MD 21784

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2010

15. Helene Grady District 41
108 Wyndhurst Avenue
Baltimore, MD 21210

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2009

16. Glenn E. Schneider District 12
12106 Blue Flag Way
Columbia, MD 21044

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

Heritage Areas Authority, Maryland

17. Burton K. Kummerow District 42
1503 Maywood Avenue
Baltimore, MD 21204

Member of the Maryland Heritage Areas Authority; appointed to serve remainder of a term of four years from October 1, 2010

18. Amy M. Owsley District 37
304 Elm Avenue
Easton, MD 21601

Member of the Maryland Heritage Areas Authority; appointed to serve for the remainder of a term of four years from October 1, 2008

Higher Education Commission, Maryland

19. Stephan A. Jordan District 3
5331 Ivywood Drive North
Frederick, MD 21703

Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2011

20. Gregory A. Schuckman District 9
5140 Crestwood Lane
Ellicott City, MD 21043

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2010

21. Rizwan A. Siddiqi, P.E. District 9
5410 Josie Court
Ellicott City, MD 21043

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2008

Higher Education Labor Relations Board, Maryland

22. Karl K. Pence District 29
42539 Henry Court
Hollywood, MD 20636

Member of the Maryland Higher Education Labor Relations Board; appointed to serve a term of six years from July 1, 2011

Indian Affairs, Commission on

23. Robert F. Killen District 13
10709 Graeloch Road
Laurel, MD 20723

Member of the Commission on Indian Affairs; appointed to serve a term of three years from July 1, 2011

Industrial Development Financing Authority, Maryland

24. W. Scott Harris District 9
15037 Scottswood Court
Woodbine, MD 21797

Member of the Maryland Industrial Development Financing Authority; appointed to serve a term of five years from July 1, 2009

25. Louna S. Primm District 5
59 Rockland Road
Westminster, MD 21158

Member of the Maryland Industrial Development Financing Authority; reappointed to serve a term of five years from July 1, 2010

Injured Workers' Insurance Fund, Board for the

26. Wayne R. Gioioso, Sr. District 7
11103 Old Carriage Road
Glen Arm, MD 21057

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve a term of five years from June 1, 2011

27. Ivory Tucker District 33
566 Laurel Road
Riva, MD 21140

Member of the Board for the Injured Workers' Insurance Fund; appointed to serve remainder of a term of five years from June 1, 2010

Judicial Disabilities, Commission on

28. Susan H. Hazlett District 35
2 South Bond Street, Ste. 100
Bel Air, MD 21014–3747

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2008 and for a term of four years from January 1, 2012

29. Susan R. Hoffmann District 17
133 Monument Street
Rockville, MD 20850

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2009

Labor Relations Board, State

30. LeRoy A. Wilkison District 37
25896 Miles Haven Road, P.O. Box 68
Newcomb, MD 21653

Member of the State Labor Relations Board; appointed to serve remainder of a term of six years from July 1, 2007

Maryland Environmental Service, Board of Directors of

31. Edwards C. Adams, Jr. District 35
1419 B Sharon Acres Road
Forest Hill, MD 21050

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2011

32. Joseph F. Snee, Jr., Esq. District 35
1322 Grafton Shop Road
Bel Air, MD 21014

Member of the Board of Directors of Maryland Environmental Service; reappointed to serve a term of four years from July 1, 2011

Maryland Legal Services Corporation Board of Directors

33. Bernard L. Jennings District 12
5126 Northern Fences Lane
Columbia, MD 21044

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2011

34. Pamela J. White District 46
111 North Calvert Street, 636 Mitchell
Baltimore, MD 21202

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2011

School for the Deaf, Board of Trustees of the Maryland

35. Cynthia Neese Bailes, Ph.D. District 20
9220 Manchester Road
Silver Spring, MD 20901

Member of the Board of Trustees of the Maryland School for the Deaf; reappointed to serve a term of six years from October 1, 2010

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.

Certified Interior Designers, State Board of

S–1. Barbara Portnoy Levine District 10
1805 By Woods Lane
Stevenson, MD 21153

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2011

S–2. H. Christine Pirrung District 30
12 Romar Drive
Annapolis, MD 21403

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2011

Fire–Rescue Education and Training Commission

S–3. Robert P. Cumberland, Jr. District 5
222 Shipley Avenue
Westminster, MD 21157

Member of the Fire–Rescue Education and Training Commission; reappointed to serve a term of four years from July 1, 2011

S–4. Lynn D. Gilroy District 28
1008 Martin Drive
La Plata, MD 20646

Member of the Fire–Rescue Education and Training Commission; reappointed to serve a term of four years from July 1, 2010

Health Care Commission, Maryland

S–5. Randall P. Worthington, Sr. District 34
217 Prescott Court
Havre de Grace, MD 21078

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

Higher Education Commission, Maryland

S–6. Anwer Hasan District 13
6548 Ballymore Lane
Clarksville, MD 21029

Member of the Maryland Higher Education Commission; reappointed to serve a term of five years from July 1, 2010

Labor Relations Board, State

S–7. June Marie Marshall, Esq. District 20
336 Legato Terrace
Silver Spring, MD 20901

Member of the State Labor Relations Board; reappointed to serve a term of six years from July 1, 2010

Land Reclamation Committee

S–8. James C. Ashby District 1
1236 E. State Street
Oakland, MD 21550

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2011

S–9. Timothy B. Schwinabart District 1
664 Pine Tree Point Road
Swanton, MD 21651

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2011

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

QUORUM CALL

The presiding officer announced a quorum call, showing 47 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) #13

Senate Bill 14 – Senator Conway

AN ACT concerning

State Board of Morticians and Funeral Directors – Examinations of Applicants and Licensees

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

Affirmative – 42 Negative – 5 (See Roll Call No. 218)

The Bill was then sent to the House of Delegates.

Senate Bill 48 – Baltimore County Senators

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Baltimore County – Orphans' Court Judges – Qualifications

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

Affirmative – 46 Negative – 0 (See Roll Call No. 219)

The Bill was then sent to the House of Delegates.

Senate Bill 58 – Senator Kelley

AN ACT concerning

Education – Children in Informal Kinship Care Relationships – Payments for Students with Disabilities – Funding

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 59 – Senator Kelley

AN ACT concerning

State Commission on Criminal Sentencing Policy – Annual Report – Reporting Date

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 108 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Horse Industry Board – Licensing

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

Affirmative – 47 Negative – 0 (See Roll Call No. 222)

The Bill was then sent to the House of Delegates.

Senate Bill 126 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – ~~Maryland~~ Land Preservation and Recreation ~~Plan~~ Plans

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

Affirmative – 47 Negative – 0 (See Roll Call No. 223)

The Bill was then sent to the House of Delegates.

Senate Bill 134 – Senator Conway

AN ACT concerning

State Real Estate Commission – 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. 224)

The Bill was then sent to the House of Delegates.

Senate Bill 141 – Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Justice Information System Central Repository – Reporting Data

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

Affirmative – 46 Negative – 0 (See Roll Call No. 225)

The Bill was then sent to the House of Delegates.

Senate Bill 146 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)

AN ACT concerning

Public Ethics – Financial Disclosure Statements – Mutual Funds

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

Affirmative – 46 Negative – 1 (See Roll Call No. 226)

The Bill was then sent to the House of Delegates.

Senate Bill 148 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Lot Release

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

Affirmative – 47 Negative – 0 (See Roll Call No. 227)

The Bill was then sent to the House of Delegates.

Senate Bill 149 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

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

Affirmative – 45 Negative – 0 (See Roll Call No. 228)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF SENATE SIMPLE RESOLUTIONS

Senate Simple Resolution 1 – The President

A Senate Simple Resolution concerning

In Re: Senator Ulysses Currie
Resolution of Censure

Read and adopted by roll call vote as follows:

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

QUORUM CALL

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

(See Roll Call No. 230)

ADJOURNMENT

At 11:54 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 20, 2012.

Annapolis, Maryland
Monday, February 20, 2012
8:00 P.M. Session

The Senate met at 8:09 P.M.

Prayer by Pastor Mark Norman, Grace Community Church, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of February 17, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 232)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 331 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Glenelg High School Girls Field Hockey Team
in recognition of
your winning the Maryland 2A State Title for the second consecutive year. 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 20th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 233)

Senate Resolution No. 332 – Senator Allan H. Kittleman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Alyssa Parker
in recognition of
being named to the High School Field Hockey All–American Team and being the second recorded player in National Federation history to have over 100 goals and 100 assists
in a high school career.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 20th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 234)

Senate Resolution No. 330 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Girl Scouts of the United States of America
in recognition of the 100th
Anniversary of providing girls the opportunity to develop courage, confidence and character in order to become active citizens making the world a better place.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 20th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 235)

INTRODUCTION OF BILLS

Senate Bill 1011 – Senator Jennings

AN ACT concerning

Election Law – Declaration of Intent – Establishment of Campaign Finance Entity

FOR the purpose of prohibiting an individual from filing a certain declaration of intent until the individual establishes a campaign finance entity; and generally relating to requiring the establishment of a campaign finance entity at the time of filing a declaration of intent.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 5–703 and 5–703.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1012 – Senator Astle

AN ACT concerning

Short–Term Rental of Motorcycles – Sales and Use Tax and Motor Vehicle Law

FOR the purpose of including certain motorcycles in the definition of "short–term vehicle rental" for purposes of determining the sales and use tax rate for certain vehicle rentals; including certain motorcycles in the definition of "rental vehicle" for purposes of the Motor Vehicle Law; and generally relating to the sales and use tax rate and certain Motor Vehicle Law provisions relating to certain motorcycle rentals.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–104(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–148.1(a) and 13–939.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1013 – Senator Pugh

AN ACT concerning

Condominiums and Homeowners Associations – Payments Under Protest

FOR the purpose of authorizing a condominium unit owner or a lot owner in a certain development to make a certain payment under protest by giving a certain written notice at the time of payment; establishing that a unit owner or lot owner reserves the right to dispute a charge that is paid under protest; and generally relating to payments under protest to condominium councils of unit owners and homeowners associations.

BY renumbering
Article – Real Property
Section 11B–117 and 11B–118, respectively
to be Section 11B–118 and 11B–119, respectively
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–110
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Real Property
Section 11B–117
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1014 – Senator Pugh

AN ACT concerning

Real Property – Homeowners Associations – Election of Governing Body

FOR the purpose of prohibiting, with respect to a homeowners association, a declarant and its affiliates from voting to elect the governing body of a homeowners association at a certain meeting to elect the governing body; and generally relating to the election of the governing body of a homeowners association.

BY repealing and reenacting, with amendments,
Article – Real Property

Section 11B–106.1(a) and (e)(3)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1015 – Senator Pugh

AN ACT concerning

Residential Property – Condominium Unit Owners or Lot Owners – Provision of Disclosure Documents

FOR the purpose of providing that a residential condominium unit owner or a vendor of or a lot owner in a development subject to the Maryland Homeowners Association Act who is selling the property shall provide certain disclosure documents without charge to a purchaser; providing that, notwithstanding certain provisions of law, the mortgagee or trustee designated under the deed of trust shall provide certain disclosure documents to the purchaser of a condominium unit or a certain lot in a development at a foreclosure sale; making conforming changes; providing for the application of this Act; and generally relating to the provision of disclosure documents in the sale of a residential condominium unit or a lot in a development.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–135(a), (b), and (g), 11B–105(a) and (b), and 11B–106(a), (b), and (d)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Real Property
Section 11–135.1 and 11B–106.2
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1016 – Senators Conway, Ferguson, Gladden, Jones–Rodwell, McFadden, and Pugh

AN ACT concerning

Baltimore City – Vehicle Laws – Parking Restrictions

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to adopt a certain ordinance or regulation to allow, in designated neighborhoods in

Baltimore City, a person to stop, stand, or park a vehicle on a sidewalk or to stop or park a vehicle parallel to the edge of the roadway in a certain manner; and generally relating to parking restrictions in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1003(c) and 21–1004(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 21–1011
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1017 – Senator Dyson

AN ACT concerning

Environment – Cadmium in Children's Jewelry – Prohibition

FOR the purpose of altering the date on or after which a person is prohibited from manufacturing, selling, offering for sale, or distributing in the State certain children's jewelry that contains a certain amount of cadmium; and generally relating to a prohibition on cadmium in children's jewelry.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1402
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 1018 – Senator Kasemeyer

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and Sales

FOR the purpose of expanding the privileges of a rectifying license so that the holder of the license may conduct guided tours of the licensed premises, serve not more than a certain number of samples of products manufactured at the licensed premises, sell certain foods and beverages, sell products manufactured on the

licensed premises for consumption off the licensed premises, and sell related merchandise; making certain technical corrections; and generally relating to rectifying licenses.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–203
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1019 – Senator Pugh

AN ACT concerning

Developmental Disabilities Administration – Disparity Study – Funding to Nonprofit Organizations

FOR the purpose of requiring the Developmental Disabilities Administration to contract with an independent consultant to complete a certain disparity study; requiring the Administration to submit the results of the study to certain entities on or before a certain date; providing for the termination of this Act; and generally relating to a disparity study regarding funding from the Developmental Disabilities Administration to nonprofit organizations.

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

Senate Bill 1020 – Senator Manno

AN ACT concerning

Vehicle Laws – Death of Vehicle Owner – Certificate of Title Fee

FOR the purpose of prohibiting the Motor Vehicle Administration, upon the death of a sole or joint owner of a vehicle, from charging a fee for the issuance of a new certificate of title for the deceased's vehicle if the new certificate of title is issued to certain persons; and generally relating to Administration fees for the issuance of a certificate of title for a vehicle.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–801 and 13–802
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1021 – Senator Raskin

AN ACT concerning

Criminal Law – Manslaughter – Penalty

FOR the purpose of repealing a penalty for manslaughter that subjects a person to imprisonment in a local facility not exceeding 2 years or a certain fine or both; and generally relating to the penalty for a person found guilty of manslaughter.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 2–207
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 1022 – Senator Ramirez

AN ACT concerning

Creation of a State Debt – Prince George's County – Cheverly United Methodist Church

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 Trustees of the Cheverly Community Church of Evangelical Brethren Church for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 72 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board for Certification of Residential Child Care Program Professionals – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board for Certification of Residential Child Care Program Professionals 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 certain reports that address certain issues to certain committees of the General Assembly on or before certain dates; and generally relating to the State Board for Certification of Residential Child Care Program Professionals.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–502
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(61)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 73 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Social Work Examiners – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Board of Social Work Examiners in accordance with the provisions of the Maryland Program Evaluation Act (sunset

law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the board; requiring that an evaluation of the board and the statutes and regulations that relate to the board be performed on or before a certain date; requiring the board to submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the State Board of Social Work Examiners.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–502
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(64)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 131 – Delegates Kipke, Barkley, Barnes, Barve, Bobo, Boteler, Cardin, Carr, Eckardt, Feldman, Frick, Frush, Glass, Glenn, Haddaway–Riccio, Hucker, Impallaria, Jameson, Kach, Kaiser, A. Kelly, K. Kelly, Kramer, Love, Luedtke, McComas, McDermott, McHale, A. Miller, Minnick, Morhaim, Olszewski, Pendergrass, Reznik, S. Robinson, Rudolph, Schuh, Stocksdale, V. Turner, Vitale, and Waldstreicher

AN ACT concerning

Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and Purchaser Remedies

FOR the purpose of requiring a retail pet store that sells dogs to post conspicuously on each dog's cage certain information about the dog; requiring a retail pet store to maintain a written record that contains certain information about each dog in the possession of the retail pet store; requiring a retail pet store to maintain a certain record for a certain period of time after the date of sale of a dog; requiring a retail pet store to make certain records available to certain persons

and the ~~Department of Labor, Licensing, and Regulation~~ Division of Consumer Protection of the Office of the Attorney General under certain circumstances; requiring a retail pet store to provide a certain written health disclosure to a purchaser; authorizing a purchaser of a dog to seek certain remedies for certain health problems under certain circumstances; requiring a purchaser seeking a remedy under this Act to provide certain notice and information to the retail pet store and to take the dog for certain examinations on request; requiring a certain statement by a veterinarian to contain certain information; establishing criteria for certain veterinary fees to be considered reasonable; requiring the owner or operator of a retail pet store to make a certain reimbursement within a certain period of time; providing that a purchaser is not entitled to a remedy under this Act under certain circumstances; authorizing a retail pet store to contest a remedy under this Act in a certain manner; authorizing a contested remedy to be resolved in a certain manner; authorizing a court or arbiter to require a party acting in bad faith to pay reasonable attorney's fees and court costs of the adverse party; requiring a retail pet store to conspicuously post a certain notice of purchaser's rights under this Act; requiring a retail pet store to provide a written notice of purchaser's rights under this Act at a certain time in a certain manner; requiring a retail pet store that makes a certain representation related to a dog's registration to provide a certain notice to a purchaser at the time of the sale in a certain manner; prohibiting a retail pet store from making certain statements, promises, or representations related to a dog's registration unless the retail pet store provides certain documents to the purchaser within a certain period of time; authorizing a purchaser to seek a certain remedy if a retail pet store does not provide certain documents under certain circumstances; establishing ~~civil penalties for a first or subsequent~~ that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing that this Act does not limit certain rights or remedies, the ability to agree to certain additional terms and conditions, or the ability of the State or a local government to prosecute a retail pet store for any other violation of laws; providing for the application of this Act; defining certain terms; and generally relating to required records, health disclosures, and purchase remedies related to dog sales by retail pet stores.

BY adding to
Article – Business Regulation
Section 19–701 through ~~19–708~~ 19–709 to be under the new subtitle "Subtitle 7. Retail Pet Stores"
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 141 – Delegate Feldman

AN ACT concerning

Life Sciences Advisory Board – Purpose and Membership

FOR the purpose of establishing the purpose of the Life Sciences Advisory Board in the Department of Business and Economic Development; altering the membership of the Advisory Board; and generally relating to the Life Sciences Advisory Board.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 3–201
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 3–202 and 3–203(a)
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

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

House Bill 206 – Delegates Jameson, Barkley, Burns, Haddaway–Riccio, Impallaria, Love, W. Miller, Olszewski, and Vaughn

AN ACT concerning

Secondhand Precious Metal Object Dealers – Securing and Tagging Items – Requirements

FOR the purpose of authorizing a secondhand precious metal object dealer, during a certain holding period, to place certain items into a secure container under certain circumstances; requiring a dealer to tag certain items in a certain manner when the dealer places certain items in the dealer's inventory; and generally relating to requirements for securing and tagging items by a secondhand precious metal object dealer.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–301
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 247 – Delegates Myers, Afzali, Barkley, Bates, Beitzel, Cluster, Feldman, George, Glass, Haddaway–Riccio, Impallaria, Jacobs, K. Kelly, Love, W. Miller, Minnick, Norman, Olszewski, Otto, Parrott, Schuh, Schulz, Serafini, Stifler, Vaughn, Vitale, ~~and Wood~~ Wood, and Jameson

AN ACT concerning

State Plumbing Code – Adoption of International Code Council Standards

FOR the purpose of authorizing the State Board of Plumbing to adopt standards of the International Code Council as part of the State Plumbing Code; requiring the Board to periodically review certain standards of the International Code Council; requiring the Board to amend the State Plumbing Code to incorporate certain standards of the International Code Council for a water conserving appliance, device, fitting, or fixture under certain circumstances; authorizing the Board to allow the installation of a water conserving appliance, device, fitting, or fixture that meets certain standards of the International Code Council under certain circumstances; and generally relating to incorporating International Code Council standards into the State Plumbing Code.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–205
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 280 – Delegate Feldman

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

FOR the purpose of altering the dates by which the Public Service Commission is required to determine whether certain electric companies have met certain service quality and reliability standards under certain circumstances; altering the date by which certain electric companies are required to submit to the Commission a certain annual performance report; and generally relating to electric service quality and reliability standards.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–213(f)(1) and (g)(1)
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

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

House Bill 301 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance Fraud – Applications for Insurance and Claim Forms – Required Disclosure Statement

FOR the purpose of altering a certain statement required to be contained in certain applications for insurance and claim forms; providing for a delayed effective date; and generally relating to insurance fraud.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–805
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 438 – The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Busch, Cardin, Carr, Clagett, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Niemann, Pena–Melnyk, Pendergrass, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Stein, Summers, Tarrant, F. Turner, Valderrama, Waldstreicher, Washington, and Zucker

AN ACT concerning

Civil Marriage Protection Act

FOR the purpose of altering a provision of law establishing that only certain marriages are valid in this State; making stylistic and conforming changes in certain provisions of law prohibiting marriages within certain degrees of relationship; prohibiting certain officials from being required to solemnize or officiate a particular marriage or religious rite of a marriage in violation of a certain constitutional right; establishing that certain religious entities have exclusive control over their own theological doctrine, policy teachings, or beliefs regarding who may marry within that faith; prohibiting certain officials from being subject to any fine or penalty for failing or refusing to join individuals in

marriage; prohibiting certain religious entities from being required to provide services, accommodations, advantages, facilities, goods, or privileges to an individual under certain circumstances; providing that a certain refusal by a certain religious entity or an individual employed by a certain religious entity may not create a civil claim or cause of action or result in any State action to penalize, withhold benefits from, or discriminate against such entities or individuals; prohibiting certain fraternal benefit societies from being required to admit an individual as a member or provide insurance benefits to an individual under certain circumstances; providing that a certain refusal by a certain fraternal benefit society may not create a civil claim or cause of action or constitute the basis for the withholding of governmental benefits or services from the fraternal benefit society; providing for the construction of this Act; providing for a delayed effective date; making this Act contingent on the resolution of certain litigation under certain circumstances; declaring that the provisions of this Act are not severable; and generally relating to valid marriages and religious freedom.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–201 and 2–202
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

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 Finance:

Senate Bill 904 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Health Care Delivery Systems – Pilot Project

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 Klausmeier

AN ACT concerning

Criminal Law – Video Lottery Terminals – Playing by Individual Under 21 Years of Age

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 906 – Senator Jones–Rodwell (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – School 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 Finance:

Senate Bill 907 – Senators Astle and Klausmeier

AN ACT concerning

Transportation – Required Security – Rental Vehicles

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 908 – Senator Dyson

AN ACT concerning

Motor Vehicles – Farm Truck Registration – Maximum Gross Vehicle Weight

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 909 – 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 Judicial Proceedings:

Senate Bill 910 – Senators Raskin and Gladden

AN ACT concerning

Correctional Services – Inmate Welfare Fund – Telephone Financial 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 Education, Health, and Environmental Affairs:

Senate Bill 913 – Senator Stone

AN ACT concerning

State Procurement – Rejection of Bids and Proposals – Businesses Located Outside the State

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 916 – Senators Forehand, Getty, Jacobs, Shank, and Stone

AN ACT concerning

Criminal Law – Robbery and Burglary – Pharmacies

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 917 – Senators Forehand and Garagiola

AN ACT concerning

Creation of a State Debt – Montgomery County – City of Rockville – Swim and Fitness 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 918 – Senators Ferguson, Benson, Kittleman, and Raskin

AN ACT concerning

Election Law – Campaign Contributors – Occupation and Employer

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 919 – Senators Ferguson and Kittleman

AN ACT concerning

Election Law – Campaign Finance Entities – Retention of Records

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 920 – Senators Raskin, Ferguson, Getty, McFadden, Miller, Ramirez, Robey, and Simonaire

AN ACT concerning

Ethics Online Disclosure Act of 2012

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 921 – Senator Conway

AN ACT concerning

State Board of Nursing – Sunset Extension and Revisions

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 922 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Jude House

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 923 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Southern Maryland Carousel

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 924 – Senator Ramirez

AN ACT concerning

Health Care Malpractice Claims – Expert Witnesses – Limitations

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 925 – Senator Gladden

AN ACT concerning

Criminal Procedure – Right of Appeal from Final Judgments – Conditional Guilty Plea

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 926 – Senator Gladden

AN ACT concerning

Vehicle Laws – Vehicles of Public Service Companies – Use of Yellow and Amber Lights

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 928 – Senators Astle and Middleton

AN ACT concerning

Health Insurance – Fees for Administrative Services Provided by Insurance Producers – Authorized

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 929 – Senators Astle, Conway, Ferguson, Gladden, Klausmeier, Young, and Zirkin

EMERGENCY BILL

AN ACT concerning

The Deanna Camille Green Act of 2012

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 930 – Senator Astle

AN ACT concerning

Creation of a State Debt – Annapolis Historic District – Sprinkler Assistance Revolving Fund

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 931 – Senator Astle

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Anne Arundel County – Deale Elementary School Baseball Fields

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 932 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – South Branch Park Ho. Co. 4–12

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 933 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Carroll Baldwin Hall Ho. Co. 1–12

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 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Supported Living Facility
Ho. Co. 3–12

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 – Howard County Senators

AN ACT concerning

Creation of a State Debt – Howard County – Roger Carter Recreation Center
Ho. Co. 2–12

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 936 – Senator Miller

AN ACT concerning

Creation of a State Debt – Charles County – Heritage House

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 937 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Knights of St. John
Woodville School 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 Finance:

Senate Bill 938 – Senator Mathias

AN ACT concerning

Property and Casualty Insurance – Rescission of Policy or Binder – Authorized

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 939 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Catonsville Family Center Y

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 940 – Senator Dyson

AN ACT concerning

Consumer Protection – Tire Age – Required Notice

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 942 – Senator Stone

AN ACT concerning

Criminal Law – Motor Vehicles – Criminal Negligence Resulting in Death

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 943 – Senators Madaleno, Currie, McFadden, and Raskin

AN ACT concerning

Income Tax – Refundable Earned Income Credit

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 944 – Senator Jacobs

AN ACT concerning

Life–Threatening Injury by Motor Vehicle or Vessel While Impaired by a Controlled Dangerous Substance – Penalty

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 and the Committee on Judicial Proceedings:

Senate Bill 945 – Senator Colburn

AN ACT concerning

University of Maryland, Baltimore – Environmental Law Clinic – Reimbursement of Lawsuit Expenses

The bill was re–referred to the Committee on Budget and Taxation and 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 946 – Senator Colburn

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Dorchester County – Richardson Maritime Heritage 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 948 – Senators Raskin, Ferguson, Getty, McFadden, Ramirez, Robey, and Simonaire

AN ACT concerning

Ethics – Financial Disclosure by Local Elected Officials and County Boards of Education

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 949 – The President (By Request – Administration) and Senators Garagiola, Glassman, Klausmeier, Muse, and Pugh

AN ACT concerning

Workers' Compensation – Medical Presumptions

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 950 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Public Disclosure of Information

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 Dyson

AN ACT concerning

General Assembly – Ethics Counseling

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 952 – Senator Dyson

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records and Hold Period

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 and the Committee on Finance:

Senate Bill 953 – Senators Kasemeyer and Middleton

AN ACT concerning

Medicaid Sustainability Commission

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 955 – Senator Jones–Rodwell

AN ACT concerning

Creation of a State Debt – Baltimore City – Walters Art Gallery – The Domino 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 956 – Senator Brinkley

AN ACT concerning

State Retirement and Pension Systems – New Hires – Cash Balance Defined Benefit Plan

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 957 – Senator Brinkley

AN ACT concerning

Alcoholic Beverages – Micro–Breweries and Pub–Breweries – Class 7 Limited Beer Wholesaler'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 Budget and Taxation:

Senate Bill 958 – Senator Brinkley

AN ACT concerning

State Retirement and Pension Systems – Cash Balance Plan

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 959 – Senators Robey and Kittleman

AN ACT concerning

Creation of a State Debt – Howard County – Linwood 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 961 – Senator Pugh

AN ACT concerning

Maryland Biotech SBIR and STTR Bridge Program

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 962 – Senator Ramirez

AN ACT concerning

Real Property – Dwellings Rented to Individuals at Least 55 Years Old – Air–Conditioning Systems

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 963 – Senator Ramirez

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Prince George's County – Historic Bostwick House

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 967 – Senator Conway

AN ACT concerning

Maryland Higher Education Commission – Student Transfer 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 Judicial Proceedings:

Senate Bill 968 – Senator Conway

AN ACT concerning

Residential Property Sales – Disclosure of Utility Consumption

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 969 – Senator Conway

AN ACT concerning

State Board of Professional Counselors and Therapists – Licensure of Clinical Professional Art Therapists

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 970 – Senator Ramirez

AN ACT concerning

Creation of a State Debt – Prince George's County – Family Crisis Center Security System

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 971 – The President (By Request – Administration)

AN ACT concerning

Maryland Transportation Financing and Infrastructure Investment Act of 2012

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #4

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

Senate Bill 70 – Senator Kelley

AN ACT concerning

Family Law – Permanency Planning and Guardianship Review Hearings – Court Procedures

SB0070/478575/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 70
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after the semicolon insert "specifying the purpose of the consultation;".

AMENDMENT NO. 2

On page 3 in line 6, and on page 4 in line 13, in each instance, after "manner" insert "**TO OBTAIN THE CHILD'S VIEWS ON PERMANENCY**".

AMENDMENT NO. 3

On page 3 in line 7, and on page 4 in line 14, in each instance, after "**IF**" insert "**, AFTER A HEARING OR WITH THE AGREEMENT OF ALL PARTIES,**"; on page 3 in line 23, and on page 4 in line 30, in each instance, after "**AND**" insert "**, AFTER A HEARING OR WITH THE AGREEMENT OF ALL PARTIES,**"; on page 3 in line 10, and on page 4 in line 17, in each instance, after "**MAY**" insert "**, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**"; on page 3, strike beginning with "**SUBJECT**" in line 14 down through "**USE**" in line 15 and substitute "**USE**"; on page 3 in line 17, and on page 4 in line 24, in each instance, after "**COURT**" insert "**VISITS THE CHILD AT THE CHILD'S PLACEMENT UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH OR**"; on page 3 in lines 19 and 21, and on page 4 in lines 26 and 28, in each instance, after "**ATTEND**" insert "**THE VISIT OR**"; and on page 4, strike beginning with "**SUBJECT**" in line 21 down through the comma in line 22.

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:

Senate Bill 80 – Senator Zirkin

AN ACT concerning

Courts – Evidence – Vehicle Repair Estimates

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 128 – Chair, Judicial Proceedings Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Abandoned Land – Certificates of Reservation for Public Use

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 169 – Senator Shank

AN ACT concerning

State Government – Notary Public – Appointment

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 170 – Senators Shank, Brinkley, Edwards, and Young

AN ACT concerning

Washington County – Sheriffs and Deputy Sheriffs – Practice of Law

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 198 – Chair, Anne Arundel County Senators

AN ACT concerning

Courts and Judicial Proceedings – Circuit Court for Anne Arundel County – Fees for Appearance of Counsel

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 236)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #14

Senate Bill 78 – Senator Kelley

AN ACT concerning

Real Property – Condominiums and Homeowners Associations – Foreclosure of Certain Liens Prohibited

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

Affirmative – 37 Negative – 8 (See Roll Call No. 237)

The Bill was then sent to the House of Delegates.

RECESS

At 8:48 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 8:50 P.M. on Monday, February 20, 2012, to the Old Senate Chamber in Honor of George Washington's Birthday Celebration.

AFTER RECESS
Annapolis, Maryland
Monday, February 20, 2012

At 8:50 P.M. the Senate resumed its session.

Prayer by Pastor Mark Norman, Grace Community Church, guest of Senator Kittleman.

Ceremony in Honor of George Washington's Birthday in the Old Senate Chamber

The Honorable Thomas V. Mike Miller, Jr. President of the Maryland Senate Presiding

WASHINGTON'S BIRTHDAY ADDRESS

George Washington & The Whiskey Rebellion
By Senator Bill Ferguson (46th Leg. Dist.)
George Washington's Birthday Celebration
Maryland's Old Senate Chamber, Annapolis
February 18, 2012

Thank you, Mr. President. And thank you, dear colleagues. I am truly honored this evening to have the opportunity to celebrate with you the leadership of our country's Forefather and Standard-Bearer, President George Washington.

Let us begin on July 16th in the summer of 1794, just five short years after the ratification of the United States Constitution. General John Neville, a federal tax collector sent by President Washington to rural Western Pennsylvania, settled his family for supper in the General's home, Bower Hill. That evening a Federal marshal who, with Neville's assistance, was sent to collect Whiskey taxes levied upon local farms was intending to join the family meal. Although that Marshall failed to arrive, the family broke bread and began their meal.

Suddenly, sounds of commotion from just outside. General Neville rose from his table and moved to the closest dining room window. He peered outside. To his horror, 30 armed farmers and field workers – 30 members of the Mingo Creek militia – had surrounded his home. They'd gathered to forcibly demand that Neville hand over the Federal Marshall overseeing Whiskey tax enforcement.

General Neville rushed from the window and ordered his family to stay calm. He hastily grabbed his commissioned musket, lodged a ball down the shaft, aimed and

fired. The musket ball found its mark, killing one of the 30 "rebels". Chaos ensued, more shots were fired. After several hours, the militiamen retreated, vowing to return.

The next morning, Neville sought reinforcements. 10 U.S. Army soldiers under the command of Neville's brother-in-law arrived at Bower Hill in the mid-afternoon. The Army commander ordered Neville to hide in a nearby ravine that evening, eyeing to keep Neville safe should the rebels return.

And return they did. On that evening, however, there were not just 30 Mingo Creek militiamen. On that night, 700 militiamen stood by the ready. These men were organized in just one day under the command of the legendary veteran of the Revolutionary War, Major James McFarlane. For several hours, the sides negotiated, eventually allowing the women and children to leave the home unharmed. As the last child cleared the fence line, shots from both sides pierced the air. Windows shattered, wood splinters exploded, muskets rung out.

After an hour of intense fighting, the Mingo Creek leader called out a ceasefire. One of the militiamen had seen a white flag fly from inside the home. The battlefield went silent. The militia leader, Major McFarlane, broke cover and began a slow yet cautious walk towards the front door. When within a stone's throw from the threshold, a shot exploded, striking McFarlane and mortally wounding him. The Mingo Creek militiamen immediately sought revenge. They stormed the home, set fire to the residence, and took prisoner the U.S. Army commander and General Neville's son.

Just 13 days later, at a large field in Western Pennsylvania, 7,000 angry and unpredictable sympathizers gathered in support of the Mingo Creek militiamen. They carried Liberty Poles – small flags with 6 striped bars that represented the 6 most forceful counties opposing the imposition of the Whiskey Tax.

They called for their independence. They called for the widespread use of the guillotine in the United States. They called for a Second Revolution.

And we think we have problems with taxes in Maryland!?

Friends and colleagues, in 1794, the Whiskey Rebellion was raging in states across colonial America. President Washington was facing the most serious challenge to the mere existence of our United States.

Washington was an American war hero. He was an architect of our modern democracy. He was an American legend. And, yet, just 5 years after his remarkable victories and our country's formation, he faced an internal insurrection wholly of his own making.

We must ask ourselves, "How and why?"

Tonight I propose an answer:

President Washington was willing to risk fleeting turmoil out of conviction to do what was right for the future of his country. And yet, he was willing to put his own life on the line to prevent this turmoil from permanently tearing us apart. He knew that although from time to time we may disagree, our strength ultimately would depend on our ability to come back together.

In 1790, Washington's newly formed Constitutional government faced a federal war debt of $54 million dollars. Failure to address this debt meant the failure of the United States of America. And, as Washington stated in his famous Farewell Address to the nation: *"[T]owards the payment of debts, there must be revenue; that to have revenue, there must be taxes; [and] that no taxes can be devised which are not more or less inconvenient and unpleasant."*

Washington knew that by imposing a federal Whiskey Tax – the first of its kind under the new Constitution – he risked his own personal popularity, his own political power, and his own reputation.

For Washington, though, government was not about personal power, nor was it about politics. Government was a tool. It was the means necessary to unify a common people around their common needs for the betterment of all.

Washington's idea of government required leaders to govern with conviction, and to know that a people divided could never prosper.

Tonight, we sit right now in the room where that great man resigned his Commission of the Army 228 years ago. We have progressed quite a great deal in that time. We have achieved great things.

And, yet, right now, in this upcoming Session, we face our own modern challenges. We face our own Whiskey Rebellions.

We live in an age and society where the single greatest indicators of achievement are not one's own ability or ingenuity, but rather are the wealth of one's parents and the zip code into which one is born.

We live in an economy where our traditional working and middle class jobs, are now performed across the ocean, for $12 a day.

We live in a world where our competition is not between cities, or with other American states, but, rather, countries, a half a world away.

My friends, just as President Washington had a choice, so do we. For him, the easy choice was most clear – end the Whiskey Rebellion by repealing the Whiskey Tax. In fact, Thomas Jefferson, Washington's then Secretary of State, advised just that – satisfy the masses by taking the path of least resistance.

But to Washington, the future existence of the national government required that leaders have the ability to counter violent opposition to the law. He understood the basic premise that leaders, lead. They govern by conviction. And they unite people so that all may prosper.

On October 9, 1794, President Washington rode to Fort Cumberland in Western Maryland. For the first and only time in American history, the President of the United States commanded his troops into battle. He ordered a federalized state militia force drafted from the states of New Jersey, Virginia, and Maryland, to march on Western Pennsylvania and quell the insurrection. When this federal Army reached Pennsylvania and the site of the Rebellion, the rebels fled.

They never dreamt that the American leader would act in such a swift and decisive manner. The rebels underestimated Washington's conviction. They misunderstood his desire for national unity and prosperity.

George Washington grasped the unpopularity of his decision to impose a Whiskey Tax on the American people. He knew that his war torn, newly formed country was fragile and tenuous. But, through his unwavering leadership and his patriotic conviction, he prevented a Second American Revolution and secured a truly United States of America.

My friends and colleagues, let us learn from Washington's example. Let us ensure that our choices, choices made as elected leaders in the Great State of Maryland, are worthy of the legacy that we have inherited.

As we face our State's own Whiskey Rebellions, let us govern by our convictions, and let us unite all people so that all may prosper.

Thank you. And may God bless us all.

ADJOURNMENT

At 9:15 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 21, 2012, in memory of Senator Arthur Dorman.

Annapolis, Maryland
Tuesday, February 21, 2012
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Reverend Michael E. Erickson, Chaplain of Boy Scouts of America.

(See Exhibit A of Appendix III)

The Journal of February 20, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 242)

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

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

Senate Bill 142 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Secretary of Agriculture – Farm Food Safety

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 193 – Senators Young, Colburn, Forehand, Madaleno, Middleton, and Montgomery

AN ACT concerning

Agriculture – Maryland Standard of Identity for Honey

SB0193/214935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 193
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "court;" insert "authorizing certain persons to bring an enforcement action in a certain circuit court; authorizing the court to enjoin certain persons from distributing mislabeled honey products in the State;".

AMENDMENT NO. 2

On page 6, in line 27, before "**A**" insert "**(A)**"; and after line 29, insert:

"**(B) (1) THE FOLLOWING PERSONS MAY BRING AN ACTION TO ENFORCE THIS SUBTITLE IN THE APPROPRIATE CIRCUIT COURT:**

(I) A BEEKEEPER OR PRODUCER OF HONEY IN THE STATE;

(II) AN ASSOCIATION OF BEEKEEPERS OR HONEY PRODUCERS IN THE STATE; AND

(III) THE ATTORNEY GENERAL.

(2) IF A PERSON VIOLATES THIS SUBTITLE, THE COURT MAY:

(I) ENJOIN A PRODUCER, MANUFACTURER, OR DISTRIBUTOR FROM DISTRIBUTING THE MISLABELED PRODUCT IN THE STATE; OR

(II) ORDER ANY OTHER RELIEF THE COURT FINDS 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 208 – Senators Pinsky, Brochin, Forehand, Montgomery, and Raskin

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

SB0208/644639/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 208
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 5, after "requiring" insert "certain"; in the same line, strike the first "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 12, strike "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 13, after "date;" insert "requiring a county to determine the types of information that should be reported annually after consultation with certain property owners, managers, and councils;"; and in line 19, strike "by owners or managers of" and substitute "in".

AMENDMENT NO. 2

On page 3, strike beginning with "**THE**" in line 3 down through "**AND**" in line 6 and substitute "**THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM RESIDENTS OF APARTMENT BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE DWELLING UNITS BY PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS AND COUNCILS OF UNIT OWNERS OF CONDOMINIUMS; AND**"; in line 13, after "**TO**" insert "**:**

(I)";

in the same line, strike "**THE**" and substitute "**A**"; in line 14, after "**BUILDING**" insert "**THAT CONTAINS 10 OR MORE DWELLING UNITS;**"; in the same line, strike "**OR A**" and substitute "**; AND**

(II) A COUNCIL OF UNIT OWNERS OF A";

and in line 25, strike "**2013**" and substitute "**2014**".

AMENDMENT NO. 3

On page 4, in line 1, strike "**2014**" and substitute "**2015**"; in line 3, after "**OR**" insert "**A COUNCIL OF UNIT OWNERS OF**"; strike beginning with "**THE**" in line 8 down through the second "**INFORMATION**" in line 15 and substitute "**A COUNTY SHALL DETERMINE THE TYPES OF INFORMATION THAT SHOULD BE REPORTED ANNUALLY BY PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS, AFTER CONSULTATION WITH PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS IN THE COUNTY**"; in line 21, strike "**SUBSECTION**" and substitute "**SUBSECTIONS**"; and in the same line, after "**(B)**" insert "**AND (C)**".

The preceding 3 amendments were read only.

Senator Kittleman 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 255 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Follow–Up Criminal History Records Checks

SB0255/374534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 255

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Follow–Up"; in line 4, after "of" insert "requiring the Board of License Commissioners for Garrett County to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check for each alcoholic beverages license applicant; requiring the Board to submit certain fingerprints and certain fees to the Central Repository under certain circumstances; requiring the Board to establish a fee to cover certain costs; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement as provided under certain provisions of law;"; in line 4, strike "Criminal Justice Information System"; in line 5, strike "(CJIS)"; strike beginning with "of" in line 5 down through "County" in line 6; in line 6, strike "license applicant"; in line 7, strike "or"; in lines 7 and 8, in each instance, strike "CJIS" and substitute "the Central Repository"; in line 10, strike "a certain"; and in the same line, strike "change" and substitute "changes".

AMENDMENT NO. 2

On page 2, strike beginning with "**1.**" in line 1 down through "**SERVICES.**" in line 3; in line 4, strike the brackets; in the same line, strike "**2.**"; in line 6, strike the brackets; in the same line, strike "**3.**"; after line 11, insert:

"**3. IN THIS SUBPARAGRAPH, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

in line 12, strike "may:" and substitute "**SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT.**"; strike in their entirety lines 13 through 25, inclusive, and substitute:

"**5. AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

A. TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED IN § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

C. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

6. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

7. THE BOARD SHALL ESTABLISH A FEE TO COVER THE COST OF OBTAINING:

A. THE APPLICANT'S FINGERPRINTS; AND

B. THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECKS.

8. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;

B. MAY BE USED ONLY FOR LICENSING PURPOSES;

C. SHALL BE KEPT IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS AND THEIR CLERKS; AND

D. SHALL BE DESTROYED ON COMPLETION OF THEIR PERMITTED USE.

9. THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.";

in line 26, strike "**6.**" and substitute "**10.**"; in lines 27, 28, 32, and 33, in each instance, strike "**CJIS**" and substitute "**THE CENTRAL REPOSITORY**"; in line 27, strike "**AN APPLICANT OR**" and substitute "**A**"; in line 30, strike "**APPLICANT OR**"; in line 32, strike "**7.**" and substitute "**11.**"; in the same line, after "**BOARD**" insert "**OF LICENSE COMMISSIONERS**"; and in line 33, strike "**AN APPLICANT OR**" and substitute "**A**".

On page 3, in line 1, strike "**OF LICENSE COMMISSIONERS**".

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 421 – Senator Mathias

AN ACT concerning

Public Safety – Explosives – Package of Components

SB0421/223523/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 421
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "action" in line 6 and substitute "a certain explosive".

AMENDMENT NO. 2

On page 2, strike beginning with "**A**" in line 9 down through "**ACTION**" in line 11 and substitute "**AN EXPLOSIVE, AS DEFINED IN 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.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #5

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

Senate Bill 131 – Senators Middleton, Astle, Colburn, Dyson, Edwards, Garagiola, Kasemeyer, Mathias, McFadden, Peters, Pugh, Robey, and Rosapepe

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

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 205 – Senator Edwards

AN ACT concerning

Garrett County – Correctional Officers' Bill of Rights

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #6

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

Senate Bill 111 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Identification Cards and Drivers' Licenses – Period of Validity

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 116 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Load Requirements – Vehicles Carrying Perishable Products

SB0116/158678/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 116
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "motor carrier" and substitute "driver of the vehicle".

AMENDMENT NO. 2

On page 2, in line 32, strike "**MOTOR CARRIER**" and substitute "**DRIVER OF THE VEHICLE**".

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 177 – Senators Robey and Klausmeier

AN ACT concerning

Vehicle Laws – Nonfunctioning Traffic Control Signals – Requirement to Stop

SB0177/678474/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 177
(First Reading File Bill)

On page 1, in the sponsor line, after "Robey" insert ", Jacobs,".

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 #5

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

Senate Bill 71 – Senator Kelley

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

SB0071/837672/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 71
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "a" insert "certain"; in the same line, after "of" insert "certain provisions of"; in the same line, after "Act;" insert "providing for the application of certain provisions of this Act; altering the definition of "child", for purposes of certain provisions of law regarding inheritance, to include a child conceived from the genetic material of a person after the person's death under certain circumstances; providing that a certain after–born relation may not be considered as entitled to distribution in that relation's own right, unless the decedent had consented in a written record to use of the decedent's genetic material for posthumous conception in accordance with the requirements of a certain provision of law; making stylistic changes;"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 1–205 and 3–107
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 14, insert:

"Article – Estates and Trusts

1–205.

(A) A child includes**:**

(1) [a**] A** legitimate child, an adopted child, and an illegitimate child to the extent provided in §§ 1–206 through 1–208 of this subtitle**; AND**

(2) A CHILD CONCEIVED FROM THE GENETIC MATERIAL OF A PERSON AFTER THE DEATH OF THE PERSON IF THE PERSON CONSENTED IN A WRITTEN RECORD TO USE OF THE PERSON'S GENETIC MATERIAL FOR POSTHUMOUS CONCEPTION IN ACCORDANCE WITH THE REQUIREMENTS OF § 20–111 OF THE HEALTH – GENERAL ARTICLE.

(B) A child does not include a stepchild, a foster child, or a grandchild or more remote descendant.

3–107.

(A) A child of the decedent who is conceived before the death of the decedent, but born afterwards shall inherit as if **[**he**]** **THE CHILD** had been born in the lifetime of the decedent.

(B) No other after–born relation may be considered as entitled to distribution in **[**his**]** **THE RELATION'S** own right **UNLESS THE DECEDENT HAD CONSENTED IN A WRITTEN RECORD TO USE OF THE DECEDENT'S GENETIC MATERIAL FOR POSTHUMOUS CONCEPTION IN ACCORDANCE WITH THE REQUIREMENTS OF § 20–111 OF THE HEALTH – GENERAL ARTICLE.**";

after line 16, insert:

"**(A) (1) THIS SECTION APPLIES TO THE USE OF SPERM OR EGGS FROM A DONOR KNOWN TO THE INDIVIDUAL WHO INTENDS TO BECOME A PARENT THROUGH THE USE OF THE SPERM OR EGGS.**

(2) THIS SECTION DOES NOT APPLY TO THE USE OF SPERM OR EGGS DONATED TO A TISSUE BANK OR FERTILITY CLINIC BY A DONOR WHO INTENDED TO REMAIN ANONYMOUS EITHER INDEFINITELY OR UNTIL A CHILD THAT RESULTS FROM THE USE OF THE SPERM OR EGGS BECOMES AN ADULT.";

and in lines 17 and 21, strike "**(A)**" and "**(B)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

On page 2, in line 5, strike "**(C)**" and substitute "**(D)**"; and in the same line, after "**WHO**" insert "**KNOWINGLY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Reilly moved, duly seconded, to make the Bill a Special Order for February 24, 2012.

The motion was adopted.

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

Senate Bill 227 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Health Care Commission – Assessment of Fees and Maryland Trauma Physician Services Fund – Revisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 230 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Maryland Health Care Provider Rate Stabilization Fund

SB0230/297876/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 230
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "a"; in the same line, strike "requirement" and substitute "requirements"; and in line 11, strike "to include a certain audit in a certain annual report and".

AMENDMENT NO. 2

On page 4, strike beginning with "Each" in line 15 down through "(b)" in line 19; and in line 21, strike "(c)" 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 232 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Elevator Safety Review Board – Licensing

SB0232/797772/1
BY: Finance Committee

AMENDMENT TO SENATE BILL 232
(First Reading File Bill)

On page 2, in line 25, strike "**1 YEAR**" and substitute "**2 YEARS**".

On page 3, in line 5, strike "**1 YEAR**" and substitute "**2 YEARS**".

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 256 – Senator Astle

AN ACT concerning

Property and Casualty Insurance – Commercial Policies – Notices of Premium Increases

SB0256/857473/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 256

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, strike "percentage".

AMENDMENT NO. 2

On page 2, in line 5, strike "**$500**" and substitute "**$1,000**"; and in line 7, strike "**5% OR LESS**" and substitute "**THE LESSER OF 3% OR $300**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 374 – Senator Mathias

AN ACT concerning

Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 405 – Senators Pugh, Garagiola, Forehand, Kelley, Madaleno, and Montgomery

AN ACT concerning

Life Sciences Advisory Board – Purpose and Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 484 – Senators Kelley, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Managed Care Organizations – Medical Loss Ratio Information – Publication

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 129 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Easements

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 243)

ADJOURNMENT

At 10:45 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 22, 2012.

Annapolis, Maryland
Wednesday, February 22, 2012
10:00 A.M. Session

The Senate met at 10:11 A.M.

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

(See Exhibit A of Appendix III)

The Journal of February 21, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 245)

INTRODUCTION OF BILLS

Senate Bill 1023 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Deale Elementary School Technology Enhancement Project

FOR the purpose of authorizing the creation of a State Debt not to exceed $23,000, the proceeds to be used as a grant to the Board of Directors of the Deale Elementary School Parent Teacher Association (Technology Committee) 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 Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Multiple Licenses

FOR the purpose of increasing to a certain amount the total number of additional Class H alcoholic beverages licenses that the Anne Arundel County Board of License Commissioners may issue to certain Class B or Class H alcoholic beverages license holders; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(h–1)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1025 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Friends Aware, Inc. Site and Project Development

FOR the purpose of authorizing the creation of a State Debt not to exceed $634,000, the proceeds to be used as a grant to the Board of Directors of Friends Aware, 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 Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Allegany Museum

FOR the purpose of authorizing the creation of a State Debt not to exceed $350,000, the proceeds to be used as a grant to the Board of Directors of the Allegany Museum, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1027 – Senator Stone

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Waiver of Mandatory Deduction

FOR the purpose of requiring an insurer that issues a policy of motor vehicle liability insurance that provides uninsured motorist coverage to waive a certain mandatory deduction from the amount payable for damages to property for a certain insured who makes a certain claim for property damage to a motor vehicle covered under the policy; and generally relating to uninsured motorist coverage.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 19–509(a) and (c) and 20–602(a) and (b)(1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–509(e)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1028 – Senators Zirkin and Peters

AN ACT concerning

Labor and Employment – Leave – Deployment of Family Members in the Armed Forces

FOR the purpose of authorizing certain employees to take leave from work on the day that an immediate family member is leaving for, or returning from, active duty outside the United States as a member of the armed forces of the United States; prohibiting an employer from requiring an employee to use certain leave when taking leave under this Act; authorizing an employer to require an employee who requests leave under this Act to submit certain proof to the employer; defining certain terms; and generally relating to the use of leave by employees and the deployment of immediate family members in the armed forces.

BY adding to
Article – Labor and Employment
Section 3–803
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1029 – Senator Simonaire

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Chesapeake High School Field Lights

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 Anne Arundel County Board of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; 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 1030 – Senators Mathias, Colburn, Edwards, Glassman, Jones–Rodwell, Middleton, and Raskin

AN ACT concerning

Small Business Development Center Network Fund – Minimum Appropriation

FOR the purpose of increasing the minimum General Fund appropriation to the Small Business Development Center Network Fund that the Governor is required to include in the annual budget bill beginning in a certain fiscal year; and generally relating to the Small Business Development Center Network Fund.

BY repealing and reenacting, with amendments,
Article – Education
Section 13–104
Annotated Code of Maryland
(2008 Replacement Volume and 2011 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 208 – Senators Pinsky, Brochin, Forehand, Montgomery, and Raskin

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

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

SB0208/644639/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 208
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 5, after "requiring" insert "certain"; in the same line, strike the first "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 12, strike "or" and substitute a comma; in the same line, after "managers" insert ", and councils"; in line 13, after "date;" insert "requiring a county to determine the types of information that should be reported annually after consultation with certain property owners, managers, and councils;"; and in line 19, strike "by owners or managers of" and substitute "in".

AMENDMENT NO. 2

On page 3, strike beginning with "**THE**" in line 3 down through "**AND**" in line 6 and substitute "**THE COLLECTION AND RECYCLING OF RECYCLABLE MATERIALS FROM RESIDENTS OF APARTMENT BUILDINGS AND CONDOMINIUMS THAT CONTAIN 10 OR MORE DWELLING UNITS BY PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS AND COUNCILS OF UNIT OWNERS OF CONDOMINIUMS; AND**"; in line 13, after "**TO**" insert "**:**

(I)";

in the same line, strike "**THE**" and substitute "**A**"; in line 14, after "**BUILDING**" insert "**THAT CONTAINS 10 OR MORE DWELLING UNITS;**"; in the same line, strike "**OR A**" and substitute "**; AND**

(II) A COUNCIL OF UNIT OWNERS OF A";

and in line 25, strike "**2013**" and substitute "**2014**".

AMENDMENT NO. 3

On page 4, in line 1, strike "**2014**" and substitute "**2015**"; in line 3, after "**OR**" insert "**A COUNCIL OF UNIT OWNERS OF**"; strike beginning with "**THE**" in line 8 down through the second "**INFORMATION**" in line 15 and substitute "**A COUNTY SHALL DETERMINE THE TYPES OF INFORMATION THAT SHOULD BE REPORTED ANNUALLY BY PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS, AFTER CONSULTATION WITH PROPERTY OWNERS OR MANAGERS OF APARTMENT BUILDINGS OR COUNCILS OF UNIT OWNERS OF CONDOMINIUMS IN THE COUNTY**"; in line 21, strike "**SUBSECTION**" and substitute "**SUBSECTIONS**"; and in the same line, after "**(B)**" insert "**AND (C)**".

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 JUDICIAL PROCEEDINGS REPORT #7

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

House Bill 438 – The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Busch, Cardin, Carr, Clagett, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Niemann, Pena–Melnyk, Pendergrass, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Stein, Summers, Tarrant, F. Turner, Valderrama, Waldstreicher, Washington, and Zucker

AN ACT concerning

Civil Marriage Protection Act

Favorable report adopted.

FLOOR AMENDMENT

HB0438/843727/1
BY: Senator Reilly

AMENDMENT TO HOUSE BILL 438
(Third Reading File Bill)

On page 2, in line 7, strike "providing for a delayed effective date;".

On page 6, in line 29, strike "January 1, 2013" and substitute "October 1, 2012".

The preceding amendment was read only.

Senator Reilly moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #7

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

Senate Bill 145 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Continuing Education – Documentation

SB0145/804537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 145
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "requiring that certain continuing education courses approved by the State Real Estate Commission include relevant changes that have occurred in certain court cases and industry trends;"; in line 6, after "Commission" insert "and the licensee"; in line 9, after "means;" insert "requiring the Commission to submit certain recommendations to certain committees of the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 3, in line 5, after "regulations," insert "**COURT CASES AND INDUSTRY TRENDS THAT HAVE AN IMPACT ON THOSE LAWS AND REGULATIONS,**"; in the same line, strike "and" and substitute a comma; in the same line, after the second "regulations" insert "**, COURT CASES, AND INDUSTRY TRENDS**".

On page 4, in line 18, after "**COMMISSION**" insert "**AND THE LICENSEE**".

AMENDMENT NO. 3

On page 4, after line 25, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2012, the State Real Estate Commission shall submit recommendations to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, regarding:

(1) what electronically available information could be collected and tied to the licensee profiles of individuals licensed by the Commission;

(2) whether various electronically available information collected could be used as an indicator of the advisability of renewal of a license or to provide a real estate marketplace where consumers have better access to information; and

(3) whether and to what extent electronically available information should be made publicly available.";

and in line 26, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 173 – Senators Klausmeier, Benson, Montgomery, and Young

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

SB0173/914037/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "the construction or remodeling of"; in line 5, strike "to conform to" and substitute "constructed or substantially remodeled in accordance with certain provisions of law to have certain carbon monoxide detectors installed in certain areas; requiring a signal from certain carbon monoxide detectors to be automatically transmitted to a certain location; requiring certain carbon monoxide detectors to be installed in conformance with"; and in line 6, strike "for commercial structures" and substitute "or those referenced by the State Fire Prevention Code".

AMENDMENT NO. 2

On page 1, in line 21, strike the brackets; in the same line, strike the colon; and in line 22, strike "**(I) ALL**".

On pages 1 and 2, strike beginning with the semicolon in line 23 on page 1 down through "**STRUCTURES**" in line 3 on page 2.

On page 2, after line 7, insert:

"**(C) (1) (I) A BUILDING TO BE CONSTRUCTED OR SUBSTANTIALLY REMODELED UNDER THIS SECTION SHALL BE REQUIRED TO INSTALL APPROVED**

CARBON MONOXIDE DETECTORS IN AREAS OF NEW AND EXISTING EDUCATIONAL OCCUPANCIES WHERE FUEL FIRED EQUIPMENT IS PRESENT.

(II) A SIGNAL FROM A CARBON MONOXIDE DETECTOR INSTALLED UNDER THIS SUBSECTION SHALL BE AUTOMATICALLY TRANSMITTED TO AN APPROVED SUPERVISING STATION OR TO A CONSTANTLY ATTENDED ON–SITE LOCATION.

(2) THE CARBON MONOXIDE DETECTORS REQUIRED UNDER THIS SUBSECTION SHALL BE INSTALLED IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION 720: STANDARD FOR THE INSTALLATION OF CARBON MONOXIDE (CO) DETECTION AND WARNING EQUIPMENT, 2009 EDITION OR AS REFERENCED IN THE STATE FIRE PREVENTION CODE.".

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 246 – Senator Conway

AN ACT concerning

Secondhand Precious Metal Object Dealers – Securing and Tagging Items – Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 261 – Senators Glassman, Jacobs, and Jennings

AN ACT concerning

Northeast Maryland Higher Education Advisory Board

SB0261/134936/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 261
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Education" insert "Center and"; in line 3, after "Education" insert "Center and the Northeast Maryland Higher Education Center"; in line 13, after "date;" insert "declaring the intent of the General Assembly;"; in line 14, after "Education" insert "Center"; and in line 18, strike "Advisory Board" and substitute "Center".

AMENDMENT NO. 2

On page 1, in line 24, strike "**ADVISORY BOARD**" and substitute "**CENTER**".

On page 2, in line 3, after "**EDUCATION**" insert "**CENTER**"; in line 5, after "**THE**" insert "**NORTHEAST MARYLAND**"; in the same line, strike "**AND CONFERENCE**"; in line 6, strike "**AT HEAT**"; in line 14, after "**EDUCATION**" insert "**CENTER THAT IS GOVERNED BY THE NORTHWEST MARYLAND HIGHER EDUCATION CENTER**"; and in line 22, strike "**NINE**" and substitute "**10**".

On page 3, in line 3, strike "**AND**"; after line 3, insert:

"**(VI) ONE REPRESENTATIVE OF THE NORTHEAST MARYLAND UNIVERSITY RESEARCH PARK; AND**";

in line 4, strike "**(VI)**" and substitute "**(VII)**"; and in line 14, after "**MEMBERS**" insert "**OTHER THAN THE MEMBERS WHO REPRESENT AN OUT–OF–STATE INSTITUTION OF HIGHER EDUCATION**".

On page 5, in line 18, after "Education" insert "Center"; after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Higher Education and Conference Center at HEAT located in Aberdeen, Maryland change its name to the Northeast Maryland Higher Education Center.";

and in line 20, strike "3." and substitute "4.".

The preceding 2 amendments were read only.

Senator Pinsky 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 262 – Senator Montgomery

AN ACT concerning

Health Occupations – Psychologists – Penalties for Misrepresentation and Practicing Without a License

SB0262/954434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "amount" insert "in accordance with certain regulations".

AMENDMENT NO. 2

On page 2, in line 18, after "**BOARD**" insert "**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 292 – Senators Garagiola, Astle, Benson, Brinkley, Colburn, DeGrange, Dyson, Ferguson, Forehand, Frosh, Glassman, Jacobs,

Jennings, Kasemeyer, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, Middleton, Miller, Muse, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Rosapepe, Simonaire, Stone, Young, and Zirkin

AN ACT concerning

Education – Veterans of the Afghanistan and Iraq Conflicts Scholarship – 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:

Senate Bill 660 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Education – Selection of Student Member

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

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

Senate Bill 10 – Senators Colburn and Mathias

EMERGENCY BILL

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

SB0010/129234/1
BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 10

(First Reading File Bill)

On page 1, in the sponsor line, strike "and Mathias" and substitute ", Mathias, and Pipkin".

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 119 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

State Personnel and Pensions – Optional Retirement Program – Maryland Higher Education Commission

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 Jones–Rodwell (By Request – Baltimore City Administration) and Senators Conway, Ferguson, Gladden, McFadden, and Pugh

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

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 250 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

SB0250/599636/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 250
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "providing that certain retirees of the Correctional Officers' Retirement System are subject to a certain offset of a retirement allowance under certain circumstances; clarifying the circumstances under which certain retirees of the Correctional Officers' Retirement System are subject to a certain offset of a retirement allowance;".

AMENDMENT NO. 2

On page 2, in line 12, after "**(I)**" insert "**THE INDIVIDUAL'S CURRENT EMPLOYER IS A PARTICIPATING EMPLOYER OTHER THAN THE STATE AND IS THE SAME PARTICIPATING EMPLOYER THAT EMPLOYED THE INDIVIDUAL AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH A PARTICIPATING EMPLOYER BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE OR VESTED ALLOWANCE; OR**

(II)";

in line 13, strike the semicolon; and in line 14, strike "**(II)**".

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 251 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Maryland School for the Deaf Exemption

SB0251/579537/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 251
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert "providing that the superintendent of the Maryland School for the Deaf may employ a certain number of certain retirees who will not be subject to a certain offset of a retirement allowance; requiring that the superintendent of the Maryland School for the Deaf is responsible for certain reimbursements under certain circumstances; requiring the superintendent of the Maryland School for the Deaf to submit certain reports to the Board of Trustees for the State Retirement and Pension System and the Superintendent of the State Department of Education in a certain manner and by a certain date;"; and in line 16, strike "22–406(c)(5) and (6) and 23–407(c)(5) and (6)" and substitute "22–406(c)(5), (6), (8), (9), and (10) and 23–407(c)(5), (6), (8), (9), and (10)".

AMENDMENT NO. 2

On page 4, after line 1, insert:

"(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system **AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full–time equivalent instructional teachers employed by that local school system **OR THE MARYLAND SCHOOL FOR**

THE DEAF, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (i) The superintendent of the local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** rehiring an individual under paragraph (4)(v) or (vi) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** under paragraph (4)(v) or (vi) of this subsection:

1. satisfied the criteria provided in paragraph (4)(v) or (vi) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(v) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system **AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** under subparagraph (ii) of this paragraph during the previous calendar year.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** has rehired an individual that does not satisfy the criteria provided in paragraph (4)(v) or (vi) and (5), (6), or (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** of this individual; and

B. the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** rehires an

individual that satisfies the criteria provided in paragraphs (4)(v) or (vi) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system **AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** of this individual; and

2. the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall make the reimbursement on or before December 31 of the year the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent **AND THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF** shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(v) or (vi) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced–price meals established by the United States Department of Agriculture; or

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.".

AMENDMENT NO. 3

On page 6, after line 7, insert:

"(8) (i) Notwithstanding paragraph (5) of this subsection, each superintendent of a local school system **AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** may rehire an additional number of individuals described under paragraph (4)(v) of this subsection equal to the greater of:

1. five; or

2. 0.2% of the total full–time equivalent instructional teachers employed by that local school system **OR THE MARYLAND SCHOOL FOR THE DEAF**, rounded up to the nearest whole number not to exceed 15, as reported annually by the State Department of Education.

(ii) At any one time, the total number of individuals rehired by a superintendent of a local school system **OR THE SUPERINTENDENT OF THE**

MARYLAND SCHOOL FOR THE DEAF under this paragraph may not exceed the number determined under subparagraph (i) of this paragraph.

(iii) An individual rehired under this paragraph:

1. A. shall be reemployed at a school specified in paragraph (5)(i) of this subsection; and

B. may teach any subject or class or provide educational services assigned by the individual's superintendent; or

2. A. may be reemployed at any school assigned by the individual's superintendent; and

B. shall teach a subject or class or provide educational services specified in paragraph (5)(ii) of this subsection.

(9) (i) The superintendent of the local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** rehiring an individual under paragraph (4)(iv) or (v) of this subsection shall:

1. approve the rehiring of that individual; and

2. determine the school where the individual is to be reemployed.

(ii) Within 30 days after rehiring an individual, the superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** shall complete and file with the Board of Trustees and the State Department of Education a form provided by the Board of Trustees that certifies that the individual rehired by the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** under paragraph (4)(iv) or (v) of this subsection:

1. satisfied the criteria provided in paragraph (4)(iv) or (v) of this subsection;

2. was reemployed at a school described under paragraph (5)(i) or (6) of this subsection; and

3. if rehired under paragraph (4)(iv) of this subsection, was:

A. teaching in an area specified in paragraph (5)(ii) of this subsection; or

B. teaching in any class or subject or providing educational services as provided under paragraph (8) of this subsection.

(iii) 1. On or before April 1 of each year, the Board of Trustees and the State Department of Education shall jointly review any forms filed by a superintendent of a local school system **AND THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** under subparagraph (ii) of this paragraph.

2. If the Board of Trustees and the State Department of Education agree that a superintendent of a local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** has rehired an individual that does not satisfy the criteria provided in paragraph (4)(iv) or (v) and (5), (6), or (8) of this subsection:

A. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** of this individual; and

B. the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall reimburse the Board of Trustees the amount equal to the reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection.

(iv) If a superintendent of a local school system **OR THE SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF** rehires an individual that satisfies the criteria provided in paragraphs (4)(iv) or (v) and (5), (6), or (8) of this subsection and the Board of Trustees and the State Department of Education do not receive certification from the superintendent in the time required under subparagraph (ii) of this paragraph:

1. on or before July 1 of the year of the finding, the Board of Trustees shall notify the superintendent of the local school system **AND THE**

SUPERINTENDENT OF THE MARYLAND SCHOOL FOR THE DEAF of this individual; and

2. the local school system **OR MARYLAND SCHOOL FOR THE DEAF** shall reimburse the Board of Trustees the amount equal to any reduction to the individual's retirement allowance that would have been made in paragraph (2) of this subsection as a result of the superintendent's failure to submit certification under subparagraph (ii) of this paragraph.

(v) The local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** shall make the reimbursement on or before December 31 of the year the local school system **OR THE MARYLAND SCHOOL FOR THE DEAF** receives notice from the Board of Trustees under subparagraph (iii)2A of this paragraph.

(10) On or before August 1 of each year, the local superintendent **AND THE SUPERINTENDENT FOR THE MARYLAND SCHOOL FOR THE DEAF** shall report to the State Department of Education for the previous school year:

(i) the number of individuals rehired under paragraph (4)(iv) or (v) or (8) of this subsection;

(ii) 1. the school and school system where each individual was rehired; and

2. whether the school:

A. was not making adequate yearly progress or was a school in need of improvement as defined under the federal No Child Left Behind Act of 2001 and as implemented by the State Department of Education;

B. was receiving funds under Title 1 of the federal No Child Left Behind Act of 2001;

C. has more than 50% of the students attending that school who are eligible for free and reduced–price meals established by the United States Department of Agriculture; or

D. provided an alternative education program for adjudicated youths or students who have been expelled, suspended, or identified for suspension or expulsion from a public school;

(iii) the original date of rehire for each individual;

(iv) the subject matter taught by each individual;

(v) the annual salary of each individual; and

(vi) the percentage of student population composed of children in poverty that is required to be present in a school in that school system in order for that school to qualify as a Title 1 school.".

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 259 – Harford County Senators

AN ACT concerning

Harford County – Harford Community College – Authority to Incur Debt

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 266 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Property Tax Credit – Job Creation by Small Businesses

Favorable report adopted.

FLOOR AMENDMENT

SB0266/793620/2
BY: Senator Shank

AMENDMENTS TO SENATE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "County" insert "and Washington County"; in lines 3 and 10, in each instance, after "County" insert "and the governing body of Washington County"; in line 7, after "County" insert "or in Washington County"; in line 15, after "County" insert "and in Washington County"; and in line 24, after "9–312(i)" insert "and 9–323(g)".

AMENDMENT NO. 2

On page 2, in line 13, after "**2.**" insert "**AT LEAST**".

On page 5, after line 22, insert:

"9–323.

(G) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AFFILIATE" MEANS A PERSON:

1. THAT DIRECTLY OR INDIRECTLY OWNS AT LEAST 80% OF A BUSINESS ENTITY; OR

2. AT LEAST 80% OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A BUSINESS ENTITY.

(III) "BUSINESS ENTITY" MEANS A PERSON CONDUCTING A TRADE OR BUSINESS IN THE STATE THAT IS SUBJECT TO THE STATE INDIVIDUAL OR CORPORATE INCOME TAX OR INSURANCE PREMIUMS TAX.

(IV) "FULL–TIME POSITION" MEANS A POSITION REQUIRING AT LEAST 840 HOURS OF AN INDIVIDUAL'S TIME DURING AT LEAST 24 WEEKS IN A 6–MONTH PERIOD.

(V) "NEW OR EXPANDED PREMISES" MEANS COMMERCIAL OR INDUSTRIAL REAL PROPERTY, INCLUDING A BUILDING OR PART OF A BUILDING THAT HAS NOT BEEN PREVIOUSLY OCCUPIED, WHERE A BUSINESS ENTITY OR ITS AFFILIATES LOCATE TO CONDUCT BUSINESS.

(VI) 1. "NEW PERMANENT FULL–TIME POSITION" MEANS A POSITION THAT IS:

A. A FULL–TIME POSITION OF INDEFINITE DURATION;

B. LOCATED IN WASHINGTON COUNTY;

C. NEWLY CREATED, AS A RESULT OF THE ESTABLISHMENT OR EXPANSION OF A BUSINESS FACILITY IN THE COUNTY; AND

D. FILLED.

2. "NEW PERMANENT FULL–TIME POSITION" DOES NOT INCLUDE A POSITION THAT IS:

A. CREATED WHEN AN EMPLOYMENT FUNCTION IS SHIFTED FROM AN EXISTING BUSINESS FACILITY OF THE BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN WASHINGTON COUNTY TO ANOTHER BUSINESS FACILITY OF THE SAME ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

B. CREATED THROUGH A CHANGE IN OWNERSHIP OF A TRADE OR BUSINESS;

C. CREATED THROUGH A CONSOLIDATION, MERGER, OR RESTRUCTURING OF A BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY;

D. CREATED WHEN AN EMPLOYMENT FUNCTION IS CONTRACTUALLY SHIFTED FROM AN EXISTING BUSINESS ENTITY OR ITS AFFILIATES LOCATED IN THE COUNTY TO ANOTHER BUSINESS ENTITY OR ITS AFFILIATES, IF THE POSITION DOES NOT REPRESENT A NET NEW JOB IN THE COUNTY; OR

E. FILLED FOR A PERIOD OF LESS THAN 12 MONTHS.

(2) THE GOVERNING BODY OF WASHINGTON COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT AGAINST THE COUNTY PROPERTY TAX IMPOSED ON REAL PROPERTY OWNED OR LEASED BY A BUSINESS ENTITY THAT MEETS THE REQUIREMENTS SPECIFIED FOR THE TAX CREDIT UNDER THIS SUBSECTION.

(3) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, BEFORE A BUSINESS ENTITY OBTAINS THE NEW OR EXPANDED PREMISES OR HIRES EMPLOYEES TO FILL THE NEW PERMANENT FULL–TIME POSITIONS AT THE NEW OR EXPANDED PREMISES, THE BUSINESS ENTITY SHALL PROVIDE WRITTEN NOTIFICATION TO THE GOVERNING BODY OF WASHINGTON COUNTY STATING:

(I) THAT THE BUSINESS ENTITY INTENDS TO CLAIM THE PROPERTY TAX CREDIT; AND

(II) WHEN THE BUSINESS ENTITY EXPECTS TO OBTAIN THE NEW OR EXPANDED PREMISES AND HIRE THE REQUIRED NUMBER OF EMPLOYEES IN THE NEW PERMANENT FULL–TIME POSITIONS.

(4) (I) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, AN EXISTING BUSINESS ENTITY IN THE COUNTY SHALL:

1. OBTAIN AT LEAST AN ADDITIONAL 1,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST ONE INDIVIDUAL IN A NEW PERMANENT FULL–TIME POSITION DURING A 12–MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(II) TO QUALIFY FOR THE PROPERTY TAX CREDIT UNDER THIS SUBSECTION, A NEW BUSINESS ENTITY LOCATING IN THE COUNTY SHALL:

1. OBTAIN AT LEAST 2,500 SQUARE FEET OF NEW OR EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR LEASING PREVIOUSLY UNOCCUPIED PREMISES; AND

2. EMPLOY AT LEAST FIVE INDIVIDUALS IN NEW PERMANENT FULL–TIME POSITIONS DURING A 24–MONTH PERIOD, DURING WHICH PERIOD THE BUSINESS ENTITY ALSO MUST OBTAIN AND OCCUPY THE NEW OR EXPANDED PREMISES.

(5) (I) IF AN EXISTING BUSINESS ENTITY IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(I) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 52% IN THE FIRST AND SECOND TAXABLE YEARS;

2. 39% IN THE THIRD AND FOURTH TAXABLE YEARS; AND

3. 26% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(II) IF A NEW BUSINESS ENTITY LOCATING IN THE COUNTY MEETS THE REQUIREMENTS OF PARAGRAPH (4)(II) OF THIS SUBSECTION, THE PROPERTY TAX CREDIT GRANTED UNDER THIS SUBSECTION SHALL EQUAL A PERCENTAGE OF THE AMOUNT OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED PREMISES, AS FOLLOWS:

1. 30% IN THE FIRST AND SECOND TAXABLE YEARS;

2. 20% IN THE THIRD AND FOURTH TAXABLE YEARS; AND

3. 10% IN THE FIFTH AND SIXTH TAXABLE YEARS.

(6) THE LESSOR OF REAL PROPERTY GRANTED A PROPERTY TAX CREDIT UNDER THIS SUBSECTION SHALL REDUCE THE AMOUNT OF TAXES FOR WHICH A BUSINESS ENTITY IS CONTRACTUALLY LIABLE UNDER THE LEASE AGREEMENT BY THE AMOUNT OF ANY CREDIT GRANTED UNDER THIS SUBSECTION FOR IMPROVEMENTS MADE BY THE BUSINESS ENTITY.

(7) THE GOVERNING BODY OF WASHINGTON COUNTY SHALL PROVIDE, BY LAW, FOR:

(I) THE SPECIFIC REQUIREMENTS FOR ELIGIBILITY FOR A PROPERTY TAX CREDIT AUTHORIZED UNDER THIS SUBSECTION;

(II) ANY ADDITIONAL LIMITATIONS ON ELIGIBILITY FOR THE CREDIT; AND

(III) ANY OTHER PROVISION APPROPRIATE TO IMPLEMENT THE CREDIT.".

The preceding 2 amendments were read and 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 300 – Senators Young and Brinkley

AN ACT concerning

Frederick 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 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Medical Board Participation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 246)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #15

Senate Bill 70 – Senator Kelley

AN ACT concerning

Family Law – Permanency Planning and Guardianship Review Hearings – Court Procedures

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 80 – Senator Zirkin

AN ACT concerning

Courts – Evidence – Vehicle Repair Estimates

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

Affirmative – 42 Negative – 5 (See Roll Call No. 248)

The Bill was then sent to the House of Delegates.

Senate Bill 128 – Chair, Judicial Proceedings Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Abandoned Land – Certificates of Reservation for Public Use

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

Affirmative – 47 Negative – 0 (See Roll Call No. 249)

The Bill was then sent to the House of Delegates.

Senate Bill 169 – Senator Shank

AN ACT concerning

State Government – Notary Public – Appointment

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

Affirmative – 42 Negative – 5 (See Roll Call No. 250)

The Bill was then sent to the House of Delegates.

Senate Bill 170 – Senators Shank, Brinkley, Edwards, and Young

AN ACT concerning

Washington County – Sheriffs and Deputy Sheriffs – Practice of Law

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

Affirmative – 47 Negative – 0 (See Roll Call No. 251)

The Bill was then sent to the House of Delegates.

Senate Bill 198 – Chair, Anne Arundel County Senators

AN ACT concerning

Courts and Judicial Proceedings – Circuit Court for Anne Arundel County – Fees for Appearance of Counsel

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

Affirmative – 46 Negative – 1 (See Roll Call No. 252)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 253)

RECESS

At 10:59 A.M. on motion of Senator Garagiola, seconded, the Senate recessed until 10:00 A.M. on Thursday, February 23, 2012.

AFTER RECESS
Annapolis, Maryland
Legislative Day: February 22, 2012
Calendar Day: Thursday, February 23, 2012

At 10:05 A.M. the Senate resumed its session.

Prayer by Bishop G. Randolph Gurley, The Tabernacle Church, guest of Senator Peters.

QUORUM CALL

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

(See Roll Call No. 255)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 333 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Dr. Adam Riess
in recognition of
receiving the 2011 Nobel Prize in Physics for discovering that the expansion rate of the universe is accelerating.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 23rd day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 256)

LAID OVER BILLS

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

House Bill 438 – The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Busch, Cardin,

Carr, Clagett, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Niemann, Pena–Melnyk, Pendergrass, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Stein, Summers, Tarrant, F. Turner, Valderrama, Waldstreicher, Washington, and Zucker

AN ACT concerning

Civil Marriage Protection Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION ON THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR REILLY.

FLOOR AMENDMENT

HB0438/843727/1
BY: Senator Reilly

AMENDMENT TO HOUSE BILL 438
(Third Reading File Bill)

On page 2, in line 7, strike "providing for a delayed effective date;".

On page 6, in line 29, strike "January 1, 2013" and substitute "October 1, 2012".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

HB0438/413721/1
BY: Senator Muse

AMENDMENT TO HOUSE BILL 438
(Third Reading File Bill)

On page 1, strike line 2 in its entirety and substitute "Marriage Redefinition Act".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 30 (See Roll Call No. 257)

FLOOR AMENDMENT

HB0438/603825/1
BY: Senator Muse

AMENDMENT TO HOUSE BILL 438
(Third Reading File Bill)

On page 5, in line 25, strike "of a marriage or celebration" and substitute ", celebration, or recognition".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 30 (See Roll Call No. 258)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 374 – 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 celebration of more than 100 years of community service and your annual day in Annapolis.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 23rd day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 259)

LAID OVER BILLS

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

House Bill 438 – The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Busch, Cardin, Carr, Clagett, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Hixson,

Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Niemann, Pena–Melnyk, Pendergrass, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Stein, Summers, Tarrant, F. Turner, Valderrama, Waldstreicher, Washington, and Zucker

AN ACT concerning

Civil Marriage Protection Act

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

FLOOR AMENDMENT

HB0438/223927/1
BY: Senator Reilly

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "relationship;" insert "prohibiting a minor from marrying another individual of the same sex;".

On page 2, in line 13, strike "and 2–202" and substitute ", 2–202, and 2–301".

AMENDMENT NO. 2

On page 5, after line 6, insert:

"2–301.

(a) An individual 16 or 17 years old may not marry unless:

(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician or certified nurse practitioner stating that the physician or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(b) An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician or certified nurse practitioner stating that the physician or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(c) An individual under the age of 15 may not marry.

(D) A MINOR MAY NOT MARRY ANOTHER INDIVIDUAL OF THE SAME SEX AS THE MINOR.".

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

Affirmative – 16 Negative – 29 (See Roll Call No. 260)

FLOOR AMENDMENT

HB0438/473722/1
BY: Senator Reilly

AMENDMENT TO HOUSE BILL 438
(Third Reading File Bill)

On page 6, in line 4, after "preferences" insert ", including with respect to the sale or rental of housing,".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 31 (See Roll Call No. 261)

FLOOR AMENDMENT

HB0438/203026/2
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "requiring the State Department of Education to adopt certain regulations that require any teaching materials used by a teacher in a certain manner in a public elementary school that include or reference same–sex relationships to provide a certain notice to a parent or guardian of a child attending the school; requiring certain regulations to allow a certain child to be excused from certain instruction under certain circumstances; requiring certain schools to provide certain children with certain learning materials; providing that a child who is excused from certain instruction may not be academically penalized as a result of being excused;".

On page 2, after line 10, insert:

"BY adding to
Article – Education
Section 7–401(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"Article – Education

7–401.

(D) (1) THE STATE DEPARTMENT OF EDUCATION SHALL ADOPT REGULATIONS THAT REQUIRE ANY TEACHING MATERIALS USED BY A TEACHER FOR THE APPROVED CURRICULUM IN A PUBLIC ELEMENTARY SCHOOL THAT INCLUDES OR REFERENCES SAME–SEX RELATIONSHIPS SHALL BE MADE AVAILABLE FOR INSPECTION BY A PARENT OR GUARDIAN OF A CHILD WHO ATTENDS THE PUBLIC SCHOOL.

(2) (I) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL ALLOW A CHILD TO BE EXCUSED FROM ANY INSTRUCTION THAT ADDRESSES SAME–SEX RELATIONSHIPS ON WRITTEN REQUEST OF THE PARENT OR GUARDIAN OF THE CHILD.

(II) THE SCHOOL SHALL PROVIDE AN EXCUSED CHILD WITH APPROPRIATE LEARNING ACTIVITIES.

(III) A CHILD WHO IS OFFICIALLY EXCUSED FROM INSTRUCTION THAT ADDRESSES SAME–SEX RELATIONSHIPS MAY NOT BE ACADEMICALLY PENALIZED IN ANY WAY AS A RESULT OF BEING EXCUSED.".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 262)

FLOOR AMENDMENT

HB0438/623527/1
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 6, after "Act;" insert "declaring that it is the intent of the General Assembly that the State Department of Education continue a certain acknowledgement of Mother's Day and Father's Day in public elementary and secondary schools in the State;".

AMENDMENT NO. 2

On page 6, in line 16, after "5." insert "AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State Department of Education continue the annual and separate acknowledgement of Mother's Day and Father's Day in the public elementary and secondary schools of the State independent of any provisions of this Act.

SECTION 6.";

in lines 22 and 28, strike "6." and "7.", respectively, and substitute "7." and "8.", respectively; and in line 28, strike "5" and substitute "6".

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

Affirmative – 11 Negative – 34 (See Roll Call No. 263)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

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

Senate Bill 422 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Office of the Public Defender – Representation

SB0422/248273/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh and Colburn"; in line 2, strike beginning with "Office" through "Representation" and substitute "Criminal Defendants – Citations and Appearances"; in line 3, before "repealing" insert "prohibiting a District Court commissioner from issuing an arrest warrant based solely on an application for statement of charges filed by a person other than a peace officer or State's Attorney except under certain circumstances; requiring a police officer to issue a citation for certain offenses under certain circumstances; establishing that a police officer may issue a citation to a defendant only under certain circumstances; prohibiting a certain statement made by a defendant during the course of an initial appearance before a District Court commissioner from being used as evidence against the defendant in a criminal proceeding;"; in line 6, after "proceedings;" insert "requiring the Office of the Public Defender to provide representation to an indigent individual at a bail hearing before a District Court or circuit court judge;"; in line 9, after "commissioner;" insert "establishing that a defendant who is denied pretrial release by a District Court commissioner or who remains in custody after a District Court commissioner has determined conditions of release under certain circumstances must be presented to the District Court within a

certain time period after the determination; establishing a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act;"; in the same line, after "measure;" insert "providing for the effective date of a certain provision of this Act;"; after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–607
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 10–922
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, before "16–204" insert "4–101 and"; and after line 15, insert:

"BY adding to
Article – Criminal Procedure
Section 5–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, before line 16, insert:

"Preamble

WHEREAS, The recent court decision in DeWolfe v. Richmond established the right of indigent defendants to counsel at bail proceedings in the State; and

WHEREAS, In 2011, over 170,000 people appeared before a District Court commissioner in the State where their liberty was subject to restriction and over 70,000 of them were granted release on personal recognizance without the benefit of the presence of counsel; and

WHEREAS, A defendant who is not represented at a bail proceeding must speak to secure his freedom and thereby risk self–incrimination and prejudice to rights; and

WHEREAS, Many defendants cannot afford bail set at even a low amount of $100 and some wait in jail for weeks before a court appearance for misdemeanor crimes; and

WHEREAS, Unnecessary pretrial detention has a severely disproportionate racial impact and major social costs; and

WHEREAS, Implementation of the changes called for by the DeWolfe decision will be extremely costly at a time when the State is already struggling with revenue shortfalls; and

WHEREAS, Alternatives to the incarceration of indigent individuals can reduce expenses to the State and local government without sacrificing public safety; and

WHEREAS, Altering the charging process for some misdemeanor crimes will improve the current administration of justice while also preserving the rights of indigent defendants, now, therefore,".

AMENDMENT NO. 3

On page 1, after line 17, insert:

"Article – Courts and Judicial Proceedings

2–607.

(a) (1) The administrative judge of each district, with the approval of the Chief Judge of the District Court, may appoint the number of commissioners necessary to perform the functions of the office within each county.

(2) In multicounty districts, the administrative judge shall obtain the recommendation of the resident judge in each county as to the number of commissioners required in the county and as to the persons to be appointed.

(b) (1) Commissioners shall be adult residents of the counties in which they serve, but they need not be lawyers.

(2) Each commissioner shall hold office at the pleasure of the Chief Judge of the District Court, and has the powers and duties prescribed by law.

(3) Except without additional compensation, unless otherwise fixed by law, an employee of the District Court, who is an adult, may be granted, in the same manner, commissioner powers and duties in the county where the employee is employed.

(c) (1) **[**A**] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall receive applications and determine probable cause for the issuance of charging documents.

(2) **[**A**] EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall advise arrested persons of their constitutional rights, set bond or commit persons to jail in default of bond or release them on personal recognizance if circumstances warrant, and conduct investigations and inquiries into the circumstances of any matter presented to the commissioner in order to determine if probable cause exists for the issuance of a charging document, warrant, or criminal summons and, in general, perform all the functions of committing magistrates as exercised by the justices of the peace prior to July 5, 1971.

(3) There shall be in each county, at all times, one or more commissioners available for the convenience of the public and police in obtaining charging documents, warrants, or criminal summonses and to advise arrested persons of their rights as required by law.

(4) A commissioner may exercise the powers of office in any county to which the commissioner is assigned by the Chief Judge of the District Court or a designee of the Chief Judge of the District Court.

(5) The Chief Judge of the District Court may authorize one or more commissioners to perform the duties of a commissioner regarding persons arrested in

a county other than the county in which the commissioner resides and for which the commissioner was appointed when the arrested persons are brought before the commissioner by a peace officer of the jurisdiction in which that arrest was made.

(6) A COMMISSIONER MAY NOT ISSUE AN ARREST WARRANT BASED SOLELY ON AN APPLICATION FOR STATEMENT OF CHARGES FILED BY A PERSON OTHER THAN A PEACE OFFICER OR STATE'S ATTORNEY UNLESS:

(I) THE HEALTH, SAFETY, OR WELFARE OF A PERSON IS AT RISK; OR

(II) THE PERSON FILING THE APPLICATION FOR STATEMENT OF CHARGES HAS A POLICE REPORT OF THE INCIDENT.

(d) (1) The authority under this subsection applies only to a respondent who is an adult.

(2) A commissioner may issue an interim order for protection of a person eligible for relief in accordance with § 4–504.1 of the Family Law Article or a petitioner in accordance with § 3–1503.1 of this article.

(e) Notwithstanding the residence requirements set out in subsection (b) of this section, the Chief Judge of the District Court or a designee of the Chief Judge of the District Court may assign a commissioner of the District Court to serve temporarily in any county.".

AMENDMENT NO. 4

On page 1, before line 18, insert:

"**10–922.**

A STATEMENT MADE DURING THE COURSE OF AN INITIAL APPEARANCE OF A DEFENDANT BEFORE A DISTRICT COURT COMMISSIONER IN ACCORDANCE WITH MARYLAND RULE 4–213 MAY NOT BE USED AS EVIDENCE AGAINST THE DEFENDANT IN A CRIMINAL PROCEEDING.".

AMENDMENT NO. 5

On page 1, after line 18, insert:

"4–101.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Citation" means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) "Citation" does not include an indictment, information, or statement of charges.

(3) "Fire marshal" means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6–304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) "Police officer" has the meaning stated in § 2–101 of this article.

(b) Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer **[**may issue a**]** **SHALL CHARGE BY** citation for:

(i) **[**sale of an alcoholic beverage to an underage drinker or intoxicated person under Article 2B, § 12–108 of the Code;

(ii) malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than $500;

(iii) disturbing the peace or disorderly conduct under § 10–201 of the Criminal Law Article; or

(iv) misdemeanor theft under § 7–104(g)(2) or (3) of the Criminal Law Article**] ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION THAT DOES NOT CARRY A PENALTY OF IMPRISONMENT;**

(II) ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PENALTY OF IMPRISONMENT IS 90 DAYS OR LESS, EXCEPT:

1. FAILURE TO COMPLY WITH A PEACE ORDER UNDER § 3–1508 OF THE COURTS ARTICLE;

2. FAILURE TO COMPLY WITH A PROTECTIVE ORDER UNDER § 4–509 OF THE FAMILY LAW ARTICLE; OR

3. VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE WHILE CHARGED WITH A SEXUAL CRIME AGAINST A MINOR UNDER § 5–213.1 OF THIS ARTICLE; OR

(III) POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE.

(2) A police officer may issue a citation to a defendant **ONLY** if**:**

(I) the officer is satisfied with the defendant's evidence of identity **[**and**];**

(II) THE OFFICER reasonably believes that the defendant will comply with the citation**;**

(III) THE OFFICER REASONABLY BELIEVES THAT THE FAILURE TO CHARGE ON A STATEMENT OF CHARGES WILL NOT POSE A THREAT TO PUBLIC SAFETY;

(IV) THE DEFENDANT IS NOT SUBJECT TO ARREST FOR ANOTHER CRIMINAL CHARGE ARISING OUT OF THE SAME INCIDENT; AND

(V) THE DEFENDANT COMPLIES WITH ALL LAWFUL ORDERS BY THE OFFICER.

(3) BEFORE CHARGING A DEFENDANT BY CITATION UNDER THIS SUBSECTION, AN OFFICER MAY:

(I) ARREST THE DEFENDANT;

(II) PERFORM A SEARCH INCIDENT TO ARREST;

(III) FINGERPRINT AND PHOTOGRAPH THE DEFENDANT;

(IV) CHECK FOR ACTIVE WARRANTS AGAINST THE DEFENDANT; AND

(V) PERFORM ROUTINE PROCEDURES TO DETERMINE THE IDENTITY OF THE DEFENDANT.

(d) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10–104 or § 10–110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10–104 or § 10–110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6–317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

(e) (1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1–205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16–16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the State Fire Marshal require.".

AMENDMENT NO. 6

On page 2, in line 19, strike "Representation" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, REPRESENTATION**"; in line 20, in each instance, strike the bracket; and in line 21, strike "**AT BAIL REVIEW**" and substitute "**BAIL HEARING BEFORE A DISTRICT COURT OR CIRCUIT COURT JUDGE**".

AMENDMENT NO. 7

On page 2, after line 25, insert:

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

Article – Criminal Procedure

5–215.

A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4–216 SHALL BE PRESENTED TO A DISTRICT COURT JUDGE WITHIN 48 HOURS OF THE DETERMINATION BY THE DISTRICT COURT COMMISSIONER.".

AMENDMENT NO. 8

On page 2, before line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate on or before May 1, 2012;

(2) two members of the House of Delegates, appointed by the Speaker of the House on or before May 1, 2012;

(3) the Governor, or the Governor's designee;

(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) the Chief Judge of the District Court of Maryland, or the Chief Judge's designee;

(6) the Coordinator of Commissioner Activity of the District Court of Maryland, or the Coordinator's designee;

(7) the Superintendent of State Police, or the Superintendent's designee;

(8) the Attorney General of Maryland, or the Attorney General's designee;

(9) the Secretary of Public Safety and Correctional Services, or the Secretary's designee; and

(10) the following individuals, appointed by the Governor on or before May 1, 2012:

(i) a representative of the Maryland State's Attorneys' Association;

(ii) an attorney representing the plaintiffs in the DeWolfe v. Richmond litigation;

(iii) a representative of the Maryland Chiefs of Police Association, Inc.;

(iv) a representative of the Maryland Sheriffs' Association;

(v) a representative of the Maryland Correctional Administrators Association;

(vi) an advocate for the rights of victims of domestic violence;

(vii) a victims' rights advocate;

(viii) a representative of the Maryland Association of Counties;

(ix) a representative of the Pretrial Justice Institute;

(x) a representative of the Public Justice Center;

(xi) a representative of NAACP – Legal Defense;

(xiii) a representative of the National Association of Criminal Defense Lawyers;

(xiv) a representative of the American Civil Liberties Union; and

(xv) an academic expert in the provision of counsel to the indigent.

(c) On or before May 1, 2012, the Governor shall appoint a chair of the Task Force from its membership.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation for serving 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:

(1) study the adequacy and cost of State laws and policies relating to representation of indigent criminal defendants by the Office of the Public Defender; and

(2) consider and make recommendations regarding options for and cost of improving the system of representation of indigent criminal defendants.

(g) (1) On or before November 1, 2012, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Judicial Proceedings Committee and the House Judiciary Committee.

(2) On or before November 1, 2013, the Task Force 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 Judicial Proceedings Committee and the House Judiciary Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2012.”.

AMENDMENT NO. 9

On page 2, in line 26, strike "2" and substitute "5"; in line 29, strike ", and" and substitute "and, except as provided in Section 4 of this Act,"; and in line 30, after the period insert "Section 3 of this Act shall remain effective until June 1, 2014, and, at the end of May 31, 2014, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.".

The preceding 9 amendments were read only.

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

The motion was adopted.

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 23, 2012

Arts Council, Maryland State

1. Carol Trawick District 16
6600 Elgin Lane
Bethesda, MD 20817

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2011

Health Care Commission, Maryland

2. Kathryn L. Montgomery, Ph.D. District 30
3915 Bayside Drive
Edgewater, MD 21037

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

Judicial Disabilities, Commission on

3. Mayda Colon Tsaknis, Esq. District 3
4302 Bill Moxley Road
Mt. Airy, MD 21771

Member of the Commission on Judicial Disabilities; appointed to serve a term of four years from January 1, 2011

Lottery Agency, State

4. E. Randolph Marriner District 9
401 Jennings Chapel Road
Brookeville, MD 20833

Member of the State Lottery Agency; appointed to serve remainder of a term of four years from January 9, 2009

Marine Contractors Licensing Board

5. Robert P. Gaudette District 36
105 Gloucester Road
Queenstown, MD 21658

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

6. Milton A. Rehbein, III District 7
1426 Burke Road
Middle River, MD 21220

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

7. Joshua W. Schleupner District 37
24620 Porter Mill Road
Hebron, MD 21830

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

8. Douglas F. Suess District 7
18 Overshot Court
Jacksonville, MD 21131

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

Maryland Legal Services Corporation Board of Directors

9. Franklin D. Chambers, Jr., Ph.D. District 23
12627 Quaking Branch Court
Bowie, MD 20720

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2010

Master Electricians, State Board of

10. Todd M. Borz District 43
6 W. Highfield Road
Baltimore, MD 21218

Member of the State Board of Master Electricians; appointed to serve a term of three years from July 1, 2009

Morgan State University Board of Regents

11. Elijah E. Cummings District 99

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2011

12. Penelope J. Taylor District 11
2506 Creekstone Court
Baltimore, MD 21209

Member of the Morgan State University Board of Regents; appointed to serve a term of six years from July 1, 2011

Morticians and Funeral Directors, State Board of

13. Victor C. March, Sr. District 42
708 Milldam Road
Towson, MD 21286

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2011

14. Vernon L. Strayhorn, Sr. District 32
110 Bunker Hill Lane
Odenton, MD 21113

Member of the State Board of Morticians and Funeral Directors; appointed to serve remainder of a term of four years from July 1, 2010

Professional Engineers, State Board for

15. Steven A. Arndt District 14
24418 Galeano Way
Damascus, MD 20872

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2011

Professional Standards and Teacher Education Board

16. Alyssia J. James, Ed.D. District 22
9105 Wellington Place
Lanham, MD 20706

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2009

17. Barbara Martin Palmer, Ph.D. District 4
2823 Wildwood Court
Walkersville, MD 21793

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

Racing Commission, State

18. Bruce F. Quade District 38
1445 Ocean Parkway
Ocean Pines, MD 21811

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

19. Denise M. Herndon District 30
3816 Pine Drive, Ponder Cover
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2011

Retirement and Pension Systems, Board of Trustees for the Maryland State

20. Robert R. Hagans, Jr. District 23
2003 Shadowrock Lane
Mitchellville, MD 20721

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve a term of four years from August 1, 2011

Rural Legacy Board, Advisory Committee to the

21. John P. Jastrzembski District 1
780 Bishop Walsh Road
Cumberland, MD 21502

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2010

22. Ann Holmes Jones District 9
2921 Greenway Drive
Ellicott City, MD 21042

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2011

Social Work Examiners, State Board of

23. Peggy A. Barnes, MSW, LCSW–C District 11
6614 Deancroft Road
Pikesville, MD 21209

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

24. Judith M. Levy District 42
6939 Copperbend Lane
Baltimore, MD 21209

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2011

25. Loretta Y. Wall District 12
11073 Swansfield Road
Columbia, MD 21044

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2011

St. Mary's College of Maryland, Board of Trustees

26. Timothy M. Broas, Esq. District 18
28 Grafton Street
Chevy Chase, MD 20815

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2009

27. Donald R. Bryan District 13
6412 Enchanted Solitude Place
Columbia, MD 21044

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2009

28. Timothy L. Heely District 29
21652 Joe Hazel Road
Leonardtown, MD 20650

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

29. Glen Richard Ives District 29
23785 Kingston Creek Road
California, MD 20619

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2011

Workers' Compensation Commission, State

30. Delia Turano Schadt, Esq. District 42
2 Kengate Court
Baltimore, MD 21212

Member of the State Workers' Compensation Commission; appointed to serve remainder of a term of twelve years from August 1, 2005

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.

Potomac River Fisheries Commission

S–1. Dennis C. Fleming District 29
40344 Morgan Brothers Road
Mechanicsville, MD 20659

Member of the Potomac River Fisheries Commission; reappointed to serve a term of four years from January 1, 2011

Retirement and Pension Systems, Board of Trustees for the Maryland State

S–2. Harold Zirkin District 16
6419 Shadow Road
Chevy Chase, MD 20815

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from July 1, 2011

S–3. Thurman W. Zollicoffer, Jr., Esq. District 43
407 Croydon Road
Baltimore, MD 21212

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, 2011

Rural Legacy Board, Advisory Committee to the

S–4. James C. Ashby District 1
1236 E. State Street
Oakland, MD 21550

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2011

S–5. Gary W. Mackes District 37
6444 Freedom Way
Salisbury, MD 21801

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

S–6. Frederick L. Tutman District 23
18600 Queen Anne Road
Upper Marlboro, MD 20774

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

S–7. Randall P. Worthington, Sr. District 34
217 Prescott Court
Havre de Grace, MD 21078

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

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. Rosemary Gillett–Karam, Ph.D. District 43
214 Upper Road
Baltimore, MD 21212

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2007

L–2. Jay Hutchins District 19
10401 Edgewood Avenue
Silver Spring, MD 20901

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2010

L–3. Shalini Malaki District 42
1806 Rambling Ridge Lane #202
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2011

L–4. Pamela Paulk District 46
2901 Boston Street #502
Baltimore, MD 21224

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2011

L–5. Craig A. Thompson, Esq. District 9
2137 Grant Farm Court
Marriottsville, MD 21104

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2008

L–6. Maria Harris Tildon District 41
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2006

Baltimore City Orphans' Court

L–7. Michele E. Loewenthal, Esq. District 41
6205 Green Meadow Way
Baltimore, MD 21209

Member of the Baltimore City Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Carroll Community College Board of Trustees

L–8. Barbara Charnock District 9
5866 Mineral Hill Road
Sykesville, MD 21784

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–9. Donald E. Lippy District 5
421 Lees Mill Road
Hampstead, MD 21074

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Howard Community College Board of Trustees

L–10. Dennis R. Schrader District 13
9433 Sunfall Court
Columbia, MD 21046–2057

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Prince George's Community College Board of Trustees

L–11. Elizabeth G. Proctor District 27
14202 Cold Harbour Drive
Accokeek, MD 20607

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2011

Washington County Board of License Commissioners

L–12. William F. Dunham, Jr., Esq. District 2
1149 Beechwood Drive
Hagerstown, MD 21742

Member of the Washington County Board of License Commissioners; reappointed to serve a term of six years from June 1, 2011

Wor–Wic Community College Board of Trustees

L–13. Russell W. Blake District 38
7 Winter Quarters Drive
Pocomoke, MD 21851

Member of the Wor–Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–14. Duane Gary Boggs District 38
30521 East Rustic 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, 2011

L–15. Martin T. Neat District 38
1113 Riverside Drive
Salisbury, MD 21801

Member of the Wor–Wic Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

Worcester County Bingo Board

L–16. Douglas L. Fisher District 38
100 East Federal Street
Snow Hill, MD 21863

Member of the Worcester County Bingo Board; appointed to serve remainder of a term of six years from June 1, 2007

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 24, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 264)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #16

Senate Bill 129 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Easements

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 131 – Senators Middleton, Astle, Colburn, Dyson, Edwards, Garagiola, Kasemeyer, Mathias, McFadden, Peters, Pugh, Robey, and Rosapepe

AN ACT concerning

Criminal Procedure – Warrantless Arrests – Theft Crimes

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

Affirmative – 47 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the House of Delegates.

Senate Bill 142 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Secretary of Agriculture – Farm Food Safety

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 193 – Senators Young, Colburn, Forehand, Madaleno, Middleton, and Montgomery

AN ACT concerning

Agriculture – Maryland Standard of Identity for Honey

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

Affirmative – 47 Negative – 0 (See Roll Call No. 268)

The Bill was then sent to the House of Delegates.

Senate Bill 205 – Senator Edwards

AN ACT concerning

Garrett County – Correctional Officers' Bill of Rights

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

Affirmative – 47 Negative – 0 (See Roll Call No. 269)

The Bill was then sent to the House of Delegates.

Senate Bill 255 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – ~~Follow-Up~~ Criminal History Records Checks

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

Affirmative – 47 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

Senate Bill 421 – Senator Mathias

AN ACT concerning

Public Safety – Explosives – Package of Components

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 484 – Senators Kelley, Klausmeier, Mathias, Middleton, Muse, and Pugh

AN ACT concerning

Managed Care Organizations – Medical Loss Ratio Information – Publication

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

Affirmative – 46 Negative – 0 (See Roll Call No. 272)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #17

Senate Bill 111 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Identification Cards and Drivers' Licenses – Period of Validity

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

Affirmative – 46 Negative – 1 (See Roll Call No. 273)

The Bill was then sent to the House of Delegates.

Senate Bill 116 – Chair, Judicial Proceedings Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Weight and Load Requirements – Vehicles Carrying Perishable Products

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

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

The Bill was then sent to the House of Delegates.

Senate Bill 177 – Senators Robey, Jacobs, and Klausmeier

AN ACT concerning

Vehicle Laws – Nonfunctioning Traffic Control Signals – Requirement to Stop

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

Affirmative – 45 Negative – 2 (See Roll Call No. 275)

The Bill was then sent to the House of Delegates.

Senate Bill 227 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Health Care Commission – Assessment of Fees and Maryland Trauma Physician Services Fund – Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 276)

The Bill was then sent to the House of Delegates.

Senate Bill 230 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Maryland Health Care Provider Rate Stabilization Fund

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

Affirmative – 47 Negative – 0 (See Roll Call No. 277)

The Bill was then sent to the House of Delegates.

Senate Bill 232 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Elevator Safety Review Board – Licensing

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

Affirmative – 47 Negative – 0 (See Roll Call No. 278)

The Bill was then sent to the House of Delegates.

Senate Bill 256 – Senator Astle

AN ACT concerning

Property and Casualty Insurance – Commercial Policies – Notices of Premium Increases

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

Affirmative – 47 Negative – 0 (See Roll Call No. 279)

The Bill was then sent to the House of Delegates.

Senate Bill 374 – Senator Mathias

AN ACT concerning

Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 280)

The Bill was then sent to the House of Delegates.

Senate Bill 405 – Senators Pugh, Garagiola, Forehand, Kelley, Madaleno, and Montgomery

AN ACT concerning

Life Sciences Advisory Board – Purpose and Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 281)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 282)

ADJOURNMENT

At 12:00 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 4:00 P.M. on Thursday, February 23, 2012.

Annapolis, Maryland
Thursday, February 23, 2012
4:00 P.M. Session

The Senate met at 4:10 P.M.

Prayer by Senator Klausmeier.

(See Exhibit A of Appendix III)

The Journal of February 22, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 284)

INTRODUCTION OF BILLS

Senate Bill 1031 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Maryland Food Bank Sustainability 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 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 1032 – Senator Klausmeier

AN ACT concerning

Natural Resources – Fish and Fisheries – Gill Nets

FOR the purpose of prohibiting the use of gill nets for catching finfish within the State; authorizing the Department of Natural Resources to use gill nets for biological purposes; making conforming changes; and generally relating to prohibiting the use of gill nets.

BY adding to
Article – Natural Resources
Section 4–709
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–710, 4–714(d)(2), 4–718(b), 4–719(c) and (e), 4–723(b), 4–725, and 4–730
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing
Article – Natural Resources
Section 4–721(e) and 4–728(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

Senate Bill 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

FOR the purpose of requiring the chairman and treasurer of a campaign finance entity to provide electronic mail addresses of the chairman and treasurer to the State Board of Elections and notify the State Board of a change in the electronic mail addresses by a certain date if the chairman and treasurer consent to receiving certain notice only by electronic mail; requiring the chairman and treasurer of a campaign finance entity to notify the State Board of a change in the residence address of the chairman and treasurer by a certain date; altering the time when the treasurer of a campaign finance entity is required to issue a campaign contribution receipt; authorizing the responsible officers of a campaign finance entity to affirmatively consent to receiving notice of campaign finance reports only by electronic mail; repealing obsolete provisions; and generally relating to requirements of campaign finance law.

BY repealing and reenacting, with amendments,
Article – Election Law

Section 13–207, 13–222, and 13–321
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1034 – Senator Muse

AN ACT concerning

Civil Rights – Fair Practices and Equal Employment Opportunity Officers – Supervision by the Attorney General

FOR the purpose of requiring the Attorney General of Maryland, rather than the head of each principal unit of State government, to assign to each unit a fair practices officer and an appropriate number of equal employment opportunity officers who report directly to the Director of Civil Rights in the Office of the Attorney General and are entitled to salaries from the funds of the principal unit; authorizing a certain applicant or employee to file a certain complaint with the director as well as with the head of the unit; requiring an equal employment opportunity officer to recommend a decision on a complaint to the Attorney General as well as to the head of the unit; requiring the Attorney General, rather than the head of a unit, to issue a certain decision to a complainant; authorizing the Attorney General to seek appropriate relief; and generally relating to the supervision of fair practices officers and equal employment opportunity officers by the Attorney General.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 1–101(a), (f), (k), and (m) and 5–201
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 5–207, 5–211, and 5–212
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1035 – Senator Muse

AN ACT concerning

Job Creation and Economic Growth Act of 2012

FOR the purpose of reestablishing a certain job creation tax credit program for hiring of certain qualified individuals; altering the eligibility requirements for the job creation tax credit program; authorizing a qualified position under the credit to include certain part–time positions; providing for the calculation of the credit; requiring the Department of Labor, Licensing, and Regulation to submit a certain report on an annual basis; establishing a Public School Apprenticeship Program within the Department; requiring the Apprenticeship and Training Council, in consultation with each county board of education, to establish certain apprenticeship programs; requiring certain State units to provide a certain preference to certain companies when awarding certain contracts; establishing a Retraining and Related Education Grant Program; requiring the Department to administer the program; providing for the total amount of a grant that may be awarded on behalf of each low–income individual under the grant program; requiring the Department to adopt regulations to administer the program; providing for the application of this Act; and generally relating to certain job creation initiatives.

BY adding to
Article – Labor and Employment
Section 11–409 and 11–509
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 11–503(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–1101 through 11–1104, 11–1106, and 11–1107
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 14–413
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1036 – Chair, Budget and Taxation 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 for financing the projects; providing that certain bonds are not a debt or obligation of the State or any of its subdivisions; and generally relating to academic facilities bonding authority and projects.

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

Senate Bill 1037 – Senator DeGrange

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

FOR the purpose of amending certain prior authorizations of State Debt to alter the requirement that certain grantees provide certain matching funds; extending the deadline for certain grantees to present certain evidence that a matching fund will be presented; providing that certain grants may not terminate before certain dates; changing the locations of certain capital projects; repealing a certain requirement that a certain grantee grant a certain easement; altering the purpose of certain grants; changing the names of certain grantees; and generally relating to amending prior authorizations of State Debt.

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005
Section 1(3) Item ZA00(C), Item ZA01(AV), and Item ZA02(BH)

BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 65 of the Acts of the General Assembly of 2007, Chapter 219 of the Acts of the General Assembly of 2008, Chapter 707 of the Acts of the General Assembly of 2009, and Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(AR) and Item ZA02(AV)

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

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(BD) and Item ZA02(BT)

BY repealing and reenacting, with amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(BM)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(M) and (BJ) and Item ZA02(H) and (BP)

BY repealing and reenacting, with amendments,
Chapter 336 of the Acts of the General Assembly of 2008, as amended by Chapter 372 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA01(AA) and Item ZA02(J) and (X)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010
Section 1(3) Item ZA02(X), (AD), (AR), (BA), and (BB) and Item ZA03(AD), (AI), (AS), (AZ), and (BK)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 187 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BH)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 188 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BE)

BY repealing and reenacting, with amendments,
Chapter 483 of the Acts of the General Assembly of 2010, as amended by Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA02(BF) and Item ZA03(BB–1)

BY repealing and reenacting, with amendments,
Chapter 396 of the Acts of the General Assembly of 2011
Section 1(3) Item ZA00(S), Item ZA02(H) and (BH), and Item ZA03(H)

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

Senate Bill 1038 – Senator Montgomery

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Montgomery County – Sandy Spring Museum

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Trustees of the Sandy Spring Museum, Inc. to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to an amendment to 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(AX)

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

Senate Bill 1039 – Senators Manno, King, and Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Homecrest House – Edwards Building

FOR the purpose of authorizing the creation of a State Debt not to exceed $40,000, the proceeds to be used as a grant to the Board of Directors of National Capital B'nai B'rith Assisted Housing Corporation for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1040 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Middletown Wine Festival License

FOR the purpose of creating in Frederick County a Middletown Wine Festival License; authorizing the Frederick County Board of License Commissioners to issue the license to a holder of certain licenses; specifying that the license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival; requiring that the Board shall ensure that the primary focus of the Middletown Wine Festival is the promotion of wine produced in Frederick County; requiring a license holder to display and sell wine that is distributed in the State;

providing for a license fee; specifying that this Act does not prohibit a license holder from holding another license of a different class or nature; authorizing the Burgess and Commissioners of Middletown to hold not more than a certain number of Middletown Wine Festivals annually; requiring the Burgess and Commissioners to choose certain festival locations; authorizing the Burgess and Commissioners to adopt certain regulations; making certain technical corrections; and generally relating to alcoholic beverages in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–308.2
to be Section 8–308.3
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–308.2
Annotated Code of Maryland
(2011 Replacement Volume)

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

QUORUM CALL

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

(See Roll Call No. 285)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 438 – The Speaker (By Request – Administration) and Delegates Anderson, Barkley, Barnes, Barve, Bobo, Bromwell, Busch, Cardin, Carr, Clagett, Clippinger, Cullison, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Haynes, Hixson, Hubbard, Hucker, Ivey, Jones, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Luedtke, McHale, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Niemann, Pena–Melnyk, Pendergrass, Reznik, B. Robinson, S. Robinson, Rosenberg, Ross, Simmons, Stein, Summers, Tarrant, F. Turner, Valderrama, Waldstreicher, Washington, and Zucker

AN ACT concerning

Civil Marriage Protection Act

FLOOR AMENDMENT

HB0438/473824/1
BY: Senator Simonaire

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "relationship;" insert "altering certain provisions of law relating to the protection from liability for a spouse's obligations to apply in a gender–neutral manner;".

On page 2, in line 13, strike "and" and substitute a comma; and in the same line, after "2–202" insert ", and 4–301".

AMENDMENT NO. 2

On page 5, after line 6, insert:

"4–301.

(a) (1) An individual is not liable for:

(i) any debt contracted by the individual's spouse before the marriage; or

(ii) any claim or demand against the spouse that arose before the marriage.

(2) The debtor spouse and that spouse's property are liable for the debt as if the marriage had not occurred.

(b) **[**A husband**] AN INDIVIDUAL** is not liable:

(1) for a tort that is committed:

(i) separately by **[**his wife**] THE INDIVIDUAL'S SPOUSE**; and

(ii) without **[**his**] THE INDIVIDUAL'S** participation or sanction; or

(2) on a contract made by **[**his wife in her**] THE INDIVIDUAL'S SPOUSE IN THE INDIVIDUAL'S SPOUSE'S** own name and on **[**her**] THE INDIVIDUAL'S SPOUSE'S** own responsibility.

(c) A judgment or decree in a proceeding under § 4–205(b) of this title shall:

(1) be passed **ONLY** against the **[**wife only**] THE INDIVIDUAL AGAINST WHOM THE ACTION IS BROUGHT**; and

(2) operate only on the property **[**she**] THE INDIVIDUAL** owned individually before or after the marriage.

(d) (1) Except as provided in paragraph (2) of this subsection, the property that **[**a woman**] AN INDIVIDUAL** owns at the time of **[**her**] THE INDIVIDUAL'S** marriage, or acquires after **[**her**] THE INDIVIDUAL'S** marriage, is not liable for the payment of **[**her husband's**] THE INDIVIDUAL'S SPOUSE'S** debts.

(2) (i) A transfer of property between spouses is invalid if made in prejudice of the rights of present creditors.

(ii) A claim under this paragraph shall be asserted within 3 years after the transfer or be barred absolutely.

(iii) For purposes of this paragraph, all claims are considered due and matured.".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

HB0438/133629/1
BY: Senator DeGrange

AMENDMENTS TO HOUSE BILL 438
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 13, after "goods," insert "benefits,".

AMENDMENT NO. 2
On page 5, in lines 22, 24, and 32, in each instance, after "goods," insert "benefits,"; in line 23, strike "request for" and substitute "provision of"; strike beginning with "is" in line 24 down through "service" in line 29 and substitute "would cause the religious organization, association, or society, or the nonprofit institution, to violate its sincerely held religious beliefs".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 286)

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

Affirmative – 25 Negative – 22 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 288)

ADJOURNMENT

At 6:24 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 24, 2012.

Annapolis, Maryland
Friday, February 24, 2012
11:00 A.M. Session

The Senate met at 11:13 A.M.

Prayer by Reverend Herbert W. Watson, Jr. St. Mark's United Methodist Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of February 23, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 290)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 392 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Eubie Blake National Jazz Institute and Cultural Center
in recognition of
40 years of commitment to maintaining the legacy and integrity of African American culture in Baltimore.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 24th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 291)

INTRODUCTION OF BILLS

Senate Bill 1041 – Senator Frosh

AN ACT concerning

Courts – Victims of Crime – Interpreters

FOR the purpose of altering certain requirements relating to the use of an interpreter in court to include the appointment of an interpreter for a victim or victim's representative who is deaf or cannot readily understand or communicate the spoken English language; authorizing a victim or victim's representative to apply for appointment of a certain interpreter; making conforming changes; making a certain technical correction; and generally relating to interpreters in court proceedings.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 9–114(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–202
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–104(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1042 – Senator Colburn

AN ACT concerning

Gaming – Taking Delivery of, Possessing, or Transporting Slot Machines

FOR the purpose of altering the circumstances under which a person may take delivery of, possess, or transport a slot machine for certain purposes to require the person to operate as a distributor or vendor of slot machines with or without a direct affiliation to a manufacturer; and generally relating to slot machines.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–305
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

Senate Bill 1043 – Senator Colburn

AN ACT concerning

Environment – Construction on Piers – Non–Water Dependent Structures at Commercial Marinas

FOR the purpose of exempting a certain project involving the construction of a non–water dependent structure from the requirement to obtain a wetlands license or permit relating to construction on a pier located on State or private wetlands under certain circumstances; authorizing a local jurisdiction to issue a building permit for a certain project involving the construction of a non–water dependent structure on a pier located on State or private wetlands within the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area under certain circumstances; and generally relating to the construction of non–water dependent structures on piers.

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–104
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808.4
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 1044 – Senators Colburn and Mathias

AN ACT concerning

Wicomico County – Alcoholic Beverages – Class D Licenses – Follow–Up Records Checks

FOR the purpose of clarifying that there is a Class D beer, wine and liquor tavern license in Wicomico County; establishing a Class D beer, wine and liquor entertainment and amusement license in the County; providing for an annual fee and days of sale for the entertainment and amusement license; specifying that the entertainment and amusement license authorizes consumption on the premises only; specifying certain requirements that the premises that is the subject of an entertainment and amusement license application must meet; providing that the entertainment and amusement license holder must purchase certain alcoholic beverages from a county dispensary and may not be charged more than a certain price; prohibiting certain individuals under certain ages from entering or remaining on the licensed premises under certain circumstances; authorizing the Board to adopt certain regulations; requiring the Criminal Justice Information System Central Repository (CJIS) to provide the Board with a revised printed criminal record statement of a license applicant or license holder if information is reported to CJIS after the initial criminal history records check is completed; requiring CJIS to stop providing the Board with revised printed statements under certain circumstances; defining a certain term; making certain technical and stylistic changes; clarifying language; and generally relating to alcoholic beverages in Wicomico County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–401(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–401(x) and 10–103(b)(13)(vii)
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1045 – Senator Muse

AN ACT concerning

Missing Children – Search Efforts and Collaboration (Phylicia's Law)

FOR the purpose of altering the requirement that a law enforcement agency institute appropriate search procedures to locate certain missing children to include the coordination of volunteer search teams; clarifying the name of the organization that a law enforcement agency must notify after receiving a certain missing child report; requiring the State Clearinghouse for Missing Children to coordinate certain entities to locate certain missing children; requiring the Clearinghouse to oversee search efforts used to locate certain missing children; requiring the Clearinghouse to publish certain information relating to missing children in the State; and generally relating to missing children.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 9–402 and 9–403
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 1046 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Miles Washington Family Support Center

FOR the purpose of authorizing the creation of a State Debt in the amount of $175,000, the proceeds to be used as a grant to the Board of Trustees of the Miles Washington Family Support Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

LAID OVER BILLS

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

Senate Bill 422 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Office of the Public Defender – Representation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0422/248273/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 422
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh and Colburn"; in line 2, strike beginning with "Office" through "Representation" and substitute "Criminal Defendants – Citations and Appearances"; in line 3, before "repealing" insert "prohibiting a District Court commissioner from issuing an arrest warrant based solely on an application for statement of charges filed by a person other than a peace officer or State's Attorney except under certain circumstances; requiring a police officer to issue a citation for certain offenses under certain circumstances; establishing that a police officer may issue a citation to a defendant only under certain circumstances; prohibiting a certain statement made by a defendant during the course of an initial appearance before a District Court commissioner from being used as evidence against the defendant in a criminal proceeding;"; in line 6, after "proceedings;" insert "requiring the Office of the Public Defender to provide representation to an indigent individual at a bail hearing before a District Court or circuit court judge;"; in line 9, after "commissioner;" insert "establishing that a defendant who is denied pretrial release by a District Court commissioner or who remains in custody after a District Court commissioner has determined conditions of release under certain circumstances must be presented to the District Court within a certain time period after the determination; establishing a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act;"; in the same

line, after "measure;" insert "providing for the effective date of a certain provision of this Act;"; after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–607
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 10–922
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, before "16–204" insert "4–101 and"; and after line 15, insert:

"BY adding to
Article – Criminal Procedure
Section 5–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2
On page 1, before line 16, insert:

"Preamble

WHEREAS, The recent court decision in DeWolfe v. Richmond established the right of indigent defendants to counsel at bail proceedings in the State; and

WHEREAS, In 2011, over 170,000 people appeared before a District Court commissioner in the State where their liberty was subject to restriction and over 70,000 of them were granted release on personal recognizance without the benefit of the presence of counsel; and

WHEREAS, A defendant who is not represented at a bail proceeding must speak to secure his freedom and thereby risk self–incrimination and prejudice to rights; and

WHEREAS, Many defendants cannot afford bail set at even a low amount of $100 and some wait in jail for weeks before a court appearance for misdemeanor crimes; and

WHEREAS, Unnecessary pretrial detention has a severely disproportionate racial impact and major social costs; and

WHEREAS, Implementation of the changes called for by the DeWolfe decision will be extremely costly at a time when the State is already struggling with revenue shortfalls; and

WHEREAS, Alternatives to the incarceration of indigent individuals can reduce expenses to the State and local government without sacrificing public safety; and

WHEREAS, Altering the charging process for some misdemeanor crimes will improve the current administration of justice while also preserving the rights of indigent defendants, now, therefore,".

AMENDMENT NO. 3

On page 1, after line 17, insert:

"Article – Courts and Judicial Proceedings

2–607.

(a) (1) The administrative judge of each district, with the approval of the Chief Judge of the District Court, may appoint the number of commissioners necessary to perform the functions of the office within each county.

(2) In multicounty districts, the administrative judge shall obtain the recommendation of the resident judge in each county as to the number of commissioners required in the county and as to the persons to be appointed.

(b) (1) Commissioners shall be adult residents of the counties in which they serve, but they need not be lawyers.

(2) Each commissioner shall hold office at the pleasure of the Chief Judge of the District Court, and has the powers and duties prescribed by law.

(3) Except without additional compensation, unless otherwise fixed by law, an employee of the District Court, who is an adult, may be granted, in the same manner, commissioner powers and duties in the county where the employee is employed.

(c) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall receive applications and determine probable cause for the issuance of charging documents.

(2) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall advise arrested persons of their constitutional rights, set bond or commit persons to jail in default of bond or release them on personal recognizance if circumstances warrant, and conduct investigations and inquiries into the circumstances of any matter presented to the commissioner in order to determine if probable cause exists for the issuance of a charging document, warrant, or criminal summons and, in general, perform all the functions of committing magistrates as exercised by the justices of the peace prior to July 5, 1971.

(3) There shall be in each county, at all times, one or more commissioners available for the convenience of the public and police in obtaining charging documents, warrants, or criminal summonses and to advise arrested persons of their rights as required by law.

(4) A commissioner may exercise the powers of office in any county to which the commissioner is assigned by the Chief Judge of the District Court or a designee of the Chief Judge of the District Court.

(5) The Chief Judge of the District Court may authorize one or more commissioners to perform the duties of a commissioner regarding persons arrested in a county other than the county in which the commissioner resides and for which the commissioner was appointed when the arrested persons are brought before the commissioner by a peace officer of the jurisdiction in which that arrest was made.

(6) A COMMISSIONER MAY NOT ISSUE AN ARREST WARRANT BASED SOLELY ON AN APPLICATION FOR STATEMENT OF CHARGES FILED BY A PERSON OTHER THAN A PEACE OFFICER OR STATE'S ATTORNEY UNLESS:

(I) THE HEALTH, SAFETY, OR WELFARE OF A PERSON IS AT RISK; OR

(II) THE PERSON FILING THE APPLICATION FOR STATEMENT OF CHARGES HAS A POLICE REPORT OF THE INCIDENT.

(d) (1) The authority under this subsection applies only to a respondent who is an adult.

(2) A commissioner may issue an interim order for protection of a person eligible for relief in accordance with § 4–504.1 of the Family Law Article or a petitioner in accordance with § 3–1503.1 of this article.

(e) Notwithstanding the residence requirements set out in subsection (b) of this section, the Chief Judge of the District Court or a designee of the Chief Judge of the District Court may assign a commissioner of the District Court to serve temporarily in any county.".

AMENDMENT NO. 4

On page 1, before line 18, insert:

"**10–922.**

A STATEMENT MADE DURING THE COURSE OF AN INITIAL APPEARANCE OF A DEFENDANT BEFORE A DISTRICT COURT COMMISSIONER IN ACCORDANCE WITH MARYLAND RULE 4–213 MAY NOT BE USED AS EVIDENCE AGAINST THE DEFENDANT IN A CRIMINAL PROCEEDING.".

AMENDMENT NO. 5

On page 1, after line 18, insert:

"4–101.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Citation" means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) "Citation" does not include an indictment, information, or statement of charges.

(3) "Fire marshal" means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6–304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) "Police officer" has the meaning stated in § 2–101 of this article.

(b) Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer **[**may issue a**]** **SHALL CHARGE BY** citation for:

(i) **[**sale of an alcoholic beverage to an underage drinker or intoxicated person under Article 2B, § 12–108 of the Code;

(ii) malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than $500;

(iii) disturbing the peace or disorderly conduct under § 10–201 of the Criminal Law Article; or

(iv) misdemeanor theft under § 7–104(g)(2) or (3) of the Criminal Law Article**]** **ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION THAT DOES NOT CARRY A PENALTY OF IMPRISONMENT;**

(II) ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PENALTY OF IMPRISONMENT IS 90 DAYS OR LESS, EXCEPT:

1. FAILURE TO COMPLY WITH A PEACE ORDER UNDER § 3–1508 OF THE COURTS ARTICLE;

2. FAILURE TO COMPLY WITH A PROTECTIVE ORDER UNDER § 4–509 OF THE FAMILY LAW ARTICLE; OR

3. VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE WHILE CHARGED WITH A SEXUAL CRIME AGAINST A MINOR UNDER § 5–213.1 OF THIS ARTICLE; OR

(III) POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE.

(2) A police officer may issue a citation to a defendant **ONLY** if**:**

(I) the officer is satisfied with the defendant's evidence of identity **[**and**];**

(II) THE OFFICER reasonably believes that the defendant will comply with the citation**;**

(III) THE OFFICER REASONABLY BELIEVES THAT THE FAILURE TO CHARGE ON A STATEMENT OF CHARGES WILL NOT POSE A THREAT TO PUBLIC SAFETY;

(IV) THE DEFENDANT IS NOT SUBJECT TO ARREST FOR ANOTHER CRIMINAL CHARGE ARISING OUT OF THE SAME INCIDENT; AND

(V) THE DEFENDANT COMPLIES WITH ALL LAWFUL ORDERS BY THE OFFICER.

(3) BEFORE CHARGING A DEFENDANT BY CITATION UNDER THIS SUBSECTION, AN OFFICER MAY:

(I) ARREST THE DEFENDANT;

(II) PERFORM A SEARCH INCIDENT TO ARREST;

(III) FINGERPRINT AND PHOTOGRAPH THE DEFENDANT;

(IV) CHECK FOR ACTIVE WARRANTS AGAINST THE DEFENDANT; AND

(V) PERFORM ROUTINE PROCEDURES TO DETERMINE THE IDENTITY OF THE DEFENDANT.

(d) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10–104 or § 10–110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10–104 or § 10–110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6–317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

(e) (1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1–205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16–16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the State Fire Marshal require.".

AMENDMENT NO. 6

On page 2, in line 19, strike "Representation" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, REPRESENTATION**"; in line 20, in each instance, strike the bracket; and in line 21, strike "**AT BAIL REVIEW**" and substitute "**BAIL HEARING BEFORE A DISTRICT COURT OR CIRCUIT COURT JUDGE**".

AMENDMENT NO. 7

On page 2, after line 25, insert:

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

Article – Criminal Procedure

5–215.

A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4–216 SHALL BE PRESENTED TO A DISTRICT COURT

JUDGE WITHIN 48 HOURS OF THE DETERMINATION BY THE DISTRICT COURT COMMISSIONER.".

AMENDMENT NO. 8

On page 2, before line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate on or before May 1, 2012;

(2) two members of the House of Delegates, appointed by the Speaker of the House on or before May 1, 2012;

(3) the Governor, or the Governor's designee;

(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) the Chief Judge of the District Court of Maryland, or the Chief Judge's designee;

(6) the Coordinator of Commissioner Activity of the District Court of Maryland, or the Coordinator's designee;

(7) the Superintendent of State Police, or the Superintendent's designee;

(8) the Attorney General of Maryland, or the Attorney General's designee;

(9) the Secretary of Public Safety and Correctional Services, or the Secretary's designee; and

(10) the following individuals, appointed by the Governor on or before May 1, 2012:

(i) a representative of the Maryland State's Attorneys' Association;

(ii) an attorney representing the plaintiffs in the DeWolfe v. Richmond litigation;

(iii) a representative of the Maryland Chiefs of Police Association, Inc.;

(iv) a representative of the Maryland Sheriffs' Association;

(v) a representative of the Maryland Correctional Administrators Association;

(vi) an advocate for the rights of victims of domestic violence;

(vii) a victims' rights advocate;

(viii) a representative of the Maryland Association of Counties;

(ix) a representative of the Pretrial Justice Institute;

(x) a representative of the Public Justice Center;

(xi) a representative of NAACP – Legal Defense;

(xiii) a representative of the National Association of Criminal Defense Lawyers;

(xiv) a representative of the American Civil Liberties Union; and

(xv) an academic expert in the provision of counsel to the indigent.

(c) On or before May 1, 2012, the Governor shall appoint a chair of the Task Force from its membership.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation for serving 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:

(1) study the adequacy and cost of State laws and policies relating to representation of indigent criminal defendants by the Office of the Public Defender; and

(2) consider and make recommendations regarding options for and cost of improving the system of representation of indigent criminal defendants.

(g) (1) On or before November 1, 2012, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Judicial Proceedings Committee and the House Judiciary Committee.

(2) On or before November 1, 2013, the Task Force 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 Judicial Proceedings Committee and the House Judiciary Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2012.".

AMENDMENT NO. 9

On page 2, in line 26, strike "2" and substitute "5"; in line 29, strike ", and" and substitute "and, except as provided in Section 4 of this Act,"; and in line 30, after the period insert "Section 3 of this Act shall remain effective until June 1, 2014, and, at

the end of May 31, 2014, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.".

The preceding 9 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #6

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

Senate Bill 297 – Senator Kelley

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

SB0297/757379/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 297
(First Reading File Bill)

On page 3, in line 14, strike "**A**" and substitute "**AN APPROVED**".

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 507 – Senators Kelley, Glassman, Kittleman, Klausmeier, and Pipkin

AN ACT concerning

Financial Institutions – Interest Payable on Escrow Accounts and Specific Purpose Savings Accounts

SB0507/727672/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 507
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Pipkin" and substitute "Pipkin, Middleton, Astle, Garagiola, Mathias, Muse, 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 545 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Money Transmitters – Licensing Requirements and Participation in Nationwide Licensing System

SB0545/607976/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 545
(First Reading File Bill)

On page 3, in line 27, strike "office" and substitute "**LOCATION**".

On page 4, in line 4, after "**(E)**" insert "**(1)**"; and after line 7, insert:

"**(2) "BRANCH LOCATION" DOES NOT INCLUDE AN AUTHORIZED DELEGATE.**".

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 546 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

SB0546/817378/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 546
(First Reading File Bill)

On page 5, in line 27, after "**ORIGINATORS**" insert "**, EXCEPT FOR A MORTGAGE LOAN ORIGINATOR WHO IS EMPLOYED DIRECTLY BY THE EXEMPT MORTGAGE LENDER OR BY AN AFFILIATE OF THE EXEMPT MORTGAGE LENDER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 71 – Senator Kelley

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

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

Senator Getty moved, duly seconded, to make the Bill a Special Order for February 29, 2012.

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 23, 2012

Arts Council, Maryland State

1. Carol Trawick — District 16
6600 Elgin Lane
Bethesda, MD 20817

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2011

Health Care Commission, Maryland

2. Kathryn L. Montgomery, Ph.D. — District 30
3915 Bayside Drive
Edgewater, MD 21037

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

Judicial Disabilities, Commission on

3. Mayda Colon Tsaknis, Esq. — District 3
4302 Bill Moxley Road
Mt. Airy, MD 21771

Member of the Commission on Judicial Disabilities; appointed to serve a term of four years from January 1, 2011

Lottery Agency, State

4. E. Randolph Marriner District 9
401 Jennings Chapel Road
Brookeville, MD 20833

Member of the State Lottery Agency; appointed to serve remainder of a term of four years from January 9, 2009

Marine Contractors Licensing Board

5. Robert P. Gaudette District 36
105 Gloucester Road
Queenstown, MD 21658

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

6. Milton A. Rehbein, III District 7
1426 Burke Road
Middle River, MD 21220

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

7. Joshua W. Schleupner District 37
24620 Porter Mill Road
Hebron, MD 21830

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

8. Douglas F. Suess District 7
18 Overshot Court
Jacksonville, MD 21131

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

Maryland Legal Services Corporation Board of Directors

9. Franklin D. Chambers, Jr., Ph.D. District 23
12627 Quaking Branch Court
Bowie, MD 20720

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2010

Master Electricians, State Board of

10. Todd M. Borz District 43
6 W. Highfield Road
Baltimore, MD 21218

Member of the State Board of Master Electricians; appointed to serve a term of three years from July 1, 2009

Morgan State University Board of Regents

11. Elijah E. Cummings District 99

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2011

12. Penelope J. Taylor District 11
2506 Creekstone Court
Baltimore, MD 21209

Member of the Morgan State University Board of Regents; appointed to serve a term of six years from July 1, 2011

Morticians and Funeral Directors, State Board of

13. Victor C. March, Sr. District 42
708 Milldam Road
Towson, MD 21286

Member of the State Board of Morticians and Funeral Directors; appointed to serve a term of four years from July 1, 2011

14. Vernon L. Strayhorn, Sr. District 32
110 Bunker Hill Lane
Odenton, MD 21113

Member of the State Board of Morticians and Funeral Directors; appointed to serve remainder of a term of four years from July 1, 2010

Professional Engineers, State Board for

15. Steven A. Arndt District 14
24418 Galeano Way
Damascus, MD 20872

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2011

Professional Standards and Teacher Education Board

16. Alyssia J. James, Ed.D. District 22
9105 Wellington Place
Lanham, MD 20706

Member of the Professional Standards and Teacher Education Board; appointed to serve remainder of a term of three years from July 1, 2009

17. Barbara Martin Palmer, Ph.D. District 4
2823 Wildwood Court
Walkersville, MD 21793

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2011

Racing Commission, State

18. Bruce F. Quade District 38
1445 Ocean Parkway
Ocean Pines, MD 21811

Member of the State Racing Commission; appointed to serve remainder of a term of four years from July 1, 2007 and a term of four years from July 1, 2011

Real Estate Appraisers and Home Inspectors, State Commission of

19. Denise M. Herndon District 30
3816 Pine Drive, Ponder Cover
Edgewater, MD 21037

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2011

Retirement and Pension Systems, Board of Trustees for the Maryland State

20. Robert R. Hagans, Jr. District 23
2003 Shadowrock Lane
Mitchellville, MD 20721

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; appointed to serve a term of four years from August 1, 2011

Rural Legacy Board, Advisory Committee to the

21. John P. Jastrzembski District 1
780 Bishop Walsh Road
Cumberland, MD 21502

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2010

22. Ann Holmes Jones District 9
2921 Greenway Drive
Ellicott City, MD 21042

Member of the Advisory Committee to the Rural Legacy Board; appointed to serve a term of three years from July 1, 2011

Social Work Examiners, State Board of

23. Peggy A. Barnes, MSW, LCSW–C District 11
6614 Deancroft Road
Pikesville, MD 21209

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

24. Judith M. Levy District 42
6939 Copperbend Lane
Baltimore, MD 21209

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2011

25. Loretta Y. Wall District 12
11073 Swansfield Road
Columbia, MD 21044

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2011

St. Mary's College of Maryland, Board of Trustees

26. Timothy M. Broas, Esq. District 18
28 Grafton Street
Chevy Chase, MD 20815

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2009

27. Donald R. Bryan District 13
6412 Enchanted Solitude Place
Columbia, MD 21044

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2009

28. Timothy L. Heely District 29
21652 Joe Hazel Road
Leonardtown, MD 20650

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

29. Glen Richard Ives District 29
23785 Kingston Creek Road
California, MD 20619

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve a term of six years from June 1, 2011

Workers' Compensation Commission, State

30. Delia Turano Schadt, Esq. District 42
2 Kengate Court
Baltimore, MD 21212

Member of the State Workers' Compensation Commission; appointed to serve remainder of a term of twelve years from August 1, 2005

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.

Potomac River Fisheries Commission

S–1. Dennis C. Fleming District 29
40344 Morgan Brothers Road
Mechanicsville, MD 20659

Member of the Potomac River Fisheries Commission; reappointed to serve a term of four years from January 1, 2011

Retirement and Pension Systems, Board of Trustees for the Maryland State

S–2. Harold Zirkin District 16
6419 Shadow Road
Chevy Chase, MD 20815

Member of the Board of Trustees for the Maryland State Retirement and Pension Systems; reappointed to serve a term of four years from July 1, 2011

S–3. Thurman W. Zollicoffer, Jr., Esq. District 43
407 Croydon Road
Baltimore, MD 21212

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, 2011

Rural Legacy Board, Advisory Committee to the

S–4. James C. Ashby District 1
1236 E. State Street
Oakland, MD 21550

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2011

S–5. Gary W. Mackes District 37
6444 Freedom Way
Salisbury, MD 21801

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

S–6. Frederick L. Tutman District 23
18600 Queen Anne Road
Upper Marlboro, MD 20774

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

S–7. Randall P. Worthington, Sr. District 34
217 Prescott Court
Havre de Grace, MD 21078

Member of the Advisory Committee to the Rural Legacy Board; reappointed to serve a term of three years from July 1, 2010

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. Rosemary Gillett–Karam, Ph.D. District 43
214 Upper Road
Baltimore, MD 21212

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2007

L–2. Jay Hutchins District 19
10401 Edgewood Avenue
Silver Spring, MD 20901

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2010

L–3. Shalini Malaki District 42
1806 Rambling Ridge Lane #202
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from July 1, 2011

L–4. Pamela Paulk District 46
2901 Boston Street #502
Baltimore, MD 21224

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2011

L–5. Craig A. Thompson, Esq. District 9
2137 Grant Farm Court
Marriottsville, MD 21104

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2008

L–6. Maria Harris Tildon District 41
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of six years from July 1, 2006

Baltimore City Orphans' Court

L–7. Michele E. Loewenthal, Esq. District 41
6205 Green Meadow Way
Baltimore, MD 21209

Member of the Baltimore City Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2010

Carroll Community College Board of Trustees

L–8. Barbara Charnock District 9
5866 Mineral Hill Road
Sykesville, MD 21784

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–9. Donald E. Lippy District 5
421 Lees Mill Road
Hampstead, MD 21074

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

Howard Community College Board of Trustees

L–10. Dennis R. Schrader District 13
9433 Sunfall Court
Columbia, MD 21046–2057

Member of the Howard Community College Board of Trustees; appointed to serve a term of six years from July 1, 2011

Prince George's Community College Board of Trustees

L–11. Elizabeth G. Proctor District 27
14202 Cold Harbour Drive
Accokeek, MD 20607

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2011

Washington County Board of License Commissioners

L–12. William F. Dunham, Jr., Esq. District 2
1149 Beechwood Drive
Hagerstown, MD 21742

Member of the Washington County Board of License Commissioners; reappointed to serve a term of six years from June 1, 2011

Wor–Wic Community College Board of Trustees

L–13. Russell W. Blake District 38
7 Winter Quarters Drive
Pocomoke, MD 21851

Member of the Wor–Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2011

L–14. Duane Gary Boggs District 38
30521 East Rustic 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, 2011

L–15. Martin T. Neat District 38
1113 Riverside Drive
Salisbury, MD 21801

Member of the Wor–Wic Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2010

Worcester County Bingo Board

L–16. Douglas L. Fisher District 38
100 East Federal Street
Snow Hill, MD 21863

Member of the Worcester County Bingo Board; appointed to serve remainder of a term of six years from June 1, 2007

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

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

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 292)

QUORUM CALL

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

(See Roll Call No. 293)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 10 – Senators Colburn ~~and Mathias~~, Mathias, and Pipkin

EMERGENCY BILL

AN ACT concerning

Slot Machines for Nonprofit Organizations on the Eastern Shore – Uses of Proceeds

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

Affirmative – 46 Negative – 0 (See Roll Call No. 294)

The Bill was then sent to the House of Delegates.

Senate Bill 145 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Real Estate Commission – Continuing Education – Documentation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 295)

The Bill was then sent to the House of Delegates.

Senate Bill 243 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senators Conway, Ferguson, Gladden, McFadden, and Pugh

AN ACT concerning

Baltimore City – Hotel Room Tax – Convention Center Promotion

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

Affirmative – 46 Negative – 1 (See Roll Call No. 296)

The Bill was then sent to the House of Delegates.

Senate Bill 246 – Senator Conway

AN ACT concerning

Secondhand Precious Metal Object Dealers – Securing and Tagging Items – Requirements

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 251 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Maryland School for the Deaf Exemption

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

Affirmative – 47 Negative – 0 (See Roll Call No. 298)

The Bill was then sent to the House of Delegates.

Senate Bill 266 – Senators Brinkley and Young

AN ACT concerning

Frederick County and Washington County – Property Tax Credit – Job Creation by Small Businesses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 299)

The Bill was then sent to the House of Delegates.

Senate Bill 292 – Senators Garagiola, Astle, Benson, Brinkley, Colburn, DeGrange, Dyson, Ferguson, Forehand, Frosh, Glassman, Jacobs, Jennings, Kasemeyer, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, Middleton, Miller, Muse, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Rosapepe, Simonaire, Stone, Young, and Zirkin

AN ACT concerning

Education – Veterans of the Afghanistan and Iraq Conflicts Scholarship – Extension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 300)

The Bill was then sent to the House of Delegates.

Senate Bill 357 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Medical Board Participation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 301)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 119 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

State Personnel and Pensions – Optional Retirement Program – Maryland Higher Education Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 302)

The Bill was then sent to the House of Delegates.

Senate Bill 173 – Senators Klausmeier, Benson, Montgomery, and Young

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

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

Affirmative – 47 Negative – 0 (See Roll Call No. 303)

The Bill was then sent to the House of Delegates.

Senate Bill 208 – Senators Pinsky, Brochin, Forehand, Montgomery, and Raskin

AN ACT concerning

Environment – Recycling – Apartment Buildings and Condominiums

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

Affirmative – 35 Negative – 12 (See Roll Call No. 304)

The Bill was then sent to the House of Delegates.

Senate Bill 250 – Senator Jones–Rodwell (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 305)

The Bill was then sent to the House of Delegates.

Senate Bill 259 – Harford County Senators

AN ACT concerning

Harford County – Harford Community College – Authority to Incur Debt

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

Affirmative – 47 Negative – 0 (See Roll Call No. 306)

The Bill was then sent to the House of Delegates.

Senate Bill 262 – Senator Montgomery

AN ACT concerning

Health Occupations – Psychologists – Penalties for Misrepresentation and Practicing Without a License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 307)

The Bill was then sent to the House of Delegates.

Senate Bill 300 – Senators Young and Brinkley

AN ACT concerning

Frederick County – Public Facilities Bonds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 308)

The Bill was then sent to the House of Delegates.

Senate Bill 660 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Education – Selection of Student Member

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

Affirmative – 47 Negative – 0 (See Roll Call No. 309)

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 422 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Office of the Public Defender – Representation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (9) AND THE FAVORABLE REPORT.

SB0422/248273/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 422

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh and Colburn"; in line 2, strike beginning with "Office" through "Representation" and substitute "Criminal Defendants – Citations and Appearances"; in line 3, before "repealing" insert "prohibiting a District Court commissioner from issuing an arrest warrant based solely on an application for statement of charges filed by a person other than a peace officer or State's Attorney except under certain circumstances; requiring a police officer to issue a citation for certain offenses under certain circumstances; establishing that a police officer may issue a citation to a defendant only under certain circumstances; prohibiting a certain statement made by a defendant during the course of an initial appearance before a District Court commissioner from being used as evidence against the defendant in a criminal proceeding;"; in line 6, after "proceedings;" insert "requiring the Office of the Public Defender to provide representation to an indigent individual at a bail hearing before a District Court or circuit court judge;"; in line 9, after "commissioner;" insert "establishing that a defendant who is denied pretrial release by a District Court commissioner or who remains in custody after a District Court commissioner has determined conditions of release under certain circumstances must be presented to the District Court within a certain time period after the determination; establishing a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of a certain provision of this Act;"; in the same line, after "measure;" insert "providing for the effective date of a certain provision of this Act;"; after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–607
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to

Article – Courts and Judicial Proceedings
Section 10–922
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, before "16–204" insert "4–101 and"; and after line 15, insert:

"BY adding to
Article – Criminal Procedure
Section 5–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, before line 16, insert:

"Preamble

WHEREAS, The recent court decision in DeWolfe v. Richmond established the right of indigent defendants to counsel at bail proceedings in the State; and

WHEREAS, In 2011, over 170,000 people appeared before a District Court commissioner in the State where their liberty was subject to restriction and over 70,000 of them were granted release on personal recognizance without the benefit of the presence of counsel; and

WHEREAS, A defendant who is not represented at a bail proceeding must speak to secure his freedom and thereby risk self–incrimination and prejudice to rights; and

WHEREAS, Many defendants cannot afford bail set at even a low amount of $100 and some wait in jail for weeks before a court appearance for misdemeanor crimes; and

WHEREAS, Unnecessary pretrial detention has a severely disproportionate racial impact and major social costs; and

WHEREAS, Implementation of the changes called for by the DeWolfe decision will be extremely costly at a time when the State is already struggling with revenue shortfalls; and

WHEREAS, Alternatives to the incarceration of indigent individuals can reduce expenses to the State and local government without sacrificing public safety; and

WHEREAS, Altering the charging process for some misdemeanor crimes will improve the current administration of justice while also preserving the rights of indigent defendants, now, therefore,".

AMENDMENT NO. 3

On page 1, after line 17, insert:

"Article – Courts and Judicial Proceedings

2–607.

(a) (1) The administrative judge of each district, with the approval of the Chief Judge of the District Court, may appoint the number of commissioners necessary to perform the functions of the office within each county.

(2) In multicounty districts, the administrative judge shall obtain the recommendation of the resident judge in each county as to the number of commissioners required in the county and as to the persons to be appointed.

(b) (1) Commissioners shall be adult residents of the counties in which they serve, but they need not be lawyers.

(2) Each commissioner shall hold office at the pleasure of the Chief Judge of the District Court, and has the powers and duties prescribed by law.

(3) Except without additional compensation, unless otherwise fixed by law, an employee of the District Court, who is an adult, may be granted, in the same manner, commissioner powers and duties in the county where the employee is employed.

(c) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall receive applications and determine probable cause for the issuance of charging documents.

(2) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, A** commissioner shall advise arrested persons of their constitutional rights, set bond or commit persons to jail in default of bond or release them on personal recognizance if circumstances warrant, and conduct investigations and inquiries into the circumstances of any matter presented to the commissioner in order to determine if probable cause exists for the issuance of a charging document, warrant, or criminal summons and, in general, perform all the functions of committing magistrates as exercised by the justices of the peace prior to July 5, 1971.

(3) There shall be in each county, at all times, one or more commissioners available for the convenience of the public and police in obtaining charging documents, warrants, or criminal summonses and to advise arrested persons of their rights as required by law.

(4) A commissioner may exercise the powers of office in any county to which the commissioner is assigned by the Chief Judge of the District Court or a designee of the Chief Judge of the District Court.

(5) The Chief Judge of the District Court may authorize one or more commissioners to perform the duties of a commissioner regarding persons arrested in a county other than the county in which the commissioner resides and for which the commissioner was appointed when the arrested persons are brought before the commissioner by a peace officer of the jurisdiction in which that arrest was made.

(6) A COMMISSIONER MAY NOT ISSUE AN ARREST WARRANT BASED SOLELY ON AN APPLICATION FOR STATEMENT OF CHARGES FILED BY A PERSON OTHER THAN A PEACE OFFICER OR STATE'S ATTORNEY UNLESS:

(I) THE HEALTH, SAFETY, OR WELFARE OF A PERSON IS AT RISK; OR

(II) THE PERSON FILING THE APPLICATION FOR STATEMENT OF CHARGES HAS A POLICE REPORT OF THE INCIDENT.

(d) (1) The authority under this subsection applies only to a respondent who is an adult.

(2) A commissioner may issue an interim order for protection of a person eligible for relief in accordance with § 4–504.1 of the Family Law Article or a petitioner in accordance with § 3–1503.1 of this article.

(e) Notwithstanding the residence requirements set out in subsection (b) of this section, the Chief Judge of the District Court or a designee of the Chief Judge of the District Court may assign a commissioner of the District Court to serve temporarily in any county.".

AMENDMENT NO. 4

On page 1, before line 18, insert:

"**10–922.**

A STATEMENT MADE DURING THE COURSE OF AN INITIAL APPEARANCE OF A DEFENDANT BEFORE A DISTRICT COURT COMMISSIONER IN ACCORDANCE WITH MARYLAND RULE 4–213 MAY NOT BE USED AS EVIDENCE AGAINST THE DEFENDANT IN A CRIMINAL PROCEEDING.".

AMENDMENT NO. 5

On page 1, after line 18, insert:

"4–101.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Citation" means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) "Citation" does not include an indictment, information, or statement of charges.

(3) "Fire marshal" means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6–304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) "Police officer" has the meaning stated in § 2–101 of this article.

(b) Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer **[**may issue a**] SHALL CHARGE BY** citation for:

(i) **[**sale of an alcoholic beverage to an underage drinker or intoxicated person under Article 2B, § 12–108 of the Code;

(ii) malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than $500;

(iii) disturbing the peace or disorderly conduct under § 10–201 of the Criminal Law Article; or

(iv) misdemeanor theft under § 7–104(g)(2) or (3) of the Criminal Law Article**] ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION THAT DOES NOT CARRY A PENALTY OF IMPRISONMENT;**

(II) ANY MISDEMEANOR OR LOCAL ORDINANCE VIOLATION FOR WHICH THE MAXIMUM PENALTY OF IMPRISONMENT IS 90 DAYS OR LESS, EXCEPT:

1. FAILURE TO COMPLY WITH A PEACE ORDER UNDER § 3–1508 OF THE COURTS ARTICLE;

2. FAILURE TO COMPLY WITH A PROTECTIVE ORDER UNDER § 4–509 OF THE FAMILY LAW ARTICLE; OR

3. VIOLATION OF A CONDITION OF PRETRIAL OR POSTTRIAL RELEASE WHILE CHARGED WITH A SEXUAL CRIME AGAINST A MINOR UNDER § 5–213.1 OF THIS ARTICLE; OR

(III) POSSESSION OF MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW ARTICLE.

(2) A police officer may issue a citation to a defendant **ONLY** if**:**

(I) the officer is satisfied with the defendant's evidence of identity **[**and**];**

(II) THE OFFICER reasonably believes that the defendant will comply with the citation**;**

(III) THE OFFICER REASONABLY BELIEVES THAT THE FAILURE TO CHARGE ON A STATEMENT OF CHARGES WILL NOT POSE A THREAT TO PUBLIC SAFETY;

(IV) THE DEFENDANT IS NOT SUBJECT TO ARREST FOR ANOTHER CRIMINAL CHARGE ARISING OUT OF THE SAME INCIDENT; AND

(V) THE DEFENDANT COMPLIES WITH ALL LAWFUL ORDERS BY THE OFFICER.

(3) BEFORE CHARGING A DEFENDANT BY CITATION UNDER THIS SUBSECTION, AN OFFICER MAY:

(I) ARREST THE DEFENDANT;

(II) PERFORM A SEARCH INCIDENT TO ARREST;

(III) FINGERPRINT AND PHOTOGRAPH THE DEFENDANT;

(IV) CHECK FOR ACTIVE WARRANTS AGAINST THE DEFENDANT; AND

(V) PERFORM ROUTINE PROCEDURES TO DETERMINE THE IDENTITY OF THE DEFENDANT.

(d) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10–104 or § 10–110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10–104 or § 10–110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6–317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

(e) (1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1–205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16–16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the State Fire Marshal require.".

AMENDMENT NO. 6

On page 2, in line 19, strike "Representation" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, REPRESENTATION**"; in line 20, in each instance, strike the bracket; and in line 21, strike "**AT BAIL REVIEW**" and substitute "**BAIL HEARING BEFORE A DISTRICT COURT OR CIRCUIT COURT JUDGE**".

AMENDMENT NO. 7

On page 2, after line 25, insert:

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

Article – Criminal Procedure

5–215.

A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4–216 SHALL BE PRESENTED TO A DISTRICT COURT JUDGE WITHIN 48 HOURS OF THE DETERMINATION BY THE DISTRICT COURT COMMISSIONER.".

AMENDMENT NO. 8

On page 2, before line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate on or before May 1, 2012;

(2) two members of the House of Delegates, appointed by the Speaker of the House on or before May 1, 2012;

(3) the Governor, or the Governor's designee;

(4) the Public Defender of Maryland, or the Public Defender's designee;

(5) the Chief Judge of the District Court of Maryland, or the Chief Judge's designee;

(6) the Coordinator of Commissioner Activity of the District Court of Maryland, or the Coordinator's designee;

(7) the Superintendent of State Police, or the Superintendent's designee;

(8) the Attorney General of Maryland, or the Attorney General's designee;

(9) the Secretary of Public Safety and Correctional Services, or the Secretary's designee; and

(10) the following individuals, appointed by the Governor on or before May 1, 2012:

(i) a representative of the Maryland State's Attorneys' Association;

(ii) an attorney representing the plaintiffs in the DeWolfe v. Richmond litigation;

(iii) a representative of the Maryland Chiefs of Police Association, Inc.;

(iv) a representative of the Maryland Sheriffs' Association;

(v) a representative of the Maryland Correctional Administrators Association;

(vi) an advocate for the rights of victims of domestic violence;

(vii) a victims' rights advocate;

(viii) a representative of the Maryland Association of Counties;

(ix) a representative of the Pretrial Justice Institute;

(x) a representative of the Public Justice Center;

(xi) a representative of NAACP – Legal Defense;

(xiii) a representative of the National Association of Criminal Defense Lawyers;

(xiv) a representative of the American Civil Liberties Union; and

(xv) an academic expert in the provision of counsel to the indigent.

(c) On or before May 1, 2012, the Governor shall appoint a chair of the Task Force from its membership.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation for serving 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:

(1) study the adequacy and cost of State laws and policies relating to representation of indigent criminal defendants by the Office of the Public Defender; and

(2) consider and make recommendations regarding options for and cost of improving the system of representation of indigent criminal defendants.

(g) (1) On or before November 1, 2012, the Task Force shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the Senate Judicial Proceedings Committee and the House Judiciary Committee.

(2) On or before November 1, 2013, the Task Force 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 Judicial Proceedings Committee and the House Judiciary Committee.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2012.".

AMENDMENT NO. 9

On page 2, in line 26, strike "2" and substitute "5"; in line 29, strike ", and" and substitute "and, except as provided in Section 4 of this Act,"; and in line 30, after the period insert "Section 3 of this Act shall remain effective until June 1, 2014, and, at the end of May 31, 2014, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.".

The preceding 9 amendments were read and adopted.

FLOOR COMMITTEE AMENDMENTS

SB0422/748778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 422, AS AMENDED

AMENDMENT NO. 1

On page 11 of the Judicial Proceedings Committee Amendments (SB0422/248273/1), in Amendment No. 7, strike in their entirety lines 17 through 22, inclusive, and substitute:

"**(A) A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4–216 SHALL BE PRESENTED IMMEDIATELY TO A DISTRICT COURT JUDGE IF THE COURT IS THEN IN SESSION, OR IF NOT, AT THE NEXT SESSION OF THE COURT.**

(B) A DEFENDANT MAY NOT REMAIN IN CUSTODY MORE THAN 48 HOURS AFTER A DETERMINATION OF THE DISTRICT COURT COMMISSIONER WITHOUT BEING PRESENTED TO A DISTRICT COURT JUDGE.".

AMENDMENT NO. 2

On page 14 of the Judicial Proceedings Committee Amendments, in lines 1, 3, and 4 of Amendment No. 8, strike "(xiii)", "(xiv)", and "(xv)", respectively, and substitute "(xii)", "(xiii)", and "(xiv)", respectively.

The preceding 2 amendments were read only.

Senator Frosh moved, duly seconded, to make the Bill and Amendments (2) a Special Order for February 27, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 310)

ADJOURNMENT

At 12:53 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, February 27, 2012.

Annapolis, Maryland
Monday, February 27, 2012
8:00 P.M. Session

The Senate met at 8:01 P.M.

Prayer by Pastor George W. Raduano, Trinity Assembly of God, guest of Senator Brochin.

(See Exhibit A of Appendix III)

The Journal of February 24, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 312)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 407 – Senator David R. Brinkley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland School for the Deaf Football Team
in recognition of
winning its ninth consecutive National Championship.
Congratulations on an undefeated season!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 27th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 313)

Senate Resolution No. 336 – Senator James E. DeGrange, Sr.:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Old Mill High School Football Team
in recognition of
winning the 2011 Class 4A State Football 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 27th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 314)

Senate Resolution No. 335 – Senator Brian E. Frosh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Bethesda Chevy Chase High School Girls Soccer Team
in recognition of
winning its 4th consecutive 4A State 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 27th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 315)

Senate Resolution No. 334 – The President and All Members:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
University of Maryland College Park
in recognition of
"Terrapin Pride Day" and 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 27th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 316)

Senate Resolution No. 337 – Senator Christopher B. Shank:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
North Hagerstown High School Girls Volleyball Team
in recognition of
becoming the 2011–2012 Class 3A Maryland State Girls Volleyball Champions. 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 27th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 317)

INTRODUCTION OF BILLS

Senate Bill 1047 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Marlboro Meadows Senior Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to alter the purpose of a certain grant for Marlboro Meadows Senior Center; extending the deadline for the Board of Directors of the Marlboro Meadows Community Development Corporation to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to an amendment to 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(BJ)

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

Senate Bill 1048 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Dorchester County – Chesapeake Grove Senior Housing and Intergenerational 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 Delmarva Community Services, 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 1049 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Brooks Robinson Statue – Babe Ruth Birthplace Foundation

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Directors of the Babe Ruth 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 1050 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Port Discovery

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Directors of the Baltimore Children's Museum, Inc. to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by December 31, 2012; and generally relating to an amendment to 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(N) and Item ZA03(P)

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

Senate Bill 1051 – Senator Kasemeyer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Howard County – Symphony Woods Park

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Directors of the Columbia Association, Inc. to present a matching fund for the Symphony Woods Park project; providing that the grant may not terminate before a certain date; 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(AH) and Item ZA03(AM)

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

Senate Bill 1052 – Senator McFadden

AN ACT concerning

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

FOR the purpose of authorizing the creation of a State Debt in the amount of $500,000, the proceeds to be used as a grant to the Board of Directors of L.A.M.B., 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 1053 – Senator Klausmeier

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

FOR the purpose of repealing a certain contingency on certain provisions of law that authorize certain depository institutions and credit unions to conduct certain savings promotion raffles; altering the circumstances under which certain depository institutions may conduct certain savings promotion raffles; clarifying language; and generally relating to the conduct of savings promotion raffles by financial institutions.

BY repealing
Chapter 627 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, with amendments,
Chapter 627 of the Acts of the General Assembly of 2010
Section 3

BY repealing
Chapter 628 of the Acts of the General Assembly of 2010
Section 2

BY repealing and reenacting, with amendments,
Chapter 628 of the Acts of the General Assembly of 2010
Section 3

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–305(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 627 and 628 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–106(c)
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)
(As enacted by Chapters 627 and 628 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 1–211
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 627 and 628 of the Acts of the General Assembly of 2010)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 6–716
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 627 and 628 of the Acts of the General Assembly of 2010)

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

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 Finance:

Senate Bill 941 – Senators Klausmeier, Benson, Colburn, Forehand, Garagiola, Montgomery, and Stone

AN ACT concerning

Fiduciary Institutions – Protection of Elder Adults from Financial Abuse – Reporting 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 Finance:

Senate Bill 954 – Senator Middleton

AN ACT concerning

Medical Records – HIPAA Consistency Act of 2012

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 960 – Senator Pugh

AN ACT concerning

Insurance – Unfair Claim Settlement Practices – Refusal to Pay a Claim

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 964 – Senator Reilly

AN ACT concerning

Unauthorized Signs on Highway Rights–of–Way – Exceptions

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 966 – Senator Gladden

AN ACT concerning

Civil Rights – Employment Discrimination – Employment Status

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 974 – Senators Pugh, Jones–Rodwell, McFadden, and Muse

AN ACT concerning

Electric Companies and Electric Cooperatives – Standard Offer Service – Service Rights Auctions

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 975 – Senator Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – Zoo 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 Budget and Taxation:

Senate Bill 976 – Senators Middleton, Astle, Brinkley, Colburn, Dyson, Edwards, Garagiola, Getty, Glassman, Jennings, Klausmeier, Manno, Mathias, Miller, Pipkin, and Zirkin

AN ACT concerning

Income Tax – Subtraction Modification – Enhanced Agricultural Management Equipment

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 978 – Senator Jones–Rodwell

AN ACT concerning

Maryland Workforce and Career Pathways Act of 2012

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 979 – Senator Jones–Rodwell

AN ACT concerning

Maryland Transit Administration – Audio and Video Recording Devices on Vehicles Used for Transit Service

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 982 – Senator Benson

AN ACT concerning

Election Law – Petition Fund Reports – Available Online

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 984 – Senator Conway

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting 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 986 – Senator Gladden

AN ACT concerning

Public Safety – Eyewitness Identification – Procedures

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

AN ACT concerning

Baltimore County – Cooperative or Joint Administration of Programs

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 990 – Senator Mathias

AN ACT concerning

Ocean City Convention Center – Financial Obligations and Taxing Authority

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 994 – Senator Brinkley

AN ACT concerning

Environment – Temporary Dewatering Devices and Well Drilling – Notification to Municipalities

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 995 – Senators Brinkley, Raskin, Colburn, Currie, Forehand, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Kittleman, Madaleno, Mathias, Montgomery, Peters, Pinsky, Pugh, Robey, Rosapepe, and Zirkin

EMERGENCY BILL

AN ACT concerning

Medical Marijuana Oversight Commission

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 997 – Senator Garagiola

AN ACT concerning

Public Utilities – Electric Vehicle Users and Charging Stations – Exclusions

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 998 – Senator Garagiola

AN ACT concerning

Motor Vehicle Administration – Plug–In Vehicles – Disclosure of Personal Information

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 999 – Senator Muse

AN ACT concerning

Labor and Employment – Abusive Work Environments – Employee Remedies

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 1000 – Senator Muse

AN ACT concerning

Horse Racing – State Racing Commission – Membership

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 1001 – Senator Muse

AN ACT concerning

State Personnel – Grievances – Inclusion of Disputes about Counseling Memoranda

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 1002 – Senator Manno

AN ACT concerning

Income Tax – Subtraction Modification – Noneconomic Damages

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 1003 – Senator Middleton

AN ACT concerning

Life and Health Insurance Guaranty Corporation Act – 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 Finance:

Senate Bill 1004 – Senator Middleton

AN ACT concerning

Renewable Energy Portfolio Standard – Renewable Energy Credits – Qualifying Thermal Biomass 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 1005 – Senator Pugh

AN ACT concerning

Labor and Employment – Determination of Independent Contractor Status – Workplace Fraud Act and Unemployment Insurance

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 1006 – Senator Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Fund Producers – Commissions

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 1011 – Senator Jennings

AN ACT concerning

Election Law – Declaration of Intent – Establishment of Campaign Finance Entity

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 1013 – Senator Pugh

AN ACT concerning

Condominiums and Homeowners Associations – Payments Under Protest

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 1014 – Senator Pugh

AN ACT concerning

Real Property – Homeowners Associations – Election of Governing Body

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 1015 – Senator Pugh

AN ACT concerning

Residential Property – Condominium Unit Owners or Lot Owners – Provision of Disclosure Documents

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 1016 – Senators Conway, Ferguson, Gladden, Jones–Rodwell, McFadden, and Pugh

AN ACT concerning

Baltimore City – Vehicle Laws – Parking Restrictions

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 1017 – Senator Dyson

AN ACT concerning

Environment – Cadmium in Children's Jewelry – Prohibition

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 1018 – Senator Kasemeyer

AN ACT concerning

Alcoholic Beverages – Rectifiers – Tours, Samples, and 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 Finance:

Senate Bill 1019 – Senator Pugh

AN ACT concerning

Developmental Disabilities Administration – Disparity Study – Funding to Nonprofit Organizations

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 1020 – Senator Manno

AN ACT concerning

Vehicle Laws – Death of Vehicle Owner – Certificate of Title Fee

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 1033 – Senator Jennings

AN ACT concerning

Election Law – Campaign Finance – Requirements

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 1036 – Chair, Budget and Taxation Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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 – 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.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 6 – Delegates Howard and Cardin

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 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 1–101(aa)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 8 – Delegate Washington

AN ACT concerning

Crimes – Electronic Communication – Harassment

FOR the purpose of altering the prohibition against using electronic mail with the intent to harass to prohibit ~~engaging in electronic communication with the~~

~~intent to harass~~ maliciously engaging in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another under certain circumstances; altering a certain definition; ~~establishing penalties for a second or subsequent violation of this Act;~~ and generally relating to prohibitions of harassment.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–805
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

House Bill 53 – Delegates Luedtke, Cullison, Frick, Hixson, Howard, Kaiser, A. Kelly, A. Miller, Mizeur, Reznik, Ross, Summers, and Zucker

AN ACT concerning

Higher Education – Community Colleges – Tuition Waiver for Disabled Individuals

FOR the purpose of altering a certain requirement for obtaining an exemption from the payment of tuition at community colleges for certain disabled individuals who are enrolled in classes for certain continuing education instruction; and generally relating to tuition waivers for disabled individuals at community colleges.

BY repealing and reenacting, with amendments,
Article – Education
Section 16–106(c)
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 74 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Occupational and Professional Licensing Design Boards – Sunset Provisions and Program Evaluation

FOR the purpose of continuing the State Board of Certified Interior Designers in accordance with the provisions of the Maryland Program Evaluation Act (sunset

law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board and the statutes and regulations that relate to the Board be performed on or before a certain date; repealing certain termination provisions relating to the Occupational and Professional Licensing Design Boards' Fund and the authority of certain occupational and professional licensing design boards to set fees; and generally relating to the occupational and professional licensing design boards.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 8–602
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(32)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Chapter 227 of the Acts of the General Assembly of 2003, as amended by Chapter 273 of the Acts of the General Assembly of 2008
Section 8

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

House Bill 94 – Delegates Haddaway–Riccio, Afzali, Anderson, Arora, Aumann, Barkley, Barnes, Barve, Beitzel, Branch, Bromwell, Cane, Clippinger, Conway, Donoghue, Dumais, Eckardt, Elliott, Feldman, Frank, Frush, Gaines, George, Gilchrist, Glass, Glenn, Hershey, Hogan, Hubbard, Impallaria, Jacobs, Jameson, Kach, Kaiser, A. Kelly, K. Kelly, Kipke, Krebs, Lafferty, McDermott, McDonough, McHale, McIntosh, McMillan, W. Miller, Murphy, Myers, O'Donnell, Olszewski, Otto, S. Robinson, Rudolph, Schulz, Smigiel, Sophocleus, Stifler, Stocksdale, Vitale, Waldstreicher, Washington, ~~and Wood~~ Wood, Costa, McComas, James, F. Turner, A. Miller, and Summers

AN ACT concerning

Vehicle Laws – Special and Commemorative Registration Plates

FOR the purpose of repealing the authority of the Motor Vehicle Administration to issue certain commemorative registration plates and making certain conforming changes; requiring rather than authorizing the Administration to issue a special Chesapeake Bay Commemorative Registration Plate; requiring the Administration to disburse certain fees to the Chesapeake Bay Trust; requiring the Administration to consult with the Chesapeake Bay Trust on certain matters; repealing the termination provision for the Chesapeake Bay Commemorative Plate Program; repealing the termination provision for the special registration plate honoring State agriculture; making certain stylistic and technical changes; and generally relating to special and commemorative registration plates for motor vehicles.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 13–618
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–619.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Chapter 3 of the Acts of the General Assembly of the First Special Session of 1992, as amended by Chapter 91 of the Acts of the General Assembly of 1994, Chapter 356 of the Acts of the General Assembly of 1996, Chapter 141 of the Acts of the General Assembly of 1998, Chapter 340 of the Acts of the General Assembly of 2000, Chapter 34 of the Acts of the General Assembly of 2002, Chapter 398 of the Acts of the General Assembly of 2003, and Chapters 135 and 136 of the Acts of the General Assembly of 2007
Section 3

BY repealing and reenacting, with amendments,
Chapter 251 of the Acts of the General Assembly of 2000, as amended by Chapter 398 of the Acts of the General Assembly of 2003 and Chapters 135 and 136 of the Acts of the General Assembly of 2007
Section 3

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

House Bill 104 – Delegates Malone and Kach

AN ACT concerning

Motor Vehicles – Use of Wireless Communication Device – Prohibited Acts, Enforcement, and Penalties

FOR the purpose of repealing certain provisions of law that require enforcement as a secondary offense of certain violations involving the use of a wireless communication device while operating a motor vehicle; repealing certain provisions of law that apply certain prohibitions involving the use of a wireless communication device to certain operators of certain motor vehicles only if the motor vehicle is in motion; providing that certain prohibitions against the use of a wireless communication device while operating a motor vehicle apply only if the vehicle is in the travel portion of the roadway; altering the penalty imposed for a violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle; repealing a certain provision of law prohibiting, under certain circumstances, a certain assessment of points for a first violation of a certain prohibition on the use of a handheld telephone while operating a motor vehicle; making a certain technical correction; and generally relating to the use of wireless communication devices while operating a motor vehicle.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1124 and 21–1124.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 27–101(a) and (b)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 109 – Delegate Vitale

AN ACT concerning

Public Safety – Elevator Safety Review Board – Membership

FOR the purpose of altering the membership of the Elevator Safety Review Board to add a member representing the elevator interior renovation industry or who is a licensed contractor other than an elevator contractor; and generally relating to the membership of the Elevator Safety Review Board.

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 12–820(a)
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

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

House Bill 143 – Delegate Beitzel

AN ACT concerning

Garrett County – Salary Study Commission – Membership

FOR the purpose of altering the membership of the Salary Study Commission in Garrett County to substitute a member of the League of Women Voters of Garrett County with a member of the Garrett County Mayors Association; and generally relating to membership on the Garrett County Salary Study Commission.

BY repealing and reenacting, without amendments,
The Public Local Laws of Garrett County
Section 32.40
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2010 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.41
Article 12 – Public Local Laws of Maryland
(2005 Edition and November 2010 Supplement, as amended)

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

House Bill 159 – Delegates Afzali, Barkley, Clagett, Elliott, Feldman, Gaines, Glass, Hershey, Hogan, Ivey, Jacobs, A. Kelly, Krebs, Luedtke, McComas, McDermott, McHale, A. Miller, Myers, Niemann, Otto, Parrott, Ready, Ross, Schulz, Sophocleus, Walker, and Wilson

AN ACT concerning

Agriculture – Maryland Standard of Identity for Honey

FOR the purpose of establishing a Maryland standard of identity for honey; requiring the standard to be applied to certain products; authorizing the designation of certain products as honey; requiring certain products to be distinguished from pure honey under certain circumstances; authorizing certain naming and

labeling requirements for honey; requiring that the country of origin be declared on the label for a certain honey designation; requiring that certain styles of honey be declared on the label; ~~authorizing a person that has suffered certain damages to bring a certain action to recover damages in a certain court~~ authorizing certain persons to file an action to enforce this Act in a certain court; authorizing the court to order certain relief under certain circumstances; clarifying that, notwithstanding certain provisions of law, the Department of Agriculture is not required to enforce the requirements of this Act; defining certain terms; and generally relating to establishing a standard of identity for honey in Maryland.

BY adding to
Article – Agriculture
Section 10–1901 through 10–1907 to be under the new subtitle "Subtitle 19. Standard of Identity for Honey"
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 173 – Delegates Cardin and George

AN ACT concerning

Election Law – Voter Registration Agencies – Electronic Signatures

FOR the purpose of authorizing an applicant registering to vote at a voter registration agency to consent to the use of an electronic copy of the applicant's signature that is on file with the voter registration agency as the applicant's signature for the application being submitted; requiring a voter registration agency to transmit an electronic copy of the signature of certain applicants for voter registration to the State Board within a certain period of time; and generally relating to the use of electronic signatures for voter registration at voter registration agencies.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–204
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 186 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

EMERGENCY BILL

AN ACT concerning

Department of the Environment – Permit Proceedings – Judicial Review

FOR the purpose of clarifying the right of parties to appeal to the Court of Special Appeals a decision by a circuit court regarding certain final permit determinations by the Department of the Environment; providing for the application of this Act; making this Act an emergency measure; and generally relating to judicial review of certain final permit determinations by the Department of the Environment.

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–601 and 5–204(i)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 190 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Noise Control

FOR the purpose of altering certain findings by the General Assembly; requiring the Department of the Environment to revise certain noise standards and sound level limits under certain circumstances; repealing requirements that the Department develop a certain plan, coordinate certain programs, and keep certain records; repealing a requirement that State agencies consult with the Department under certain circumstances; authorizing certain political subdivisions, instead of the Department, to make certain determinations; repealing certain requirements for political subdivisions related to noise control and sound level limits; repealing the Environmental Noise Advisory Council in the Department; repealing the Interagency Noise Control Committee; requiring certain political subdivisions to make certain considerations in adopting certain noise standards, sound level limits, and noise control rules; repealing a requirement that the Department adopt certain regulations jointly with the Department of Transportation; repealing requirements for the adoption and enforcement of noise standards, sound level limits, or noise control rules and regulations by the Department or other units; repealing the Department's authority to enforce certain sound level limits and noise control rules and

regulations; authorizing a political subdivision to enforce certain sound level limits and noise control rules and regulations; repealing certain provisions authorizing the Secretary of the Environment to delegate certain enforcement in Harford County under certain circumstances; repealing requirements that the Department use certain facilities and services under certain circumstances; repealing the Department's authority to assist in certain noise control efforts; authorizing certain political subdivisions to make a certain investigation, survey, test, or assessment under certain circumstances; altering the boundaries for certain sound level limits; authorizing a political subdivision, instead of the Department, to take certain enforcement actions under certain circumstances; altering certain penalty provisions; altering a certain definition; and generally relating to the adoption and enforcement of noise control standards.

BY repealing and reenacting, with amendments,
Article – Environment
Section 3–101 through 3–103, 3–105, 3–401, 3–403 through 3–407, and 3–501
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 3–104, 3–408, 3–502, and 3–503
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing
Article – Environment
Section 3–201 through 3–205 and the subtitle "Subtitle 2. Environmental Noise Advisory Council", 3–301 through 3–304 and the subtitle "Subtitle 3. Interagency Noise Control Committee", 3–402, and 3–504 through 3–506
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 197 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Department of Public Safety and Correctional Services – Representation on Boards, Commissions, and Councils

FOR the purpose of altering the membership representing the Department of Public Safety and Correctional Services on the Correctional Training Commission, the

Sexual Offender Advisory Board, and the State Alcohol and Drug Abuse Council; and generally relating to representation of the Department of Public Safety and Correctional Services on boards, commissions, and councils.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 8–203
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8–204(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–401(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–401(b)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–2801
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2802(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 198 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Delegation of the Secretary's Authority

FOR the purpose of authorizing the Deputy Secretary of Public Safety and Correctional Services to exercise certain authority with the approval of the Secretary of Public Safety and Correctional Services; prohibiting the Deputy Secretary from exercising certain authority; and generally relating to the Secretary's authority.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 2–113
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 251 – Delegates McDermott and Conway

AN ACT concerning

Town of Ocean City – Criminal History Records Check – Taxi Driver Applicants

FOR the purpose of authorizing the Ocean City Police Department to request State and national criminal history records checks for taxi driver applicants in Ocean City from the Criminal Justice Information System Central Repository; requiring the Police Department to submit sets of fingerprints of taxi driver applicants and pay certain fees to the Central Repository as part of the application for a records check; requiring the Central Repository to forward certain information to certain persons; specifying that certain information be confidential, not be redisseminated, and be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain statement in a certain manner; and generally relating to criminal history records checks for taxi driver applicants in Ocean City.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 10–231
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 10–234.1 to be under the amended part "Part IV. Criminal History Records Check Requests – Counties and Municipalities"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 264 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

State Council on Child Abuse and Neglect – Transfer to Department of Human Resources

FOR the purpose of transferring the State Council on Child Abuse and Neglect from the Office for Children, Youth, and Families to the Department of Human Resources; repealing a provision relating to the term of a member of the Governor's Council on Child Abuse and Neglect on a certain date; repealing certain committees of the State Council; transferring the authority to impose a certain civil penalty for a certain violation from the Special Secretary of Children, Youth, and Families to the Secretary of Human Resources; and generally relating to the State Council on Child Abuse and Neglect.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–7A–01, 5–7A–02, 5–7A–05, and 5–7A–07
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

House Bill 284 – Chair, Ways and Means Committee (By Request – Departmental – Education)

AN ACT concerning

Education – Children in Out–of–County Living Arrangements – Payments for Children with Disabilities

FOR the purpose of altering a certain provision relating to funding the education of certain disabled children placed in out–of–county living arrangements; defining certain terms; and generally relating to education funding for disabled children in out–of–county living arrangements.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–122(a) and (c)
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 341 – Chair, Economic Matters Committee

AN ACT concerning

State Commission of Real Estate Appraisers and Home Inspectors – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Commission of Real Estate Appraisers and Home Inspectors 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 Commission; requiring that an evaluation of the Commission be performed on or before a certain date; requiring the Commission to submit ~~a certain report~~ certain reports to certain committees of the General Assembly on or before ~~a certain date~~ certain dates; repealing a requirement for the Commission to submit a certain report to certain committees of the General Assembly on or before a certain date; renaming the Commission; making conforming changes; and generally relating to the State Commission of Real Estate Appraisers and Home Inspectors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 16–101(g) to be under the amended title "Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors"; 16–201 and 16–217(c)(2) to be under the amended subtitle "Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors"; and 16–801 and 16–802
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 2–106.7(a) and (b)(1), 2–106.8(a), and 2–108(a)(25)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government

Section 8–403(b)(59)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Chapter 470 of the Acts of the General Assembly of 2001
Section 3

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

House Bill 524 – Delegates Parrott, Donoghue, Hough, Myers, and Serafini

AN ACT concerning

Washington County – Sheriffs and Deputy Sheriffs – Practice of Law

FOR the purpose of allowing an individual employed as a sheriff or deputy sheriff in Washington County who has been admitted to the Maryland Bar to practice law in a county other than Washington County; and generally relating to the practice of law by sheriffs and deputy sheriffs in Washington County.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–603
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 533 – Delegates Feldman, Haddaway–Riccio, McHale, and Schulz

AN ACT concerning

Financial Institutions – Interest Payable on Escrow Accounts and Specific Purpose Savings Accounts

FOR the purpose of altering the interest rate payable by certain lending institutions on escrow accounts created in connection with loans secured by a first mortgage or first deed of trust on residential real property; requiring the interest rate to be adjusted under certain circumstances; altering the interest rate payable by certain banking institutions on interest bearing accounts instituted for a specific purpose; repealing certain obsolete language; providing for the application of this Act; and generally relating to rates of interest payable on escrow accounts and savings accounts.

BY repealing and reenacting, with amendments,
Article – Commercial Law

Section 12–109 and 12–1026(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–1026(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 5–302(b)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

House Bill 553 – Delegates Smigiel and McDermott

AN ACT concerning

Estates and Trusts – Special and Supplemental Needs Trusts – Regulations by State Agencies

FOR the purpose of requiring each State agency that provides public benefits to individuals with disabilities of all ages to adopt certain regulations that are not more restrictive than State statutes, regulations, or common law regarding trusts and that do not require disclosure of a beneficiary's personal or confidential information without the consent of the beneficiary; requiring certain regulations to allow a certain pooled asset special needs trust to retain certain funds under certain circumstances; providing that nothing in a certain provision of law shall be interpreted to require a court order to authorize a disbursement from a special or supplemental needs trust; establishing that a certain regulation enacted by a State agency regarding pooled special needs trusts shall apply only to certain trust beneficiaries; and generally relating to special and supplemental needs trusts.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 14–115
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

House Bill 623 – Delegates Haddaway–Riccio, Cane, Conway, Eckardt, Hershey, Jacobs, Jameson, McDermott, Otto, Rudolph, and Smigiel

AN ACT concerning

Corporations and Associations – Electric Cooperatives – Electronic Notices and Voting

FOR the purpose of authorizing a certain electric cooperative to provide notice of each meeting of its members by electronic transmission under certain circumstances; authorizing a certain person to waive notice of a meeting of the members of an electric cooperative by electronic transmission under certain circumstances; authorizing voting by members of an electric cooperative by electronic transmission under certain circumstances; requiring, under certain circumstances, the bylaws of an electric cooperative to establish the conditions under which voting by electronic transmission is allowed; and generally relating to electric cooperatives.

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 1–101(a) and (m)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–617 and 5–619
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

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

Senate Bill 11 – Senators Peters, Klausmeier, Garagiola, DeGrange, Rosapepe, King, Astle, Colburn, Kittleman, Stone, and Edwards

AN ACT concerning

State Lottery – Licenses – Veterans' Organizations

SB0011/709238/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 11
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Edwards" and substitute "Edwards, and Dyson"; in lines 5, 8, 15, 17, and 19, in each instance, strike "instant ticket lottery" and substitute "pull tab"; in lines 5, 9, 13, and 21, in each instance, strike "lottery machine" and substitute "pull tab"; and in line 17, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, strike line 10 in its entirety and substitute:

"(a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "PULL TAB MACHINE" INCLUDES AN ELECTRONIC PULL TAB MACHINE.

(3) "VETERANS' ORGANIZATION" MEANS AN".

AMENDMENT NO. 3

On page 3, in lines 8, 23, 26, 28, and 31, in each instance, strike "**INSTANT TICKET LOTTERY**" and substitute "**PULL TAB**"; strike beginning with "**INSTANT**" in line 11 down through "**LOTTERY**" in line 12 and substitute "**PULL TAB**"; and strike beginning with "**INSTANT**" in line 17 down through "**LOTTERY**" in line 18 and substitute "**PULL TAB**".

AMENDMENT NO. 4

On page 4, in line 22, strike "**INSTANT TICKET LOTTERY**" and substitute "**PULL TAB**".

AMENDMENT NO. 5

On page 5, in line 14, strike "**INSTANT TICKET LOTTERY**" and substitute "**PULL TAB**".

AMENDMENT NO. 6

On page 6, strike beginning with "instant" in line 4 down through "lottery" in line 5 and substitute "pull tab".

The preceding 6 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 52 – Senator Dyson

AN ACT concerning

State Employees' Retirement and Pension Systems – Eligible Employees – St. Mary's Nursing Center, Inc.

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 182 – Senators Ferguson and Gladden

AN ACT concerning

Tax Sales – Complaint to Foreclose Right of Redemption – Notice

SB0182/849934/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 182
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Gladden" and substitute ", Gladden, McFadden, and Jones–Rodwell"; in line 6, after "manner;" insert "authorizing a holder of a certificate of tax sale to be reimbursed for certain expenses related to mailing a

certain notice;"; in line 10, after "14–833(a–1)(1)" insert ", (3)(v),"; and in the same line, after "(6)" insert "and 14–843(a)(3)".

AMENDMENT NO. 2

On page 2, after line 8, insert:

"(3) The notices required under this subsection shall include at least the following:

(v) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

1. the total lien amount on the property at the time of sale, with interest;

2. any taxes, interest, and penalties paid by the holder of the certificate of sale;

3. any taxes, interest, and penalties accruing after the date of the tax sale; and

4. the following expenses incurred by the holder of the certificate of sale:

A. costs for recording the certificate of sale;

B. a title search fee, not to exceed $250; **[**and**]**

C. THE POSTAGE AND CERTIFIED MAILING COSTS ACTUALLY INCURRED FOR THE NOTICES; AND

[C.**]D.** reasonable attorney's fees, not to exceed $500;";

and after line 29, insert:

"14–843.

(a) (3) If an action to foreclose the right of redemption has not been filed, and the property is redeemed more than 4 months after the date of the tax sale, the holder of a certificate of sale may be reimbursed for the following expenses actually incurred:

(i) costs for recording the certificate of sale;

(ii) a title search fee, not to exceed $250; **[**and**]**

(III) THE POSTAGE AND CERTIFIED MAILING COSTS FOR THE NOTICES REQUIRED UNDER § 14–833(A–1) OF THIS TITLE; AND

[(iii)**](IV)** reasonable attorney's fees, not to exceed $500.".

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 333 – Senator Edwards

AN ACT concerning

Garrett County – Hotel Rental Tax Rate

SB0333/699138/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 333
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Rate"; in line 3, after "of" insert "altering the definition of "transient charge", as it relates to Garrett County, for purposes of certain provisions of law authorizing certain counties to impose a hotel rental tax on certain transient charges collected by certain hotels;"; in line 4, strike "rate"; and in line 7, after "Section" insert "9–301(f) and".

AMENDMENT NO. 2

After line 12, insert:

"9–301.

(f) (1) Except as provided in paragraphs (2) and (3) of this subsection, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(2) In Frederick County**, GARRETT COUNTY,** and Washington County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(3) In Carroll County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(4) "Transient charge" does not include any hotel charge for services or for accommodations other than sleeping accommodations.".

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 470 – Senator Edwards

AN ACT concerning

Allegany County – Orphans' Court Judges – Pension

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 422 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Office of the Public Defender – Representation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT AND THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY JUDICIAL PROCEEDINGS.

Senator Frosh moved, duly seconded, to make the Bill and Amendments a Special Order for February 28, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 318)

ADJOURNMENT

At 8:45 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, February 28, 2012.

Annapolis, Maryland
Tuesday, February 28, 2012
10:00 A.M. Session

The Senate met at 10:26 A.M.

Prayer by Father Donald A. Sterling, New All Saints Catholic Church, guest of Senator Gladden.

(See Exhibit A of Appendix III)

The Journal of February 27, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 320)

INTRODUCTION OF BILLS

Senate Bill 1054 – Senator Mathias

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers or Scrap Processors – Disposal of Vehicles

FOR the purpose of requiring an automotive dismantler and recycler or scrap processor to give to certain persons under certain circumstances certain notice of intent to dispose of certain vehicles; providing that an automotive dismantler and recycler or scrap processor takes unencumbered title to a vehicle and may immediately dispose of the vehicle under certain circumstances; and generally relating to the disposal of vehicles by automotive dismantlers and recyclers or scrap processors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–507

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–509
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

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

Senate Bill 25 – Senator Jacobs (By Request)

AN ACT concerning

Vehicle Laws – Historic Motor Vehicles – Truck Tractors

SB0025/328576/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 25
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Truck Tractors" and substitute "Trucks, Tractors, and Motor Homes"; strike beginning with "altering" in line 3 down through "requirements" in line 4 and substitute "establishing a certain historic motor vehicle registration for certain trucks, tractors, and motor homes; establishing certain qualifications for a historic motor vehicle registration under this Act; establishing certain registration fees; prohibiting a vehicle registered under this Act from being used in a certain manner; requiring a certain owner applying for registration of a vehicle under this Act to certify that the vehicle will be maintained only for certain purposes; requiring the Motor Vehicle Administration to issue certain registration plates under certain circumstances; providing that the presence of certain equipment is not required for the operation of a vehicle registered under this Act; exempting a vehicle registered under this Act from certain vehicle inspections; clarifying that this

Act does not limit the authority of a police officer to issue a certain safety equipment repair order; prohibiting the transfer to a subsequent owner of a registration issued under this Act; defining a certain term"; and strike in their entirety lines 6 through 15, inclusive, and substitute:

"BY adding to
Article – Transportation
Section 13–936.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 8 on page 2, inclusive, and substitute:

"**13–936.2.**

(A) IN THIS SECTION, "HISTORIC MOTOR VEHICLE" MEANS A CLASS E (TRUCK) WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING IN EXCESS OF 10,000 POUNDS, CLASS F (TRACTOR), OR A CLASS M (MULTIPURPOSE) MOTOR HOME THAT:

(1) IS AT LEAST 25 YEARS OLD;

(2) HAS NOT BEEN SUBSTANTIALLY ALTERED FROM THE MANUFACTURER'S ORIGINAL DESIGN; AND

(3) MEETS CRITERIA CONTAINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.

(B) IN THIS SECTION, "HISTORIC MOTOR VEHICLE" DOES NOT INCLUDE A VEHICLE THAT HAS BEEN REMANUFACTURED OR RECONSTRUCTED AS A REPLICA OF AN ORIGINAL VEHICLE.

(C) IF REGISTERED WITH THE ADMINISTRATION UNDER THIS SECTION, EVERY HISTORIC MOTOR VEHICLE IS A CLASS L (HISTORIC) VEHICLE.

(D) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, FOR EACH CLASS L (HISTORIC) VEHICLE, THE ANNUAL REGISTRATION FEE IS $25.50.

(E) (1) A HISTORIC MOTOR VEHICLE REGISTERED UNDER THIS SECTION MAY NOT BE USED FOR:

(I) GENERAL DAILY TRANSPORTATION; OR

(II) ANY COMMERCIAL TRANSPORTATION OF PASSENGERS OR PROPERTY ON HIGHWAYS.

(2) IN APPLYING FOR REGISTRATION OF A HISTORIC MOTOR VEHICLE UNDER THIS SECTION, THE OWNER OF THE VEHICLE SHALL SUBMIT WITH THE APPLICATION A CERTIFICATION THAT THE VEHICLE FOR WHICH THE APPLICATION IS MADE:

(I) WILL BE MAINTAINED FOR USE IN EXHIBITIONS, CLUB ACTIVITIES, PARADES, TOURS, AND SIMILAR USES;

(II) WILL NOT BE USED FOR:

1. GENERAL DAILY TRANSPORTATION; OR

2. ANY COMMERCIAL TRANSPORTATION OF PASSENGERS OR PROPERTY ON HIGHWAYS; AND

(III) IS INSURED BY A HISTORIC VEHICLE, A SHOW VEHICLE, OR AN ANTIQUE VEHICLE INSURANCE POLICY.

(F) EXCEPT AS PROVIDED IN § 13–936.1 OF THIS SUBTITLE, ON REGISTRATION OF A VEHICLE UNDER THIS SECTION, THE ADMINISTRATION SHALL ISSUE A SPECIAL, HISTORIC MOTOR VEHICLE REGISTRATION PLATE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION DETERMINES.

(G) UNLESS THE PRESENCE OF THE EQUIPMENT WAS SPECIFICALLY REQUIRED BY A STATUTE OF THIS STATE AS A CONDITION OF SALE WHEN THE VEHICLE WAS MANUFACTURED, THE PRESENCE OF ANY SPECIFIC EQUIPMENT IS NOT REQUIRED FOR THE OPERATION OF A VEHICLE REGISTERED UNDER THIS SECTION.

(H) (1) A VEHICLE REGISTERED UNDER THIS SECTION IS EXEMPT FROM ANY STATUTE THAT REQUIRES PERIODIC VEHICLE INSPECTIONS OR THAT REQUIRES THE USE AND INSPECTION OF EMISSION CONTROLS.

(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A POLICE OFFICER TO ISSUE A SAFETY EQUIPMENT REPAIR ORDER FOR DEFECTIVE EQUIPMENT UNDER § 23–105 OF THIS ARTICLE.

(I) (1) FOR A MOTOR VEHICLE MANUFACTURED AT LEAST 60 YEARS PRIOR TO THE CURRENT MODEL YEAR, THERE IS A ONETIME REGISTRATION FEE OF $50.00.

(2) REGISTRATION OF A MOTOR VEHICLE MANUFACTURED UNDER THIS SUBSECTION IS NOT TRANSFERABLE TO A SUBSEQUENT OWNER.".

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

Senate Bill 135 – Senators Gladden and Frosh

AN ACT concerning

Ground Leases – Registration – Failure to Register

SB0135/498476/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 135
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "effect;" insert "requiring the Department, on request of a ground lease holder or leasehold tenant, to cause to be filed in the land records of the county in which a certain ground lease extinguishment certificate was filed, a certain notice that the extinguishment has been invalidated by a certain court decision and that the underlying leasehold interest remains in full force and effect; providing for the construction of this Act;".

AMENDMENT NO. 2

On page 6, in line 7, strike "**SEEKING A MONEY JUDGMENT FOR THE AMOUNT OF ANY GROUND RENT DUE**" and substitute "**TO ENFORCE ANY RIGHTS THE GROUND LEASE HOLDER MAY HAVE UNDER THE GROUND LEASE**".

AMENDMENT NO. 3

On page 9, after line 18, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, if a ground lease extinguishment certificate issued under § 8–708 of the Real Property Article, as it existed immediately before the effective date of this Act, was filed in the land records, on request of the ground lease holder or the leasehold tenant, the State Department of Assessments and Taxation shall cause to be filed in the land records of the appropriate county a notice that states "The Certificate of Ground Lease Extinguishment, recorded (insert the appropriate month, day, and year) has been invalidated by the Maryland Court of Appeals pursuant to its holding in Muskin v. State Department of Assessments and Taxation, 422 Md. 544 (2011) and the underlying leasehold interest remains in full force and effect unless otherwise redeemed under applicable Maryland law.""".

AMENDMENT NO. 4

On page 9, before line 19, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be construed to prohibit a ground lease holder who registers a ground lease under § 8–704 of the Real Property Article, as enacted by Section 1 of this Act, after the effective date of this Act from collecting ground rent payments or taking any other

action to enforce any rights under the ground lease, subject to § 8–111.1 of the Real Property Article, after the ground lease is registered.";

and in line 19, strike "3." and substitute "5.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 183 – Senators Kelley and Miller

AN ACT concerning

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

SB0183/238879/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 183
(First Reading File Bill)

On page 2, in lines 6 and 21, in each instance, strike "**60**" and substitute "**180**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 203 – Senators Zirkin, Astle, Jacobs, Madaleno, Manno, Mathias, Montgomery, Robey, Shank, Stone, and Young

AN ACT concerning

Criminal Law – Animal Cruelty – Payment of Costs

SB0203/528173/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 203
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Young" and substitute "Young, Brochin, Forehand, Ramirez, and Raskin"; and in line 10, after "Section" insert "10–604,".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"10–604.

(a) A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

(b) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to**:**

(I) participate in and pay for psychological counseling**; AND**

(II) PAY, IN ADDITION TO ANY OTHER FINES AND COSTS, ALL REASONABLE COSTS INCURRED IN REMOVING, HOUSING, TREATING, OR EUTHANIZING AN ANIMAL CONFISCATED FROM THE DEFENDANT.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.".

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 #7

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

Senate Bill 550 – Senators Montgomery, Benson, Glassman, Jacobs, Middleton, Rosapepe, and Young

AN ACT concerning

Health – Cottage Food Businesses – Requirements

SB0550/517170/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 550
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "inspection;" insert "providing that an investigation of a cottage food business conducted under a certain provision of this Act may include sampling of a cottage food product for certain purposes; requiring the Department to adopt regulations to carry out this Act;".

AMENDMENT NO. 2

On page 2, in line 13, strike "**AND**"; in line 15, after "**SUBTITLE**" insert "**AND REGULATIONS ADOPTED BY THE DEPARTMENT; AND**

(3) HAS ANNUAL REVENUES FROM THE SALE OF COTTAGE FOOD PRODUCTS IN AN AMOUNT NOT EXCEEDING $25,000";

in line 16, strike "**(1)**"; in the same line, after "**A**" insert "**NONHAZARDOUS**"; in the same line, after the second "**FOOD**" insert "**, AS SPECIFIED IN REGULATIONS ADOPTED BY THE DEPARTMENT,**"; strike beginning with "**BY**" in line 16 down through "**BUSINESS**" in line 17 and substitute "**AT A FARMER'S MARKET OR PUBLIC EVENT**"; in line 18, after "**SUBTITLE**" insert "**AND REGULATIONS ADOPTED BY THE DEPARTMENT**"; and strike in their entirety lines 19 and 20.

On page 5, after line 27, insert:

"**(4) AN INVESTIGATION OF A COTTAGE FOOD BUSINESS CONDUCTED UNDER THIS SUBSECTION MAY INCLUDE SAMPLING OF A COTTAGE FOOD PRODUCT TO DETERMINE IF THE COTTAGE FOOD PRODUCT IS MISBRANDED OR ADULTERATED.**

(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT 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.

SPECIAL ORDERS

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

Senate Bill 422 – Senator Frosh

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – Office of the Public Defender – Representation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT AND THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY JUDICIAL PROCEEDINGS.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0422/748778/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 422, AS AMENDED

AMENDMENT NO. 1

On page 11 of the Judicial Proceedings Committee Amendments (SB0422/248273/1), in Amendment No. 7, strike in their entirety lines 17 through 22, inclusive, and substitute:

"**(A) A DEFENDANT WHO IS DENIED PRETRIAL RELEASE BY A DISTRICT COURT COMMISSIONER OR WHO FOR ANY REASON REMAINS IN CUSTODY AFTER A DISTRICT COURT COMMISSIONER HAS DETERMINED CONDITIONS OF RELEASE UNDER MARYLAND RULE 4–216 SHALL BE PRESENTED IMMEDIATELY TO A DISTRICT COURT JUDGE IF THE COURT IS THEN IN SESSION, OR IF NOT, AT THE NEXT SESSION OF THE COURT.**

(B) A DEFENDANT MAY NOT REMAIN IN CUSTODY MORE THAN 48 HOURS AFTER A DETERMINATION OF THE DISTRICT COURT COMMISSIONER WITHOUT BEING PRESENTED TO A DISTRICT COURT JUDGE.".

AMENDMENT NO. 2

On page 14 of the Judicial Proceedings Committee Amendments, in lines 1, 3, and 4 of Amendment No. 8, strike "(xiii)", "(xiv)", and "(xv)", respectively, and substitute "(xii)", "(xiii)", and "(xiv)", respectively.

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. 321)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 297 – Senator Kelley

AN ACT concerning

Property and Casualty Insurance – Certificates of Insurance and Certificate of Insurance Forms

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

Affirmative – 46 Negative – 0 (See Roll Call No. 322)

The Bill was then sent to the House of Delegates.

Senate Bill 507 – Senators Kelley, Glassman, Kittleman, Klausmeier, ~~and Pipkin~~ Pipkin, Middleton, Astle, Garagiola, Mathias, Muse, and Pugh

AN ACT concerning

Financial Institutions – Interest Payable on Escrow Accounts and Specific Purpose Savings Accounts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 323)

The Bill was then sent to the House of Delegates.

Senate Bill 545 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Money Transmitters – Licensing Requirements and Participation in Nationwide Licensing System

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

Affirmative – 46 Negative – 0 (See Roll Call No. 324)

The Bill was then sent to the House of Delegates.

Senate Bill 546 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

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

Affirmative – 46 Negative – 0 (See Roll Call No. 325)

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. 326)

ADJOURNMENT

At 10:56 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, February 29, 2012.

Annapolis, Maryland
Wednesday, February 29, 2012
10:00 A.M. Session

The Senate met at 10:12 A.M.

Prayer by Rabbi Susan Warshaw, Temple Bat Yam, guest of Senator Mathias.

(See Exhibit A of Appendix III)

The Journal of February 28, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 330)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 412 – Senator Verna L. Jones–Rodwell:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Alpha Kappa Alpha Sorority, Incorporated
in recognition of
104 years of sisterhood and service as they continue to collaborate, advocate, register, educate and
stimulate constituents to vote.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 29th day of February 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 331)

INTRODUCTION OF BILLS

Senate Bill 1055 – Senators Zirkin and Stone

AN ACT concerning

Court Costs – Criminal Cases – Funding for Law Enforcement

FOR the purpose of altering the source of money for the Law Enforcement Equipment Fund; requiring a court to impose on a defendant convicted of a certain crime an additional cost in the case; requiring the Comptroller to deposit a certain amount of each fee collected into the Law Enforcement Equipment Fund; requiring the Comptroller to remit a certain amount of each fee collected to the law enforcement agency that issued the citation or completed the police report associated with the case; altering a certain definition; and generally relating to the payment of costs by defendants in criminal cases.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 4–301 and 4–302
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–409
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 1056 – Senator DeGrange

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Meade High School Concession Stand

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 Anne Arundel County Board of Education for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; 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 1057 – Senator Astle

AN ACT concerning

Creation of a State Debt – Cecil County – Milburn Stone Theatre

FOR the purpose of authorizing the creation of a State Debt not to exceed $100,000, the proceeds to be used as a grant to the Board of Directors of the Cecil College Foundation DBA Friends of the Milburn Stone Theatre 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 1058 – Senator Astle

AN ACT concerning

Creation of a State Debt – Cecil County – Jacob Tome Gas House

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 Mayor and Town Council of Port Deposit for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1059 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Comptroller – Departments of Liquor Control and Liquor Control Boards

FOR the purpose of expressly requiring the Comptroller to enforce certain provisions of law applicable to certain activities conducted by a department of liquor control or a liquor control board; making certain powers of liquor control boards subject to the enforcement authority of the Comptroller; and generally relating to the authority of the Comptroller regarding certain activities of liquor control boards and departments of liquor control.

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 15–204(a) and 15–205
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 16–407.1
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1060 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Lighthouse Youth and Family Services Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $34,000, the proceeds to be used as a grant to the Board of Directors of Lighthouse, 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 1061 – Senator Pipkin

AN ACT concerning

Office of Legislative Audits – Managing for Results Audits of Department of Transportation Modal Administrations

FOR the purpose of requiring the Office of Legislative Audits to conduct managing for results audits, over a certain period, of the modal administrations of the Department of Transportation; defining a term; and generally relating to managing for results audits by the Office of Legislative Audits.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3–1002(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1220
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–1221(b)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 1–101(i)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1062 – Senator Pipkin

AN ACT concerning

Transportation – Rail Projects – Farebox Recovery Requirement

FOR the purpose of prohibiting the Maryland Transit Administration from constructing, acquiring, or incurring a commitment or obligation in connection with certain light rail or heavy rail transit facilities unless the Administration recovers a certain percentage of certain operating costs for certain light rail and certain subway services from certain revenues; and generally relating to the Maryland Transit Administration and transit facility projects.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 7–208(b)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–305
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1063 – Senator Kittleman

AN ACT concerning

Workers' Compensation Commission – Jurisdiction Over Claims on Appeal – Limitation

FOR the purpose of providing that, in the case of a workers' compensation claim that is on appeal, the Workers' Compensation Commission has continuing powers and retains jurisdiction over the claim only to consider certain requests; making conforming changes; and generally relating to the jurisdiction of the Workers' Compensation Commission over claims on appeal.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–736 and 9–742
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1064 – Senator Pipkin

AN ACT concerning

Transportation – Washington Metropolitan Area Transit Authority – Revenue Contributions by Montgomery County and Prince George's County

FOR the purpose of altering the amount of certain State grants to the Washington Suburban Transit District for certain transit service; altering the amount of certain State grants to certain local bus systems in Montgomery County and in Prince George's County; requiring Montgomery County and Prince George's County to contribute certain local revenues for certain transit service; and generally relating to revenue contributions by the State and by Montgomery County and Prince George's County for certain transit service.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–205(b) and 10–207(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

Senate Bill 1065 – Senator Pipkin

AN ACT concerning

Procurement – Board of Contract Approval – Establishment

FOR the purpose of establishing the Board of Contract Approval; specifying the membership, powers, and duties of the Board; prohibiting the Board of Public Works from requiring that certain contracts or contract renewals be brought to the Board of Public Works for consideration and approval; defining a certain term; and generally relating to the Board of Contract Approval.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 10–204
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 10B–101 through 10B–103 to be under the new title "Title 10B. Board of Contract Approval"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 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 100 – Delegate Pena–Melnyk

AN ACT concerning

Vital Records – Certificates of Death – Amendments to Cause of Death

FOR the purpose of authorizing the Office of the Chief Medical Examiner to amend the cause of death on a certificate of death at any time after issuance ~~in accordance with certain procedures~~ without a court order; and generally relating to amendments to the cause of death on certificates of death.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–214
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 217 – Delegates Pena–Melnyk, Gutierrez, and Reznik

AN ACT concerning

Council for the Procurement of Health, Educational, and Social Services

FOR the purpose of establishing the Council for the Procurement of Health, Educational, and Social Services; providing for the composition, chair, and staffing of the Council; requiring the Council to advise the Board of Public Works on a certain task force report and make certain recommendations for the procurement process for health, educational, and social services; requiring the Council to report its activities and recommendations to the General Assembly on or before a certain date each year; and generally relating to the Council for the Procurement of Health, Educational, and Social Services.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(a) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 12–110
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 283 – Chair, Health and Government Operations Committee and Delegate Elliott

AN ACT concerning

State Board of Pharmacy – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Pharmacy 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; providing that staff of the Board hired after a certain date are in the executive service or management service or are a special appointment in the State Personnel Management System; requiring the Board, in consultation with the Secretary of Health and Mental Hygiene, to determine appropriate job classifications and grades for the staff of the Board; altering the

dates on which a pharmacy permit and a wholesale distributor permit expires; altering the date by which the Board must send certain renewal information to certain permit holders; repealing certain provisions requiring certain physician–pharmacist agreements to be approved by the State Board of Physicians and the State Board of Pharmacy; repealing certain provisions that prohibit the State Board of Physicians and the State Board of Pharmacy from approving certain physician–pharmacist agreements under certain circumstances; repealing certain provisions relating to the time period during which a physician–pharmacist agreement is valid; requiring a certain physician and a certain pharmacist to submit a copy of a certain agreement to a certain board; requiring a therapy management contract to apply only to conditions for which protocols have been agreed to by certain parties; repealing a certain provision requiring ~~the establishment of~~ certain fees related to therapy management to be established in regulations; authorizing the State Board of Pharmacy to assess a certain fee established in regulation; repealing a requirement that certain regulations include provisions that establish a certain procedure; prohibiting certain regulations from requiring certain boards to approve certain physician–pharmacist agreements or the protocols specified in the agreements; requiring that an evaluation of the State Board of Pharmacy and the statutes and regulations that relate to the Board be performed on or before a certain date; providing for an extension of the renewal dates of certain permits; requiring the State Board of Pharmacy to submit certain reports to certain committees of the General Assembly on or before certain dates; altering a certain definition; making a conforming change; and generally relating to the State Board of Pharmacy.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–204(d), 12–407(a) and (b)(1), 12–6A–01(f), 12–6A–03, 12–6A–07, 12–6A–10, 12–6C–06(a), and 12–802
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–6A–01(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government

Section 8–403(b)(45)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 286 – Delegates Hubbard, Anderson, Costa, Cullison, Frank, Hammen, A. Kelly, Kipke, Morhaim, Murphy, Nathan–Pulliam, Pendergrass, Ready, Reznik, Rosenberg~~, and V. Turner~~, V. Turner, Oaks, Krebs, Donoghue, and Pena–Melnyk

AN ACT concerning

Managed Care Organizations – Medical Loss Ratio Information – Publication

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to publish in a certain manner certain medical loss ratio information provided by certain managed care organizations and certain financial information on the Web site of the Department of Health and Mental Hygiene; and generally relating to managed care organizations and the publication of medical loss ratio information.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–605(c)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 288 – Delegate Hubbard

AN ACT concerning

Baby Boomer Initiative Council

FOR the purpose of reestablishing the Baby Boomer Initiative Council; providing for the membership of the Council; requiring the Governor to appoint the chair of the Council; providing for the staffing of the Council; establishing the duties of the Council; requiring the Council to make certain recommendations; requiring the Council to provide certain reports to the Governor and General Assembly on or before certain dates; defining certain terms; providing for the termination of this Act; and generally relating to the Baby Boomer Initiative Council.

BY adding to
Article – Health – General

Section 24–1501 through 24–1505 to be under the new subtitle "Subtitle 15. Baby Boomer Initiative Council"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 316 – Delegates Costa ~~and Kipke~~, Kipke, Hammen, Pendergrass, Bromwell, Cullison, Donoghue, Elliott, Frank, Kach, A. Kelly, Krebs, McDonough, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Ready, Reznik, and Tarrant

AN ACT concerning

State Board of Pharmacy – Wholesale Distributor Permits – Permit and Application Requirements

FOR the purpose of exempting a manufacturer that distributes its own prescription devices that are approved or authorized by the U.S. Food and Drug Administration from certain permit requirements; altering the information required to be included in an application for a wholesale distributor permit; limiting a requirement that the State Board of Pharmacy or its designee conduct a certain inspection to apply only to applicants that hold prescription drugs or devices; altering certain requirements for a criminal history records check of a designated representative and the supervisor of a designated representative of an applicant; making stylistic changes; and generally relating to application requirements for a wholesale distributor permit issued by the State Board of Pharmacy.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–6C–05(a), (c), and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–6C–03(b) and 12–6C–05(b) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Health Occupations
Section 12–6C–05(e)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 12–6C–05(e) and 12–6C–05.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

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

Senate Bill 25 – Senator Jacobs (By Request)

AN ACT concerning

Vehicle Laws – Historic Motor Vehicles – Truck Tractors

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

SB0025/328576/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 25
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Truck Tractors" and substitute "Trucks, Tractors, and Motor Homes"; strike beginning with "altering" in line 3 down through "requirements" in line 4 and substitute "establishing a certain historic motor vehicle registration for certain trucks, tractors, and motor homes; establishing certain qualifications for a historic motor vehicle registration under this Act; establishing certain registration fees; prohibiting a vehicle registered under this Act from being used in a certain manner; requiring a certain owner applying for registration of a vehicle under this Act to certify that the vehicle will be maintained only for certain purposes; requiring the Motor Vehicle Administration to issue certain registration plates under certain circumstances; providing that the presence of certain equipment is not required for the operation of a vehicle registered under this Act; exempting a vehicle registered under this Act from certain vehicle inspections; clarifying that this

Act does not limit the authority of a police officer to issue a certain safety equipment repair order; prohibiting the transfer to a subsequent owner of a registration issued under this Act; defining a certain term"; and strike in their entirety lines 6 through 15, inclusive, and substitute:

"BY adding to
Article – Transportation
Section 13–936.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 8 on page 2, inclusive, and substitute:

"**13–936.2.**

(A) IN THIS SECTION, "HISTORIC MOTOR VEHICLE" MEANS A CLASS E (TRUCK) WITH A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING IN EXCESS OF 10,000 POUNDS, CLASS F (TRACTOR), OR A CLASS M (MULTIPURPOSE) MOTOR HOME THAT:

(1) IS AT LEAST 25 YEARS OLD;

(2) HAS NOT BEEN SUBSTANTIALLY ALTERED FROM THE MANUFACTURER'S ORIGINAL DESIGN; AND

(3) MEETS CRITERIA CONTAINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.

(B) IN THIS SECTION, "HISTORIC MOTOR VEHICLE" DOES NOT INCLUDE A VEHICLE THAT HAS BEEN REMANUFACTURED OR RECONSTRUCTED AS A REPLICA OF AN ORIGINAL VEHICLE.

(C) IF REGISTERED WITH THE ADMINISTRATION UNDER THIS SECTION, EVERY HISTORIC MOTOR VEHICLE IS A CLASS L (HISTORIC) VEHICLE.

(D) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, FOR EACH CLASS L (HISTORIC) VEHICLE, THE ANNUAL REGISTRATION FEE IS $25.50.

(E) (1) A HISTORIC MOTOR VEHICLE REGISTERED UNDER THIS SECTION MAY NOT BE USED FOR:

(I) GENERAL DAILY TRANSPORTATION; OR

(II) ANY COMMERCIAL TRANSPORTATION OF PASSENGERS OR PROPERTY ON HIGHWAYS.

(2) IN APPLYING FOR REGISTRATION OF A HISTORIC MOTOR VEHICLE UNDER THIS SECTION, THE OWNER OF THE VEHICLE SHALL SUBMIT WITH THE APPLICATION A CERTIFICATION THAT THE VEHICLE FOR WHICH THE APPLICATION IS MADE:

(I) WILL BE MAINTAINED FOR USE IN EXHIBITIONS, CLUB ACTIVITIES, PARADES, TOURS, AND SIMILAR USES;

(II) WILL NOT BE USED FOR:

1. GENERAL DAILY TRANSPORTATION; OR

2. ANY COMMERCIAL TRANSPORTATION OF PASSENGERS OR PROPERTY ON HIGHWAYS; AND

(III) IS INSURED BY A HISTORIC VEHICLE, A SHOW VEHICLE, OR AN ANTIQUE VEHICLE INSURANCE POLICY.

(F) EXCEPT AS PROVIDED IN § 13–936.1 OF THIS SUBTITLE, ON REGISTRATION OF A VEHICLE UNDER THIS SECTION, THE ADMINISTRATION SHALL ISSUE A SPECIAL, HISTORIC MOTOR VEHICLE REGISTRATION PLATE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION DETERMINES.

(G) UNLESS THE PRESENCE OF THE EQUIPMENT WAS SPECIFICALLY REQUIRED BY A STATUTE OF THIS STATE AS A CONDITION OF SALE WHEN THE VEHICLE WAS MANUFACTURED, THE PRESENCE OF ANY SPECIFIC EQUIPMENT IS NOT REQUIRED FOR THE OPERATION OF A VEHICLE REGISTERED UNDER THIS SECTION.

(H) (1) A VEHICLE REGISTERED UNDER THIS SECTION IS EXEMPT FROM ANY STATUTE THAT REQUIRES PERIODIC VEHICLE INSPECTIONS OR THAT REQUIRES THE USE AND INSPECTION OF EMISSION CONTROLS.

(2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A POLICE OFFICER TO ISSUE A SAFETY EQUIPMENT REPAIR ORDER FOR DEFECTIVE EQUIPMENT UNDER § 23–105 OF THIS ARTICLE.

(I) (1) FOR A MOTOR VEHICLE MANUFACTURED AT LEAST 60 YEARS PRIOR TO THE CURRENT MODEL YEAR, THERE IS A ONETIME REGISTRATION FEE OF $50.00.

(2) REGISTRATION OF A MOTOR VEHICLE MANUFACTURED UNDER THIS SUBSECTION IS NOT TRANSFERABLE TO A SUBSEQUENT OWNER.".

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 #8

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

Senate Bill 133 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Wholesale Distributor Permits – Application Requirements

SB0133/624838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 133
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Permits – " insert "Permit and"; in line 4, after "of" insert "exempting a manufacturer that distributes its own prescription devices that are approved or authorized by the U.S. Food and Drug Administration from certain permit requirements;"; in line 9, after "applicant;" insert "making stylistic changes;"; and in line 19, after "Section" insert "12–6C–03(b) and".

AMENDMENT NO. 2

On page 2, after line 7, insert:

"12–6C–03.

(b) (1) A manufacturer engaged in wholesale distribution shall hold a wholesale distributor permit issued under this subtitle.

(2) Notwithstanding paragraph (1) of this subsection, the information and qualification requirements for obtaining a permit under this subtitle, beyond that required by federal law, do not apply to **[**a**]:**

(I) **A** manufacturer **[**who**]** **THAT** distributes its own prescription drugs **THAT ARE** approved by the U.S. Food and Drug Administration**; OR**

(II) **A MANUFACTURER THAT DISTRIBUTES ITS OWN PRESCRIPTION DEVICES THAT ARE APPROVED OR AUTHORIZED BY THE U.S. FOOD AND DRUG ADMINISTRATION**.".

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 178 – Senators Jacobs and Montgomery

AN ACT concerning

Education – Informal Kinship Care – Documentation Supporting Affidavit – Repeal

SB0178/504333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Documentation" in line 2 down through "Repeal" in line 3 and substitute "Enrollment Before Submission of Documentation"; strike beginning with "repealing" in line 4 down through "accompany" in line 5 and substitute "authorizing certain county superintendents of schools to require that"; strike beginning with "of" in line 5 down through "schools" in line 6; in line 7, after "purposes" insert "be accompanied by certain supporting documentation only after allowing a certain child to enroll in a certain public school under certain circumstances"; strike beginning with "repealing" in line 7 down through "documentation" in line 9 and substitute "specifying that if certain documentation is required it must be consistent with certain policies and statutes"; and in line 9, strike "the repeal of requirements for" and substitute "requiring enrollment before submission of".

AMENDMENT NO. 2

On page 3, in lines 1, 3, 7, 12, and 18, in each instance, strike the bracket; in lines 3 and 7, strike "**(I)**" and "**(II)**", respectively; in line 12, strike "The" and substitute "**AFTER ALLOWING A CHILD TO ENROLL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, SUBSEQUENTLY A COUNTY SUPERINTENDENT MAY REQUIRE THAT THE**"; in the same line, strike "shall"; in line 16, strike "The" and substitute "**IF**"; in the same line, after "documentation" insert "**IS**"; and in line 17, after "subparagraph" insert "**, THE DOCUMENTATION**".

On page 5, in lines 18, 19, and 24, in each instance, strike the bracket; and in lines 19 and 24, in each instance, after "and" insert "**, WHEN APPROPRIATE, THE**".

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 274 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Pharmacy – Sunset Extension and Revisions

SB0274/424731/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 274
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, strike "the establishment of"; in the same line, after "fees" insert "related to therapy management to be established"; and in the same line, after "regulations;" insert "authorizing the State Board of Pharmacy to assess a certain fee established in regulation;".

AMENDMENT NO. 2

On page 4, after line 17, insert:

"**(E) THE BOARD OF PHARMACY MAY ASSESS A FEE, AS ESTABLISHED IN REGULATION, FOR APPROVAL OF A PHARMACIST TO ENTER INTO A PHYSICIAN–PHARMACIST AGREEMENT.**".

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 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for March 6, 2012.

The motion was adopted.

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

Senate Bill 344 – Senator Middleton

AN ACT concerning

Health Occupations – Dental Hygienists – Local Anesthesia

SB0344/414232/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 344
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton and Simonaire".

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 #9

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

Senate Bill 321 – Senators Young and Brinkley

AN ACT concerning

Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of Tables and Chairs for Expanded Occupancy

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 346 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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 483 – Senators Benson, Miller, Frosh, Montgomery, and Pinsky

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Prohibition – Junk and Scrap Metal Facilities

SB0483/304730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 483
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "a"; in line 5, strike "exception" and substitute "exceptions"; in the same line, strike "and"; in line 6, after "facilities" insert ", and certain machinery"; in line 7, after "Area;" insert "requiring certain local critical area programs to require that certain machinery that is used for a certain purpose be removed from the Critical Area on or before a certain date;"; in the same line, after "of" insert "certain provisions of"; in line 9, strike the first "and"; and in the same line, after "facilities" insert ", and certain machinery".

AMENDMENT NO. 2

On page 4, in line 26, strike "**AND**"; in line 28, after "**VESSEL**" insert "**OR THE STORAGE OF PROCESSED METAL FOR THE SOLE PURPOSE OF TRANSFER TO A DOCKED VESSEL**"; in line 30, after "**AREA**" insert "**;**

17. A PROHIBITION ON ANY MACHINERY THAT IS USED FOR THE PURPOSE OF CONVERTING SCRAP METAL INTO PROCESSED METAL IN THE CRITICAL AREA; AND

18. A REQUIREMENT THAT ANY MACHINERY THAT IS UTILIZED FOR THE PURPOSE OF CONVERTING SCRAP METAL INTO PROCESSED METAL BE REMOVED FROM THE CRITICAL AREA ON OR BEFORE JANUARY 1, 2013";

in line 31, after "That" insert "§ 8–1808(c)(1)16 and 17 of the Natural Resources Article, as enacted by Section 1 of"; and in the same line, after "Act" insert a comma.

On page 5, in line 2, strike "applicable" and substitute "application".

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 663 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Elections – Membership

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 71 – Senator Kelley

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

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

Senator Getty moved, duly seconded, to make the Bill a Special Order for March 1, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 332)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 11 – Senators Peters, Klausmeier, Garagiola, DeGrange, Rosapepe, King, Astle, Colburn, Kittleman, Stone, ~~and Edwards~~ Edwards, and Dyson

AN ACT concerning

State Lottery – Licenses – Veterans' Organizations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 333)

The Bill was then sent to the House of Delegates.

Senate Bill 52 – Senator Dyson

AN ACT concerning

State Employees' Retirement and Pension Systems – Eligible Employees – St. Mary's Nursing Center, Inc.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 334)

The Bill was then sent to the House of Delegates.

Senate Bill 182 – Senators Ferguson ~~and Gladden~~, Gladden, McFadden, and Jones–Rodwell

AN ACT concerning

Tax Sales – Complaint to Foreclose Right of Redemption – Notice

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

Affirmative – 47 Negative – 0 (See Roll Call No. 335)

The Bill was then sent to the House of Delegates.

Senate Bill 333 – Senator Edwards

AN ACT concerning

Garrett County – Hotel Rental Tax ~~Rate~~

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

Affirmative – 45 Negative – 1 (See Roll Call No. 336)

The Bill was then sent to the House of Delegates.

Senate Bill 470 – Senator Edwards

AN ACT concerning

Allegany County – Orphans' Court Judges – Pension

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

Affirmative – 47 Negative – 0 (See Roll Call No. 337)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 338)

ADJOURNMENT

At 10:53 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 1, 2012.

Annapolis, Maryland
Thursday, March 1, 2012
10:00 A.M. Session

The Senate met at 10:13 A.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of Senator Miller and Senator Astle.

The Journal of February 29, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 340)

INTRODUCTION OF BILLS

Senate Bill 1066 – Senator Kasemeyer

AN ACT concerning

Income Tax – Film Production Credit – Extension and Increase

FOR the purpose of extending certain termination provisions for a certain income tax credit allowed for certain entities that carry out certain film production activities in the State; altering the amount of certain tax credit certificates that the Secretary of Business and Economic Development may issue for certain fiscal years; and generally relating to income tax credits for certain film production activities.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–730
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Chapter 516 of the Acts of the General Assembly of 2011
Section 2

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

Senate Bill 1067 – Senator Pugh

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Baltimore City – Morgan Mill Facility

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to change the location of the Morgan Mill Facility project; 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(U)

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

Senate Bill 1068 – Senator Ramirez

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Prince George's County – Battle of Bladensburg Visitor Center and Monument

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to change the grantee of a grant for the Battle of Bladensburg Visitor Center and Monument project from the Board of Directors of Anacostia Trails Heritage Area, Inc. to the Board of Trustees of the Aman Memorial Trust, Inc.; 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(BH)

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

Senate Bill 1069 – Senator Pugh

AN ACT concerning

State Government – Statue of Harriet Tubman

FOR the purpose of requiring the Governor to authorize the gift of a statue of Harriet Tubman to the United States government and to request the United States

Congress to place the statue in a certain building; requiring the Governor to establish the Harriet Tubman Statue Commission and appoint certain members; requiring the Commission, under the supervision and direction of the State Treasurer, to raise certain funds and represent the State in selecting a certain sculptor; and generally relating to the statue of Harriet Tubman.

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

Senate Bill 1070 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Washington County – Lockhouse 44, Lock 44, and Western Maryland Railroad Lift Bridge

FOR the purpose of authorizing the creation of a State Debt not to exceed $320,000, the proceeds to be used as a grant to the Chesapeake and Ohio Canal National Historical Park for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 277 – Delegates Walker ~~and Vaughn~~, Vaughn, Pendergrass, Costa, Cullison, Hubbard, A. Kelly, Morhaim, Murphy, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, and Tarrant

AN ACT concerning

State Government – Brokerage and Investment Management Services – Use of Minority Business Enterprises – Application

FOR the purpose of making certain additional State units that are responsible for the management of certain funds subject to the requirements under current law that are already applicable to certain units concerning the use of certain minority business enterprise brokerage and investment services firms; specifying that a certain annual report that must be submitted to the Governor and the General Assembly by all of the units that are subject to the minority business enterprise brokerage and investment services firm requirements include diversity information concerning brokerage and investment

management services firms in all allocated asset classes; and generally relating to the use of minority business enterprise brokerage and investment management services firms for certain purposes by certain State units.

BY repealing and reenacting, without amendments,
Article 95 – Treasurer
Section 22G(a), (b), (h), and (j)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 14–102
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY adding to
Article – Economic Development
Section 14–103
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 14–103
Annotated Code of Maryland
(2008 Volume and 2011 Supplement)

BY adding to
Article – Education
Section 11–1001 and the new subtitle "Subtitle 11. Use of Minority Business Enterprises for Brokerage and Investment Management Services"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Housing and Community Development
Section 4–501.1
Annotated Code of Maryland
(2006 Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–303
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–122
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–222
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding
Article – State Finance and Procurement
Section 14–306
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–116
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 35–302
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and 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 #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
March 1, 2012

Automobile Insurance Fund, Board of Trustees of the Maryland

1. Mei Ching Lee District 9
6483 Tydings Road
Eldersburg, MD 21784

Member of the Board of Trustees of the Maryland Automobile Insurance Fund; appointed to serve at the pleasure of the Governor

Boiler Rules, Board of

2. Ashwani K. Gupta, Ph.D. District 21
P.O. Box 773
College Park, MD 20740

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2012

Health Benefit Exchange Board, Maryland

3. Enrique E. Martinez–Vidal District 14
18640 Queen Elizabeth Drive
Brookeville, MD 20833

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2014

Health Care Commission, Maryland

4. Craig P. Tanio, M.D. District 5
15610 Chilcoat Lane
Sparks, MD 21152

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2008

Marine Contractors Licensing Board

5. Christopher McCabe District 38
29035 Tanager Way
Eden, MD 21822

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

Parole Commission, Maryland

6. Perry Sfikas, Esq. District 46
623 Umbra Street
Baltimore, MD 21224

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2012

7. Sheila J. Sullivan, Esq. District 27
1811 Cable Court
Owings, MD 20736

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2010

Physicians, State Board of

8. Deborah R. Harrison District 25
9612 Teakwood Drive
Largo, MD 20774

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

9. Frederick W. Walker, M.D. District 35
1924 Laurel Oak Drive
Bel Air, MD 21015

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Public Defender, Office of the Board of Trustees of the

10. Erek L. Barron, Esq. District 25
1949 Beecham Court
Mitchellville, MD 20721

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

Public Service Commission

11. Walter Kevin Hughes, Esq. District 39
14604 Pebble Hill Lane
North Potomac, MD 20878

Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2011

12. Kelly Speakes–Backman District 30
2004 Chesapeake Road
Annapolis, MD 21409

Member of the Public Service Commission; appointed to serve remainder of a term of five years from July 1, 2009

Racing Commission, State

13. Louis Jay Ulman, Esq. District 9
4240 Blue Barrow Ride
Ellicott City, MD 21042

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2011

School for the Deaf, Board of Trustees of the Maryland

14. Joseph B. Smail, Ph.D. District 46
2433 Eastern Avenue
Baltimore, MD 21224

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve a term of six years from October 1, 2010

St. Mary's College of Maryland, Board of Trustees

15. Sven Erik Holmes District 99
2429 Kalorama Road, N.W.
Washington, DC 20008

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

Technology Development Corporation Board of Directors, Maryland

16. Newton B. Fowler, III District 43
329 Tunbridge Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2010

17. Carlos M. Montague District 28
7570 Shirley Boulevard
Port Tobacco, MD 20677

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2011

18. C. Warren Mullins District 35
205 Bodington Court
Bel Air, MD 21014

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Transportation Authority, Maryland

19. Arthur S. Hock District 36
204 N. Queen Street
Chestertown, MD 21620

Member of the Maryland Transportation Authority; appointed to serve a term of four years from July 1, 2011

20. A. Bradley Mims District 27
10007 Welshire Drive
Upper Marlboro, MD 20772

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2008

Venture Fund Authority, Maryland

21. Goodloe E. Byron, Jr. District 4
8926 Mt. Tabor Road
Middletown, MD 21769

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

22. Gina Dubbe District 9
14318 Roxbury Lake Drive
Glenelg, MD 21737

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

23. Peter S. Greenleaf District 16
5606 Parkston Road
Bethesda, MD 20816

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

24. Michael J. Howard District 26
6907 Mackson Drive
Temple Hills, MD 20748

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

25. Elizabeth Good Mazhari District 42
551 Allegheny Avenue
Towson, MD 21204

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

Well Drillers, State Board of

26. 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, 2011

27. 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, 2010

28. Hahns S. Hairston District 44
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, 2010

29. David B. Hartman District 46
1404 Harpers Street
Baltimore, MD 21230

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2011

30. John T. Shannahan, Sr. District 37
25145 Saint Michael's Road, P.O. Box 730
St. Michael's, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2010

31. Travis E. Sterner, R.S. 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, 2010

32. Darlene Vivian 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, 2010

Wellmobile Program Advisory Board, Governor's

33. Richard D. Gelfman, Esq. District 12
11309 Willow Bottom Drive
Columbia, MD 21044

Member of the Governor's Wellmobile Program Advisory Board; reappointed to serve a term of three years from October 1, 2008 and a term of three years from October 1, 2011

Women, Maryland Commission for

34. Susan C. Elgin, Esq. District 43
204 Churchwardens Road
Baltimore, MD 21212

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

35. Lynne R. Fitrell District 29
25723 Vista Road
Hollywood, MD 20636

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

36. Kathleen White, Ed.D. District 10
5 Fallshire Court, P.O. Box 608
Randallstown, MD 21133

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2011

Youth Camp Safety, Advisory Council on

37. Mark L. Bates District 30
247 Likes Road
Edgewater, MD 21037

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three 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.

Technology Development Corporation Board of Directors, Maryland

S–1. Eric G. Orlinsky, Esq. District 43
4415 Greenway
Baltimore, MD 21218

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2011

Wellmobile Program Advisory Board, Governor's

S–2. Gerard M. Walsh District 37
30 Bellevue Avenue
Cambridge, MD 21613

Member of the Governor's Wellmobile Program Advisory Board; reappointed to serve a term of three years from October 1, 2010

Women, Maryland Commission for

S–3. Helen L. Holton District 41
830 N. Chapelgate Lane
Baltimore, MD 21229

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany County Board of License Commissioners

L–1. Charles Ronald Miller District 1
12712 Lewis Heights Drive, S.W.
Cumberland, MD 21502

Member of the Allegany County Board of License Commissioners; reappointed to serve a term of six years from May 3, 2011, to expire the first Monday in May 2017

Calvert County Board of License Commissioners

L–2. Ruth N. Reid District 27
3010 Ponds Wood Road
Huntingtown, MD 20639

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

L–3. John H. Smack District 27
2641 Plum Point Road
Huntingtown, MD 20639

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

L–4. Beth E. Swoap District 29
2118 Loblolly Lane
St. Leonard, MD 20685

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

Frederick County Board of License Commissioners

L–5. Richard E. Zimmerman District 3
700 Rosemont Avenue
Frederick, MD 21701

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2011

Prince George's County Board of License Commissioners

L–6. Charles W. Caldwell, III District 23
16112 Parklawn Place
Bowie, MD 20716

Member of the Prince George's County Board of License Commissioners; appointed to serve remainder of a term of three years from June 1, 2011

L–7. Franklin D. Jackson, Esq. District 23
12610 Pleasant Prospect
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2011

Somerset County Board of License Commissioners

L–8. Ralph F. Lusk District 38
26743 Rumbley Road
Westover, MD 21871

Member of the Somerset County Board of License Commissioners; appointed to serve a term of two years from June 1, 2011

L–9. Robert W. Murphey District 38
12010 Sherree Lane
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–10. Aaron Talbert Mathis District 29
20808 Rosslare Court
Lexington Park, MD 20653

Member of the St. Mary's County Alcohol Beverage Board; appointed to serve remainder of a term of four years from January 1, 2008 and a term of four years from January 1, 2012

Wicomico County Board of License Commissioners

L–11. James Allen District 37
5644 Scottish Highland Circle
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2010

L–12. Aline K. Kenney District 38
8121 Esham Road
Parsonsburg, MD 21849

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2010

L–13. Leo McNeil District 38
7637 Fentral Avenue
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2011

Wicomico County Liquor Control Board

L–14. Donald E. Ewalt, Jr. District 38
203 Creekside Drive
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2011

L–15. Robert L. Gladden District 37
530 Riverside Drive, #507
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; appointed to serve a term of two years from July 1, 2011

L–16. Herman Stewart Haemel District 38
1702 South Kaywood Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2011

Worcester County Board of License Commissioners

L–17. R. Charles Nichols District 38
10527 Calvin Lane
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2011

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 2, 2012.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 71 – Senator Kelley

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

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

FLOOR COMMITTEE AMENDMENT

SB0071/748976/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 71, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Finance Committee Amendments (SB0071/837672/1), in line 9 of Amendment No. 1, after "law" insert ", the decedent consented in a written record to be the parent of a child posthumously conceived using the decedent's genetic material, and the child posthumously conceived was born within a certain period after the death of the decedent".

AMENDMENT NO. 2

On page 2 of the Finance Committee Amendments, in line 4 of Amendment No. 2, strike the third "**THE**" and substitute "**:**

(I) **THE**";

in line 7, after "**ARTICLE**" insert "**; AND**

(II) **THE PERSON CONSENTED IN A WRITTEN RECORD TO BE THE PARENT OF A CHILD POSTHUMOUSLY CONCEIVED USING THE PERSON'S GENETIC MATERIAL**";

in line 15, strike the second "**THE**" and substitute "**:**

(1) **THE**";

and in line 18, after "**ARTICLE**" insert "**;**

(2) **THE PERSON CONSENTED IN A WRITTEN RECORD TO BE THE PARENT OF A CHILD POSTHUMOUSLY CONCEIVED USING THE PERSON'S GENETIC MATERIAL; AND**

(3) **THE CHILD POSTHUMOUSLY CONCEIVED USING THE DECEDENT'S GENETIC MATERIAL IS BORN WITHIN 2 YEARS AFTER THE DEATH OF THE DECEDENT**".

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 47 Members present.

(See Roll Call No. 341)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #22

Senate Bill 135 – Senators Gladden and Frosh

AN ACT concerning

Ground Leases – Registration – Failure to Register

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

Affirmative – 47 Negative – 0 (See Roll Call No. 342)

The Bill was then sent to the House of Delegates.

Senate Bill 183 – 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 – 47 Negative – 0 (See Roll Call No. 343)

The Bill was then sent to the House of Delegates.

Senate Bill 203 – Senators Zirkin, Astle, Jacobs, Madaleno, Manno, Mathias, Montgomery, Robey, Shank, Stone, ~~and Young~~ Young, Brochin, Forehand, Ramirez, and Raskin

AN ACT concerning

Criminal Law – Animal Cruelty – Payment of Costs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 344)

The Bill was then sent to the House of Delegates.

Senate Bill 422 – ~~Senator Frosh~~ Senators Frosh and Colburn

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – ~~Office of the Public Defender – Representation~~
Criminal Defendants – Citations and Appearances

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

Affirmative – 45 Negative – 1 (See Roll Call No. 345)

The Bill was then sent to the House of Delegates.

Senate Bill 550 – Senators Montgomery, Benson, Glassman, Jacobs, Middleton, Rosapepe, and Young

AN ACT concerning

Health – Cottage Food Businesses – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 346)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 347)

ADJOURNMENT

At 10:46 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 2, 2012.

Annapolis, Maryland
Friday, March 2, 2012
11:00 A.M. Session

The Senate met at 11:07 A.M.

Prayer by Reverend Karen Bunnell, Senior Pastor of the Elkton United Methodist Church, guest of Senator Pipkin.

(See Exhibit A of Appendix III)

The Journal of March 1, 2012 was read and approved.

QUORUM CALL

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

(See Roll Call No. 349)

INTRODUCTION OF BILLS

Senate Bill 1071 – Senator Edwards

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Garrett County – Oakland B&O Railroad Museum

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Mayor and Town Council of the Town of Oakland to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to an amendment to 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(AF) and Item ZA03(AH)

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

Senate Bill 1072 – 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; requiring that the Board of Public Works expend or encumber the proceeds of a certain loan by June 1, 2014; 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 ZA03(BI)

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

Senate Bill 1073 – Senator Middleton

AN ACT concerning

Electricity – Certificate of Public Convenience and Necessity – Overhead Transmission Lines

FOR the purpose of authorizing the Public Service Commission to waive the requirement for an electric company to obtain a certificate of public convenience and necessity under certain circumstances for good cause; requiring the Commission to waive the requirement to obtain a certificate of public convenience and necessity for construction related to an existing overhead transmission line designed to carry a certain amount of voltage under certain circumstances; authorizing an electric company to undertake construction necessary to avoid an imminent safety hazard or reliability risk under certain circumstances; requiring an electric company to file a certain report with the Commission within a certain period of time under certain circumstances; and generally relating to certificates of public convenience and necessity for overhead electric transmission lines.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–207(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities

Section 7–207(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1074 – Senator Colburn

AN ACT concerning

Critical Area Commission – Planting Credits – Warm Season Grass

FOR the purpose of requiring that warm season grasses be eligible for certain planting credits; requiring that warm season grasses receive planting credits of a similar weight and value as certain vegetation types; requiring that warm season grasses be eligible for planting credits regardless of the acreage planted; requiring the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays to adopt certain regulations; defining a certain term; and generally relating to mitigation and planting standards for warm season grasses in the Critical Area.

BY adding to
Article – Natural Resources
Section 8–1808.12
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 1075 – Senator Mathias

AN ACT concerning

Worcester County – Alcoholic Beverages – Beer and Wine Festivals

FOR the purpose of authorizing the Worcester County Board of License Commissioners to issue not more than a certain number of licenses each year for displaying and selling beer and wine at beer and wine festivals in the county; altering a certain definition; and generally relating to beer and wine festivals in Worcester County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–314
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1076 – Senator McFadden

AN ACT concerning

Maryland Veterans Commission – Membership – Revision

FOR the purpose of altering the composition of the Maryland Veterans Commission; and generally relating to the membership of the Maryland Veterans Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–915
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–917(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 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 65 – Delegates Jameson and Minnick

AN ACT concerning

Injured Workers' Insurance Fund – Cancellation of Policies – Failure to Pay a Premium

FOR the purpose of altering the manner in which the Injured Workers' Insurance Fund may cancel polices when a policyholder has failed to pay a premium; repealing a requirement that the Board for the Injured Workers' Insurance Fund refer cases for collection to the Office of the Attorney General; and generally relating to the cancellation and collection procedures of the Injured Workers' Insurance Fund.

BY repealing and reenacting, without amendments,
Article – Insurance

Section 19–406
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–118, 10–133, and 10–135
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 84 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Reemployment of Retirees – Exemptions

FOR the purpose of providing that certain retirees of the Correctional Officers' Retirement System are subject to a certain offset of a retirement allowance under certain circumstances; clarifying the circumstances under which certain retires of the Correctional Officers' Retirement System are subject to a certain offset of a retirement allowance; altering the number of years required after retirement for certain retirees of the State Retirement and Pension System to be exempt from a certain earnings offset of their retirement allowance when reemployed by certain employers; 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 reemployment of retirees in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–405(b)(3)(i) and 25–403(b)(1) and (3)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–405(b)(1)(i)
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 24–405(b)(2)(i)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Chapter 644 of the Acts of the General Assembly of 2009)

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

House Bill 88 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Medical Board Participation

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to appoint a physician who is a participating employee in the Optional Retirement Program to serve on a medical board, subject to a certain condition; prohibiting a medical board physician who is a participating employee in the Optional Retirement Program from participating in certain cases under certain circumstances; and generally relating to the appointment of medical boards for the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–126
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 98 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

Teachers' Retirement and Pension Systems – Reemployment of Retirees – Maryland School for the Deaf Exemption

FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the Teachers' Retirement System or the Teachers' Pension System who are employed by the Maryland School for the Deaf; providing that the superintendent of the Maryland School for the Deaf may employ a certain number of certain retirees who will not be subject to a certain offset of a retirement allowance; requiring that the superintendent of the Maryland School

for the Deaf is responsible for certain reimbursements under certain circumstances; requiring the superintendent of the Maryland School for the Deaf to submit certain reports to the Board of Trustees for the State Retirement and Pension System and the Superintendent of the State Department of Education in a certain manner and by a certain date; and generally relating to the reemployment of retirees in the teachers' retirement and pension systems.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 22–406(a) and (c)(4)(v) and (vi) and 23–407(a) and (c)(4)(iv) and (v)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~22–406(c)(5) and (6) and 23–407(c)(5) and (6)~~ 22–406(c)(5), (6), (8), (9), and (10) and 23–407(c)(5), (6), (8), (9), and (10)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 114 – Delegates Jameson and Minnick

AN ACT concerning

Subsequent Injury Fund and Uninsured Employers' Fund – Assessments on Settlement Agreements

FOR the purpose of excluding from the assessments imposed by the Workers' Compensation Commission and payable to the Subsequent Injury Fund and the Uninsured Employers' Fund the amount of certain medical benefits under a certain settlement agreement under certain circumstances; and generally relating to settlement agreements and assessments payable to the Subsequent Injury Fund and the Uninsured Employers' Fund.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–806 and 9–1007
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 126 – Delegates Beidle, Niemann, and Weir

AN ACT concerning

Maryland Condominium Act – Right of Entry to Investigate Damage and Make Repairs

FOR the purpose of authorizing the council of unit owners of a condominium or its authorized designee to enter units to investigate damage under certain circumstances; ~~repealing a certain restriction on the right of a council of unit owners or its designee to enter a unit;~~ requiring a council of unit owners to make a reasonable effort to give notice to the owner of a unit to be entered for the purpose of investigation except under certain circumstances; making stylistic changes; and generally relating to the right of a council of unit owners to enter a unit to investigate damage and make repairs.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–125(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 134 – Carroll County Delegation

AN ACT concerning

Carroll County – Archery Hunting – Safety Zone

FOR the purpose of establishing for archery hunters in Carroll 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 Carroll County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 144 – Delegates Eckardt, Cane, and Haddaway–Riccio

EMERGENCY BILL

AN ACT concerning

Caroline County and Dorchester County – Turkey Hunting on Private Property – Sundays

FOR the purpose of authorizing a person to hunt turkey on private property on certain Sundays in Caroline County and Dorchester County; making this Act an emergency measure; and generally relating to turkey hunting on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 150 – Allegany County Delegation

AN ACT concerning

Allegany County – Solicitation of Money or Donations from Occupants of Vehicles – Prohibitions and Permit Program

FOR the purpose of prohibiting, in Allegany County, a person from standing, or causing, encouraging, allowing, or petitioning another to stand, in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle, subject to a certain exception; authorizing the governing body of the county or of a municipal corporation in the county to enact a certain permit program to allow individuals who are at least a certain age and representatives of certain organizations who are at least a certain age to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection in the county or municipal corporation; requiring an applicant for a certain permit to submit proof of a certain plan; requiring that an application for a certain permit be effective only for a certain period of time; providing that an individual or a certain organization may obtain only a certain number of a certain permit per calendar year; and generally relating to the solicitation of money from occupants of vehicles in Allegany County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–507(f)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 156 – Delegate Beidle

AN ACT concerning

Real Property – Condominiums – Rescission of Sales Contracts

FOR the purpose of limiting a condominium purchaser's right to rescind in writing a contract of sale based on amended material in a vendor's public offering statement to certain amendments that affect materially and adversely the purchaser's rights; requiring a purchaser to state in writing the purchaser's reason for rescission when it is based on certain amended material in a vendor's public offering statement; stating the intent of the General Assembly; making stylistic changes; and generally relating to the rescission of condominium sales contracts.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11–126(a), (b), and (d)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–126(e)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 176 – Delegates Gutierrez, Carr, and Waldstreicher

EMERGENCY BILL

AN ACT concerning

Maryland Consolidated Capital Bond Loans of 2002 and 2009 – Montgomery County – MacDonald Knolls Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loans of 2002 and 2009 to extend the deadline for the Board of Directors of CHI Centers, Inc. to present evidence that a matching fund will be provided for a certain grant; requiring that the Board of Public Works expend or encumber the proceeds of the loans by June 1, 2014; making this Act an emergency measure; and generally relating to amending the Maryland Consolidated Capital Bond Loans of 2002 and 2009.

BY repealing and reenacting, with amendments,

Chapter 290 of the Acts of the General Assembly of 2002, as amended by Chapter 707 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA00(OO)

BY repealing and reenacting, with amendments,
Chapter 485 of the Acts of the General Assembly of 2009
Section 1(3) Item ZA02(AI)

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

House Bill 261 – Delegates Vallario, McDermott, Anderson, Dumais, Glenn, K. Kelly, Simmons, Smigiel, Valentino–Smith, and Wilson

EMERGENCY BILL

AN ACT concerning

Criminal Procedure – ~~Office of the Public Defender – Representation~~
Criminal Defendants – Court Appearances

FOR the purpose of ~~repealing the requirement that the Office of the Public Defender provide representation to a certain indigent individual in all stages of a certain proceeding; altering the specific events in which the Office of the Public Defender is required to represent indigent individuals in criminal proceedings; providing that a certain provision of law may not be construed to require representation by the Office of the Public Defender at a certain initial appearance~~ declaring the intention of the General Assembly to monitor certain issues and determine whether modification of this Act is required at a certain time; prohibiting certain ex parte communications between a District Court commissioner and a State's Attorney, an attorney for the defendant, or a law enforcement officer; prohibiting a certain statement made by a defendant during the course of an initial appearance before a District Court commissioner from being used as evidence against the defendant in a criminal proceeding or juvenile proceeding; establishing that a defendant who is denied pretrial release by a District Court commissioner or who remains in custody after a District Court commissioner has determined conditions of release under certain circumstances must be presented to a District Court or circuit court judge ~~within a certain time period except under certain circumstances~~ at a certain time; repealing the requirement that the Office of the Public Defender provide representation to a certain indigent individual in all stages of a certain proceeding; altering the specific events in which the Office of the Public Defender is required to represent indigent individuals in criminal proceedings; requiring the Office of the Public Defender to provide representation to an indigent individual at a bail hearing before a District Court or circuit court judge; providing that representation is not required to be provided by the Office of the Public Defender to certain indigent individuals at a certain initial appearance before a District Court commissioner; establishing a Task Force to

Study the Laws and Policies Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender; providing for the membership and duties of the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting members of the Task Force from receiving compensation; authorizing a member to receive certain reimbursement; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before certain dates; providing for the application of certain provisions of this Act; providing for the termination of a certain provision of this Act; making this Act an emergency measure; and generally relating to ~~representation by the Office of the Public Defender.~~ court appearances by criminal defendants.

BY adding to
Article – Courts and Judicial Proceedings
Section 2–607(f) and 10–922
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Criminal Procedure
Section 5–215
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–204
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 271 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Housing and Community Development – Disaster Relief Housing Program

FOR the purpose of clarifying the purposes of the Disaster Relief Housing Program in the Department of Housing and Community Development; authorizing the Department to continue to provide certain financial assistance after the expiration of a state of emergency; and generally relating to financial housing assistance during a disaster.

BY repealing and reenacting, with amendments,

Article – Housing and Community Development
Section 4–1902
Annotated Code of Maryland
(2006 Volume and 2011 Supplement)

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

House Bill 299 – Delegates Kipke, Aumann, Burns, DeBoy, Hubbard, Kaiser, McDonough, Reznik, and Valentino–Smith

AN ACT concerning

Amusement Parks – Safety Warnings

FOR the purpose of requiring that the State Amusement Ride Safety Advisory Board, in consultation with the State Traumatic Brain Injury Advisory Board, determine if it is necessary to require a certain concussion warning at amusement parks, those rides in which a certain passenger is at risk, and the appropriate method of warning passengers; requiring the State Amusement Ride Safety Advisory Board to ~~reports~~ report its findings on or before a certain date; and generally relating to safety warnings for amusement attractions.

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

House Bill 318 – Delegate Feldman

AN ACT concerning

Estates – Small Estate Administration – Eligibility Thresholds

FOR the purpose of altering the maximum value of property of certain decedents that may be eligible to be administered as a small estate; altering the value of property discovered after filing a certain petition that requires removing an estate from small estate administration; altering the fee schedule for certain small estates; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to small estate administration.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 5–601, 5–605, and 5–606
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

House Bill 363 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Clippinger, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Police Department – Appointments

FOR the purpose of altering the rank above which the Police Commissioner of Baltimore City may make an appointment without an examination under certain circumstances; and generally relating to appointments in the Police Department of Baltimore City.

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–7(3) and 16–10(d)
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

House Bill 402 – Delegate Beitzel

AN ACT concerning

Environment – Dormant Mineral Interests – Termination by Court Order Requirements

FOR the purpose of requiring a court order that terminates a certain dormant mineral interest to identify certain information; requiring a clerk of the court that issued a certain order to record the order in the land records; and generally relating to the termination of dormant mineral interests.

BY repealing and reenacting, without amendments,
Article – Environment
Section 15–1201
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 15–1203(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 412 – Delegate O'Donnell

AN ACT concerning

Agriculture – Sewage Sludge – Timing of Winter Application

FOR the purpose of requiring the Department of Agriculture to adopt regulations establishing criteria for the timing of the winter application of sewage sludge that are the same as or substantially similar to the criteria adopted for the timing of the winter application of animal manure; providing for a delayed effective date; and generally relating to the timing of the winter application of sewage sludge.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 8–803.1(e) and (f)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 8–804(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 450 – Delegates Hogan, Beidle, Bobo, Carr, Glenn, Healey, Holmes, Jacobs, Lafferty, McMillan, Niemann, Norman, O'Donnell, Otto, Stein, Vitale, Weir, and Wilson

AN ACT concerning

Residential Real Property Sales – Property Tax Disclaimer

FOR the purpose of requiring that a certain form developed by the State Real Estate Commission in connection with the sale of residential real property contain a notice stating the possibility of there being significant differences in the property tax bill previously paid by the seller of the property and the property tax bill of the buyer of the property; and generally relating to sales of residential real property.

BY repealing and reenacting, without amendments,

Article – Real Property
Section 10–702(b) and (f)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–702(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 454 – Delegate Niemann

AN ACT concerning

Real Property – Maryland Contract Lien Act – Foreclosures

FOR the purpose of providing that a lien under the Maryland Contract Lien Act may be enforced and foreclosed by the party who obtained the lien in the same manner, and subject to the same requirements, as the foreclosure of certain mortgages or deeds of trust on nonresidential property in this State; and generally relating to foreclosures 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 2011 Supplement)

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

House Bill 525 – Delegates Clagett, Aumann, Barve, Bates, DeBoy, Healey, Krebs, Norman, Pendergrass, Sophocleus, Stocksdale, Wood, and Zucker

AN ACT concerning

State Personnel – Hiring Prohibition – Individuals Terminated with Prejudice

FOR the purpose of prohibiting an appointing authority from hiring an individual who has been terminated with prejudice from State service; providing for the application of this Act; and generally relating to prohibiting the hiring of certain individuals by State appointing authorities.

BY adding to
Article – State Personnel and Pensions
Section 2–801 to be under the new subtitle "Subtitle 8. Hiring Prohibitions"
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 538 – Delegates Olszewski, Arora, Barkley, Barnes, Barve, Beidle, Bobo, Bohanan, Boteler, Carr, George, Glass, Kach, Mizeur, Reznik, Szeliga, Vitale, and Weir

AN ACT concerning

Campaign Finance – Contributions – Disclosure

FOR the purpose of requiring a campaign finance entity to report certain information on its campaign finance reports for each contribution the entity receives; authorizing a campaign finance entity to report a maximum of a certain amount of contributions in an election cycle on its campaign finance reports without providing certain information about each contribution; requiring that contributions reported on or after a certain date shall be considered in making a certain determination under this Act; providing that certain reporting requirements under this Act apply only to campaign finance reports filed on or after a certain date; and generally relating to the disclosure of information concerning contributions in campaign finance reports.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–240 and 13–304
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 730 – Delegate Kramer

AN ACT concerning

Credit Regulation – Installment Loans Secured by Motor Vehicle Lien – Balloon Payments

FOR the purpose of altering the circumstances under which a credit grantor is authorized to require a consumer borrower to pay a balloon payment at maturity of an installment loan secured by a lien on a motor vehicle; limiting the authority to liens on certain motor vehicles and installment loans in excess

of certain amounts; and generally relating to installment loans secured by a lien on a motor vehicle.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–1003
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

House Bill 839 – Delegates Stifler and Norman

AN ACT concerning

Governor's Advisory Commission on Maryland Wine and Grape Growing – Membership

FOR the purpose of altering the membership of the Governor's Advisory Commission on Maryland Wine and Grape Growing; and generally relating to the Governor's Advisory Commission on Maryland Wine and Grape Growing.

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 10–1201(a) and (b)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 10–1203(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

THE COMMITTEE ON FINANCE REPORT #8

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

Senate Bill 77 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Unfair Claim Settlement Practices – Failure to Cross–Check Death Master File

SB0077/467679/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 77
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Cross–Check" and substitute "Search"; in line 4, strike "or" and substitute a comma; in the same line, after "delivers" insert ", or renews"; in lines 5, 9, and 11, in each instance, strike "cross–check" and substitute "comparison"; in line 11, strike "potential" and substitute "certain"; in line 12, after "holder;" insert "providing that an insurer is not required to perform the comparison for a group life insurance policy unless the insurer provides certain services to the policy holder; authorizing an insurer to disclose certain information to certain persons under certain circumstances;"; in line 16, strike "any provision" and substitute "certain provisions"; in lines 16 and 17, strike "or any regulation adopted under this Act"; in line 18, strike "a"; in the same line, strike "term" and substitute "terms; providing for the application of this Act"; and after line 25, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–303
Annotated Code of Maryland
(2011 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 2, strike beginning with "**IN**" through "**MEANS:**" and substitute "**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**"; after line 2, insert:

"**(2) "CREDIT LIFE INSURANCE" HAS THE MEANING STATED IN § 13–101 OF THIS ARTICLE.**

(3) "DEATH MASTER FILE" MEANS:";

in lines 3 and 5, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 7, insert:

"**(4) "DEATH MASTER FILE MATCH" MEANS A MATCH, RESULTING FROM A SEARCH OF A DEATH MASTER FILE, OF A SOCIAL SECURITY NUMBER OR A NAME AND DATE OF BIRTH OF AN INDIVIDUAL ON THE DEATH MASTER FILE WITH THE SOCIAL SECURITY NUMBER OR THE NAME AND DATE OF BIRTH OF AN INSURED, ANNUITANT, OR RETAINED ASSET ACCOUNT HOLDER.**

(5) "PRE–NEED INSURANCE CONTRACT" MEANS A LIFE INSURANCE POLICY OR CERTIFICATE, ANNUITY CONTRACT, OR OTHER INSURANCE CONTRACT THAT, BY ASSIGNMENT OR OTHERWISE, HAS AS A PURPOSE THE FUNDING OF AN AGREEMENT RELATING TO THE PURCHASE OR PROVISION OF SPECIFIC FUNERAL OR CEMETERY MERCHANDISE OR SERVICES TO BE PROVIDED AT THE TIME OF DEATH OF AN INDIVIDUAL.

(6) "RETAINED ASSET ACCOUNT" HAS THE MEANING STATED IN § 16–117(A) OF THIS ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN ANNUITY CONTRACT THAT:

(I) IS USED TO FUND AN EMPLOYMENT–BASED RETIREMENT PLAN OR PROGRAM; AND

(II) DOES NOT REQUIRE THE INSURER UNDER THE ANNUITY CONTRACT TO PAY DEATH BENEFITS TO THE BENEFICIARIES OF SPECIFIC PLAN OR PROGRAM PARTICIPANTS;

(2) A POLICY OR CERTIFICATE OF LIFE INSURANCE THAT PROVIDES A DEATH BENEFIT UNDER:

(I) AN EMPLOYEE BENEFIT PLAN SUBJECT TO THE FEDERAL EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974; OR

(II) ANY FEDERAL EMPLOYEE BENEFIT PROGRAM;

(3) A PRE–NEED INSURANCE CONTRACT;

(4) A POLICY OR CERTIFICATE OF CREDIT LIFE INSURANCE; OR

(5) A POLICY OR CERTIFICATE OF ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.".

On page 2, in lines 8 and 24, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 8, strike "**OR**" and substitute a comma; in the same line, after "**DELIVERS**" insert "**, OR RENEWS**"; in lines 10, 16, 24, and 27, strike "**CROSS–CHECK**" and substitute "**COMPARISON**"; in lines 13, 14, 26, and 29, in each instance, after "**OR**" insert "**RETAINED ASSET**"; in line 18, strike "**QUARTERLY**" and substitute "**SEMIANNUAL**"; after line 23, insert:

"**(3) FOR A GROUP LIFE INSURANCE POLICY, AN INSURER IS NOT REQUIRED TO PERFORM THE COMPARISON REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE INSURER PROVIDES FULL RECORD–KEEPING SERVICES TO THE GROUP LIFE INSURANCE POLICY HOLDER.**";

in line 25, strike "**(B)**" and substitute "**(C)**"; and in the same line, strike "**POTENTIAL**" and substitute "**DEATH MASTER FILE**".

On page 3, in lines 5 and 13, in each instance, after "**OR**" insert "**RETAINED ASSET**"; after line 16, insert:

"**(3) TO THE EXTENT PERMITTED BY LAW, AN INSURER MAY DISCLOSE THE MINIMUM NECESSARY PERSONAL INFORMATION ABOUT AN INSURED, AN ANNUITANT, A RETAINED ASSET ACCOUNT HOLDER, OR A BENEFICIARY TO A PERSON THAT THE INSURER REASONABLY BELIEVES MAY BE ABLE TO ASSIST THE INSURER IN LOCATING A BENEFICIARY AS REQUIRED UNDER PARAGRAPH (1)(III)1 OF THIS SUBSECTION.**";

in lines 17 and 21, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively; in line 17, strike the third "**AN**" and substitute "**A RETAINED ASSET**"; and in line 20, strike "**(B) AND (C)**" and substitute "**(C) AND (D)**".

On pages 3 and 4, strike beginning with the comma in line 22 on page 3 down through "**ARTICLE**" in line 9 on page 4.

On page 4, after line 9, insert:

"27–303.

It is an unfair claim settlement practice and a violation of this subtitle for an insurer or nonprofit health service plan to:

(1) misrepresent pertinent facts or policy provisions that relate to the claim or coverage at issue;

(2) refuse to pay a claim for an arbitrary or capricious reason based on all available information;

(3) attempt to settle a claim based on an application that is altered without notice to, or the knowledge or consent of, the insured;

(4) fail to include with each claim paid to an insured or beneficiary a statement of the coverage under which payment is being made;

(5) fail to settle a claim promptly whenever liability is reasonably clear under one part of a policy, in order to influence settlements under other parts of the policy;

(6) fail to provide promptly on request a reasonable explanation of the basis for a denial of a claim;

(7) fail to meet the requirements of Title 15, Subtitle 10B of this article for preauthorization for a health care service;

(8) fail to comply with the provisions of Title 15, Subtitle 10A of this article; **[**or**]**

(9) fail to act in good faith, as defined under § 27–1001 of this title, in settling a first–party claim under a policy of property and casualty insurance**; OR**

(10) FAIL TO COMPLY WITH THE PROVISIONS OF § 16–118 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 388 – Senators Kittleman, Kasemeyer, Robey, Brinkley, and Getty

AN ACT concerning

Carroll and Howard Counties – Workers' Compensation – Students in Unpaid Work–Based Learning Experiences

SB0388/157076/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 388

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Robey, Brinkley, and Getty" and substitute "and Robey"; in line 2, strike "Carroll and Howard Counties" and substitute "Howard County"; in line 4, strike "boards of education in Carroll County and"; and in line 5, after "County" insert "Board of Education".

AMENDMENT NO. 2

On page 3, in line 1, strike "**THE CARROLL COUNTY BOARD,**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 449 – Senator Middleton

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #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
March 1, 2012

Automobile Insurance Fund, Board of Trustees of the Maryland

1. Mei Ching Lee District 9
6483 Tydings Road
Eldersburg, MD 21784

Member of the Board of Trustees of the Maryland Automobile Insurance Fund; appointed to serve at the pleasure of the Governor

Boiler Rules, Board of

2. Ashwani K. Gupta, Ph.D. District 21
P.O. Box 773
College Park, MD 20740

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2012

Health Benefit Exchange Board, Maryland

3. Enrique E. Martinez–Vidal District 14
18640 Queen Elizabeth Drive
Brookeville, MD 20833

Member of the Maryland Health Benefit Exchange Board; appointed to serve a term to expire May 31, 2014

Health Care Commission, Maryland

4. Craig P. Tanio, M.D. District 5
15610 Chilcoat Lane
Sparks, MD 21152

Member of the Maryland Health Care Commission; appointed to serve remainder of a term of four years from October 1, 2008

Marine Contractors Licensing Board

5. Christopher McCabe District 38
29035 Tanager Way
Eden, MD 21822

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

Parole Commission, Maryland

6. Perry Sfikas, Esq. District 46
623 Umbra Street
Baltimore, MD 21224

Member of the Maryland Parole Commission; reappointed to serve a term of six years from January 1, 2012

7. Sheila J. Sullivan, Esq. District 27
1811 Cable Court
Owings, MD 20736

Member of the Maryland Parole Commission; appointed to serve remainder of a term of six years from January 1, 2010

Physicians, State Board of

8. Deborah R. Harrison District 25
9612 Teakwood Drive
Largo, MD 20774

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

9. Frederick W. Walker, M.D. District 35
1924 Laurel Oak Drive
Bel Air, MD 21015

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2011

Public Defender, Office of the Board of Trustees of the

10. Erek L. Barron, Esq. District 25
1949 Beecham Court
Mitchellville, MD 20721

Member of the Board of Trustees of the Office of the Public Defender; appointed to serve a term to expire May 31, 2013

Public Service Commission

11. Walter Kevin Hughes, Esq. District 39
14604 Pebble Hill Lane
North Potomac, MD 20878

Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2011

12. Kelly Speakes–Backman District 30
2004 Chesapeake Road
Annapolis, MD 21409

Member of the Public Service Commission; appointed to serve remainder of a term of five years from July 1, 2009

Racing Commission, State

13. Louis Jay Ulman, Esq. District 9
4240 Blue Barrow Ride
Ellicott City, MD 21042

Member of the State Racing Commission; reappointed to serve a term of four years from July 1, 2011

School for the Deaf, Board of Trustees of the Maryland

14. Joseph B. Smail, Ph.D. District 46
2433 Eastern Avenue
Baltimore, MD 21224

Member of the Board of Trustees of the Maryland School for the Deaf; appointed to serve a term of six years from October 1, 2010

St. Mary's College of Maryland, Board of Trustees

15. Sven Erik Holmes District 99
2429 Kalorama Road, N.W.
Washington, DC 20008

Member of the Board of Trustees of St. Mary's College of Maryland; appointed to serve remainder of a term of six years from June 1, 2007

Technology Development Corporation Board of Directors, Maryland

16. Newton B. Fowler, III District 43
329 Tunbridge Road
Baltimore, MD 21212

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve remainder of a term of four years from July 1, 2010

17. Carlos M. Montague District 28
7570 Shirley Boulevard
Port Tobacco, MD 20677

Member of the Maryland Technology Development Corporation Board of Directors; appointed to serve a term of four years from July 1, 2011

18. C. Warren Mullins District 35
205 Bodington Court
Bel Air, MD 21014

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2010

Transportation Authority, Maryland

19. Arthur S. Hock District 36
204 N. Queen Street
Chestertown, MD 21620

Member of the Maryland Transportation Authority; appointed to serve a term of four years from July 1, 2011

20. A. Bradley Mims District 27
10007 Welshire Drive
Upper Marlboro, MD 20772

Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2008

Venture Fund Authority, Maryland

21. Goodloe E. Byron, Jr. District 4
8926 Mt. Tabor Road
Middletown, MD 21769

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

22. Gina Dubbe District 9
14318 Roxbury Lake Drive
Glenelg, MD 21737

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

23. Peter S. Greenleaf District 16
5606 Parkston Road
Bethesda, MD 20816

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

24. Michael J. Howard District 26
6907 Mackson Drive
Temple Hills, MD 20748

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

25. Elizabeth Good Mazhari District 42
551 Allegheny Avenue
Towson, MD 21204

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2015

Well Drillers, State Board of

26. 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, 2011

27. 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, 2010

28. Hahns S. Hairston District 44
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, 2010

29. David B. Hartman District 46
1404 Harpers Street
Baltimore, MD 21230

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2011

30. John T. Shannahan, Sr. District 37
25145 Saint Michael's Road, P.O. Box 730
St. Michael's, MD 21663

Member of the State Board of Well Drillers; reappointed to serve a term of two years from July 1, 2010

31. Travis E. Sterner, R.S. 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, 2010

32. Darlene Vivian 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, 2010

Wellmobile Program Advisory Board, Governor's

33. Richard D. Gelfman, Esq. District 12
11309 Willow Bottom Drive
Columbia, MD 21044

Member of the Governor's Wellmobile Program Advisory Board; reappointed to serve a term of three years from October 1, 2008 and a term of three years from October 1, 2011

Women, Maryland Commission for

34. Susan C. Elgin, Esq. District 43
204 Churchwardens Road
Baltimore, MD 21212

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

35. Lynne R. Fitrell District 29
25723 Vista Road
Hollywood, MD 20636

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

36. Kathleen White, Ed.D. District 10
5 Fallshire Court, P.O. Box 608
Randallstown, MD 21133

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2011

Youth Camp Safety, Advisory Council on

37. Mark L. Bates District 30
247 Likes Road
Edgewater, MD 21037

Member of the Advisory Council on Youth Camp Safety; appointed to serve a term of three 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.

Technology Development Corporation Board of Directors, Maryland

S–1. Eric G. Orlinsky, Esq. District 43
4415 Greenway
Baltimore, MD 21218

Member of the Maryland Technology Development Corporation Board of Directors; reappointed to serve a term of four years from July 1, 2011

Wellmobile Program Advisory Board, Governor's

S–2. Gerard M. Walsh District 37
30 Bellevue Avenue
Cambridge, MD 21613

Member of the Governor's Wellmobile Program Advisory Board; reappointed to serve a term of three years from October 1, 2010

Women, Maryland Commission for

S–3. Helen L. Holton District 41
830 N. Chapelgate Lane
Baltimore, MD 21229

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Allegany County Board of License Commissioners

L–1. Charles Ronald Miller District 1
12712 Lewis Heights Drive, S.W.
Cumberland, MD 21502

Member of the Allegany County Board of License Commissioners; reappointed to serve a term of six years from May 3, 2011, to expire the first Monday in May 2017

Calvert County Board of License Commissioners

L–2. Ruth N. Reid District 27
3010 Ponds Wood Road
Huntingtown, MD 20639

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

L–3. John H. Smack District 27
2641 Plum Point Road
Huntingtown, MD 20639

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

L–4. Beth E. Swoap District 29
2118 Loblolly Lane
St. Leonard, MD 20685

Member of the Calvert County Board of License Commissioners; appointed to serve a term to expire June 3, 2013

Frederick County Board of License Commissioners

L–5. Richard E. Zimmerman District 3
700 Rosemont Avenue
Frederick, MD 21701

Member of the Frederick County Board of License Commissioners; appointed to serve a term of five years from July 1, 2011

Prince George's County Board of License Commissioners

L–6. Charles W. Caldwell, III District 23
16112 Parklawn Place
Bowie, MD 20716

Member of the Prince George's County Board of License Commissioners; appointed to serve remainder of a term of three years from June 1, 2011

L–7. Franklin D. Jackson, Esq. District 23
12610 Pleasant Prospect
Mitchellville, MD 20721

Member of the Prince George's County Board of License Commissioners; reappointed to serve a term of three years from June 1, 2011

Somerset County Board of License Commissioners

L–8. Ralph F. Lusk District 38
26743 Rumbley Road
Westover, MD 21871

Member of the Somerset County Board of License Commissioners; appointed to serve a term of two years from June 1, 2011

L–9. Robert W. Murphey District 38
12010 Sherree Lane
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–10. Aaron Talbert Mathis District 29
20808 Rosslare Court
Lexington Park, MD 20653

Member of the St. Mary's County Alcohol Beverage Board; appointed to serve remainder of a term of four years from January 1, 2008 and a term of four years from January 1, 2012

Wicomico County Board of License Commissioners

L–11. James Allen District 37
5644 Scottish Highland Circle
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2010

L–12. Aline K. Kenney District 38
8121 Esham Road
Parsonsburg, MD 21849

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2010

L–13. Leo McNeil District 38
7637 Fentral Avenue
Salisbury, MD 21801

Member of the Wicomico County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2011

Wicomico County Liquor Control Board

L–14. Donald E. Ewalt, Jr. District 38
203 Creekside Drive
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2011

L–15. Robert L. Gladden District 37
530 Riverside Drive, #507
Salisbury, MD 21801

Member of the Wicomico County Liquor Control Board; appointed to serve a term of two years from July 1, 2011

L–16. Herman Stewart Haemel District 38
1702 South Kaywood Drive
Salisbury, MD 21804

Member of the Wicomico County Liquor Control Board; reappointed to serve a term of two years from July 1, 2011

Worcester County Board of License Commissioners

L–17. R. Charles Nichols District 38
10527 Calvin Lane
Berlin, MD 21811

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2011

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?"

With the exception of Nominee Nos. 11, 12, 19, 20, and L–10, the above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 350)

Senator Simonaire moved, duly seconded, to make the Nominee Nos. 19 and 20 a Special Order for March 6, 2012.

The motion was adopted.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 414 – 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 2nd day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 351)

SPECIAL ORDERS

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

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

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

Nominee No. L–10, Aaron Talbert Mathis, Member of the St. Mary's County Alcohol Beverage Board; appointed to serve remainder of a term of four years from January 1, 2008 and a term of four years from January 1, 2012.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 352)

Nominee No. 11, Walter Kevin Hughes, Esq., Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2011

Nominee No. 12, Kelly Speakes–Backman, Member of the Public Service Commission; appointed to serve a term of five years from July 1, 2009

The above nominations of the Executive were confirmed by roll call vote as follows:

Affirmative – 40 Negative – 7 (See Roll Call No. 353)

QUORUM CALL

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

(See Roll Call No. 354)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 25 – Senator Jacobs (By Request)

AN ACT concerning

Vehicle Laws – Historic Motor Vehicles – ~~Truck Tractors~~ Trucks, Tractors, and Motor Homes

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

Affirmative – 47 Negative – 0 (See Roll Call No. 355)

The Bill was then sent to the House of Delegates.

Senate Bill 133 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Wholesale Distributor Permits – Permit and Application Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the House of Delegates.

Senate Bill 178 – Senators Jacobs and Montgomery

AN ACT concerning

Education – Informal Kinship Care – ~~Documentation Supporting Affidavit – Repeal~~ Enrollment Before Submission of Documentation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the House of Delegates.

Senate Bill 274 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Pharmacy – Sunset Extension and Revisions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 358)

The Bill was then sent to the House of Delegates.

Senate Bill 321 – Senators Young and Brinkley

AN ACT concerning

Frederick County – Alcoholic Beverages – Licensed Restaurants – Removal of Tables and Chairs for Expanded Occupancy

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

Affirmative – 47 Negative – 0 (See Roll Call No. 359)

The Bill was then sent to the House of Delegates.

Senate Bill 344 – ~~Senator Middleton~~ Senators Middleton and Simonaire

AN ACT concerning

Health Occupations – Dental Hygienists – Local Anesthesia

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

Affirmative – 47 Negative – 0 (See Roll Call No. 360)

The Bill was then sent to the House of Delegates.

Senate Bill 346 – Senators Glassman and Jacobs

AN ACT concerning

Harford County – Deer Hunting on Private Property – Sundays

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

Affirmative – 43 Negative – 4 (See Roll Call No. 361)

The Bill was then sent to the House of Delegates.

Senate Bill 483 – Senators Benson, Miller, Frosh, Montgomery, and Pinsky

AN ACT concerning

Chesapeake and Atlantic Coastal Bays Critical Area – Prohibition – Junk and Scrap Metal Facilities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 362)

The Bill was then sent to the House of Delegates.

Senate Bill 663 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Elections – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 363)

The Bill was then sent to the House of Delegates.

QUORUM CALL

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

(See Roll Call No. 364)

ADJOURNMENT

At 12:15 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 5, 2012.

Annapolis, Maryland
Monday, March 5, 2012
8:00 P.M. Session

The Senate met at 8:07 P.M.

Prayer by Reverend Doctor William F. R. Gilroy, St. John Lutheran Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 2, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 366)

PETITIONS, MEMORIALS AND OTHER PAPERS

Fallen Heroes Day

Welcome remarks and introduction of Major General Adkins given by Senator Douglas J. J. Peters.

Mr. President, Ladies and Gentlemen of the Senate, Veterans and Guests –

It is indeed an honor to host the annual tribute to our Maryland Fallen Heroes – the men and women who have paid the ultimate price. Our hearts go out to the families whose lives have been altered by events of war. We offer you our prayers and support.

The following Heroes were honored and their names were read:

1. Ssgt. James M. Malachowski, USMC
2. Cpt. Charles E. Ridgley, Jr., U.S. Army
3. Msgt. Tara R. Brown, USAF
4. Spc Barun Rai, U.S. Army
5. Sgt Jameel T. Freeman, U.S. Army

6. Ltc David E. Cabrera, U.S. Army
7 Spc Ronald H. Wildrick, Jr., U.S. Army
8. Airman First Class Matthew R. Seidler, USAF
9. Major Robert J. Marchanti, II, MDNG

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 415 – Senator Edward R. Reilly:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Annapolis Area Christian School Football Team
in recognition of
being the first football team in Maryland history to win three consecutive MIAA Championships. We applaud your outstanding seasons and wish you many more.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 5th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 367)

Senate Resolution No. 427 – Senator Thomas M. Middleton:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Students of Henry E. Lackey High School
in recognition of
their project "Microgravity Affects on the Arabidopsis Thaliana" being selected by NASA's Student Space
Flight Experiments Program to be aboard the
Shuttle Atlantis' final mission.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 5th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 368)

Senate Resolution No. 426 – Senator Nancy J. King:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Montgomery Village Chiefs
in recognition of
winning the Maryland Youth Football 2011
Division 1 State Championship. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 5th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 369)

INTRODUCTION OF BILLS

Senate Bill 1077 – Senator Middleton

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

FOR the purpose of extending the termination date of certain provisions of law requiring the Mortality and Quality Review Committee to make certain reports, recommendations, and findings regarding incidents of injury and requiring the Office of Health Care Quality to provide certain data to the Committee; and generally relating to the Mortality and Quality Review Committee and reportable incidents of injury.

BY repealing and reenacting, with amendments,
Chapter 268 of the Acts of the General Assembly of 2006, as amended by Chapter 49 of the Acts of the General Assembly of 2009
Section 3

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

Senate Bill 1078 – Senator Dyson

AN ACT concerning

Election Law – Absentee Ballots – Internet or Facsimile Transmission

FOR the purpose of requiring a local board of elections to send certain voters an absentee ballot by the Internet or facsimile transmission under certain

circumstances; requiring the State Board of Elections to provide an online ballot marking tool for certain voters to use to vote an absentee ballot, subject to a certain condition; requiring a local board of elections to provide certain voters with a certain envelope, oath, and instructions for completing and mailing an absentee ballot; and generally relating to absentee ballots.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 9–306, 9–308, and 9–310
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1079 – Senator Young

AN ACT concerning

Department of Health and Mental Hygiene – Facilities Capital Program – State's Right of Recovery

FOR the purpose of requiring the Department of Health and Mental Hygiene, on receipt of a written request from a certain recipient of funds disbursed for a certain project or facility or the owner of a certain property, to prepare and send to the requestor a certain written estimate that includes certain information; authorizing the Department to require that a certain request include a copy of an appraisal of a certain property prepared within a certain period of time; authorizing the Board of Public Works, at the request of the Department, a certain recipient of funds disbursed for a certain project or facility, or the owner of a certain property, to waive the State's right of recovery under certain circumstances or subordinate the State's right of recovery to a lien of a mortgage or deed of trust securing a certain loan under certain circumstances; and generally relating to the State's right of recovery under the Department of Health and Mental Hygiene's Facilities Capital Program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 24–602
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–606
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1080 – Senators Young, Colburn, and Kittleman

AN ACT concerning

Religious Corporations – Laws Governing Assets of United Methodist Church – Repeal

FOR the purpose of repealing certain requirements for the holding of certain assets owned by a certain Methodist Church; repealing certain provisions of law providing for the effect of the absence of a trust clause in a certain deed or other conveyance executed before a certain date; and generally relating to the assets of the United Methodist Church.

BY repealing
Article – Corporations and Associations
Section 5–326 and 5–327
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Senate Bill 1081 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage for Autism Spectrum Disorders

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorders and certain treatment of autism spectrum disorders; authorizing certain limits on the required coverage; authorizing certain treatment for autism spectrum disorders to be provided by certain individuals; clarifying that certain provisions of this Act may not be construed as limiting certain benefits otherwise available to an individual; prohibiting certain limits on visits to an autism services provider; clarifying that certain provisions of this Act may not be construed to prohibit certain utilization review; requiring a certain notice; authorizing certain insurers, nonprofit health service plans, and health maintenance organizations to request an updated treatment plan at certain intervals; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to pay the cost of the updated treatment plan; providing that a certain determination constitutes an adverse decision under certain provisions of law; providing that certain insurers, nonprofit health service plans, and health maintenance organizations are not required to provide reimbursement for certain services; making the provisions of this Act applicable to health maintenance organizations; defining certain terms;

providing for the application of this Act; providing for a delayed effective date; and generally relating to health insurance coverage for autism spectrum disorders.

BY adding to
Article – Insurance
Section 15–846
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article – Health – General
Section 19–706(llll)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1082 – Senator Forehand

AN ACT concerning

Children in Need of Assistance – Sexual Abuse – Definition

FOR the purpose of altering the definition of "sexual abuse" for provisions of law relating to children in need of assistance, child abuse, and child neglect to include certain actions relating to human trafficking, obscene material, pornography, and prostitution; and generally relating to child sexual abuse.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–801(a) and 3–802(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–801(x)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 5–701(a) and 5–702
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–701(x)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

Senate Bill 1083 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Southeast Neighborhood Development Fund

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Directors of Southeast Development, Inc. to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to an amendment to 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(P) and Item ZA03(Q)

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

Senate Bill 1084 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Renovation of Southeast Neighborhood Development Center

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to extend the deadline for the Board of Directors of Southeast Development, Inc. to present evidence that a matching fund will be provided; requiring the Board of Public Works to expend or encumber the proceeds of the loan by June 1, 2013; and generally relating to an amendment to 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(P) and Item ZA03(Q)

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

Senate Bill 1085 – Senator Montgomery

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Olney Theatre

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2011 to alter the matching fund requirement to include certain expenditures made on or after January 1, 2004; 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(BB)

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

Senate Bill 1086 – Senators Jones–Rodwell, Currie, King, Madaleno, and Manno

AN ACT concerning

Income Tax – Tax Credits – Electronic Filing Requirements

FOR the purpose of authorizing the Comptroller to require by regulation that a taxpayer claiming certain income tax credits claim certain tax credits by certain electronic means; authorizing the Comptroller to require by regulation that certain additional tax credits be claimed by certain electronic means; providing for the application of this Act; and generally relating to requiring the electronic claiming of certain tax credits by certain taxpayers.

BY adding to
Article – Tax – General
Section 10–804(j)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

Senate Bill 1087 – Senators Mathias, Colburn, and DeGrange

AN ACT concerning

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

FOR the purpose of requiring that each county distribute a certain minimum amount of money that the county receives from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to volunteer fire, rescue, and ambulance companies; requiring the Director of the Maryland Emergency Management Agency to submit an annual report to the General Assembly on the amount of money distributed by each county to volunteer companies; providing for the application of this Act; and generally relating to the distribution of money from the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 8–102(a), (b), (d), and (f)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 8–103 and 8–104
Annotated Code of Maryland
(2011 Replacement Volume)

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

Senate Bill 1088 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – East Baltimore Historical Library

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 East Baltimore Development, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

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

Senate Bill 1089 – Senators Pipkin and Manno

AN ACT concerning

General Assembly – Reduction in Budget Appropriations for Repeat Legislative Audit Findings

FOR the purpose of requiring the General Assembly, under certain circumstances, to reduce certain budget appropriations by a certain percentage until a certain unit report to the Office of Legislative Audits and the Office makes a certain determination; defining a certain term; and generally relating to the reduction in budget appropriations by the General Assembly for repeat legislative audit findings.

BY renumbering
Article – State Government
Section 2–1506
to be Section 2–1506.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Government
Section 2–1506
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Senate Bill 1090 – Senator Pugh

AN ACT concerning

Public Schools – Provision of Supplemental Educational Services

FOR the purpose of requiring the State Department of Education to supervise the provision of supplemental educational services in the State; requiring the Department to assist county boards of education in developing certain funding applications in a certain manner, develop a certain process for the approval of supplemental educational services providers, provide a certain notice to potential providers, and maintain a list of State–approved providers; requiring the Department to ensure that certain county boards administer supplemental educational services in a certain manner, develop a certain application form, conduct monitoring to ensure compliance, develop and implement a certain evaluation system, establish a process for accepting and resolving complaints, and repeal the approval of a certain provider; requiring each county board to create a certain supplemental educational services enrollment and provider selection process, and provide a certain notice, certain contact information, a certain enrollment form, and a certain timeline to a parent or guardian of each eligible student before and after the start of each school year; requiring each county board to make enrollment forms available to providers, hold open student enrollment until a certain time, allow providers to use public school facilities in a certain manner, and, unless the State Board of Education grants a certain waiver, obtain documentation of the reception or rejection of services by

a parent or guardian of a certain number of eligible students; prohibiting a certain provider from providing a certain incentive; authorizing a provider to award a certain incentive after a certain event; requiring a provider to deliver supplemental educational services in a certain manner; requiring a county board to report to the Department if a certain provider withdraws from offering services under certain conditions; requiring the Department to remove a certain provider from a certain list; requiring each county board to reserve a certain percentage of certain funds to provide supplemental educational services in a certain manner; authorizing each county board to use not more than a certain percentage of the reserved funds for administration, evaluation, and technical assistance; authorizing a county board, after a certain date, to apply in a certain manner to the Department for authorization to reallocate certain funds; providing for an appeal of the Department's decision to the State Board; requiring the State Board to issue a final decision within a certain number of days of receiving a certain appeal; authorizing the Department to adopt regulations to implement the provisions of this Act; defining certain terms; stating the intent of the General Assembly; and generally relating to supplemental educational services for low–income students in low–performing schools.

BY adding to
Article – Education
Section 8–801 through 8–809 to be under the new subtitle "Subtitle 8. Supplemental Educational Services"
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

THE COMMITTEE ON BUDGET AND TAXATION REPORT #6

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

Senate Bill 335 – Chair, Budget and Taxation Committee (By Request – Judicial Compensation Commission)

AN ACT concerning

Judges' Retirement System – Contribution Rates for New Members

SB0335/579937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 335

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "date;" insert "altering the rate of member contributions for certain members of the Judges' Retirement System; providing for the effective date of certain provisions of this Act;"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–202
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 21, insert:

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

Article – State Personnel and Pensions

27–202.

(a) Except as provided in **[**subsections (b) and (c)**]** **SUBSECTION (B)** of this section, a member's contribution rate is **[**6%**]** **8%** of the member's earnable compensation.

(b) **[**The contribution rate for an individual who becomes a member on or after July 1, 2012, is 8% of the member's earnable compensation.

(c)**]** After 16 years of service as a member, a member does not make any further contributions.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2013.".

On page 2, in line 1, strike "2." and substitute "4."; and in the same line, after "That" insert ", except as provided in Section 3 of this Act,".

The preceding 2 amendments were read only.

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

Senate Joint Resolution 3 – Chair, Budget and Taxation Committee (By Request – Judicial Compensation Commission)

A Senate Joint Resolution concerning

Judicial Compensation Commission – Recommendations

SJ0003/189430/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE JOINT RESOLUTION 3
(First Reading File Joint Resolution)

On page 2, in line 29, strike "190,463" and substitute "185,908"; in line 30, strike "171,463" and substitute "166,908"; in line 32, strike "161,663" and substitute "157,108"; in line 33, strike "158,663" and substitute "154,108"; in line 35, strike "149,463" and substitute "144,908"; in line 37, strike "158,663" and substitute "154,108"; and in line 38, strike "136,363" and substitute "131,808".

On page 3, in line 5, strike "200,121" and substitute "190,600"; in line 6, strike "181,121" and substitute "171,600"; in line 8, strike "171,321" and substitute "161,800"; in line 9, strike "168,321" and substitute "158,800"; in line 11, strike "159,121" and substitute "149,600"; in line 13, strike "168,321" and substitute "158,800"; in line 14, strike "146,021" and substitute "136,500"; in line 19, strike "210,358" and substitute "195,433"; in line 20, strike "191,358" and substitute "176,433"; in line 22, strike "181,558" and substitute "166,633"; in line 23, strike "178,558" and substitute "163,633"; in line 25, strike "169,358" and substitute "154,433"; in line 27, strike "178,558" and substitute "163,633"; and in line 28, strike "156,258" and substitute "141,333".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SJ0003/873626/1
BY: Senator Kittleman

AMENDMENT TO SENATE JOINT RESOLUTION 3, AS AMENDED

In the Budget and Taxation Committee Amendment (SJ0003/189430/1), in line 1, strike "185,908" and substitute "181,352"; in line 2, strike "166,908" and substitute "162,352"; in line 3, strike "157,108" and substitute "152,552"; in the same line, strike "154,108" and substitute "149,552"; in line 4, strike "144,908" and substitute "140,352"; in line 5, strike "154,108" and substitute "149,552"; in the same line, strike "131,808" and substitute "127,252"; in line 6, strike "190,600" and substitute "181,352"; in line 7, strike "171,600" and substitute "162,352"; in line 8, strike "161,800" and substitute "152,552"; in the same line, strike "158,800" and substitute "149,552"; in line 9, strike "149,600" and substitute "140,352"; in line 10, strike "158,800" and substitute "149,552"; in the same line, strike "136,500" and substitute "127,252"; in line 11, strike "195,433" and substitute "181,352"; in line 12, strike "176,433" and substitute "162,352"; in the same line, strike "166,633" and substitute "152,552"; in line 13, strike "163,633" and substitute "149,552"; in line 14, strike "154,433" and substitute "140,352"; in the same line, strike "163,633" and substitute "149,552"; and in line 15, strike "141,333" and substitute "127,252".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 9 Negative – 33 (See Roll Call No. 370)

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 Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 914 – Senator Currie

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Largo High School PTSA Track Renovation

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 915 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Forestville Military Academy Track

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 965 – Senator Currie

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Forestville Military Academy Track

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 972 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Grace 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 Budget and Taxation:

Senate Bill 973 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Woman's Industrial Exchange Upgrade

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 980 – Senators Young and Garagiola

AN ACT concerning

Creation of a State Debt – Washington County – Antietam Chapter #312 Korean War Veterans Monument

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 981 – Senator Benson

AN ACT concerning

Creation of a State Debt – Prince George's County – Street Lighting Enhancements

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 985 – Senator Montgomery

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Montgomery County – Maydale Nature 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 996 – Senator Benson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – John E. Feggans Center Renovation

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 Astle

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2008 – Anne Arundel County – Goshen House

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 1008 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Baltimore Museum of Industry

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 1009 – Senator Peters

AN ACT concerning

Creation of a State Debt – Prince George's County – Green Branch Athletic Complex

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 – Senator Stone

AN ACT concerning

Business Regulation – Task Force on Work–Site Competency in Masonry

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 1023 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Deale Elementary School Technology 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 Budget and Taxation:

Senate Bill 1025 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Friends Aware, Inc. Site and Project Development

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 1026 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Allegany County – Allegany 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 Finance:

Senate Bill 1027 – Senator Stone

AN ACT concerning

Motor Vehicle Insurance – Uninsured Motorist Coverage – Waiver of Mandatory Deduction

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 1031 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Maryland Food Bank Sustainability 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 1038 – Senator Montgomery

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Montgomery County – Sandy Spring 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 1039 – Senators Manno, King, and Madaleno

AN ACT concerning

Creation of a State Debt – Montgomery County – Homecrest House – Edwards 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 Budget and Taxation:

Senate Bill 1046 – Senator Conway

AN ACT concerning

Creation of a State Debt – Baltimore City – Miles Washington Family Support 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 1047 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Marlboro Meadows Senior 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 1048 – Senator Colburn

AN ACT concerning

Creation of a State Debt – Dorchester County – Chesapeake Grove Senior Housing and Intergenerational 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 1049 – Senator Ferguson

AN ACT concerning

Creation of a State Debt – Baltimore City – Brooks Robinson Statue – Babe Ruth Birthplace Foundation

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 1050 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Port Discovery

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 Kasemeyer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Howard County – Symphony Woods Park

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 1052 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – 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 Budget and Taxation:

Senate Bill 1056 – Senator DeGrange

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Meade High School 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 1057 – Senator Astle

AN ACT concerning

Creation of a State Debt – Cecil County – Milburn Stone Theatre

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 1058 – Senator Astle

AN ACT concerning

Creation of a State Debt – Cecil County – Jacob Tome Gas House

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 1060 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Baltimore County – Lighthouse Youth and Family Services 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 1067 – Senator Pugh

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Baltimore City – Morgan Mill 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 Budget and Taxation:

Senate Bill 1068 – Senator Ramirez

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Prince George's County – Battle of Bladensburg Visitor Center and Monument

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 1070 – Senator Edwards

AN ACT concerning

Creation of a State Debt – Washington County – Lockhouse 44, Lock 44, and Western Maryland Railroad Lift Bridge

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 1071 – Senator Edwards

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Garrett County – Oakland B&O Railroad 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 1072 – 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.

QUORUM CALL

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

(See Roll Call No. 371)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 71 – Senator Kelley

AN ACT concerning

Health – General – Posthumous Use of Donor Sperm and Eggs

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

Affirmative – 44 Negative – 1 (See Roll Call No. 372)

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. 373)

ADJOURNMENT

At 9:04 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 6, 2012.

Annapolis, Maryland
Tuesday, March 6, 2012
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by Rabbi Steven Burg, Managing Director of the Union of Orthodox Jewish Congregations of America, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of March 5, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 375)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 428 – Senator Nathaniel J. McFadden:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Most Worshipful Prince Hall Grand Lodge of Maryland and Jurisdiction, Inc.
in recognition of
your dedication to promoting the improvement of character among its membership and
to care for and support the
less fortunate in the community.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 6th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 376)

Senate Resolution No. 416 – 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 2012 "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 6th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 377)

Senate Resolution No. 435 – Senator Catherine E. Pugh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Mid–Atlantic Professional Golf Association
in recognition of
Maryland Golf Day.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 6th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 378)

LAID OVER BILLS

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

Senate Bill 335 – Chair, Budget and Taxation Committee (By Request – Judicial Compensation Commission)

AN ACT concerning

Judges' Retirement System – Contribution Rates for New Members

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

SB0335/579937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 335
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "date;" insert "altering the rate of member contributions for certain members of the Judges' Retirement System; providing for the effective date of certain provisions of this Act;"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 27–202
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)
(As enacted by Section 1 of this Act)".

AMENDMENT NO. 2

On page 1, after line 21, insert:

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

Article – State Personnel and Pensions

27–202.

(a) Except as provided in **[**subsections (b) and (c)**]** **SUBSECTION (B)** of this section, a member's contribution rate is **[**6%**]** **8%** of the member's earnable compensation.

(b) **[**The contribution rate for an individual who becomes a member on or after July 1, 2012, is 8% of the member's earnable compensation.

(c)] After 16 years of service as a member, a member does not make any further contributions.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2013.".

On page 2, in line 1, strike "2." and substitute "4."; and in the same line, after "That" insert ", except as provided in Section 3 of this Act,".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

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

Senate Bill 245 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Disposition – Committed Programs

SB0245/128877/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 245
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "accommodated" in line 4 and substitute "authorizing the Department of Juvenile Services to transfer a child committed for residential placement from a certain facility or program to another facility or program under certain circumstances"; in line 10, after "3–8A–19(d)(1)(i)" insert "and (ii)"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 2, in lines 11 and 12, in each instance, strike the bracket; strike beginning with "**IF**" in line 14 down through "**DAYS**" in line 18 and substitute "**WHEN NECESSARY TO APPROPRIATELY ADMINISTER THE COMMITMENT OF THE CHILD, THE DEPARTMENT OF JUVENILE SERVICES MAY TRANSFER A CHILD COMMITTED FOR RESIDENTIAL PLACEMENT FROM ONE FACILITY OR PROGRAM TO ANOTHER FACILITY OR PROGRAM THAT IS OPERATED, LICENSED, OR CONTRACTED BY THE DEPARTMENT.**

(2) PRIOR TO TRANSFER, THE DEPARTMENT SHALL NOTIFY:

(I) THE COURT;

(II) THE COUNSEL FOR THE CHILD;

(III) THE STATE'S ATTORNEY; AND

(IV) THE PARENT OR GUARDIAN OF THE CHILD";

in line 19, strike "**(2)**" and substitute "**(3)**"; and in line 20, after "**ORDER**" insert "**AND THE TRANSFER OF A CHILD UNDER 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 with amendments:

Senate Bill 247 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

SB0247/518876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 247
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "State" and substitute "state".

AMENDMENT NO. 2

On page 2, in line 18, strike "**STATE**" and substitute "**STATE**".

The preceding 2 amendments were read and adopted.

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2012.

The motion was adopted.

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

Senate Bill 352 – Senators Forehand and Raskin

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

SB0352/198177/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 352
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute ", Raskin, Jacobs, Ramirez, and Zirkin".

The preceding amendment was read only.

Senator Brinkley 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:

Senate Bill 409 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senators Ferguson, Gladden, McFadden, and Pugh

AN ACT concerning

Baltimore City – Police Department – Appointments

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 640 – Senators Ramirez, Forehand, Manno, Montgomery, and Rosapepe

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

Senator Pinsky moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2012.

The motion was adopted.

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

Senate Bill 650 – Senators Ramirez, Colburn, Forehand, Garagiola, Manno, Montgomery, Robey, and Rosapepe

AN ACT concerning

Public Safety – Impersonating a Police Officer – WMATA Metro Transit Police

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 with amendments:

Senate Bill 306 – Senator Ferguson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Vehicle Height Monitoring Systems

SB0306/568271/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 306
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 13, in each instance, strike "vehicle height" and substitute "the presence of certain vehicles during certain times"; in line 14, strike the first "a"; in the same line, strike "fine" and substitute "fines"; in the same line, strike "a violation" and substitute "violations"; in line 21, strike "authorizing" and substitute "requiring"; and in the same line, after "citation" insert "for a first violation under this Act".

On page 2, in line 15, strike "vehicle height" and substitute "the presence of certain vehicles during certain times".

AMENDMENT NO. 2

On page 5, in line 29, strike "**VEHICLE HEIGHT**" and substitute "**THE PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES**".

AMENDMENT NO. 3

On page 7, strike beginning with the colon in line 26 down through "**THE**" in line 27 and substitute "**THE**".

On pages 7 and 8, strike beginning with "**; OR**" in line 28 on page 7 down through "**ENTIRETY**" in line 2 on page 8.

AMENDMENT NO. 4

On page 8, in lines 23 and 24, strike "**HEIGHT AND WEIGHT LIMITATIONS**" and substitute "**RESTRICTIONS ON THE PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES**".

AMENDMENT NO. 5

On page 9, in line 16, strike "**VEHICLE HEIGHT**" and substitute "**THE PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES**"; and in line 17, after "**EXCEED**" insert "**:**

(I) FOR A SECOND VIOLATION BY THE OWNER OF THE MOTOR VEHICLE, $250; AND

(II) FOR A THIRD OR SUBSEQUENT VIOLATION BY THE OWNER OF THE MOTOR VEHICLE,".

AMENDMENT NO. 6

On page 10, in lines 1 and 2, strike "**OR THE UNITED STATES DEPARTMENT OF TRANSPORTATION NUMBER**"; in line 14, strike "**VEHICLE HEIGHT**" and substitute "**THE PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES**"; and in line 25, strike "**MAY**" and substitute "**SHALL, FOR A FIRST VIOLATION,**".

AMENDMENT NO. 7

On page 11, in line 6, strike "**VEHICLE HEIGHT**" and substitute "**THE PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES**".

The preceding 7 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 340 – Senator Raskin

AN ACT concerning

Vehicle Laws – Stopping, Standing, and Parking – Plug–In Vehicles

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2012.

The motion was adopted.

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

Senate Bill 486 – Senators Raskin, Forehand, and Rosapepe

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Enforcement

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 7, 2012.

The motion was adopted.

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

Senate Bill 559 – Senators Forehand, Kelley, Madaleno, Manno, and Young

AN ACT concerning

Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2012.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #9

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

Senate Bill 179 – Senators Pugh, Raskin, Astle, Brochin, Currie, Ferguson, Forehand, Frosh, Gladden, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Montgomery, Peters, Pipkin, Ramirez, Robey, Rosapepe, Simonaire, Stone, and Zirkin

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

SB0179/287877/3

BY: Finance Committee

AMENDMENTS TO SENATE BILL 179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Garagiola, Glassman, and Muse"; in line 4, after "for" insert "certain"; and strike beginning with "prohibiting" in line 11 down through "contract;" in line 16.

AMENDMENT NO. 2

On page 2, in line 8, after "**(A)**" insert "**(1)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "AFFORDABLE CARE ACT" MEANS THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, AND ANY REGULATIONS ADOPTED OR GUIDANCE ISSUED UNDER THE ACTS.

(3)";

in the same line, strike "**CANCER**" and substitute "**CANCER**"; in line 13, after "**FOR**" insert "**BOTH ORALLY ADMINISTERED**"; in the same line, after "**CHEMOTHERAPY**" insert "**AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION**"; in line 16, after "**FOR**" insert "**BOTH ORALLY ADMINISTERED**"; in the same line, after "**CHEMOTHERAPY**" insert "**AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION**"; after line 17, insert:

"**(C) THIS SECTION DOES NOT APPLY TO A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES THE ESSENTIAL HEALTH BENEFITS REQUIRED UNDER § 1302(A) OF THE AFFORDABLE CARE ACT.**";

in line 18, strike "**(C)**" and substitute "**(D)**"; in line 25, strike "**(D)**" and substitute "**(E)**"; in the same line, strike "**(1)**"; and strike beginning with "**(2)**" in line 29 down through "**CONTRACT.**" in line 34.

On page 3, in line 6, after "plans" insert "subject to this Act that are".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0179/473929/1
BY: Senator Middleton

AMENDMENT TO SENATE BILL 179, AS AMENDED
(First Reading File Bill)

On page 1 of the Finance Committee Amendments (SB0179/287877/3), in line 1 of Amendment No. 2, strike "**(1)**"; in line 2, strike "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**"; strike beginning with "**(2)**" in line 3 down through "**(3)**" in line 7; and in line 8, strike "**CANCER**" and substitute "**CANCER**".

On page 2 of the bill, in line 8, after "**SECTION**" insert a comma.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 295 – Senators Astle, Klausmeier, Miller, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Frosh, Garagiola, Getty, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pinsky, Pipkin, Pugh, Ramirez, Raskin, Reilly, Robey, Shank, Stone, Young, and Zirkin

AN ACT concerning

Commercial Law – Security Freezes – Minors and Protected Persons

SB0295/507075/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 295
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "individuals" and substitute "representatives"; in line 4, after "report" insert "or a certain record"; in the same line, after the first "certain" insert "protected"; strike beginning with "and" in line 4 down through "are" in line 5 and substitute "or"; in line 6, after "certain" insert "application"; strike beginning with "requiring" in line 6 down through "circumstances;" in line 12 and substitute "requiring a consumer reporting agency to place a security freeze for a protected consumer under certain circumstances and within a certain period of time; requiring a consumer reporting agency to create a certain record under certain circumstances;"; in line 13, strike "without certain authorization"; strike beginning with "authorizing" in line 14 down through "changes;" in line 22 and substitute "providing that a certain security freeze remains in effect until a certain request is made or the security freeze is removed in accordance with a certain provision of this Act; providing that a certain protected consumer or representative may request the removal of a certain security freeze by submitting a certain request in a certain manner and under certain circumstances; requiring a consumer reporting agency to remove a certain security freeze within a certain period of time; prohibiting a consumer reporting agency from charging a certain fee except under certain circumstances; allowing a consumer reporting agency to remove a certain security freeze or delete a certain record under certain circumstances; providing that the exclusive remedy for a certain violation shall be a certain complaint filed with the Commissioner of Financial Regulation; defining certain terms; repealing certain obsolete provisions; providing for a delayed effective date;".

On page 2, after line 3, insert:

"BY adding to
Article – Commercial Law
Section 14–1212.2
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 12 through 17, inclusive; in line 18, strike "**(4)**" and substitute "**(3)**"; and in lines 19 and 20 and in lines 22 and 23, in each instance, strike "**OR THE CONSUMER'S REPRESENTATIVE**".

On page 3, in lines 19 and 20, strike "**OR A CONSUMER'S REPRESENTATIVE**"; and in line 21, strike "**OR THE CONSUMER'S REPRESENTATIVE**".

On page 4, in line 13 and in lines 24 and 25, in each instance, strike "**OR A CONSUMER'S REPRESENTATIVE**"; in line 16, strike "Beginning January 1, 2010, subject" and substitute "**SUBJECT**"; in lines 18 and 19, strike "**OR THE CONSUMER'S REPRESENTATIVE**"; and strike beginning with the colon in line 28 down through "2008," in line 31.

On page 5, in line 4, in lines 5 and 6, in line 7, in lines 10 and 11, in lines 26 and 27, in lines 28 and 29, and in line 31, in each instance, strike "**OR THE CONSUMER'S REPRESENTATIVE**"; and in line 24, strike "**OR A CONSUMER'S REPRESENTATIVE**".

On page 6, strike in their entirety lines 1 through 6, inclusive; in line 10, in line 19, and in lines 26 and 27, in each instance, strike "**OR THE CONSUMER'S REPRESENTATIVE**"; and in line 16, strike "**OR A CONSUMER'S REPRESENTATIVE**".

On page 7, in line 2, in line 25, in lines 29 and 30, and in lines 34 and 35, in each instance, strike "**OR THE CONSUMER'S REPRESENTATIVE**"; in line 10, strike "After January 31, 2009, a" and substitute "**A**"; in line 12, strike "**OR THE CONSUMER'S REPRESENTATIVE'S**"; and in line 21, strike "**OR A CONSUMER'S REPRESENTATIVE**".

On page 8, in lines 1 and 2, in line 9, in line 12, in lines 15 and 16, and in lines 23 and 24, in each instance, strike "**OR THE CONSUMER'S REPRESENTATIVE**"; and in line 14, strike "**OR A CONSUMER'S REPRESENTATIVE**".

On page 9, in line 4, and in lines 9 and 10, in each instance, strike "**OR A CONSUMER'S REPRESENTATIVE**"; strike beginning with "**A**" in line 25 down through the period in line 28; in line 32, strike "5" and substitute "**3**"; and strike beginning with the first comma in line 33 down through "2008" in line 34.

On page 10, in line 14, strike "starting January 31, 2009,"; in lines 24 and 25, strike "**OR A CONSUMER'S REPRESENTATIVE**"; and in lines 33 and 34, in each instance, strike the brackets.

AMENDMENT NO. 3

On page 11, after line 4, insert:

"**14–1212.2.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "PROTECTED CONSUMER" MEANS AN INDIVIDUAL WHO IS:

(I) UNDER THE AGE OF 16 YEARS AT THE TIME A REQUEST FOR THE PLACEMENT OF A SECURITY FREEZE IS MADE; OR

(II) AN INCAPACITATED PERSON OR A PROTECTED PERSON FOR WHOM A GUARDIAN OR CONSERVATOR HAS BEEN APPOINTED IN ACCORDANCE WITH TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE.

(3) "RECORD" MEANS A COMPILATION OF INFORMATION THAT:

(I) IDENTIFIES A PROTECTED CONSUMER;

(II) IS CREATED BY A CONSUMER REPORTING AGENCY SOLELY FOR THE PURPOSE OF COMPLYING WITH THIS SECTION; AND

(III) MAY NOT BE CREATED OR USED TO CONSIDER THE PROTECTED CONSUMER'S CREDIT WORTHINESS, CREDIT STANDING, CREDIT CAPACITY, CHARACTER, GENERAL REPUTATION, PERSONAL CHARACTERISTICS, OR MODE OF LIVING FOR ANY PURPOSE LISTED IN § 14–1201(D)(1) OF THIS SUBTITLE.

(4) "REPRESENTATIVE" MEANS A PERSON WHO PROVIDES TO A CONSUMER REPORTING AGENCY SUFFICIENT PROOF OF AUTHORITY TO ACT ON BEHALF OF A PROTECTED CONSUMER.

(5) "SECURITY FREEZE" MEANS:

(I) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A FILE PERTAINING TO A PROTECTED CONSUMER, A RESTRICTION THAT:

1. IS PLACED ON THE PROTECTED CONSUMER'S RECORD IN ACCORDANCE WITH THIS SECTION; AND

2. PROHIBITS THE CONSUMER REPORTING AGENCY FROM RELEASING THE PROTECTED CONSUMER'S RECORD EXCEPT AS PROVIDED IN THIS SECTION; OR

(II) IF A CONSUMER REPORTING AGENCY HAS A FILE PERTAINING TO THE PROTECTED CONSUMER, A RESTRICTION THAT:

1. IS PLACED ON THE PROTECTED CONSUMER'S CONSUMER REPORT IN ACCORDANCE WITH THIS SECTION; AND

2. PROHIBITS THE CONSUMER REPORTING AGENCY FROM RELEASING THE PROTECTED CONSUMER'S CONSUMER REPORT OR ANY INFORMATION DERIVED FROM THE PROTECTED CONSUMER'S CONSUMER REPORT EXCEPT AS PROVIDED IN THIS SECTION.

(6) (I) "SUFFICIENT PROOF OF AUTHORITY" MEANS DOCUMENTATION THAT SHOWS A REPRESENTATIVE HAS AUTHORITY TO ACT ON BEHALF OF A PROTECTED CONSUMER.

(II) "SUFFICIENT PROOF OF AUTHORITY" INCLUDES:

1. AN ORDER ISSUED BY A COURT OF LAW;

2. A LAWFULLY EXECUTED AND VALID POWER OF ATTORNEY; AND

3. A WRITTEN, NOTARIZED STATEMENT SIGNED BY A REPRESENTATIVE THAT EXPRESSLY DESCRIBES THE AUTHORITY OF THE REPRESENTATIVE TO ACT ON BEHALF OF A PROTECTED CONSUMER.

(7) (I) "SUFFICIENT PROOF OF IDENTIFICATION" MEANS INFORMATION OR DOCUMENTATION THAT IDENTIFIES A PROTECTED CONSUMER OR A REPRESENTATIVE OF A PROTECTED CONSUMER.

(II) "SUFFICIENT PROOF OF IDENTIFICATION" INCLUDES:

1. A SOCIAL SECURITY NUMBER OR A COPY OF A SOCIAL SECURITY CARD ISSUED BY THE SOCIAL SECURITY ADMINISTRATION;

2. A CERTIFIED OR OFFICIAL COPY OF A BIRTH CERTIFICATE ISSUED BY THE ENTITY AUTHORIZED TO ISSUE THE BIRTH CERTIFICATE;

3. A COPY OF A DRIVER'S LICENSE, AN IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION, OR ANY OTHER GOVERNMENT–ISSUED IDENTIFICATION; OR

4. A COPY OF A BILL, INCLUDING A BILL FOR TELEPHONE, SEWER, SEPTIC TANK, WATER, ELECTRIC, OIL, OR NATURAL GAS SERVICES, THAT SHOWS A NAME AND HOME ADDRESS.

(B) THIS SECTION DOES NOT APPLY TO THE USE OF A PROTECTED CONSUMER'S CONSUMER REPORT OR RECORD BY:

(1) A PERSON ADMINISTERING A CREDIT FILE MONITORING SUBSCRIPTION SERVICE TO WHICH:

(I) THE PROTECTED CONSUMER HAS SUBSCRIBED; OR

(II) THE REPRESENTATIVE OF THE PROTECTED CONSUMER HAS SUBSCRIBED ON BEHALF OF THE PROTECTED CONSUMER;

(2) A PERSON PROVIDING THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE WITH A COPY OF THE PROTECTED CONSUMER'S CONSUMER REPORT ON REQUEST OF THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE; OR

(3) AN ENTITY LISTED IN § 14–1212.1(B)(2)(I) OR (II) OR (C)(5) OF THIS SUBTITLE.

(C) (1) A CONSUMER REPORTING AGENCY SHALL PLACE A SECURITY FREEZE FOR A PROTECTED CONSUMER IF:

(I) THE CONSUMER REPORTING AGENCY RECEIVES A REQUEST FROM THE PROTECTED CONSUMER'S REPRESENTATIVE FOR THE PLACEMENT OF THE SECURITY FREEZE UNDER THIS SECTION; AND

(II) THE PROTECTED CONSUMER'S REPRESENTATIVE:

1. SUBMITS THE REQUEST TO THE CONSUMER REPORTING AGENCY AT THE ADDRESS OR OTHER POINT OF CONTACT AND IN THE MANNER SPECIFIED BY THE CONSUMER REPORTING AGENCY;

2. PROVIDES TO THE CONSUMER REPORTING AGENCY SUFFICIENT PROOF OF IDENTIFICATION OF THE PROTECTED CONSUMER AND THE REPRESENTATIVE;

3. PROVIDES TO THE CONSUMER REPORTING AGENCY SUFFICIENT PROOF OF AUTHORITY TO ACT ON BEHALF OF THE PROTECTED CONSUMER; AND

4. PAYS TO THE CONSUMER REPORTING AGENCY A FEE AS PROVIDED IN SUBSECTION (I) OF THIS SECTION.

(2) IF A CONSUMER REPORTING AGENCY DOES NOT HAVE A FILE PERTAINING TO A PROTECTED CONSUMER WHEN THE CONSUMER REPORTING AGENCY RECEIVES A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CONSUMER REPORTING AGENCY SHALL CREATE A RECORD FOR THE PROTECTED CONSUMER.

(D) WITHIN 30 DAYS AFTER RECEIVING A REQUEST THAT MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF THIS SECTION, A CONSUMER

REPORTING AGENCY SHALL PLACE A SECURITY FREEZE FOR THE PROTECTED CONSUMER.

(E) UNLESS A SECURITY FREEZE FOR A PROTECTED CONSUMER IS REMOVED IN ACCORDANCE WITH SUBSECTION (G) OR (J) OF THIS SECTION, A CONSUMER REPORTING AGENCY MAY NOT RELEASE THE PROTECTED CONSUMER'S CONSUMER REPORT, ANY INFORMATION DERIVED FROM THE PROTECTED CONSUMER'S CONSUMER REPORT, OR ANY RECORD CREATED FOR THE PROTECTED CONSUMER.

(F) A SECURITY FREEZE FOR A PROTECTED CONSUMER PLACED UNDER SUBSECTION (D) OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL:

(1) THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE REQUESTS THE CONSUMER REPORTING AGENCY TO REMOVE THE SECURITY FREEZE IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; OR

(2) THE SECURITY FREEZE IS REMOVED IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.

(G) IF A PROTECTED CONSUMER OR A PROTECTED CONSUMER'S REPRESENTATIVE WISHES TO REMOVE A SECURITY FREEZE FOR THE PROTECTED CONSUMER, THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE SHALL:

(1) SUBMIT A REQUEST FOR THE REMOVAL OF THE SECURITY FREEZE TO THE CONSUMER REPORTING AGENCY AT THE ADDRESS OR OTHER POINT OF CONTACT AND IN THE MANNER SPECIFIED BY THE CONSUMER REPORTING AGENCY;

(2) PROVIDE TO THE CONSUMER REPORTING AGENCY:

(I) IN THE CASE OF A REQUEST BY THE PROTECTED CONSUMER:

1. PROOF THAT THE SUFFICIENT PROOF OF AUTHORITY FOR THE PROTECTED CONSUMER'S REPRESENTATIVE TO ACT ON BEHALF OF THE PROTECTED CONSUMER IS NO LONGER VALID; AND

2. SUFFICIENT PROOF OF IDENTIFICATION OF THE PROTECTED CONSUMER; OR

(II) IN THE CASE OF A REQUEST BY THE REPRESENTATIVE OF A PROTECTED CONSUMER:

1. SUFFICIENT PROOF OF IDENTIFICATION OF THE PROTECTED CONSUMER AND THE REPRESENTATIVE; AND

2. SUFFICIENT PROOF OF AUTHORITY TO ACT ON BEHALF OF THE PROTECTED CONSUMER; AND

(3) PAY TO THE CONSUMER REPORTING AGENCY A FEE AS PROVIDED IN SUBSECTION (I) OF THIS SECTION.

(H) WITHIN 30 DAYS AFTER RECEIVING A REQUEST THAT MEETS THE REQUIREMENTS OF SUBSECTION (G) OF THIS SECTION, THE CONSUMER REPORTING AGENCY SHALL REMOVE THE SECURITY FREEZE FOR THE PROTECTED CONSUMER.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CONSUMER REPORTING AGENCY MAY NOT CHARGE A FEE FOR ANY SERVICE PERFORMED UNDER THIS SECTION.

(2) A CONSUMER REPORTING AGENCY MAY CHARGE A REASONABLE FEE, NOT EXCEEDING $5, FOR EACH PLACEMENT OR REMOVAL OF A SECURITY FREEZE FOR A PROTECTED CONSUMER.

(3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A CONSUMER REPORTING AGENCY MAY NOT CHARGE ANY FEE UNDER THIS SECTION IF:

(I) THE PROTECTED CONSUMER'S REPRESENTATIVE:

1. HAS OBTAINED A REPORT OF ALLEGED IDENTITY FRAUD AGAINST THE PROTECTED CONSUMER UNDER § 8–304 OF THE CRIMINAL LAW ARTICLE OR AN IDENTITY THEFT PASSPORT UNDER § 8–305 OF THE CRIMINAL LAW ARTICLE; AND

2. PROVIDES A COPY OF THE REPORT OR PASSPORT TO THE CONSUMER REPORTING AGENCY; OR

(II) 1. A REQUEST FOR THE PLACEMENT OR REMOVAL OF A SECURITY FREEZE IS FOR A PROTECTED CONSUMER WHO IS UNDER THE AGE OF 16 YEARS AT THE TIME OF THE REQUEST; AND

2. THE CONSUMER REPORTING AGENCY HAS A CONSUMER REPORT PERTAINING TO THE PROTECTED CONSUMER.

(J) A CONSUMER REPORTING AGENCY MAY REMOVE A SECURITY FREEZE FOR A PROTECTED CONSUMER OR DELETE A RECORD OF A PROTECTED CONSUMER IF THE SECURITY FREEZE WAS PLACED OR THE RECORD WAS CREATED BASED ON A MATERIAL MISREPRESENTATION OF FACT BY THE PROTECTED CONSUMER OR THE PROTECTED CONSUMER'S REPRESENTATIVE.

(K) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE EXCLUSIVE REMEDY FOR A VIOLATION OF THIS SECTION SHALL BE A COMPLAINT FILED WITH THE COMMISSIONER UNDER § 14–1217 OF THIS SUBTITLE.".

On page 11, in line 6, strike "October 1, 2012" and substitute "January 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.

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

Senate Bill 433 – Senators Young, Kelley, King, Montgomery, and Shank

AN ACT concerning

Labor and Employment – User Name and Password Privacy Protection

SB0433/227574/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 433
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Protection" insert "and Exclusions"; in line 10, after "information;" insert "prohibiting an employee from downloading certain unauthorized information or data to certain Web sites or Web–based accounts; providing that an employer, based on the receipt of certain information regarding the use of certain Web sites or certain Web–based accounts, is not prevented from conducting certain investigations for certain purposes;".

AMENDMENT NO. 2

On page 2, after line 29, insert:

"**(D) AN EMPLOYEE MAY NOT DOWNLOAD UNAUTHORIZED EMPLOYER PROPRIETARY INFORMATION OR FINANCIAL DATA TO AN EMPLOYEE'S PERSONAL WEB SITE, AN INTERNET WEB SITE, A WEB–BASED ACCOUNT, OR A SIMILAR ACCOUNT.**

(E) THIS SECTION DOES NOT PREVENT AN EMPLOYER:

(1) BASED ON THE RECEIPT OF INFORMATION ABOUT THE USE OF A PERSONAL WEB SITE, INTERNET WEB SITE, WEB–BASED ACCOUNT, OR SIMILAR ACCOUNT BY AN EMPLOYEE FOR BUSINESS PURPOSES, FROM CONDUCTING AN INVESTIGATION FOR THE PURPOSE OF ENSURING COMPLIANCE WITH APPLICABLE SECURITIES OR FINANCIAL LAW, OR REGULATORY REQUIREMENTS; OR

(2) BASED ON THE RECEIPT OF INFORMATION ABOUT THE UNAUTHORIZED DOWNLOADING OF AN EMPLOYER'S PROPRIETARY INFORMATION OR FINANCIAL DATA TO A PERSONAL WEB SITE, INTERNET WEB SITE, WEB–BASED ACCOUNT, OR SIMILAR ACCOUNT BY AN EMPLOYEE, FROM INVESTIGATING AN EMPLOYEE'S ACTIONS UNDER SUBSECTION (D) 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.

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

Senate Bill 485 – Senators Kelley, Astle, Forehand, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, Pipkin, Pugh, Stone, and Young

AN ACT concerning

Continuing Care Retirement Communities – Regulation

SB0485/257576/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 485
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "on or after" and substitute "beginning on"; and strike beginning with "requiring" in line 28 down through "dates;" in line 30.

AMENDMENT NO. 2

On page 2, in line 23, strike "**ON OR AFTER**" and substitute "**BEGINNING**"; and in line 33, strike "**INCLUDE**" and substitute "**BE**".

On page 13, in line 3, strike "**USE ONLY**" and substitute "**ONLY USE**".

On page 14, in line 27, after "**LAW**" insert "**IDENTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH**".

AMENDMENT NO. 3

On page 16, strike in their entirety lines 19 through 33, inclusive; and in line 34, strike "3." and substitute "2.".

On page 17, in line 5, strike "4." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 566 – Senators King, Benson, Colburn, Ferguson, Forehand, Garagiola, Kelley, Klausmeier, Madaleno, Manno, McFadden, Montgomery, Muse, Pugh, Ramirez, and Young

AN ACT concerning

Home Visiting Accountability Act of 2012

SB0566/547977/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 566
(First Reading File Bill)

On page 1, in the sponsor line, after "Garagiola," insert "Glassman,"; in the same line, after "Manno," insert "Mathias,"; and in the same line, after "McFadden," insert "Middleton,".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

Senate Bill 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

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

Senator Reilly moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2012.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

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

Nominee #19, Arthur S. Hock, Member of the Maryland Transportation Authority; appointed to serve a term of four years from July 1, 2011

Nominee #20, A. Bradley Mims, Member of the Maryland Transportation Authority; appointed to serve remainder of a term of four years from July 1, 2008

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 confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 379)

QUORUM CALL

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

(See Roll Call No. 380)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 77 – Senator Kelley

AN ACT concerning

Life Insurance and Annuities – Unfair Claim Settlement Practices – Failure to ~~Cross-Check~~ Search Death Master File

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

Affirmative – 45 Negative – 0 (See Roll Call No. 381)

The Bill was then sent to the House of Delegates.

Senate Bill 388 – Senators Kittleman, Kasemeyer~~, Robey, Brinkley, and Getty~~, and Robey

AN ACT concerning

~~Carroll and Howard Counties~~ Howard County – Workers' Compensation – Students in Unpaid Work–Based Learning Experiences

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

Affirmative – 45 Negative – 0 (See Roll Call No. 382)

The Bill was then sent to the House of Delegates.

Senate Bill 449 – Senator Middleton

AN ACT concerning

Electric Service Quality and Reliability Standards – Deadlines

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

Affirmative – 45 Negative – 0 (See Roll Call No. 383)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1091 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Park Heights Sports Complex

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 Mayor and City Council of the City of Baltimore 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 45 Members present.

(See Roll Call No. 384)

ADJOURNMENT

At 11:49 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 7, 2012.

Annapolis, Maryland
Wednesday, March 7, 2012
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Doctor Leah E. White, Greater Faith Baptist Church, guest of Senator Pugh.

(See Exhibit A of Appendix III)

The Journal of March 6, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 387)

FIRST CITIZEN AWARDS

Remarks by Dr. Edward C. Papenfuse on the occasion of the presentation of the First Citizen Awards to Senator Joan Carter Conway, Speaker Michael E. Busch, and Joy Ruth Walker.
Wednesday, March 7, 2012, 10:00 a.m.
On Being a *First Citizen*

President Miller, members of the Senate, distinguished guests, ladies and gentlemen.

It is my privilege on this twentieth anniversary of its creation, to present, on your behalf, the *First Citizen Awards* of the Maryland Senate.

First Citizen is the name by which Charles Carroll of Carrollton chose to sign several articles published in the *Maryland Gazette* beginning in February of 1773. Carroll, legally a *non–citizen* who could neither vote nor hold office because he was a Roman Catholic, wrote in response to an unsigned article by the best known lawyer of the day, Daniel Dulany. Dulany defended the right of Lord Baltimore to levy taxes without legislative approval. Carroll, who had no right to choose who represented him, none

the less argued that no taxes should be imposed without the approval of the legislature.

What began as a simple exchange of views on legislative authority published in the *Maryland Gazette* by Anne Catherine Green, Maryland's first official woman *Printer to the Colony*, grew into a series of eight letters in which Charles Carroll not only had the last word but also began a public career that would not end for nearly another 60 years. As *First Citizen*, Carroll strongly defended an independent legislature. He was among the first to advance a new concept of government that soon would sweep through the colonies like wildfire. No longer would the people of America allow themselves to be ruled arbitrarily from abroad. While extolling traditional community rights and liberties, Carroll launched a call for a radical restructuring of government based on the advice and consent of the people that led to one of the most creative experiments in defining self–government that the world has ever witnessed. Although not yet fully articulated in the *First Citizen* letters, Carroll was beginning to ask all citizens to think about much needed changes in the structure of government, changes that would allow people like him citizenship with "freedom of speech and thought," that would prevent appointed officeholders from having seats in the Legislature, and that would ensure that taxation could not be imposed by anyone not subject to the laws passed by the legislature. Indeed, by his words as *First Citizen,* he was launching a crusade for a change in the very definition of the meaning of citizenship and representative government that would reach far beyond his own understanding of his world, and would ultimately lead to the overthrow of the evil institution of slavery on which in large measure his personal fortune depended.

To Charles Carroll of Carrollton, the Constitution was not something fixed somewhere in the distant past, consisting of principles not to be altered, changed or improved upon, but was, rather, a set of guidelines to be written down, debated, and tested by time. To Carroll and others like his cousin Charles Carroll the Barrister, Samuel Chase, and William Paca, all future members of 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. In effect, Carroll as *First Citizen*, saw government much as **every** citizen should see it today, in constant need of attention and thoughtful legislative action.

Not only did Charles Carroll of Carrollton write as a 'First Citizen,' he also lived his life as a *First Citizen*. In addition to helping draft Maryland's first Constitution and signing the Declaration of Independence in 1776, Carroll served as a member of the Maryland Senate from 1777 to 1801, and as its president. He also was one of the first United States Senators from Maryland, and became one of the staunchest advocates of the B & O Railroad which did so much to further the economic development of the state. Carroll taught by word and by example. He was willing to put his ideas, his fortune, and his time on the line in favor of better, more responsive government. It is in that spirit that the Maryland Senate presents the *First Citizen* Awards to individuals like Carroll, who have taken up the challenge to make government work better for the benefit of all.

Today you honor three people who have devoted their lives to public service with *First Citizen* Awards.

Senator Joan Carter Conway
Since 1997 Joan Carter Conway has been a member of the Maryland Senate rising to the chair of the Education, Health, and Environmental Affairs Committee. Her concerns for the health, safety, and self–esteem of the underprivileged in our society are well known. Before becoming a State Senator she spent 24 years with anti–poverty programs working with high–risk groups. She took pride in seeing that many of those individuals achieved self–sufficiency through gainful employment, college education, and becoming homeowners, thus as she put it in her own words "buying into the American dream." She takes pride "in knowing that the little things that we do count for so much in the lives" of her constituents and clients. She is, in the truest sense of the word, a community activist, becoming the first African American Woman elected to the city council from her councilmanic district. She is fearless in the pursuit of what she believes is right, even to the extent of suffering the indignity of misplaced police action. She believes that citizens must be actively engaged in the political process, taking time to remember what November 1, 1864 in Maryland and June 19, 1865 in Texas represent in the long struggle for equality and civil rights in America. It is my privilege on behalf of the Senate of Maryland to present the First Citizen award to Senator Joan Carter Conway.

Speaker Michael E. Busch
Speaker Michael E. Busch is the kind of person you always hoped to have as a history teacher and a coach. You always learn from him and he inspires you to give that extra effort that just might win the game. He does not always win, but he has the patience and the wisdom that the office of Speaker demands of a House that is periodically unruly and at times long winded. At one point in his career, the Washington Post referred to him as Horatius, the legendary warrior who stood his ground at a key bridge, saving Rome from their mortal enemies. More to the point, he has always stood his personal moral ground, but at the same time guided his members on both sides of the aisle toward working partnerships and meaningful compromise. A member of the House of Delegates since 1987, and speaker since 2003, Speaker Busch teaches citizenship as he leads, always welcoming students and tour groups to learn about the history of his chamber—a history extending back two centuries that will now be vividly experienced by visitors to the recreated Old House of Delegates Chamber. He extends his skills at communication to the press and is known to drop in on them unexpectedly, such as once reported in the Daily Record. "The length and the breadth of the knowledge of some of the issues [on the part of the press] is not always based upon solid information," he said, noting the turnover and short history of some reporters. "A lot of the time I do come down somewhat jokingly to spar with the press. I like to think it provokes some kind of thought process through press to the citizens who elect us." That is truly the essence of what it is to be a First Citizen, not only leading, but teaching to the best of your ability what it is you are about and why, with the goal of making better citizens of us all.

Joy Ruth Walker

Joy Ruth Walker is the shepherdess of the Senate. Born in Annapolis and graduated from Annapolis High School, she grew up in Eastport. She began her civil service with the Department of Natural Resources in 1972, and since 1988 has worked on the staff of President Miller, rising to the sometimes unenviable post of gatekeeper, and enforcer of the rules. From personal experience, I know she is a pleasure to work with. She is always cheerful, helpful, and has a keen sense of honor and duty. Yet she does not hesitate to explain in the most friendly of demeanors when and how you have gone astray, all with the purpose of being certain you get it right. Joy gives her all to the Senate and to her family, taking great pride in her children and her granddaughter Seyla, now 6. One of nine children herself, six of her siblings join us today with her immediate family in honoring her. I know that she prefers biography and listening to Jazz to the book of political discourse we are about to present her with. She hears enough of that emanating from the speaker in her office, but may this award stand proudly on her bookshelf with its certificate, as a reminder of how much she is appreciated for the work she does to make better citizens of us all.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 429 – Senator Joseph M. Getty:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Maryland Association of Hospital Auxiliaries
in recognition of
the volunteers who give countless hours of their time to Maryland hospitals, patients and doctors.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 7th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 388)

General Assembly Resolution No. 50:

Be it hereby known to all that
The Maryland General Assembly
offers its sincerest congratulations to
The Honorable Jamie Raskin
in recognition of
Your winning the 3rd annual
General Assembly Chess Challenge.

The entire membership extends best wishes on this memorable occasion and directs this resolution to be presented on this day 7th of March, 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 389)

LAID OVER BILLS

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

Senate Bill 352 – Senators Forehand and Raskin

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

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

SB0352/198177/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 352
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute ", Raskin, Jacobs, Ramirez, and Zirkin".

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 #10

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

Senate Bill 164 – Senator Conway

AN ACT concerning

Maryland Plastic Bag Recycling Act

SB0164/654734/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 164
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "review" insert ", approve, or require the revision of"; strike beginning with "authorizing" in line 19 down through "plan;" in line 20; in line 22, after "final;" insert "requiring the Department to post a certain final plan on the Department's Web site within a certain period of time after approving the plan;".

On page 2, in line 6, strike "requiring" and substitute "authorizing"; and in line 7, after "terms;" insert "providing for the construction of this Act;".

AMENDMENT NO. 2

On page 7, in line 24, strike "**IN REGULATION**".

On page 8, in line 7, strike "**PROCESSING**" and substitute "**RECYCLING**"; after line 15, insert:

"**(IV) LISTS THE METHODS THE MANUFACTURER WILL USE TO RECYCLE THE PLASTIC CARRYOUT BAGS THAT IT COLLECTS;**";

and in lines 16 and 19, strike "**(IV)**" and "**(V)**", respectively, and substitute "**(V)**" and "**(VI)**", respectively.

On page 9, in line 1, before "**PLAN**" insert "**DRAFT**"; in line 3, strike "**AND**"; in line 4, after "**EACH**" insert "**DRAFT**"; in line 5, after "**SECTION**" insert "**; AND**

(4) (I) APPROVE THE DRAFT PLAN; OR

(II) REQUIRE REVISION OF THE DRAFT PLAN";

strike beginning with "**THE**" in line 6 down through "**(E)**" in line 8; in lines 10, 11, 22, and 26 in each instance, before "**PLAN**" insert "**DRAFT**"; in line 16, strike "**APPLICABLE**" and substitute "**REQUIRED BY THE DEPARTMENT**"; strike beginning with "**POSTING**" in line 17 down through "**SITE**" in line 18, and substitute "**REVIEW**"; in line 19, strike "**(F)**" and substitute "**(E) (1)**"; in lines 21 and 23, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I) 1.**" and "**2.**", respectively; and in line 26, after "**DEPARTMENT**" insert "**; AND**

(II) AFTER THE DEPARTMENT HAS APPROVED THE DRAFT PLAN.

(2) THE DEPARTMENT SHALL POST THE FINAL PLAN ON THE DEPARTMENT'S WEB SITE WITHIN 30 DAYS AFTER APPROVING THE PLAN".

AMENDMENT NO. 3

On page 11, in line 14, strike "**AND PROCESSING**"; in the same line, after "**LOCATIONS,**" insert "**RECYCLING METHODS,**"; and in line 18, strike "**PROCESSED FOR RECYCLING**" and substitute "**RECYCLED**".

AMENDMENT NO. 4

On page 12, in line 11, strike "**APRIL 1, 2015,**" and substitute "**OCTOBER 1, 2013,**"; in line 28, strike "**$100**" and substitute "**$500**"; in line 29, strike "**$250**" and substitute "**$1,000**"; and in line 30, strike "**$500**" and substitute "**$1,500**".

On page 13, in line 9, strike "**SHALL**" and substitute "**MAY**"; after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to prohibit a retailer from recycling plastic carryout bags in the same manner that the retailer recycled plastic carryout bags before the effective date of this Act.";

in line 11, strike "2." and substitute "3."; and in line 20, strike "3." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 345 – Senator Glassman

AN ACT concerning

Environment – Water and Sewer Authorities – Number of Directors

SB0345/544630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 345
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Environment" and substitute "Harford County"; and in line 4, after "authority" insert "in Harford County".

AMENDMENT NO. 2

On page 1, in line 17, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE**"; in line 18, strike the brackets; in the same line, strike "**SEVEN**"; and in line 20, strike "The" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE**".

On page 2, in line 4, strike "**SEVEN**" and substitute "**FIVE**"; and after line 15, insert:

"**(G) IN HARFORD COUNTY:**

(1) THE NUMBER OF DIRECTORS OF THE AUTHORITY IS THE GREATER OF:

(I) SEVEN; OR

(II) THE NUMBER OF MEMBER POLITICAL SUBDIVISIONS.

(2) THE ARTICLES OF INCORPORATION FOR THE AUTHORITY SHALL PROVIDE FOR THE APPORTIONING OF THE DIRECTORS BETWEEN OR

AMONG THE MEMBER SUBDIVISIONS IF THE NUMBER OF POLITICAL SUBDIVISIONS IS LESS THAN SEVEN.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 390 – Caroline County Senators

AN ACT concerning

Caroline County – Deer Hunting on Private Property – Sundays

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 450 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Environmental Health Specialists – Transfer of Responsibilities

SB0450/204431/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 450
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "testimony;" insert "establishing a State Board of Environmental Health Specialists Fund as a continuing, nonlapsing fund that is not subject to certain provisions of law; authorizing the Board to set certain fees for certain purposes; requiring certain fees to be set so as to approximate the cost of

maintaining the Board; requiring certain funds to be generated by certain fees; requiring the Board to remit certain fees to the Comptroller; requiring the Comptroller to distribute certain fees to the Fund; requiring the Fund to be used to cover certain costs; prohibiting the transfer or reversion of certain unspent portions of the Fund to the General Fund; prohibiting other State money to be used to support the Fund; requiring a designee of the Board to administer the Fund; requiring the legislative auditor to audit certain accounts and transactions of the Fund in accordance with certain provisions of law; altering the list of persons employed in certain job classifications that are not required to be licensed under this Act;".

On page 2, strike beginning with "expressing" in line 1 down through "year" in line 4 and substitute "requiring the Department of Health and Mental Hygiene to ensure adequate funding for the Board during a certain fiscal year; authorizing the Department of Health and Mental Hygiene to transfer certain funds to the Board from certain other boards under certain circumstances"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 1–406
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)";

in line 28, strike "21–205" and substitute "21–206"; and in line 38, strike "21–206,".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"Article – Environment

1–406.

The following units, among other units, are included in the Department:

(1) Air Quality Control Advisory Council;

(2) Environmental Noise Advisory Council;

(3) Hazardous Substances Advisory Council;

(4) Radiation Control Advisory Board;

(5) Science and Health Advisory Group;

(6) **[**Board of Environmental Sanitarians;

(7)**]** Board of Waterworks and Waste System Operators;

[(8)**] (7)** Board of Well Drillers; and

[(9)**] (8)** Hazardous Waste Facilities Siting Board.".

AMENDMENT NO. 3

On page 8, after line 25, insert:

"**(A) IN THIS SECTION, "FUND" MEANS THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.**

(B) THERE IS A STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALISTS FUND.";

in line 26, strike "(a)" and substitute "**(C) (1)**"; in the same line, strike beginning with "Except" through the second "the" and substitute "**THE**"; after line 27, insert:

"**(2) THE FEES CHARGED SHALL BE SET SO AS TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.**

(3) FUNDS TO COVER THE COMPENSATION AND EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.";

strike in their entirety, lines 28 and 29 and substitute:

"**(D) (1) THE BOARD SHALL REMIT ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER.**

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

(E) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED UNDER THIS ARTICLE.

(2) THE FUND IS A CONTINUING, NONLAPSING FUND AND IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

(4) NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

(F) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

(2) MONEY IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THIS ARTICLE.

(G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2–1220 OF THE STATE GOVERNMENT ARTICLE.".

AMENDMENT NO. 4

On page 10, in line 18, strike "erosion" and substitute "**:**

1. EROSION";

strike beginning with "(xviii)" in line 21 down through "motor" in line 23 and substitute:

"**2. MOTOR**";

in line 25, after "Article;" insert "**OR**

3. SEWAGE SLUDGE, WATER POLLUTION CONTROL, OR DRINKING WATER UNDER TITLE 9 OF THE ENVIRONMENT ARTICLE;

(XVIII) PERSONS EMPLOYED BY THE DEPARTMENT OF THE ENVIRONMENT AND CLASSIFIED AS EITHER:

1. A REGULATORY AND COMPLIANCE ENGINEER OR ARCHITECT; OR

2. AN ENVIRONMENTAL COMPLIANCE SPECIALIST;".

AMENDMENT NO. 5

On page 23, strike beginning with "it" in line 19 down through "necessary" in line 23 and substitute ", notwithstanding the provisions of § 21–206(d)(4) of the Health Occupations Article, as enacted by Section 2 of this Act, the Department of Health and Mental Hygiene shall ensure adequate funding for the State Board of Environmental Health Specialists during fiscal year 2013, and may transfer funds to the Board from another board with adequate reserve funds as determined by and at the discretion of the Secretary of Health and Mental Hygiene, to be repaid in full during fiscal year 2014".

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 588 – Senator Edwards

AN ACT concerning

Bow Hunting – Possession of Handguns for Protection

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 662 – Carroll County Senators

AN ACT concerning

Carroll County – Archery Hunting – Safety Zone

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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 384 – Senator Pipkin

AN ACT concerning

Kent 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 389 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Class 6 Pub–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 with amendments:

Senate Bill 437 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Follow–Up Criminal History Records Checks

SB0437/494636/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 437
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Follow–Up" and substitute "Middletown Wine Festival License and"; in line 4, after "of" insert "creating in Frederick County a Middletown Wine Festival License; authorizing the Frederick County Board of License Commissioners to issue the license to a holder of certain licenses; specifying that the license entitles the holder to display and sell at retail wine for consumption on or off the premises on the days and for the hours designated for the Middletown Wine Festival; requiring the Board to ensure that the primary focus of the Middletown Wine Festival is the promotion of wine produced in Frederick County; requiring a license holder to display and sell wine that is distributed in the State; providing for a license fee; specifying that certain provisions of this Act do not prohibit a license holder from holding another license of a different class or nature; authorizing the Burgess and Commissioners of Middletown to hold not more than a certain number of Middletown Wine Festivals annually; requiring the Burgess and Commissioners to choose certain festival locations; authorizing the Burgess and Commissioners to adopt certain regulations; requiring the Board to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check for each alcoholic beverages license applicant; requiring the Board to submit certain fingerprints and certain fees to the Central Repository under certain circumstances; providing that certain information obtained from the Central Repository is confidential, may not be redisseminated, and may be used only for a certain purpose; authorizing the subject of a criminal history records check to contest the contents of a certain printed statement as provided under certain provisions of law;"; in line 4, strike "Criminal Justice Information System"; in line 5, strike "of the Department of Public Safety and Correctional Services"; in line 6, strike "of License Commissioners of Frederick County"; in line 7, strike "license applicant or";

in line 11, after "circumstances;" insert "defining a certain term; making certain technical corrections; making stylistic changes;"; and after line 12, insert:

"BY renumbering
Article 2B – Alcoholic Beverages
Section 8–308.2
to be Section 8–308.3
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–211(d–1)
Annotated Code of Maryland
(2011 Replacement Volume)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–308.2
Annotated Code of Maryland
(2011 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–308.2 of Article 2B – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 8–308.3.";

in line 18, strike "1." and substitute "2. AND"; in the same line, after "IT" insert "FURTHER"; strike beginning with "BY" in line 18 down through "MARYLAND" in line 19; and after line 20, insert:

"8–211.

(a) The provisions of this section apply only in Frederick County.

(d–1) (1) The Board of License Commissioners may issue within the municipal boundaries of the municipal corporation of Middletown:

(i) Class A, B, or C beer licenses; **[**or**]**

(ii) Class B beer, wine and liquor (on–sale) licenses if the licensed premises derive at least 70% of its monthly gross revenue from the sale of food**; OR**

(III) MIDDLETOWN WINE FESTIVAL LICENSES.

(2) In all other areas of the Middletown (3rd) election district, the Board of License Commissioners may only issue**:**

(I) Class A, B, or C beer licenses**; OR**

(II) MIDDLETOWN WINE FESTIVAL LICENSES.

8–308.2.

(A) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

(B) THERE IS A SPECIAL MIDDLETOWN WINE FESTIVAL (MWF) LICENSE.

(C) THE FREDERICK COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A SPECIAL MWF LICENSE TO A HOLDER OF A STATE CLASS 3 WINERY LICENSE OR A STATE CLASS 4 LIMITED WINERY LICENSE.

(D) A SPECIAL MWF LICENSE ENTITLES THE HOLDER TO DISPLAY AND SELL AT RETAIL WINE FOR CONSUMPTION ON OR OFF THE PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE MIDDLETOWN WINE FESTIVAL.

(E) (1) THE BOARD SHALL ENSURE THAT THE PRIMARY FOCUS OF THE MIDDLETOWN WINE FESTIVAL IS THE PROMOTION OF WINE PRODUCED IN FREDERICK COUNTY.

(2) A HOLDER OF A SPECIAL MWF LICENSE SHALL DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.

(F) THE SPECIAL MWF LICENSE FEE IS $20.

(G) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL MWF LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:

(1) MAY HOLD NOT MORE THAN TWO 1–DAY MIDDLETOWN WINE FESTIVALS ANNUALLY ON THE DAYS THAT THE BURGESS AND COMMISSIONERS CHOOSE; AND

(2) SHALL CHOOSE FESTIVAL LOCATIONS THAT ARE NOT LICENSED UNDER THIS ARTICLE.

(I) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.".

On page 2, in line 29, strike "2." and substitute "3.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 2 through 11, inclusive, and substitute:

"**1. THIS SUBPARAGRAPH APPLIES ONLY IN FREDERICK COUNTY.**

2. IN THIS SUBPARAGRAPH, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM

CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

3. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT.

4. AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED IN § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

C. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

5. IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

B. MAY BE USED ONLY FOR LICENSING PURPOSES UNDER THIS SUBPARAGRAPH.

7. THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED UNDER § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.";

in lines 12, 20, and 27, respectively, strike "**2.**", "**3.**", and "**4.**", respectively, and substitute "**8.**", "**9.**", and "**10.**", respectively; in line 13, strike "**AN APPLICANT OR**" and substitute "**A**"; strike beginning with "**CRIMINAL**" in line 13 down through "**SYSTEM**" in line 14; strike beginning with "**OF**" in line 14 down through "**SERVICES**" in line 15; in lines 18 and 19, strike "**APPLICANT OR**"; in line 21, strike "**CRIMINAL JUSTICE INFORMATION SYSTEM**"; strike beginning with "**OF**" in line 22 down through "**SERVICES**" in line 23; and in line 23, strike "**AN APPLICANT OR**" and substitute "**A**".

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 439 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Citations Issued by Inspectors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 448 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Wineries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 579 – Senators Glassman, Brinkley, Colburn, Jacobs, Kelley, Middleton, Montgomery, Robey, and Rosapepe

AN ACT concerning

Alcoholic Beverages – Farm Brewery Manufacturer's License

SB0579/134130/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 579
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Dyson, Jennings, Pinsky, and Young"; and in line 14, after the first "licensee;" insert "prohibiting a licensee from selling or allowing to be consumed at a certain location certain alcoholic beverages other than the beer produced by the licensee under this Act;".

AMENDMENT NO. 2

On page 2, in line 31, strike "**MOSTLY**"; in the same line, strike "**AN**" and substitute "**A MARYLAND**".

On page 5, in line 31, after "**OTHER**" insert "**MARYLAND**".

On page 6, in line 4, after "**OTHER**" insert "**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 JUDICIAL PROCEEDINGS REPORT #11

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

Senate Bill 221 – Senator Frosh

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

SB0221/348473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 221
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh, Brochin, Forehand, and Raskin"; and strike beginning with "requiring" in line 12 down through "circumstances;" in line 14.

AMENDMENT NO. 2

On page 3, in line 30, strike "**SUBSTANTIAL**".

On page 4, in line 22, strike "**A**" and substitute "**THE**"; in the same line, after "**OR**" insert "**THE MOTION**"; and in lines 22 and 23, strike "**UNDER SUBSECTION (C) OF THIS SECTION**".

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 8 on page 5, inclusive.

On page 5, in line 9, strike the brackets; and in the same line, strike "**(F)**".

The preceding 3 amendments were read only.

Senator Reilly 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 334 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Divorce

SB0334/578377/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 334
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "divorce," insert "the"; and in the same line, strike "shall" and substitute "may".

AMENDMENT NO. 2

On page 2, in line 3, strike "**IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION**".

On page 3, in lines 7 and 8, strike "**IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION,**".

AMENDMENT NO. 3

On page 2 in line 19, and on page 4 in line 6, in each instance, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 4

On page 4, in line 10, strike "October" and substitute "July".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE EXECUTIVE

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

March 7, 2012

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
2012 SESSION OF THE MARYLAND GENERAL ASSEMBLY

ARTS COUNCIL, MARYLAND STATE	
Sandra M. Oxx 6704 Old Stonehouse Lane New Market, Maryland 21774 Frederick/04	Appointment Member Term of 3 years from July 1, 2012
Carla R. Du Pree 10391 May Wind Court Columbia, Maryland 21044 Howard/12	Appointment Member Remainder of a term of 3 years from July 1, 2011
Kathy O'Dell, Ph.D.	Appointment

3 N. Beaumont Avenue Catonsville, Maryland 21228 Baltimore County/12	Member Term of 3 years from July 1, 2012
ELECTIONS, STATE BOARD OF	
Bobbie Sue Mack 3001 Marcando Lane Upper Marlboro, Maryland 20774 Prince George's/25	Reappointment Majority Party Term of 4 years from July 1, 2012
Rachel T. McGuckian, Esq. 3500 King William Drive Olney, Maryland 20832 Montgomery/14	Reappointment Majority Party Term of 4 years from July 1, 2011
Col. Charles E. Thomann 1606 Laurel Lane Annapolis, Maryland 21409 Anne Arundel/30	Reappointment Minority Party Term of 4 years from July 1, 2011
David J. McManus, Jr., Esq. 6730 Charles Street Avenue Towson, Maryland 21204 Baltimore County/42	Reappointment Minority Party Term of 4 years from July 1, 2011
PLUMBING, STATE BOARD OF	
Jeffrey B. Pope 1165 Dingus Drive Westminster, Maryland 21158 Carroll/05	Appointment Consumer – Unrepresented County Remainder of a term of 3 years from May 1, 2009 and a term of 3 years from May 1, 2012
WOMEN, MARYLAND COMMISSION FOR	
Patricia J. Omana 9440 Fens Hollow Laurel, Maryland 20723 Howard/13	Appointment Member Term of 4 years from July 1, 2010
Patricia E. Owens 6525 Fish Hatchery Road Thurmont, Maryland 21788 Frederick/04	Appointment Member Term of 4 years from July 1, 2011
Michelle C. Revells 6325 Stiles Place Hughesville, Maryland 20637 Charles/28	Appointment Member Term of 4 years from July 1, 2011

GUBERNATORIAL APPOINTMENTS TO LOCAL BOARDS
REQUIRING CONFIRMATION
2012 SESSION OF THE MARYLAND GENERAL ASSEMBLY

ALLEGANY COLLEGE OF MARYLAND BOARD OF TRUSTEES	
Barry P. Ronan 15119 Trail Ridge Road, SW Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 6 years from July 1, 2012
James J. Ortiz 705 Montgomery Avenue Cumberland, Maryland 21502 Allegany/01	Reappointment Member Term of 6 years from July 1, 2012
ANNE ARUNDEL COMMUNITY COLLEGE BOARD OF TRUSTEES	
Jerome W. Klasmeier 1077 Overcrest Drive Crownsville, Maryland 21032 Anne Arundel/33	Reappointment Member Term of 6 years from July 1, 2012
James H. Johnson, Jr., Ph.D. 1045 Skidmore Drive Annapolis, Maryland 21409 Anne Arundel/30	Reappointment Member Term of 6 years from July 1, 2012
Cassandra Holly 714 Broadview Boulevard, North Glen Burnie, Maryland 21061 Anne Arundel/32	Appointment Student Term of 1 year from July 1, 2012
FREDERICK COMMUNITY COLLEGE BOARD OF TRUSTEES	
Marvin E. Ausherman 6450 Christophers Crossing Frederick, Maryland 21702 Frederick/03	Appointment Member Term of 5 years from July 1, 2012
HAGERSTOWN COMMUNITY COLLEGE BOARD OF TRUSTEES	
L. William Proctor, Jr., Esq. 19625 Spring Creek Road Hagerstown, Maryland 21742 Washington/02	Appointment Member Remainder of a term of 6 years from July 1, 2007
John D. Williamson 1004 The Terrace Hagerstown, Maryland 21742 Washington/02	Appointment Member Remainder of a term of 6 years from July 1, 2006 and a term of 6 years from July 1, 2012

ST. MARY'S COUNTY ORPHANS COURT	
William M. Mattingly 36325 Notley Woods Lane P.O. Box 220 Chaptico, Maryland 20621 St. Mary's/29	Appointment Judge Remainder of a term of 4 years from the General Election of November, 2010

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

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 Education, Health, and Environmental Affairs:

Senate Bill 983 – Senator Ferguson

AN ACT concerning

Task Force to Develop a Creativity and Innovation Index for Maryland

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 987 – Senator Klausmeier

AN ACT concerning

Income and Property Tax Credits – Conservation Easements – NeighborSpace of Baltimore County, 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 Education, Health, and Environmental Affairs and the Committee on Finance:

Senate Bill 989 – Senator Mathias

AN ACT concerning

Public Schools – Administration of Auto–Injectable Epinephrine

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs and 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 991 – Senator Astle

AN ACT concerning

Workers' Compensation – Death Benefits – Determination of Benefits

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 992 – Senators Raskin, Astle, Jacobs, Shank, and Stone

AN ACT concerning

Vehicle Laws – Motor Vehicle Safety Checkpoints – Prohibition on Targeting Specific Types of Motor Vehicles

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 993 – Senators Raskin, Astle, Benson, Forehand, Jennings, King, Madaleno, Montgomery, Pinsky, Pugh, and Young

AN ACT concerning

Crimes – Human Trafficking of Minor – Defenses

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 1012 – Senator Astle

AN ACT concerning

Short–Term Rental of Motorcycles – Sales and Use Tax and Motor Vehicle Law

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 1021 – Senator Raskin

AN ACT concerning

Criminal Law – Manslaughter – Penalty

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 1024 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Multiple Licenses

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 1028 – Senators Zirkin and Peters

AN ACT concerning

Labor and Employment – Leave – Deployment of Family Members in the Armed Forces

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 1030 – Senators Mathias, Colburn, Edwards, Glassman, Jones–Rodwell, Middleton, and Raskin

AN ACT concerning

Small Business Development Center Network Fund – Minimum Appropriation

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 1032 – Senator Klausmeier

AN ACT concerning

Natural Resources – Fish and Fisheries – Gill Nets

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 1040 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Middletown Wine Festival 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 1041 – Senator Frosh

AN ACT concerning

Courts – Victims of Crime – Interpreters

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 1042 – Senator Colburn

AN ACT concerning

Gaming – Taking Delivery of, Possessing, or Transporting Slot Machines

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 1043 – Senator Colburn

AN ACT concerning

Environment – Construction on Piers – Non–Water Dependent Structures at Commercial Marinas

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 1044 – Senators Colburn and Mathias

AN ACT concerning

Wicomico County – Alcoholic Beverages – Class D Licenses – Follow–Up Records Checks

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 1053 – Senator Klausmeier

AN ACT concerning

Financial Institutions – Credit Unions and Depository Institutions – Authority to Conduct Savings Promotion Raffles

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 1054 – Senator Mathias

AN ACT concerning

Vehicle Laws – Automotive Dismantlers and Recyclers or Scrap Processors – Disposal of Vehicles

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 and the Committee on Budget and Taxation:

Senate Bill 1055 – Senators Zirkin and Stone

AN ACT concerning

Court Costs – Criminal Cases – Funding for Law Enforcement

The bill was re–referred to the Committee on Judicial Proceedings and 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 1066 – Senator Kasemeyer

AN ACT concerning

Income Tax – Film Production Credit – Extension and Increase

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 1073 – Senator Middleton

AN ACT concerning

Electricity – Certificate of Public Convenience and Necessity – Overhead Transmission Lines

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 1074 – Senator Colburn

AN ACT concerning

Critical Area Commission – Planting Credits – Warm Season Grass

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 1075 – Senator Mathias

AN ACT concerning

Worcester County – Alcoholic Beverages – Beer and Wine Festivals

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 1076 – Senator McFadden

AN ACT concerning

Maryland Veterans Commission – Membership – 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 Budget and Taxation:

Senate Bill 1083 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Southeast Neighborhood Development Fund

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 1084 – Senator Ferguson

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Baltimore City – Renovation of Southeast Neighborhood Development 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 1085 – Senator Montgomery

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2011 – Montgomery County – Olney Theatre

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 1088 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – East Baltimore Historical Library

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 Bill 247 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

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

SB0247/518876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 247
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "State" and substitute "state".

AMENDMENT NO. 2

On page 2, in line 18, strike "**STATE**" and substitute "**STATE**".

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 640 – Senators Ramirez, Forehand, Manno, Montgomery, and Rosapepe

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

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

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 8, 2012.

The motion was adopted.

Senate Bill 340 – Senator Raskin

AN ACT concerning

Vehicle Laws – Stopping, Standing, and Parking – Plug–In Vehicles

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

Favorable report adopted.

FLOOR AMENDMENT

SB0340/683123/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "station" insert ", subject to a certain exception".

AMENDMENT NO. 2

On page 2, in line 13, after "**(FF)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 15 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 17, insert:

"**(2) A PERSON MAY STOP, STAND, OR PARK A VEHICLE IN A SPACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF:**

(I) THE VEHICLE BEARS A SPECIAL REGISTRATION PLATE, A REMOVABLE WINDSHIELD PLACARD, OR A TEMPORARY REMOVABLE WINDSHIELD PLACARD ISSUED BY THE ADMINISTRATION UNDER § 13–616, § 13–616.1, OR § 13–616.2 OF THIS ARTICLE OR SIMILARLY BY ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANOTHER COUNTRY; AND

(II) THE PERSON IS AUTHORIZED TO USE THE PRIVILEGES CONFERRED BY THE SPECIAL REGISTRATION PLATE, REMOVABLE WINDSHIELD PLACARD, OR TEMPORARY REMOVABLE WINDSHIELD PLACARD UNDER § 13–616, § 13–616.1, OR § 13–616.2 OF THIS ARTICLE OR SIMILARLY BY ANOTHER STATE, THE DISTRICT OF COLUMBIA, OR ANOTHER COUNTRY.".

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

Affirmative – 11 Negative – 32 (See Roll Call No. 390)

FLOOR AMENDMENT

SB0340/683123/3
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "station" insert ", subject to a certain exception".

AMENDMENT NO. 2

On page 2, in line 13, after "**(FF)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 15 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 17, insert:

"**(2) A PERSON MAY STOP, STAND, OR PARK A VEHICLE IN A SPACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE VEHICLE IS A PARATRANSIT VEHICLE.**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 8, 2012.

The motion was adopted.

Senate Bill 486 – Senators Raskin, Forehand, and Rosapepe

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Enforcement

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

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 8, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 391)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Joint Resolution 3 – Chair, Budget and Taxation Committee (By Request – Judicial Compensation Commission)

A Senate Joint Resolution concerning

Judicial Compensation Commission – Recommendations

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

Affirmative – 33 Negative – 9 (See Roll Call No. 392)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Peters 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 1092 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Marleigh Community Safety and Surveillance System

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2010 to change the name of a certain grantee from 301 Community Corporation, Inc. to Marleigh Community Association; extending the deadline for the grantee to present evidence that a certain matching fund will be provided; providing that a certain grant may not terminate before a certain date; 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 396 of the Acts of the General Assembly of 2011

Section 1(3) Item ZA02(BK)

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

QUORUM CALL

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

(See Roll Call No. 393)

ADJOURNMENT

At 11:55 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 8, 2012.

Annapolis, Maryland
Thursday, March 8, 2012
10:00 A.M. Session

The Senate met at 10:17 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, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 395)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 449 – Senator Catherine E. Pugh:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Maryland Chapters of Delta Sigma Theta Sorority, Inc.
in recognition of
the 25th Anniversary of Delta Day in Annapolis and continued dedicated service to the community
which enhances so many lives.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 8th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 396)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 71 – Delegate Morhaim

AN ACT concerning

Family Security Trust Fund – Requirement to Transfer Interest to the General Fund – Exemption

FOR the purpose of exempting the Family Security Trust Fund, under certain circumstances, from a certain requirement that certain interest accrue to the General Fund; requiring the State Treasurer, under certain circumstances, to pay certain investment earnings into the General Fund of the State; making a conforming change; and generally relating to an exemption for the Family Security Trust Fund from the requirement to transfer interest to the General Fund.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–4A–03
Annotated Code of Maryland
(2009 Replacement Volume and 2011 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 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 96 – Delegates Anderson, Braveboy, Cane, Carter, Clippinger, Conaway, Dumais, Glenn, Hammen, Haynes, Holmes, Howard, Ivey, Jones, K. Kelly, McDermott, McHale, McIntosh, Morhaim, Nathan–Pulliam, Pena–Melnyk, Proctor, B. Robinson, Rosenberg, Stukes, Summers, Tarrant, V. Turner, Vallario, Washington, and Zucker

AN ACT concerning

Criminal Procedure – Probation Before Judgment – ~~Subsequent~~ Possession of a Controlled Dangerous Substance ~~Crime~~

FOR the purpose of authorizing a court to impose probation before judgment for a certain second ~~or subsequent~~ controlled dangerous substance crime if the court requires the defendant to graduate from drug court or successfully complete a substance abuse treatment program as a condition of probation and the defendant meets that requirement; and generally relating to probation before judgment.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–220(d)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 99 – Delegate Kipke

AN ACT concerning

~~Health~~ Anne Arundel County – Semipermanent Food Service Facilities – ~~Regulations~~ Requirements

FOR the purpose of ~~requiring the Department of Health and Mental Hygiene to adopt certain regulations~~ requiring the operator of a certain semipermanent food service facility to ~~keep a certain record of~~ meet certain requirements regarding wastewater disposal and ~~to use, under certain circumstances, a certain hose to~~ access to a potable water supply; providing for the application of this Act; defining the term "semipermanent food service facility"; and generally relating to ~~regulations~~ requirements regarding the operation of semipermanent food service facilities in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (h)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 21–301(j–2)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~
BY adding to
Article – Health – General
Section ~~21–304(a)~~ 21–312.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 119 – Delegates McDermott, Anderson, Clippinger, Conaway, Hough, McComas, Mitchell, Smigiel, ~~and Waldstreicher~~ Waldstreicher, Jameson, Murphy, and Wilson

AN ACT concerning

Criminal Procedure – Misdemeanors and Local Ordinance Violations – Citations and Study

FOR the purpose of requiring a police officer to charge a person by citation for certain misdemeanors and local ordinance violations; expanding the authority of a police officer to charge a person by citation to include ~~any misdemeanor, except certain crimes of violence; defining a certain term~~ certain misdemeanors and local ordinance violations; establishing that a police officer may charge a defendant by citation only under certain circumstances; providing that, under certain circumstances, an officer who has grounds to make a warrantless arrest may ~~release a defendant from custody by issuing a citation~~ issue a citation in lieu of making the arrest or make the arrest and subsequently issue a citation in lieu of continued custody; requiring certain law enforcement officers to record certain information pertaining to the issuance of certain citations; ~~requiring certain law enforcement agencies to report certain information to the Maryland Justice Analysis Center (MJAC); requiring the Police Training Commission to develop a certain format and guidelines and a standardized format for the reporting of certain data; requiring the Police Training Commission to develop a certain model policy~~ requiring the Police Training Commission and the Maryland Statistical Analysis Center (MJAC), in consultation with the Administrative Office of the Courts, to develop a certain format for the recording of certain data and to develop certain procedures relating to the compilation and submission of certain data on or before a certain date; requiring the Police Training Commission to develop certain guidelines for certain data collection and a certain model policy relating to citations; requiring the MJAC to

analyze certain data based on a methodology developed in conjunction with the Police Training Commission; requiring the MJAC to make certain reports to the General Assembly, the Governor, and law enforcement agencies; requiring law enforcement agencies to adopt certain policies regarding the issuance of certain citations; providing for the phasing in of certain requirements; ~~requiring the MJAC to report to the Police Training Commission law enforcement agencies that fail to comply with certain reporting requirements; requiring certain actions following a report on the failure of a law enforcement agency to comply;~~ defining certain terms; providing for the termination of certain provisions of this Act; and generally relating to ~~misdemeanors and~~ citations.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~4–101(a) and (c)~~ 4–101(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section ~~4–101(e)(2)~~ 4–101(a) and (e)(2)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Criminal Law~~
~~Section 14–101(a)~~
~~Annotated Code of Maryland~~
~~(2002 Volume and 2011 Supplement)~~

BY adding to
Article – Criminal Procedure
Section 4–101.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 199 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Sentence Review – Review Panel

FOR the purpose of altering the number of judges on a criminal sentence review panel; altering a certain definition to require review panel judges to be of a certain judicial circuit; clarifying who is entitled to a sentence review by a review panel;

clarifying that a sentence includes any suspended portion for the purposes of a sentence review; repealing a provision of law authorizing a certain sentencing judge to sit with a review panel in an advisory capacity; prohibiting a review panel from conferring with a certain sentencing judge; establishing that a review panel has jurisdiction over a defendant's case once a sentence has been changed; clarifying who may be heard at a criminal sentence review hearing; and generally relating to criminal sentence reviews and review panels.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 8–101, 8–102, 8–105, and 8–106
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 348 – Delegate Hubbard

AN ACT concerning

State Board of Professional Counselors and Therapists – Certified Professional Counselor–Alcohol and Drug – Repeal

FOR the purpose of repealing certain provisions of law relating to the requirements that must be met to qualify as a certified professional counselor–alcohol and drug; repealing a certain requirement that the State Board of Professional Counselors and Therapists grant a certain waiver to certain applicants; prohibiting the Board from placing a certified professional counselor–alcohol and drug on inactive status; prohibiting the Board from reinstating the certificate of a certified professional counselor–alcohol and drug under certain circumstances; providing that this Act may not be construed to invalidate certain certificates or to prohibit certain renewals; and generally relating to the repeal of the certified professional counselor–alcohol and drug certificate.

BY repealing
Article – Health Occupations
Section 17–402
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 17–405 and 17–505
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 395 – Delegate Hammen (Chair, Health and Government Operations Committee)

AN ACT concerning

State Board of Nursing – Sunset Extension and Revisions

FOR the purpose of continuing the State Board of Nursing 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 annual report to the General Assembly; specifying the data that must be included in a certain annual report; altering a certain requirement related to the application for a license to practice registered nursing or licensed practical nursing; altering a certain requirement related to the application for certification as a certified nursing assistant; altering the membership of a certain advisory committee; requiring a certain advisory committee to meet at least once during a certain time period; requiring the Board to contract with an independent entity to perform a certain personnel study to be completed on or before a certain date; requiring the Board to report to certain committees of the General Assembly on the implementation and use of certain sanctioning guidelines on or before a certain date; requiring the Board to report to certain committees of the General Assembly on the implementation of certain recommendations; requiring the report to include certain information and a certain plan; making a stylistic change; and generally relating to the State Board of Nursing.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–205(a)(8), 8–304, 8–6A–05(c)(2), 8–6A–13, and 8–802
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(b)(40)
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)

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

House Bill 437 – Delegate Malone

AN ACT concerning

Local States of Emergency – Time Period – Extension

FOR the purpose of altering a certain time period that a local state of emergency may continue or be renewed without the consent of the local governing body; and generally relating to declarations of local states of emergency.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–111
Annotated Code of Maryland
(2003 Volume and 2011 Supplement)

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

House Bill 457 – ~~Delegate Howard~~ Delegates Howard, A. Miller, and Stukes

AN ACT concerning

Transportation – Highway Construction Training and Supportive Services

FOR the purpose of requiring the State Highway Administration to use the maximum amount of certain federal funds available under a certain provision of federal law for highway construction training and supportive services, including skill improvement programs; requiring the Administration to submit a certain report by a certain date each year to certain committees of the General Assembly; requiring the report to include certain information; defining a certain term; and generally relating to the use of federal funds for highway construction training.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–502
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 8–508

Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

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

Senate Bill 221 – Senator Frosh

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

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

SB0221/348473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 221
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh, Brochin, Forehand, and Raskin"; and strike beginning with "requiring" in line 12 down through "circumstances;" in line 14.

AMENDMENT NO. 2

On page 3, in line 30, strike "**SUBSTANTIAL**".

On page 4, in line 22, strike "**A**" and substitute "**THE**"; in the same line, after "**OR**" insert "**THE MOTION**"; and in lines 22 and 23, strike "**UNDER SUBSECTION (C) OF THIS SECTION**".

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 8 on page 5, inclusive.

On page 5, in line 9, strike the brackets; and in the same line, strike "**(F)**".

The preceding 3 amendments were read only.

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

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 397)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 179 – Senators Pugh, Raskin, Astle, Brochin, Currie, Ferguson, Forehand, Frosh, Gladden, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Montgomery, Peters, Pipkin, Ramirez, Robey, Rosapepe, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Garagiola, Glassman, and Muse

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

Senator Pugh moved, duly seconded, to make the Bill a Special Order for March 9, 2012.

The motion was adopted.

Senate Bill 245 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Disposition – Committed Programs

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

Affirmative – 45 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the House of Delegates.

Senate Bill 295 – Senators Astle, Klausmeier, Miller, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Frosh, Garagiola, Getty, Jacobs, Jennings, Jones–Rodwell, Kelley, King, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Peters, Pinsky, Pipkin, Pugh, Ramirez, Raskin, Reilly, Robey, Shank, Stone, Young, and Zirkin

AN ACT concerning

Commercial Law – Security Freezes – Minors and Protected Persons

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

Affirmative – 45 Negative – 0 (See Roll Call No. 399)

The Bill was then sent to the House of Delegates.

Senate Bill 306 – Senator Ferguson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Vehicle Height Monitoring Systems

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

Affirmative – 45 Negative – 0 (See Roll Call No. 400)

The Bill was then sent to the House of Delegates.

Senate Bill 335 – Chair, Budget and Taxation Committee (By Request – Judicial Compensation Commission)

AN ACT concerning

Judges' Retirement System – Contribution Rates for New Members

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

Affirmative – 43 Negative – 0 (See Roll Call No. 401)

The Bill was then sent to the House of Delegates.

Senate Bill 409 – Senator Jones–Rodwell (By Request – Baltimore City Administration) and Senators Ferguson, Gladden, McFadden, and Pugh

AN ACT concerning

Baltimore City – Police Department – Appointments

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

Affirmative – 45 Negative – 0 (See Roll Call No. 402)

The Bill was then sent to the House of Delegates.

Senate Bill 433 – Senators Young, Kelley, King, Montgomery, and Shank

AN ACT concerning

Labor and Employment – User Name and Password Privacy Protection and Exclusions

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

Affirmative – 44 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the House of Delegates.

Senate Bill 485 – Senators Kelley, Astle, Forehand, Garagiola, Glassman, Kittleman, Klausmeier, Mathias, Middleton, Muse, Pipkin, Pugh, Stone, and Young

AN ACT concerning

Continuing Care Retirement Communities – Regulation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

Senate Bill 566 – Senators King, Benson, Colburn, Ferguson, Forehand, Garagiola, Glassman, Kelley, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Muse, Pugh, Ramirez, and Young

AN ACT concerning

Home Visiting Accountability Act of 2012

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

Affirmative – 45 Negative – 0 (See Roll Call No. 405)

The Bill was then sent to the House of Delegates.

Senate Bill 650 – Senators Ramirez, Colburn, Forehand, Garagiola, Manno, Montgomery, Robey, and Rosapepe

AN ACT concerning

Public Safety – Impersonating a Police Officer – WMATA Metro Transit Police

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

Affirmative – 44 Negative – 0 (See Roll Call No. 406)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #12

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

Senate Bill 253 – Senators Jacobs and Ferguson

AN ACT concerning

State Government – Administrative Procedure Act – Proposed Regulations

SB0253/524438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 253

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Proposed"; strike beginning with "altering" in line 3 down through "regulation;" in line 10; in lines 13, 14, and 17, in each instance, strike "proposed"; in lines 12 and 15, in each instance, after "than" insert "a certain number of business days after"; in line 17, after "manner;" insert "requiring a unit to develop and implement a mechanism for a person to receive certain electronic alerts under certain circumstances; providing that the failure of a unit to comply with certain provisions of law may not invalidate or affect the adoption of certain regulations; requiring the Division of State Documents to report certain compliance to the General Assembly on or before a certain date;"; and strike in their entirety lines 24 through 28, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 21 on page 4, inclusive.

AMENDMENT NO. 3

On page 6, in lines 2 and 7, in each instance, after "**THAN**" insert "**3 BUSINESS DAYS AFTER**"; in lines 4, 7, 8, 12, and 15, in each instance, strike "**PROPOSED**"; in line 5, strike "**OF**" and substitute "**AS AN**"; after line 16, insert:

"**(D) A UNIT SHALL DEVELOP AND IMPLEMENT A MECHANISM BY WHICH A PERSON MAY RECEIVE AN ELECTRONIC ALERT WHEN A REGULATION IS PUBLISHED ON THE UNIT'S WEB SITE UNDER THIS SECTION.**

(E) THE FAILURE OF A UNIT TO PUBLISH THE TEXT OF A REGULATION IN A TIMELY MANNER UNDER THIS SECTION MAY NOT INVALIDATE OR OTHERWISE AFFECT THE ADOPTION OF THE REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Division of State Documents shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding the compliance of the units in the Executive Branch of the State government with the requirements of this Act.";

in line 17, strike "2." and substitute "3."; and in line 18, strike "October" and substitute "June".

The preceding 3 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 293 – Senators Miller, Kittleman, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jennings, Jones–Rodwell, Kasemeyer, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, McFadden, Montgomery, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Shank, Stone, Young, and Zirkin

AN ACT concerning

Education – Core Content Areas – Accountability Program

SB0293/624131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 293
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "design and"; in line 9, strike "social studies"; in line 10, strike "program" and substitute "programs"; strike beginning with "established" in line 11 down through the comma in line 12 and substitute "implemented"; and in line 14, after "plans;" insert "requiring the State Board to develop and implement certain State–specific assessments by a certain school year if certain determinations are made regarding certain middle school and high school level assessments; requiring the Governor to include a certain appropriation in the fiscal year 2014 State budget bill if a certain amount of funding to administer a certain Maryland high school assessment is not provided in the fiscal year 2013 State budget bill; prohibiting implementation of certain provisions of this Act under certain circumstances; defining a certain term;".

AMENDMENT NO. 2

On page 3, in line 15, after "(b)" insert "**(1) IN THIS SUBSECTION, "GRADE BAND ASSESSMENT" MEANS ONE ASSESSMENT OF A MIDDLE SCHOOL STUDENT'S KNOWLEDGE IN A CORE ACADEMIC SUBJECT AREA DURING GRADES 6 THROUGH 8.**

(2)";

in line 24, strike "**DESIGN AND**"; in line 25, after "**STUDIES**" insert "**THAT INCLUDE WRITTEN RESPONSES**"; in lines 26 and 31, in each instance, strike "**SOCIAL STUDIES**"; in line 31, strike "**AS DELINEATED**" and substitute "**OR COMMON CORE CURRICULA**"; in line 33, strike "**IN SOCIAL STUDIES**"; in lines 16, 20, and 23, strike "(1)", "(2)", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in lines 23 and 26, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; and in lines 28 and 32, strike "**1.**" and "**2.**", respectively, and substitute "**A.**" and "**B.**", respectively.

AMENDMENT NO. 3

On page 4, in line 1, strike "**(II)**" and substitute "**3.**"; in line 2, strike "**ESTABLISHED, IMPLEMENTED,**" and substitute "**IMPLEMENTED**"; strike in their entirety lines 4 through 8, inclusive; after line 8, insert:

"**A. AT THE MIDDLE SCHOOL LEVEL, A STATEWIDE, COMPREHENSIVE, GRADE BAND ASSESSMENT PROGRAM THAT MEASURES THE LEARNING GAINS OF EACH PUBLIC SCHOOL STUDENT TOWARDS ACHIEVING MASTERY OF THE STANDARDS SET FORTH IN THE COMMON CORE CURRICULA OR THE STATE'S ADOPTED CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES; AND**";

in line 12, strike "**GOVERNMENT CURRICULA**" and substitute "**CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES**"; in line 9, strike "**2.**" and substitute "**B.**"; in lines 13, 16, 19, and 21, strike "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively; and after line 22, insert:

"**(3) (I) AFTER THE 2014–2015 SCHOOL YEAR, THE STATE BOARD SHALL DETERMINE WHETHER THE ASSESSMENTS AT THE MIDDLE SCHOOL AND HIGH SCHOOL LEVELS REQUIRED UNDER PARAGRAPH (2)(III)3 OF**

THIS SUBSECTION ADEQUATELY MEASURE THE SKILLS AND KNOWLEDGE SET FORTH IN THE STATE'S ADOPTED CURRICULA FOR THE CORE CONTENT AREAS OF READING, LANGUAGE, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES.

(II) IF THE STATE BOARD MAKES A DETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT AN ASSESSMENT DOES NOT ADEQUATELY MEASURE THE SKILLS AND KNOWLEDGE SET FORTH IN THE STATE'S ADOPTED CURRICULA FOR A CORE CONTENT AREA, THE DEPARTMENT SHALL DEVELOP A STATE–SPECIFIC ASSESSMENT IN THAT CORE CONTENT AREA TO BE IMPLEMENTED IN THE 2016–2017 SCHOOL YEAR.".

AMENDMENT NO. 4

On page 5, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That if funding is not provided in the fiscal year 2013 State budget bill (Chapter_(S.B. 150) of the Acts of the General Assembly of 2012) in an amount sufficient to administer the Maryland high school assessment for government to meet the requirements of this Act, the Governor shall include an appropriation in the fiscal year 2014 State budget bill in an amount sufficient to administer the Maryland high school assessment for government to meet the requirements of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding § 7–203(b) of the Education Article, as enacted by Section 1 of this Act, if the State Board of Education has not adopted an assessment to measure the common core curricula before July 30, 2014, then the requirements of § 7–203(b)(2)(iii)3A and (3)(i) for middle school assessments, as enacted by Section 1 of this Act may not be implemented until the first day of school in the school year that follows the adoption of an assessment to measure the common core curricula by the State Board.";

and in line 10, strike "2." and substitute "4.".

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

Senate Bill 476 – Senators Klausmeier, Colburn, Forehand, Madaleno, Montgomery, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

State Government – Financial Education and Capability Commission

SB0476/124538/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 476
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Young" and substitute "Young, Kelley, and Muse".

On page 4, strike beginning with "**DEPARTMENT**" in line 17 down through "**JOINTLY**" in line 18 and substitute "**MARYLAND CASH CAMPAIGN**".

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 601 – Senator Gladden

AN ACT concerning

Public Institutions of Higher Education – Waiver of Tuition – Individual Exonerated After Wrongful Conviction

SB0601/894533/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 601
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden 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 Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 608 – Senator Benson

AN ACT concerning

Maryland Higher Education Commission – Employees and Children – Tuition Waiver

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2012.

The motion was adopted.

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

Senate Bill 621 – Senators Shank, Jennings, Simonaire, and Young

AN ACT concerning

Public Schools – Epinephrine Availability and Use – Policy Requirements

SB0621/374831/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 621
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Young" and substitute "Young, Mathias, and Montgomery"; and strike beginning with "providing" in line 6 down through "purposes;" in line 8.

AMENDMENT NO. 2

On page 2, in line 18, strike "**(1)**"; in lines 20, 22, and 24, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; in line 23, strike "**AND**"; in line 24, strike the period and substitute "**; AND**"; and in line 25, strike "**(2) THE POLICY MAY INCLUDE A**" and substitute "**(4) 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 665 – Carroll County Senators

AN ACT concerning

Carroll County – Board of Community College Trustees – Membership

Favorable report adopted.

FLOOR AMENDMENT

SB0665/483925/1
BY: Senator Pinsky

AMENDMENT TO SENATE BILL 665
(First Reading File Bill)

On page 1, in line 2, strike "Board of Community College Trustees" and substitute "Carroll Community College Board of Trustees"; in lines 3 and 6, in each instance, strike "Board of" and substitute "Carroll"; in lines 4 and 6, in each instance, after "College" insert "Board of"; in lines 4 and 6 and 7, in each instance, strike "for Carroll County".

On page 2, in line 17, strike "**BOARD OF**" and substitute "**CARROLL**"; in the same line, after "**COLLEGE**" insert "**BOARD OF**"; strike beginning with "**FOR**" in line 17 down through "**COUNTY**" in line 18; in line 23, strike "Board of" and substitute "Carroll"; in the same line, after "College" insert "Board of"; in the same line, strike "for Carroll County".

The preceding amendment was read and 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 327 – Senator McFadden

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near Places of Worship or Schools

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 328 – Senator McFadden

AN ACT concerning

Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords – Licensed Premises

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 354 – Senators Jones–Rodwell, McFadden, and Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – Beer, Wine, and Liquor Tasting Licenses

SB0354/984638/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 354
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Beer, Wine, and Liquor Tasting"; in line 7, after "fee;" insert "authorizing a Class B–D–7 license to be transferred from a certain location to another location in Baltimore City;"; in line 9, after "precincts" insert "and license transfers"; and in line 12, after "8–403.2" insert "and 9–204.1(e)".

AMENDMENT NO. 2

On page 3, after line 20, insert:

"9–204.1.

(e) (1) Except as provided in paragraph (2) of this subsection, licenses for the sale of alcoholic beverages of any class may not be transferred into the areas covered by this section.

(2) **(I)** A licensed drugstore may transfer the license into the 45th alcoholic beverages district.

(II) ONE CLASS B–D–7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY WEST PRESTON STREET ON THE NORTH, MORTON STREET ON THE EAST, WEST BIDDLE STREET ON THE SOUTH, AND MARYLAND AVENUE ON THE WEST MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY WEST EAGER STREET AND EAST EAGER STREET ON THE NORTH, LOVEGROVE STREET ON THE EAST, WEST READ STREET AND EAST READ STREET ON THE SOUTH, AND MORTON STREET ON THE WEST.".

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 527 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 585 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor 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 587 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation

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 874 – Senator Ferguson

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

SB0874/174133/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 874
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "authorizing a certain Class B license to include a certain off–sale privilege under a certain circumstance;"; strike beginning with the first "a" in line 5 down through "restaurant" in line 6 and substitute "any class of alcoholic beverages license issued by the Board except a Class C license and a Class M–G license"; in line 6, after "sell" insert "draft"; in line 8, after "individual;" insert "requiring a refillable container to meet certain requirements;"; strike beginning with "exercise" in line 15 down through "restaurant" in line 16 and substitute "refill only a refillable container that was purchased from and was branded by the license holder"; in line 21, strike the second "and" and substitute a comma; in the same line, after "(b)" insert ", and 12–108(a)(1)"; and after line 23, insert:

"BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(1)(v) and 12–113(c)
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, after line 11, insert:

"6–201.

(d) (1) (v) In an area coterminous with the 47th Alcoholic Beverages District as that district existed before the Legislative Districting Plan was ordered by the Maryland Court of Appeals on June 21, 2002, a Class B beer, wine and liquor license issued for use in a restaurant:

1. **[**After**] EXCEPT AS PROVIDED IN ITEM 5 OF THIS SUBPARAGRAPH, AFTER** July 1, 1991 may not include an off–sale alcoholic beverages privilege;

2. Before July 1, 1991 with an on–sale alcoholic beverages privilege only may not be changed or altered to include an off–sale alcoholic beverages privilege;

3. Before July 1, 1991 with both on– and off–sale alcoholic beverages privileges may continue to be sold, renewed, or transferred within the 47th Alcoholic Beverages District with both privileges; **[**and**]**

4. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off–sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday**; AND**

5. MAY INCLUDE AN OFF–SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 8–203(E) OF THIS ARTICLE.";

strike beginning with the second "**A**" in line 18 down through "**RESTAURANT**" in line 19 and substitute "**ANY CLASS OF ALCOHOLIC BEVERAGES LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE AND A CLASS M–G LICENSE**"; in line 21, after "**SELL**" insert "**DRAFT**"; in line 22, strike "**IN**" and substitute "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IN**"; after line 25, insert:

"**(4) TO BE USED AS A REFILLABLE CONTAINER UNDER PARAGRAPH (3)(I) OF THIS SUBSECTION, A CONTAINER SHALL:**

(I) BE SEALABLE;

(II) BE BRANDED WITH AN IDENTIFYING MARK OF THE LICENSE HOLDER;

(III) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;

(IV) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER; AND

(V) BEAR A LABEL STATING THAT:

1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND

2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.".

On page 3, in lines 26 and 29, strike "**(4)**" and "**(5)**", respectively, and substitute "**(5)**" and "**(6)**", respectively.

On page 4, in lines 7, 10, 14, 17, and 20, strike "**(6)**", "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 3, strike "**$500; AND**" and substitute "**:**

A. $500 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE DOES NOT HAVE AN OFF–SALE PRIVILEGE; OR

B. $50 FOR AN APPLICANT WHOSE ALCOHOLIC BEVERAGES LICENSE HAS AN OFF–SALE PRIVILEGE.";

in line 14, after "**LICENSE**" insert a colon; in line 15, strike "**ARE THE SAME**" and substitute:

"**(I) BEGIN AT THE SAME TIME**";

in line 16, after "**ISSUED**" insert "**; AND**

(II) END AT MIDNIGHT";

strike beginning with "**THE**" in line 17 down through "**RESTAURANT**" in line 19 and substitute "**A LICENSE HOLDER MAY REFILL ONLY A REFILLABLE CONTAINER THAT WAS PURCHASED FROM AND WAS BRANDED BY THE LICENSE HOLDER**"; and after line 22, insert:

"12–108.

(a) (1) A licensee licensed under this article, or any employee of the licensee, may not sell or furnish any alcoholic beverages at any time:

(i) To a person under 21 years of age for the underage person's own use or for the use of any other person; or

(ii) To any person who, at the time of the sale, or delivery, is visibly under the influence of any alcoholic beverage.".

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 #14

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

Senate Bill 132 – Senator Conway

AN ACT concerning

Health Occupations – State Board of Pharmacy – Jurisdiction Over Nonresident Pharmacies

SB0132/824439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 132

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "specifying" in line 4 down through "State" in line 5 and substitute "requiring a nonresident pharmacy to have a pharmacist on staff who is licensed by the State Board of Pharmacy and designated as the pharmacist responsible for providing certain services to certain patients"; in line 6, strike "laws" and substitute "requirements"; strike beginning with "is" in line 10 down through "records" in line 12 and substitute "is required to refer certain patients to a certain pharmacist; altering the scope of disciplinary actions to which a nonresident pharmacy is subject"; and strike in their entirety lines 19 through 28, inclusive.

On page 2, in line 3, strike "12–403(d), (e), and (g)" and substitute "12–403(e) and (g)"; and in line 8, strike "12–403(f)" and substitute "12–403(d) and (f)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 15 through 20, inclusive; in line 21, strike "hold" and substitute "**:**

(1) HOLD";

in line 22, after "Board" insert "**; AND**

(2) HAVE A PHARMACIST ON STAFF WHO IS:

(I) LICENSED BY THE BOARD; AND

(II) DESIGNATED AS THE PHARMACIST RESPONSIBLE FOR PROVIDING PHARMACEUTICAL SERVICES TO PATIENTS IN THE STATE".

AMENDMENT NO. 3

On page 3, in line 3, strike "**SUBJECT TO**" and substitute "**NOTWITHSTANDING**"; strike beginning with "**THIS**" in line 5 down through "**TITLE**" in line 6 and substitute "**THE REQUIREMENTS OF SUBSECTION (B)(2), (7) THROUGH (12), AND (19)**"; strike line 25 in its entirety; in line 26, strike "**(II)**" and substitute "**(I)**"; after line 26, insert:

"**(II) IS REQUIRED TO REFER PATIENTS IN THE STATE TO THE RESPONSIBLE PHARMACIST LICENSED IN THE STATE, AS APPROPRIATE;**";

and in line 28, strike the bracket.

AMENDMENT NO. 4

On page 4, in line 2, strike the bracket; and in line 15, strike "subsection" and substitute "**SUBTITLE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 350 – Senator Conway

AN ACT concerning

Respiratory Care Practitioners – Practicing Polysomnography – Licensing Exceptions

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 395 – Senator Jennings

AN ACT concerning

Health Occupations – Public Disclosure of Professional Credentials

SB0395/634736/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 395
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Credentials" insert "and Reports on Advertising Regulations and Policies"; strike beginning with "requiring" in line 3 down through "regulations;" in line 13; in line 15, strike "defining certain terms;" and substitute "requiring certain health occupation boards to submit certain information related to advertising by health care practitioners to certain committees of the General Assembly on or before a certain date;"; and strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 4 on page 2 through line 9 on page 4, inclusive.

On page 4, in lines 11 and 12, strike "**, THROUGH AN ADVERTISEMENT,**"; in line 15, strike "**ADVERTISEMENT INCLUDES**" and substitute "**PHYSICIAN DISCLOSES**"; in line 27, after "**THAT**" insert "**, IN ORDER TO BE CERTIFIED,**"; and in line 28, strike "**, IN ORDER TO BE CERTIFIED, COMPLETE**" and substitute "**:**

1. COMPLETE".

On page 5, in lines 1 and 3, strike "**1.**" and "**2.**", respectively, and substitute "**A.**" and "**B.**", respectively; in line 5, after "**ASSOCIATION**" insert "**; AND**

2. BE CERTIFIED BY THE MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES OR THE AMERICAN OSTEOPATHIC ASSOCIATION IN THE TRAINING FIELD";

in line 7, strike "**IN ACCORDANCE WITH**" and substitute "**SUBJECT TO**"; after line 7, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, each health occupation board established under the Health Occupations Article shall submit any existing regulations or policies governing advertising by the health care practitioners regulated by the board to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.";

and in line 8, 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 603 – Senators Montgomery and Conway

AN ACT concerning

Health Care Practitioners – Licensed Dentists, Physicians, and Podiatrists – Personally Preparing and Dispensing Prescription Drugs and Devices

SB0603/364139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 603
(First Reading File Bill)

On page 4, in line 16, after "**SECRETARY,**" insert "**IN CONSULTATION WITH EACH RESPECTIVE BOARD OF LICENSURE,**".

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 607 – Senator Benson

AN ACT concerning

Business Occupations – Plumbers and Gas Fitters – Apprentice 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 with amendments:

Senate Bill 629 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

SB0629/374732/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 629
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 13, after "date;" insert "requiring the Board to submit a certain report to the Department of Legislative Services on or before a certain date;".

AMENDMENT NO. 2

On page 16, after line 27, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That, on or before December 31, 2012, the State Board of Physicians shall submit a report, in accordance with § 2–1246 of the State Government Article, to the Department of Legislative Services that addresses the status of the implementation of the recommendations made by the Department in the November 2011 publication "Sunset Review: Evaluation of the State Board of Physicians and the Related Allied Health Advisory Committees".";

and in lines 28 and 35, strike "6." and "7.", respectively, and substitute "7." and "8.", 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 841 – Senator Pinsky

AN ACT concerning

State Board of Dental Examiners – Licenses – Examination Requirements for Dentists and Dental Hygienists

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #15

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

Senate Bill 196 – Senators Young, Klausmeier, Madaleno, Montgomery, and Robey

AN ACT concerning

Public Safety – Building Codes – Balcony Inspections ("Jonathan's Law")

SB0196/344533/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "conduct" and substitute "require"; in line 6, after "to" insert "conduct the inspections,"; in line 7, strike "periodic"; in the same line, after "inspections" insert ", or require a certain professional inspector to conduct and certify the inspections in a certain manner"; in line 8, strike the third "a"; and in the same line, strike "term" and substitute "terms; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, after line 10, insert:

"**(4) "PROFESSIONAL INSPECTOR" MEANS:**

(I) A PROFESSIONAL ENGINEER LICENSED UNDER TITLE 14 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND EXPERIENCED IN THE PRACTICE OF STRUCTURAL ENGINEERING; OR

(II) AN ARCHITECT LICENSED UNDER TITLE 3 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE AND KNOWLEDGEABLE IN THE DESIGN, CONSTRUCTION, AND INSPECTION OF BUILDINGS.".

AMENDMENT NO. 3

On page 3, in line 12, strike "**CONDUCT**" and substitute "**REQUIRE**"; in line 18, after "**MAY**" insert "**:**

1. CONDUCT INSPECTIONS REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH;

2.";

in line 19, after "**INSPECTIONS**" insert "**REQUIRED**"; and in line 20, after "**PARAGRAPH**" insert "**ON BEHALF OF THE POLITICAL SUBDIVISION; OR**

3. REQUIRE AN INSPECTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO BE CONDUCTED AND CERTIFIED TO THE POLITICAL SUBDIVISION BY A PROFESSIONAL INSPECTOR EMPLOYED BY THE OWNER OF THE MULTIFAMILY DWELLING.

(III) A CERTIFICATION MADE BY A PROFESSIONAL INSPECTOR UNDER SUBPARAGRAPH (II)3 OF THIS PARAGRAPH SHALL:

1. BE MADE IN THE FORM REQUIRED BY THE APPLICABLE POLITICAL SUBDIVISION; AND

2. INCLUDE:

A. A STATEMENT THAT THE BALCONY HAS BEEN INSPECTED;

B. THE NAME OF THE OWNER OF THE MULTIFAMILY DWELLING;

C. THE ADDRESS OF THE MULTIFAMILY DWELLING;

D. THE NAME OF THE INSPECTOR;

E. THE DATE THE MULTIFAMILY DWELLING WAS INSPECTED;

F. THE RESULTS OF THE INSPECTION; AND

G. ANY OTHER INFORMATION REQUIRED BY THE POLITICAL SUBDIVISION".

AMENDMENT NO. 4

On page 4, after line 24, insert:

"SECTION 2. 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, 2012, must comply with this Act.";

and in line 25, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 315 – Senators Pugh, Benson, Ferguson, King, Klausmeier, Muse, and Peters

AN ACT concerning

Council for the Procurement of Health, Educational, and Social Services

SB0315/824232/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 315
(First Reading File Bill)

On page 2, in line 25, strike "**21**".

On page 3, strike beginning with "**THE**" in line 6 down through "**(XI)**" in line 8; in lines 9, 13, 15, 17, 20, and 22, strike "**(XII)**", "**(XIV)**", "**(XV)**", "**(XVI)**", "**(XVII)**", and "**(XVIII)**", respectively, and substitute "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", "**(XIV)**", and "**(XV)**", respectively; strike in their entirety lines 11 and 12; and in lines 18 and 19, strike "**OR GRANTS**".

On page 4, in line 2, strike "**(XV)**" and substitute "**(XII)**".

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 432 – Senators Young, Forehand, Garagiola, Klausmeier, Madaleno, Montgomery, and Stone

AN ACT concerning

Procurement – Maryland Buy American Steel and Manufactured Goods Act

SB0432/714735/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 432
(First Reading File Bill)

On page 1, in line 10, after "American" insert "Steel".

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 549 – Senators Montgomery, Benson, Colburn, Mathias, Ramirez, and Raskin

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Revision

SB0549/914338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 549
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Rosapepe"; in line 7, after "Program;" insert "requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3, after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of General Services shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act and the effect of this Act on small business participation in the Small Business Reserve Program.";

in line 13, strike "2." and substitute "3."; and in line 14, after "2012." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2014, 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 only.

Senator Gladden 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 551 – Senators Montgomery and King

AN ACT concerning

Procurement – Required Disclosure – Conflict Minerals Originated in the Democratic Republic of the Congo

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 640 – Senators Ramirez, Forehand, Manno, Montgomery, and Rosapepe

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 340 – Senator Raskin

AN ACT concerning

Vehicle Laws – Stopping, Standing, and Parking – Plug–In Vehicles

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

FLOOR AMENDMENT

SB0340/683123/3
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "station" insert ", subject to a certain exception".

AMENDMENT NO. 2

On page 2, in line 13, after "**(FF)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in lines 15 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 17, insert:

"**(2) A PERSON MAY STOP, STAND, OR PARK A VEHICLE IN A SPACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE VEHICLE IS A PARATRANSIT VEHICLE.**".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0340/123523/1
BY: Senators Pugh and Edwards

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "station;" insert "requiring a plug–in vehicle that is stopped, standing, or parked in a certain space for plug–in vehicles to be connected to the plug–in vehicle recharging station provided for the space and to vacate the space once the battery of the plug–in vehicle is fully charged;".

AMENDMENT NO. 2

On page 2, in line 13, after "**(FF)**" insert "**(1)**"; in lines 15 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 17, insert:

"**(2) A PLUG–IN VEHICLE THAT IS STOPPED, STANDING, OR PARKED IN A SPACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

(I) BE CONNECTED TO THE PLUG–IN VEHICLE RECHARGING STATION PROVIDED FOR THE SPACE WHILE OCCUPYING THE SPACE; AND

(II) VACATE THE SPACE ONCE THE BATTERY THAT POWERS THE PLUG–IN VEHICLE IS FULLY CHARGED.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0340/813220/1
BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 340
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "station;" insert "establishing that all fines and penalties imposed for a certain violation be distributed to the Transportation Trust Fund;"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–302(a)

Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 7–302(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2
On page 1, after line 14, insert:

"Article – Courts and Judicial Proceedings

7–302.

(a) Except as provided in subsections (b) through **[**(f)**]**(G) of this section, the clerks of the District Court shall:

(1) Collect costs, fines, forfeitures, or penalties imposed by the court; and

(2) Remit them to the State under a system agreed upon by the Chief Judge of the District Court and the Comptroller.

(G) ALL FINES AND PENALTIES IMPOSED FOR A VIOLATION OF § 21–1003(FF) OF THE TRANSPORTATION ARTICLE SHALL BE DISTRIBUTED TO THE TRANSPORTATION TRUST FUND.".

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

Affirmative – 34 Negative – 10 (See Roll Call No. 407)

Read the second time and ordered prepared for Third Reading.

Senate Bill 486 – Senators Raskin, Forehand, and Rosapepe

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Enforcement

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

Favorable report adopted.

FLOOR AMENDMENT

SB0486/333829/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 486
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "laws;" insert "prohibiting certain persons from receiving any salary or payments for services from a certain contractor;"; in line 18, in each instance, strike "and (e)(1)" and substitute ", (e)(1), and (j)".

AMENDMENT NO. 2

On page 3, after line 16, insert:

"(j) (1) An agency or an agent or contractor designated by the agency shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor operates a speed monitoring system on behalf of a local jurisdiction, the contractor's fee may not be contingent on the number of citations issued or paid.

(3) IF A CONTRACTOR OPERATES A SPEED MONITORING SYSTEM ON BEHALF OF A LOCAL JURISDICTION, THE PERSON AUTHORIZED UNDER SUBSECTION (D)(1)(VIII) OF THIS SECTION TO SIGN A STATEMENT THAT THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE MAY NOT RECEIVE ANY PART OF THE PERSON'S SALARY OR ANY OTHER PAYMENT FOR SERVICES FROM THE CONTRACTOR.".

On page 4, after line 33, insert:

"(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a work zone speed control system for a police department, the contractor's fee may not be contingent on the number of citations issued or paid.

(3) IF A CONTRACTOR OPERATES A WORK ZONE SPEED CONTROL SYSTEM FOR A POLICE DEPARTMENT, THE PERSON AUTHORIZED UNDER SUBSECTION (D)(1)(VIII) OF THIS SECTION TO SIGN A STATEMENT THAT THE MOTOR VEHICLE WAS BEING OPERATED IN VIOLATION OF THIS SUBTITLE MAY NOT RECEIVE ANY PART OF THE PERSON'S SALARY OR ANY OTHER PAYMENT FOR SERVICES FROM THE CONTRACTOR.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0486/903927/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 486
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Enforcement" and substitute "and Work Zone Speed Control Systems"; strike beginning with "and" in line 8 down through "systems" in line 10 and substitute "altering the definition of "work zone" as it relates to work zone speed control systems; providing that a work zone speed control system may be used only when a worker is present on the roadway, median divider, or shoulder within or adjacent to the work zone; and generally relating to speed monitoring systems and work zone speed control systems"; in line 13, strike "21–810(b)(1)" and substitute "21–810(a)(1) and (b)(1)"; and in line 18, strike "21–810(d)(1)" and substitute "21–810(a)(6), (b)(2), (d)(1),".

AMENDMENT NO. 2

On page 3, after line 17, insert:

"(a) (1) In this section the following words have the meanings indicated.

(6) "Work zone" means a segment of a highway:

(i) That is identified as a temporary traffic control zone by traffic control devices that are placed or installed in general conformance with the State manual and specifications adopted for a uniform system of traffic control devices; and

(ii) Where highway construction, repair, maintenance, utility work, or a related activity, including the placement, installation, maintenance, or removal of a work zone traffic control device, is being performed **[**regardless of whether workers are present**]**.";

and after line 25, insert:

"(2) A work zone speed control system may be used only:

(i) On a highway as specified in paragraph (1) of this subsection;

(ii) When being operated by a work zone speed control system operator; **[**and**]**

(iii) **WHEN AT LEAST ONE WORKER IS PRESENT ON THE ROADWAY, MEDIAN DIVIDER, OR SHOULDER WITHIN OR ADJACENT TO THE WORK ZONE; AND**

(IV) If, in accordance with the Maryland manual on uniform traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent with national guidelines before the work zone alerting drivers that a speed monitoring system may be in operation in the work zone.".

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

Affirmative – 22 Negative – 23 (See Roll Call No. 408)

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 221 – Senator Frosh

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

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

SB0221/348473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 221
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Frosh" and substitute "Senators Frosh, Brochin, Forehand, and Raskin"; and strike beginning with "requiring" in line 12 down through "circumstances;" in line 14.

AMENDMENT NO. 2

On page 3, in line 30, strike "**SUBSTANTIAL**".

On page 4, in line 22, strike "**A**" and substitute "**THE**"; in the same line, after "**OR**" insert "**THE MOTION**"; and in lines 22 and 23, strike "**UNDER SUBSECTION (C) OF THIS SECTION**".

AMENDMENT NO. 3

On pages 4 and 5, strike in their entirety the lines beginning with line 27 on page 4 through line 8 on page 5, inclusive.

On page 5, in line 9, strike the brackets; and in the same line, strike "**(F)**".

The preceding 3 amendments were read and adopted.

Senator Kelley moved, duly seconded, to make the Bill and Report a Special Order for March 9, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 409)

ADJOURNMENT

At 12:30 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 9, 2012.

Annapolis, Maryland
Friday, March 9, 2012
11:00 A.M. Session

The Senate met at 11:16 A.M.

Prayer by Senator Jamie Raskin.

(See Exhibit A of Appendix III)

The Journal of March 8, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 411)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 447 – Senator Nancy J. King:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The Watkins Mill High School Boys Soccer Team
in recognition of
your winning the 2011 Maryland 3A Boys Soccer State Championship and becoming
the first boys soccer team
in the school's history to win a state title.
Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 412)

Senate Resolution No. 448 – Senator Thomas M. Middleton:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
La Plata High School
in recognition of
winning the Maryland Historical Trust Excellence in Media and Publications Award.
Your collaboration on this
project serves as an example to the community.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 9th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 413)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 379 (Emergency Bill)	The President	Annual Corrective Bill
SB 380 (Emergency Bill)	The President	Annual Curative 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 2 – Delegate Glenn

~~EMERGENCY BILL~~

AN ACT concerning

Public School Buildings – Carbon Monoxide Detection and Warning Equipment

FOR the purpose of requiring ~~the construction or remodeling of~~ certain public school buildings ~~to conform to~~ constructed or substantially remodeled in accordance with certain provisions of law to have certain carbon monoxide detectors installed in certain areas; requiring a signal from certain carbon monoxide detectors to be automatically transmitted to a certain location; requiring certain carbon monoxide detectors to be installed in conformance with a certain standard for the installation of carbon monoxide detection and warning equipment ~~for commercial structures~~ or those referenced by the State Fire Prevention Code; making certain stylistic changes; ~~making this Act an emergency measure~~ ~~defining a certain term;~~ and generally relating to requiring the installation of carbon monoxide detection and warning equipment in public school buildings.

BY repealing and reenacting, with amendments,
Article – Education
Section 4–117
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 20 – Delegates K. Kelly, Kramer, ~~and Simmons~~ Simmons, Howard, Aumann, Szeliga, Holmes, Afzali, Bates, Beitzel, Boteler, Burns, Cluster, Conway, DeBoy, Eckardt, Frank, Frush, Gaines, George, Glenn, Guzzone, Haddaway–Riccio, Hogan, James, Kach, Kaiser, Kipke, Krebs, Lafferty, McComas, McConkey, McDermott, McDonough, Minnick, Morhaim, Norman, Ready, Schulz, Sophocleus, Stocksdale, Vitale, Washington, and Wood

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 ~~to notify, within certain periods of time depending on the age of the minor~~ under a certain age to notify, within a certain period of time, the appropriate law enforcement agency that the minor is ~~missing~~ 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 ~~through 3–610~~ and 3–609
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

House Bill 22 – Delegate McMillan

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 ~~a certain list~~ on its Web site a certain list or a certain calculator; 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 2011 Supplement)

BY adding to
Article – Real Property
Section 8–203(k)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 34 – Delegate Smigiel

AN ACT concerning

Criminal Procedure – Discharge from Commitment of Person Previously Found Not Criminally Responsible – Judicial Hearing

FOR the purpose of authorizing a court, under certain circumstances, on its own initiative or on motion of a party to ~~hold a certain de novo hearing~~ receive additional evidence for a certain purpose after receiving a report of recommendations from the Office of Administrative Hearings regarding discharge from commitment of a person previously found not criminally responsible; ~~providing that a certain committed person is entitled to be present and represented at a certain hearing; authorizing a court to continue a certain hearing for the purpose of taking additional evidence; providing that a determination made by a court on whether evidence taken by the Office indicates that a certain committed person proved eligibility for release be made as a matter of law; providing that a determination made by a court on whether evidence taken by the court itself indicates that a certain committed person proved eligibility for release be made as a matter of fact and law;~~ and generally relating to judicial hearings regarding the release from commitment of persons found not criminally responsible.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 3–114, 3–115, and 3–116
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 3–117 ~~and 3–118~~
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 76 – Delegate Braveboy

AN ACT concerning

Real Property – Common Ownership Communities – Dispute Settlement Mechanism

FOR the purpose of altering the application of a certain dispute settlement mechanism under the Maryland Condominium Act; establishing a certain dispute settlement mechanism under the Maryland Homeowners Association Act; providing a certain exception to the application of the dispute settlement mechanism established under this Act if the condominium declaration or bylaws or homeowners association declaration, bylaws, or other documents meet certain requirements; requiring a governing body of a homeowners association

to follow certain procedures before imposing a sanction for a rule violation; authorizing a certain alleged violator to request a certain hearing before the governing body of a homeowners association; authorizing a certain action for damages or injunctive relief under certain circumstances; establishing that the failure of the governing body of a homeowners association to enforce certain provisions is not a waiver of the right to enforce a provision; providing for the application of this Act; making stylistic changes; and generally relating to the Maryland Condominium Act, the Maryland Homeowners Association Act, and common ownership community dispute settlement procedures.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–113
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Real Property
Section 11B–111.7
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 129 – Caroline County Delegation

AN ACT concerning

Caroline County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Caroline County to hunt deer on certain Sundays on private property using certain hunting equipment during certain months; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 170 – St. Mary's County Delegation

AN ACT concerning

State Employees' Retirement and Pension Systems – Eligible Employees – St. Mary's Nursing Center, Inc.

FOR the purpose of authorizing certain employees of the St. Mary's Nursing Center, Inc. to continue to participate in the State employees' retirement and pension systems; updating the name of the St. Mary's County Nursing Home in a certain list of governmental units eligible for participation in the employees' systems; and generally relating to the participation of certain St. Mary's Nursing Center, Inc. employees in the State employees' retirement and pension systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–102(2)(xvii)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–106.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 210 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – School Buses – Length of Operation

FOR the purpose of lengthening the period of time that a school vehicle may be operated in St. Mary's County, subject to certain requirements; and generally relating to the length of operation of certain school buses in St. Mary's County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
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 269 – Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Boating – Disclosure of Personal Information

FOR the purpose of narrowing the prohibition against and exception for the disclosure of certain records held by the Department of Natural Resources by applying the prohibition and exception only to personal information about the owner of a registered vessel; clarifying the application of certain exceptions to the prohibition under certain circumstances against the Department disclosing certain personal information about an owner of a registered vessel; and generally relating to disclosure of records held by the Department of Natural Resources.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–704.1
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(s)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 337 – Delegates Norman, Alston, Barnes, Braveboy, Cardin, Clippinger, Dumais, Feldman, James, K. Kelly, Lafferty, McComas, Mitchell, Niemann, Reznik, Rosenberg, Simmons, Smigiel, Stein, Valentino–Smith, Vallario, Vitale, and Wilson

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 2011 Supplement)

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

House Bill 358 – Delegate Conway

AN ACT concerning

Drivers' Licenses and Identification Cards – Notation of Veteran Status

FOR the purpose of requiring the Department of Veterans Affairs, on request, to provide a veteran with a document certifying veteran status; requiring the Motor Vehicle Administration to ensure that the driver's license or identification card of an applicant who presents ~~a certain certification of~~ certain documentation certifying veteran status includes a notation indicating that the applicant is a veteran; requiring an application for a driver's license or an identification card to allow an applicant to indicate that the applicant is a veteran and consents to being contacted by ~~the Department~~ certain Executive Branch agencies under certain circumstances for certain purposes; requiring the Administration to electronically transmit certain information to ~~the Department~~ certain Executive Branch agencies under certain circumstances; authorizing the Administration to adopt regulations to carry out certain provisions of this Act; providing for a delayed effective date; and generally relating to drivers' licenses and identification cards of veterans.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–901(a), (b), and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–905
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Transportation
Section 12–302
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 365 – Delegates Mitchell, Glenn, Anderson, Branch, Carter, Clippinger, Conaway, Hammen, Haynes, McHale, McIntosh, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington

AN ACT concerning

Baltimore City – Nuisance Abatement and Local Code Enforcement – Community Associations

FOR the purpose of altering the definition of "community association" under certain provisions of law relating to the standing of certain community associations in Baltimore City to seek judicial relief for abatement of certain nuisances; altering the definition of "nuisance" to repeal a certain requirement that a local code violation must diminish the value of neighboring property; altering the definition of "local code violation" to correct references to certain provisions of the Baltimore City Code; prohibiting a community association from filing an action if the community association receives certain information from a certain department regarding an active code enforcement plan; repealing a certain requirement that a community association must file a bond with the court before seeking nuisance abatement; repealing a certain provision that a community association may not be construed to have standing to pursue a nuisance action concerning a vacant dwelling that is boarded up, free from trash and debris, and secure against entry; clarifying that a certain housing authority in Baltimore City is not subject to an action brought under this Act; and generally relating to the right of community associations in Baltimore City to seek judicial abatement of certain nuisances.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–123
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 400 – Delegate Dumais

AN ACT concerning

Child Support – Adjusted Actual Income – Multifamily Adjustment

FOR the purpose of altering the definition of "adjusted actual income" under the State child support guidelines; providing for the calculation of a certain allowance required to be deducted from adjusted actual income under the child support guidelines; requiring that the amount of a certain allowance be subtracted from a parent's actual income before the court determines the amount of a child

support award; repealing a factor the court may consider in determining whether the application of the child support guidelines would be unjust or inappropriate in a particular case; and generally relating to child support.

BY repealing and reenacting, without amendments,
Article – Family Law
Section 12–201(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 12–201(c), 12–202(a), and 12–204(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

House Bill 431 – Delegate Hogan

AN ACT concerning

Vehicle Laws – Use of School Bus Monitoring Cameras

FOR the purpose of altering the requirements for a recorded image taken by a school bus monitoring camera by expanding the types of license plates that the image may include; altering the defined term "recorded image" by repealing the requirement that an image may show only the rear of a motor vehicle; authorizing certain persons in certain counties to place school bus monitoring cameras on all school buses in the county; making a technical correction; and generally relating to the use of school bus monitoring cameras.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–706.1(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–706.1(a)(4), (c), and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 471 – Delegates O'Donnell, Beidle, Bobo, Cane, Carr, Frush, Gilchrist, Glenn, Healey, Hogan, Holmes, Jacobs, Lafferty, Malone, McMillan, Niemann, Norman, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson

AN ACT concerning

Ethics Law – Soliciting the Employment of Lobbyist

FOR the purpose of prohibiting a State official or public official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm; and generally relating to the regulation of conduct by State and public officials under the Maryland Public Ethics Law.

BY repealing and reenacting, without amendments,
Article – State Government
Section 15–102(bb), (ff), and (ll)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–506
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 516 – Allegany County Delegation

AN ACT concerning

Allegany County – Orphans' Court Judges – Pension

FOR the purpose of altering the pension of a judge of the Orphans' Court for Allegany County under certain circumstances; making a technical change; and generally relating to the pension of a judge of the Orphans' Court for Allegany County under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 2–108(b) and (y)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 2–108(y)(2), (6), and (7)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

BY adding to
Article – Estates and Trusts
Section 2–108(y)(6)
Annotated Code of Maryland
(2011 Replacement Volume and 2011 Supplement)

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

House Bill 579 – Delegate Elliott

AN ACT concerning

Public Safety – Regulated Firearms – Exemption from Training Course

FOR the purpose of providing an exemption from certain requirements to complete a certain firearms training course if an individual is a retired law enforcement officer of a unit of the federal government, the State, or any local law enforcement agency in the State; and generally relating to applicants for regulated firearms.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–119 and 5–134(c)
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 594 – Delegates McIntosh, Anderson, and Washington

AN ACT concerning

Department of Natural Resources – Pamela J. Kelly Tree–Mendous Maryland Program

FOR the purpose of declaring the intent of the General Assembly; establishing the Pamela J. Kelly Tree–Mendous Maryland Program in the Department of Natural Resources for a certain purpose; providing for the administration of the Program; authorizing the Department to adopt certain regulations to carry out the Program; providing for the funding of the Program; authorizing the Department to seek, accept, and expend certain funds under certain

circumstances; requiring certain money received for the Program to be used in a certain manner; defining a certain term; and generally relating to the Pamela J. Kelly Tree–Mendous Maryland Program.

BY adding to
Article – Natural Resources
Section 5–433 through 5–436 to be under the new part "Part VI. Pamela J. Kelly Tree–Mendous Maryland Program"
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

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

House Bill 618 – Delegates Simmons, Dumais, and Kramer

AN ACT concerning

Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms

FOR the purpose of establishing a Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms; providing for the membership, staffing, and duties 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 Governor and 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 Access of Individuals with Mental Illness to Regulated Firearms.

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

House Bill 808 – Delegate Griffith (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension Systems – Cost–of–Living Adjustments – Clarification

FOR the purpose of clarifying that each type of cost–of–living adjustment to allowances provided by State retirement and pension systems does not apply to benefits paid in a single payment, the return of accumulated contributions, or benefits attributable to additional contributions; clarifying how cost–of–living adjustments are calculated; clarifying that a cost–of–living adjustment in a certain zero–adjustment fiscal year does not apply to a retiree's or former member's first cost–of–living adjustment; clarifying when certain cost–of–living

adjustments begin; clarifying that certain retirees may not receive less than their initial allowance; altering a certain definition; defining a certain term; making technical and conforming changes; and generally relating to cost–of–living adjustments to allowances provided by State retirement and pension systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 29–401, 29–402, 29–404, 29–406, 29–407, 29–410, 29–412, 29–413, 29–416, 29–418, 29–421, 29–427, and 29–432
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 29–402
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 29–405, 29–411, 29–417, 29–422, 29–425, 29–426, 29–430, and 29–431
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 883 – Delegates Glass, Braveboy, Dwyer, Frush, Hixson, Hough, Howard, Ivey, Jacobs, Kaiser, McComas, McDonough, A. Miller, Ready, Rosenberg, Ross, Schulz, Serafini, Stocksdale, Stukes, and Vitale

AN ACT concerning

Family Law – Protective Orders – Additional Relief

FOR the purpose of authorizing a judge in a final protective order to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief; and generally relating to protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 414)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 164 – Senator Conway

AN ACT concerning

Maryland Plastic Bag Recycling Act

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

Affirmative – 44 Negative – 0 (See Roll Call No. 415)

The Bill was then sent to the House of Delegates.

Senate Bill 345 – Senator Glassman

AN ACT concerning

~~Environment~~ Harford County – Water and Sewer Authorities – Number of Directors

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

Affirmative – 45 Negative – 0 (See Roll Call No. 416)

The Bill was then sent to the House of Delegates.

Senate Bill 352 – Senators Forehand ~~and Raskin~~, Raskin, Jacobs, Ramirez, and Zirkin

AN ACT concerning

National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

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

Affirmative – 41 Negative – 4 (See Roll Call No. 417)

The Bill was then sent to the House of Delegates.

Senate Bill 390 – Caroline County Senators

AN ACT concerning

Caroline County – Deer Hunting on Private Property – Sundays

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

Affirmative – 42 Negative – 3 (See Roll Call No. 418)

The Bill was then sent to the House of Delegates.

Senate Bill 450 – Chair, Education, Health, and Environmental Affairs Committee

AN ACT concerning

State Board of Environmental Health Specialists – Transfer of Responsibilities

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

Affirmative – 44 Negative – 0 (See Roll Call No. 419)

The Bill was then sent to the House of Delegates.

Senate Bill 588 – Senator Edwards

AN ACT concerning

Bow Hunting – Possession of Handguns for Protection

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

Affirmative – 37 Negative – 7 (See Roll Call No. 420)

The Bill was then sent to the House of Delegates.

Senate Bill 662 – Carroll County Senators

AN ACT concerning

Carroll County – Archery Hunting – Safety Zone

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

Affirmative – 41 Negative – 3 (See Roll Call No. 421)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 247 – Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

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

Affirmative – 44 Negative – 0 (See Roll Call No. 422)

The Bill was then sent to the House of Delegates.

Senate Bill 334 – Senator Zirkin

AN ACT concerning

Family Law – Grounds for Divorce

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

Affirmative – 39 Negative – 5 (See Roll Call No. 423)

The Bill was then sent to the House of Delegates.

Senate Bill 384 – Senator Pipkin

AN ACT concerning

Kent 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. 424)

The Bill was then sent to the House of Delegates.

Senate Bill 389 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Class 6 Pub–Brewery Licenses

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

Affirmative – 45 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the House of Delegates.

Senate Bill 437 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – ~~Follow-Up~~ Middletown Wine Festival License and Criminal History Records Checks

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

Affirmative – 45 Negative – 0 (See Roll Call No. 426)

The Bill was then sent to the House of Delegates.

Senate Bill 439 – Senators Brinkley and Young

AN ACT concerning

Frederick County – Alcoholic Beverages – Citations Issued by Inspectors

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

Affirmative – 38 Negative – 7 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

Senate Bill 448 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Wineries

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

Affirmative – 45 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 579 – Senators Glassman, Brinkley, Colburn, Jacobs, Kelley, Middleton, Montgomery, Robey, ~~and Rosapepe~~ Rosapepe, Dyson, Jennings, Pinsky, and Young

AN ACT concerning

Alcoholic Beverages – Farm Brewery Manufacturer's License

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

Affirmative – 45 Negative – 0 (See Roll Call No. 429)

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 253 – Senators Jacobs and Ferguson

AN ACT concerning

State Government – Administrative Procedure Act – Proposed Regulations

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

SB0253/524438/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 253
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Proposed"; strike beginning with "altering" in line 3 down through "regulation;" in line 10; in lines 13, 14, and 17, in each instance, strike "proposed"; in lines 12 and 15, in each instance, after "than" insert "a certain number

of business days after"; in line 17, after "manner;" insert "requiring a unit to develop and implement a mechanism for a person to receive certain electronic alerts under certain circumstances; providing that the failure of a unit to comply with certain provisions of law may not invalidate or affect the adoption of certain regulations; requiring the Division of State Documents to report certain compliance to the General Assembly on or before a certain date;"; and strike in their entirety lines 24 through 28, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 18 on page 3 through line 21 on page 4, inclusive.

AMENDMENT NO. 3

On page 6, in lines 2 and 7, in each instance, after "**THAN**" insert "**3 BUSINESS DAYS AFTER**"; in lines 4, 7, 8, 12, and 15, in each instance, strike "**PROPOSED**"; in line 5, strike "**OF**" and substitute "**AS AN**"; after line 16, insert:

"**(D) A UNIT SHALL DEVELOP AND IMPLEMENT A MECHANISM BY WHICH A PERSON MAY RECEIVE AN ELECTRONIC ALERT WHEN A REGULATION IS PUBLISHED ON THE UNIT'S WEB SITE UNDER THIS SECTION.**

(E) THE FAILURE OF A UNIT TO PUBLISH THE TEXT OF A REGULATION IN A TIMELY MANNER UNDER THIS SECTION MAY NOT INVALIDATE OR OTHERWISE AFFECT THE ADOPTION OF THE REGULATION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2012, the Division of State Documents shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, regarding the compliance of the units in the Executive Branch of the State government with the requirements of this Act.";

in line 17, strike "2." and substitute "3."; and in line 18, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 549 – Senators Montgomery, Benson, Colburn, Mathias, Ramirez, and Raskin

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Revision

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

SB0549/914338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 549
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Rosapepe"; in line 7, after "Program;" insert "requiring the Department of General Services to report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3, after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of General Services shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act and the effect of this Act on small business participation in the Small Business Reserve Program.";

in line 13, strike "2." and substitute "3."; and in line 14, after "2012." insert "It shall remain effective for a period of 2 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #10

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

Senate Bill 317 – Senators Pugh, Ferguson, Gladden, Jennings, King, Madaleno, Manno, Mathias, Montgomery, Raskin, Rosapepe, Shank, and Stone

AN ACT concerning

Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and Purchaser Remedies

SB0317/727175/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 317
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Ferguson" down through "Montgomery," and substitute "Astle, Ferguson, Gladden, Glassman, Jennings, King, Kittleman, Madaleno, Manno, Middleton, Mathias, Montgomery, Muse,"; in line 10, strike "Department of Labor, Licensing, and Regulation" and substitute "Division of Consumer Protection of the Office of the Attorney General"; in lines 11 and 12, strike "health disclosure" and substitute "information"; in line 11, strike the second "a"; in line 12, after "purchaser;" insert "providing that it is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act for a retail pet store to include any false or misleading statements in a certain certificate or record;"; strike beginning with "certain" in line 14 down through the first "to" in line 15 and substitute "a certain written statement to the owner or operator of"; and strike beginning with "and" in line 15 down through "reasonable" in line 18.

On pages 1 and 2, strike beginning with "authorizing" in line 21 on page 1 down through "circumstances;" in line 4 on page 2.

On page 2, strike beginning with "civil" in line 4 down through "subsequent" in line 5 and substitute "that a"; in line 5, after "Act" insert "is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions"; in line 8, after "laws;" insert "making certain conforming changes; providing for the application of this Act;"; in line 13, strike "19–708" and substitute "19–707"; and after line 16, insert:

"BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxvii)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 13–301(14)(xxviii)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxix)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, after line 14, insert:

"**THIS SUBTITLE DOES NOT APPLY TO A BONA FIDE NONPROFIT ORGANIZATION OPERATING WITHIN A RETAIL PET STORE.**

19–703.".

On page 4, in line 6, after "**DEALER**" insert "**WHO SUPPLIED THE DOG;**"; in the same line, strike "**AND**" and substitute:

"**2.**";

in line 8, strike "**2.**" and substitute "**3.**"; in line 28, strike "**DEPARTMENT**" and substitute "**DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL**"; and in line 29, after "**ANY**" insert "**BONA FIDE**".

On page 5, in lines 2 and 19, strike "**19–703.**" and "**19–704.**", respectively, and substitute "**19–704.**" and "**19–705.**", respectively; strike in their entirety lines 3 through 18, inclusive, and substitute:

"**(A) A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME OF A SALE OF A DOG:**

(1) A HEALTH CERTIFICATE FROM A VETERINARIAN LICENSED IN THE STATE ISSUED WITHIN 30 DAYS BEFORE THE DATE OF SALE CERTIFYING THAT THE DOG:

(I) HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION WHICH IS DIAGNOSABLE WITH REASONABLE ACCURACY; AND

(II) DOES NOT APPEAR TO BE CLINICALLY ILL FROM PARASITIC INFECTION AT THE TIME OF THE EXAMINATION;

(2) THE WRITTEN RECORD ABOUT THE DOG MAINTAINED BY THE RETAIL PET STORE UNDER § 19–703(A)(2) OF THIS SUBTITLE; AND

(3) A STATEMENT NOTIFYING THE PURCHASER OF THE SPECIFIC RIGHTS AVAILABLE TO THE PURCHASER UNDER THIS SUBTITLE.

(B) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE FOR A RETAIL PET STORE TO INCLUDE ANY FALSE OR MISLEADING STATEMENTS IN THE HEALTH CERTIFICATE OR WRITTEN RECORD PROVIDED TO A PURCHASER UNDER SUBSECTION (A) OF THIS SECTION.";

in line 22, strike "**21**" and substitute "**7**"; in the same line, strike "**A**" and substitute "**THE PERSON HAD THE DOG EXAMINED BY A VETERINARIAN LICENSED IN THE**

STATE AND, WITHIN 14 DAYS AFTER THE DATE OF THE SALE, THE"; and in line 27, strike "**1 YEAR**" and substitute "**180 DAYS**".

On page 6, in line 9, after "**PURCHASER**" insert "**, IF AVAILABLE**"; in line 11, after "**REASONABLE**" insert "**AND DOCUMENTED**"; in line 12, strike "**THREE TIMES**"; strike beginning with "**VETERINARY**" in line 14 down through "**(3)**" in line 22; in line 26, strike "**(C)(1)**" and substitute "**(C)**"; and in line 27, strike "**(1)**".

On pages 6 and 7, strike beginning with the colon in line 28 on page 6 down through "**(II)**" in line 1 on page 7.

On page 7, in line 2, after "**STORE**" insert "**, WITHIN 5 BUSINESS DAYS AFTER RECEIPT,**"; in line 3, strike beginning with "**WITHIN**" in line 2 down through "**VETERINARIAN**" in line 3; and in line 7, strike the semicolon and substitute a period.

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 2 on page 8, inclusive.

On page 8, strike beginning with the semicolon in line 14 down through "**DOG**" in line 16.

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 17 on page 8 through line 5 on page 10, inclusive.

On page 10, in lines 6 and 11, strike "**19–707.**" and "**19–708.**", respectively, and substitute "**19–706.**" and "**19–707.**", respectively; and strike in their entirety lines 7 through 10, inclusive, and substitute:

"**A VIOLATION OF THIS SUBTITLE:**

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.".

AMENDMENT NO. 4

On page 10, after line 21, insert:

"Article – Commercial Law

13–301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxvii) Section 7–405(e)(2)(ii) of the Health Occupations Article; [or]

(xxviii) Title 12, Subtitle 10 of the Financial Institutions Article; or

(XXIX) TITLE 19, SUBTITLE 7 OF THE BUSINESS REGULATION ARTICLE; OR".

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 535 – Senators Pugh, Benson, Conway, Currie, Gladden, Jones–Rodwell, Kelley, McFadden, Muse, Ramirez, and Robey

AN ACT concerning

Ex–Offender Business Development Program Study

SB0535/697078/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 535
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, and Middleton"; in lines 4, 13, and 23, in each instance, after "Development," insert "the"; in lines 5 and 14, in each instance, strike "Division of Parole and Probation in the"; and in line 8, strike "and the Division".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with "Division" in line 23 on page 1 down through "the" in line 1 on page 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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 655 – Senators Klausmeier, Astle, and Pugh

AN ACT concerning

Residential Multiple Occupancy Buildings – Master Meters – Heating, Ventilation, and Air Conditioning Services

SB0655/987773/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 655
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Pugh" and substitute "Pugh, and Kittleman".

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

Senate Bill 737 – Senator Rosapepe

AN ACT concerning

Nursing Home Administrator License – Revocation or Surrender – Ban on Employment

SB0737/487978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 737
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6 and 13, in each instance, after "license" insert "under certain circumstances"; and in line 8, after "discipline" insert "except in certain circumstances".

AMENDMENT NO. 2

On page 2, in line 25, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; in line 26, after "**WHO**" insert "**, FOR AN ACTIVITY DESCRIBED IN § 9–314(B)(8), (9), OR (10) OF THIS SUBTITLE,**"; in line 28, strike "**§ 9–314(B)(8), (9), OR (10)**" and substitute "**§ 9–314**"; and after line 28, insert:

"**(2) A NURSING HOME OR NURSING HOME MANAGEMENT FIRM MAY HIRE OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO HAD A LICENSE REVOKED UNDER THIS SUBTITLE, BUT HAD THEIR LICENSE RESTORED BY THE BOARD, AND WHO IS NOW A LICENSEE IN GOOD STANDING UNDER THE PROVISIONS OF THIS TITLE.**".

On page 3, in line 26, after "**WHO**" insert "**, FOR AN ACTIVITY DESCRIBED IN § 9–314(B)(8), (9), OR (10) OF THE HEALTH OCCUPATIONS ARTICLE,**"; in the same line, after "**HAS**" insert "**:**

(I)";

in line 27, strike "**SURRENDERED**" and substitute "**SURRENDERED**"; in line 28, after "**ARTICLE**" insert a semicolon; in the same line, strike "**HAS**" and substitute:

"**(II) HAS**";

and in line 29, strike "**§ 9–314(B)(8), (9), OR (10)**" and substitute "**§ 9–314**".

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 #7

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

Senate Bill 977 – Senator Rosapepe

AN ACT concerning

Transportation – Institutions of Higher Education and State Employment Facilities – Bicycle and Pedestrian Access

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 1034 – Senator Muse

AN ACT concerning

Civil Rights – Fair Practices and Equal Employment Opportunity Officers – Supervision by the Attorney General

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 1035 – Senator Muse

AN ACT concerning

Job Creation and Economic Growth Act of 2012

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 1045 – Senator Muse

AN ACT concerning

Missing Children – Search Efforts and Collaboration (Phylicia's Law)

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 1059 – Senator Conway

AN ACT concerning

Alcoholic Beverages – Comptroller – Departments of Liquor Control and Liquor Control Boards

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 1061 – Senator Pipkin

AN ACT concerning

Office of Legislative Audits – Managing for Results Audits of Department of Transportation Modal Administrations

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 1062 – Senator Pipkin

AN ACT concerning

Transportation – Rail Projects – Farebox Recovery Requirement

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 1064 – Senator Pipkin

AN ACT concerning

Transportation – Washington Metropolitan Area Transit Authority – Revenue Contributions by Montgomery County and Prince George's County

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 1077 – Senator Middleton

AN ACT concerning

Mortality and Quality Review Committee – Reporting Requirements – Sunset Extension

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 1078 – Senator Dyson

AN ACT concerning

Election Law – Absentee Ballots – Internet or Facsimile Transmission

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 1079 – Senator Young

AN ACT concerning

Department of Health and Mental Hygiene – Facilities Capital Program – State's Right of Recovery

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 1080 – Senators Young, Colburn, and Kittleman

AN ACT concerning

Religious Corporations – Laws Governing Assets of United Methodist Church – 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 Finance:

Senate Bill 1081 – Senator Klausmeier

AN ACT concerning

Health Insurance – Coverage for Autism Spectrum Disorders

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 1082 – Senator Forehand

AN ACT concerning

Children in Need of Assistance – Sexual Abuse – Definition

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 1086 – Senators Jones–Rodwell, Currie, King, Madaleno, and Manno

AN ACT concerning

Income Tax – Tax Credits – Electronic Filing 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 Budget and Taxation:

Senate Bill 1087 – Senators Mathias, Colburn, and DeGrange

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 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 1089 – Senators Pipkin and Manno

AN ACT concerning

General Assembly – Reduction in Budget Appropriations for Repeat Legislative Audit Findings

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 1090 – Senator Pugh

AN ACT concerning

Public Schools – Provision of Supplemental Educational Services

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 1091 – Senator Gladden

AN ACT concerning

Creation of a State Debt – Baltimore City – Park Heights Sports Complex

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 1092 – Senator Peters

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2010 – Prince George's County – Marleigh Community Safety and Surveillance System

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 Bill 559 – Senators Forehand, Kelley, Madaleno, Manno, and Young

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

SB0559/903129/1
BY: Senator Astle

AMENDMENT TO SENATE BILL 559
(First Reading File Bill)

On page 1, in line 2, strike "Young".

On page 1, in line 23, strike "**8**" and substitute "**16**".

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 24 Negative – 19 (See Roll Call No. 430)

Senator Reilly moved, duly seconded, to make the Bill a Special Order for March 12, 2012.

The motion was adopted.

Senate Bill 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

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

Favorable report adopted.

FLOOR AMENDMENT

SB0320/803426/1
BY: Senator Brinkley
(To be offered in the Education, Health, and Environmental Affairs Committee)

AMENDMENT TO SENATE BILL 320
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Young" and substitute "Senators Young and Brinkley".

The preceding amendment was read only.

Senator Brinkley moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

Senate Bill 179 – Senators Pugh, Raskin, Astle, Brochin, Currie, Ferguson, Forehand, Frosh, Gladden, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, Middleton, Montgomery, Peters, Pipkin, Ramirez, Robey, Rosapepe, Simonaire, Stone, ~~and Zirkin~~ Zirkin, Garagiola, Glassman, and Muse

AN ACT concerning

Kathleen A. Mathias Chemotherapy Parity Act of 2012

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 608 – Senator Benson

AN ACT concerning

Maryland Higher Education Commission – Employees and Children – Tuition Waiver

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

Favorable report adopted.

FLOOR AMENDMENT

SB0608/673027/4
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 608
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Commission" insert "and Public Schools"; in line 6, after "Commission" insert "and public schools in the State"; and in lines 8 and 9, after "Commission" insert "and public schools".

AMENDMENT NO. 2

On page 1, in line 24, after "**COMMISSION**" insert "**AND PUBLIC SCHOOLS IN THE STATE**".

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

Affirmative – 5 Negative – 36 (See Roll Call No. 432)

FLOOR AMENDMENT

SB0608/673027/5
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 608
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Commission" insert "and Department of State Police"; in line 6, after "Commission" insert "and the Department of State Police"; and in line 9, after "Commission" insert "and the Department of State Police".

AMENDMENT NO. 2

On page 1, in line 24, after "**COMMISSION**" insert "**AND THE DEPARTMENT OF STATE POLICE**".

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

Affirmative – 9 Negative – 35 (See Roll Call No. 433)

Read the second time and ordered prepared for Third Reading.

Senate Bill 221 – Senator Frosh

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

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

Senator Frosh moved, duly seconded, to make the Bill a Special Order for March 12, 2012.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Dyson moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1093 – Senator Dyson

AN ACT concerning

Calvert County – County Commissioners – Pensions

FOR the purpose of requiring that certain individuals who have served on the Calvert County Board of County Commissioners for only a certain number of terms during certain dates receive a certain pension; requiring that the pension be paid in certain periodic installments; and generally relating to pensions for certain individuals who have served on the Calvert County Board of County Commissioners.

BY adding to
The Public Local Laws of Calvert County
Section 2–105
Article 5 – Public Local Laws of Maryland
(2002 Edition and July 2011 Supplement, as amended)

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

Senator Muse moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1094 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – Forest Heights Town Hall Renovation

FOR the purpose of authorizing the creation of a State Debt not to exceed $130,000, the proceeds to be used as a grant to the Mayor of the Town of Forest Heights for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and

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

Senator Klausmeier moved to suspend the rules to allow **Senate Bill 1094** to be referred immediately.

The motion was adopted.

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

RECONSIDERATION

Senator Ferguson moved, duly seconded, to reconsider the vote by which **Senate Bill 559** was made a Special Order for March 12, 2012.

The motion was adopted.

Senate Bill 559 – Senators Forehand, Kelley, Madaleno, Manno, and Young

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.

Senator Ferguson moved, duly seconded, to reconsider the vote by which the floor amendment was adopted.

The motion was adopted.

FLOOR AMENDMENT

SB0559/903129/1
BY: Senator Astle

AMENDMENT TO SENATE BILL 559
(First Reading File Bill)

On page 1, in line 2, strike "Young".

On page 1, in line 23, strike "**8**" and substitute "**16**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 19 Negative – 25 (See Roll Call No. 434)

FLOOR AMENDMENT

SB0559/933522/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Smoking in Vehicle Containing Young Child" and substitute "Allowing Child to Ride in Vehicle in Which Smoking Has Occurred"; strike beginning with "in" in line 4 down through "smoke" in line 6 and substitute "from allowing a child under a certain age to be a passenger in a motor vehicle if the driver knows or should know that smoking has occurred"; and in line 9, strike "prohibitions against" and substitute "children and".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 22 through 24, inclusive, and substitute:

"**(B) THE DRIVER OF A MOTOR VEHICLE MAY NOT ALLOW A CHILD UNDER THE AGE OF 8 YEARS TO BE A PASSENGER IN THE MOTOR VEHICLE IF THE DRIVER KNOWS OR SHOULD KNOW THAT SMOKING HAS OCCURRED IN THE MOTOR VEHICLE.**".

The preceding 2 amendments were read only.

Senator Reilly moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 435)

ADJOURNMENT

At 12:29 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 12, 2012.

Annapolis, Maryland
Monday, March 12, 2012
8:00 P.M. Session

The Senate met at 8:06 P.M.

Prayer by Senator Dyson.

(See Exhibit A of Appendix III)

The Journal of March 9, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 438)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 462 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Tamara Ovejera
in recognition of
becoming the Maryland Shot Put State Champion.
We commend your hard work and applaud your
outstanding achievement. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 12th day of March 2012.

Senate Resolution No. 463 – Senator Ronald N. Young:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to

Avon Davey
in recognition of
becoming the Maryland Shot Put State Champion.
We commend your hard work and applaud your
outstanding achievement. Congratulations!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 12th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 439)

Senate Resolution No. 472 – Senator David R. Brinkley:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Urbana High School Wrestling Team
in recognition of
Urbana High School's Wrestling Team winning the Maryland Class 4A/3A State
Championship. Congratulations on an incredible season!
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 12th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 440)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 31 – ~~Delegate Cluster~~ Baltimore County Delegation

EMERGENCY BILL

AN ACT concerning

Baltimore County Revenue Authority – Sale of Property

FOR the purpose of making a certain conveyance, sale, or transfer of a certain project or part thereof, or a certain property or interest therein, by the Baltimore County Revenue Authority subject to the prior approval of the Baltimore County Council; making this Act an emergency measure; and generally relating

to the conveyance, sale, or transfer of any project or property by the Baltimore County Revenue Authority.

BY repealing and reenacting, without amendments,
The Public Local Laws of Baltimore County
Section 9–1–101(a), (b), (f), (k), (l), and (m)
Article 3 – Public Local Laws of Maryland
(2003 Edition and September 2011 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore County
Section 9–1–104(b)(4)(iii)
Article 3 – Public Local Laws of Maryland
(2003 Edition and September 2011 Supplement, as amended)

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

House Bill 172 – Delegate Kipke

AN ACT concerning

Health Occupations – Dental Hygienists – Local Anesthesia

FOR the purpose of authorizing a dental hygienist to administer certain local anesthesia by inferior alveolar nerve block under certain circumstances; requiring a dental hygienist to complete certain education and examination requirements before performing certain functions; requiring a dental hygienist to obtain certain education from an accredited dental hygiene program; requiring a dental hygienist who completed certain requirements before a certain date to take and complete a certain course and clinical examination; authorizing the State Board of Dental Examiners to adopt certain regulations; requiring the Board to report to certain committees of the General Assembly on or before a certain date; altering a certain definition; and generally relating to the administration of local anesthesia by dental hygienists.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 4–101(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101(k) and 4–205(a)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 4–206.3
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 238 – Delegates Nathan–Pulliam, Eckardt, Kipke, V. Turner, and Valentino–Smith

AN ACT concerning

State Board of Nursing – Nurses, Nursing Assistants, Medication Technicians, and Electrologists – Licensure and Certification Requirements

FOR the purpose of requiring certain prosecutions for certain offenses relating to the licensing of nurses and electrologists to be instituted within a certain period of time after which the offense was committed; exempting individuals who provide certain care from the requirement that an individual must be licensed or certified before practicing certain health occupations; exempting individuals who respond to certain disaster situations from the requirement that an individual must be licensed before practicing registered nursing or licensed practical nursing in the State under certain circumstances; requiring certain nurses with multistate licensing privileges to hold a license in a certain home state in accordance with the Nurse Multistate Licensure Compact; establishing certain qualifications for applicants of a certificate to practice registered nursing as a certain advanced practice nurse; prohibiting certain individuals from practicing a certain type of nursing or using a certain title under certain circumstances; repealing a certain provision of law allowing certain applicants to submit evidence of completion of certain criminal history records checks through other state boards of nursing; requiring certain applicants to submit certain evidence and information to the State Board of Nursing as part of an application for licensure; prohibiting certain applicants from being entitled to be examined in the State for a license as a registered nurse or as a licensed practical nurse; altering a certain requirement for certain applicants to participate in a certain preceptorship program; authorizing the Board to issue certain licenses by endorsement; repealing certain requirements for the publication of notice of certain revocations or suspensions; repealing a certain requirement that to qualify as a certain skilled nursing assistant, an applicant must meet certain requirements; prohibiting certain individuals from practicing, attempting to practice, or offering to practice advanced practice nursing or electrology unless licensed by the Board; ~~authorizing the Board to issue certain orders, impose certain fines, or seek certain relief; specifying that certain offenses are separate violations under certain circumstances; requiring the Board to pay certain money to the Comptroller; requiring the Comptroller to~~

~~distribute certain money to the Board of Nursing Fund; authorizing the Board to refer certain cases to the Central Collection Unit of the Department of Budget and Fiscal Planning to institute and maintain certain proceedings; authorizing certain actions for injunctive relief to be brought by certain entities for certain purposes under certain circumstances in certain counties; providing that a person who violates certain provisions of law is guilty of a misdemeanor and on conviction is subject to a certain fine;~~ providing for a certain exception to a violation of certain provisions of law; making certain technical corrections; defining certain terms; and generally relating to the licensure, certification, and penalties for violations of the laws and regulations that govern nurses, nursing assistants, medication technicians, and electrologists.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–101, 8–301, 8–302, 8–304, 8–305, 8–307, 8–6A–02, 8–6A–05(b) and (c), 8–6A–08(b) and (k)(1), 8–6A–10(e), 8–6B–11, 8–701, and 8–710
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Health Occupations
Section 8–316(d) and 8–6A–10(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 8–708 and 8–709~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2011 Supplement)~~

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

House Bill 258 – Delegate Haddaway–Riccio

AN ACT concerning

Renewable Energy Portfolio Standard – Sale or Transfer of Solar Renewable Energy Credits – ~~Elimination of~~ Minimum Required Term

FOR the purpose of ~~eliminating the~~ providing that a certain minimum required term for certain contracts between an electricity supplier and a renewable on–site generator involving the sale or transfer of solar renewable energy credits applies only to contracts with an on–site generator that exceeds a certain capacity; and generally relating to solar renewable energy credits.

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 7–709(a) and (b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–709(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 276 – Delegate Hubbard

AN ACT concerning

Health Occupations – Psychologists – Penalties for Misrepresentation and Practicing Without a License

FOR the purpose of altering certain penalties for a violation of certain provisions of law governing the practice of psychology; authorizing the State Board of Examiners of Psychologists to assess a civil fine of not more than a certain amount in accordance with certain regulations against a person who violates certain provisions of law prohibiting the practice, attempt to practice, or offer to practice psychology without a license; requiring the Board to pay certain penalties into a certain fund; and generally relating to the practice of psychology in the State.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 18–401 and 18–402
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–404
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 314 – Delegates Rosenberg, Cardin, ~~and Kipke~~ Kipke, Walker, Howard, Luedtke, F. Turner, Stukes, A. Miller, and Hixson

AN ACT concerning

Voter's Rights Protection Act of 2012

FOR the purpose of 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 the availability of injunctive relief for certain election law violations.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 16–201
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Election Law
Section 16–1003
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 368 – Delegates Norman, Bates, Elliott, Fisher, Frank, Jacobs, Krebs, McComas, McDermott, Otto, Smigiel, Stocksdale, and Vitale

AN ACT concerning

Business Occupations and Professions – State Board of Plumbing – Membership

FOR the purpose of altering the membership of the State Board of Plumbing to require that one member be from the area that consists of Carroll and Howard counties and one member be from the area that consists of Cecil and Harford counties; providing for a delayed effective date; and generally relating to the membership of the State Board of Plumbing.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 12–202(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 399 – Delegates Pena–Melnyk, Bromwell, Cullison, Hubbard, A. Kelly, Kipke, Love, Nathan–Pulliam, and Oaks

AN ACT concerning

Health – Cottage Food Businesses – Requirements

FOR the purpose of providing that a cottage food business is not required, under certain circumstances, to be licensed by the Department of Health and Mental Hygiene; providing that the owner of a cottage food business may sell only cottage food products that are stored on certain premises and prepackaged with a certain label; requiring the owner of a cottage food business to comply with certain county and municipal laws and ordinances; authorizing the Department to investigate certain complaints; authorizing a representative of the Department to enter and inspect, under certain circumstances, the premises of a cottage food business for a certain purpose; prohibiting the owner of a cottage food business from refusing to grant certain access to the premises and interfering with a certain inspection; providing that an investigation of a cottage food business conducted under a certain provision of this Act may include sampling of a cottage food product for certain purposes; requiring the Department to adopt regulations to carry out this Act; providing that a person who violates this Act is not subject to certain penalties; providing that certain provisions of this Act do not exempt a cottage food business from certain tax laws; providing for the application of this Act; defining certain terms; altering certain definitions; and generally relating to cottage food businesses.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–301(a) and (f)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 21–301(b–1) and (b–2) and 21–330.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–301(g) and (h) and 21–1214
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 448 – Delegates Morhaim and Reznik

AN ACT concerning

Procurement – Preferences – ~~Computer Purchasing and Electronics Recycling~~ Purchasing and Recycling Electronic Products

FOR the purpose of requiring a State unit to purchase ~~computers~~ certain electronic products that are listed on the Electronic Product Environmental Assessment Tool registry or meet certain standards when purchasing ~~computers~~ electronic products for use by the State; requiring a State unit to award a procurement contract to ~~a certain certified electronics recycler~~ certain recyclers of electronic products when awarding a procurement contract for ~~electronics recycling services~~ services to recycle electronic products; defining certain terms; and generally relating to the procurement preferences for ~~computer purchasing and electronics recycling~~ purchasing and recycling electronic products.

BY adding to
Article – State Finance and Procurement
Section 14–413 and 14–414
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 501 – Delegate O'Donnell

AN ACT concerning

State Government – Open Meetings Act – Online Training

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 and members of the general public; and generally relating to online training on the requirements of the Open Meetings Act.

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–502.4(d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 540 – Delegate Reznik (By Request – State Board of Morticians and Funeral Directors) and Delegates Waldstreicher, Carr, Elliott, Feldman, Frank, Frush, Gaines, Hubbard, Kipke, McDonough, McHale, Smigiel, and Sophocleus

AN ACT concerning

Handling Human Remains with Dignity Act of 2012

FOR the purpose of requiring a funeral establishment or crematory, on taking custody of the body of a decedent in accordance with all authorizations required by law, to maintain the body in a certain manner; requiring a funeral establishment or crematory to maintain the body of a decedent with refrigeration and at a certain temperature under certain circumstances; requiring a funeral establishment or a crematory to notify the State Board of Morticians and Funeral Directors or the Office of Cemetery Oversight and a certain other person if the funeral establishment or crematory cannot comply with certain provisions of this Act; specifying that a certain notice must be given within a certain time period and include certain information; prohibiting the body of a decedent from being embalmed or artificially preserved except under certain circumstances; requiring a funeral establishment or crematory to store the body of a decedent at a specified location; prohibiting a funeral establishment, crematory, or transportation service from transporting or storing the body of a decedent together with certain other remains; prohibiting the body of a decedent, while in the custody of a funeral establishment or crematory, from being transported to a certain facility except under certain circumstances; authorizing the ~~Board~~ State Board of Morticians and Funeral Directors and the Office of Cemetery Oversight to take certain disciplinary action against a licensee or permit holder who fails to comply with certain provisions of this Act; and generally relating to the transportation and storage of bodies of decedents.

BY repealing and reenacting, without amendments,

Article – Business Regulation
Section 5–101(a) and (g)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 5–310(a)(11) and (12)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Business Regulation
Section 5–310(a)(13)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health – General
Section 5–513
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–101(a) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–316(a)(30) and (31)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 7–316(a)(32)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

House Bill 570 – Delegates Davis, Haddaway–Riccio, Howard, Love, McHale, Schulz, Stifler, Vaughn, ~~and Walker~~ Walker, Burns, Hershey, Impallaria, W. Miller, Olszewski, and Schuh

AN ACT concerning

Other Tobacco Products ~~Licenses – Repeal~~ – Restrictions on Sale, Distribution, and Shipment – Exemptions

FOR the purpose of providing that certain provisions of law relating to the regulation of other tobacco products do not apply to a seller located outside the State when selling, holding for sale, shipping, or delivering certain cigars or pipe tobacco to consumers in the State; providing that certain provisions of law regulating the sale and distribution of other tobacco products do not apply to the order, purchase, sale, or shipment of certain cigars or pipe tobacco by a licensed other tobacco products retailer or licensed tobacconist; and generally relating to the regulation of other tobacco products. ~~repealing provisions of law related to the requirement that a person have a license whenever the person acts in the State as an other tobacco products manufacturer, retailer, storage warehouse, or wholesaler or tobacconist; repealing certain record–keeping and reporting requirements for an other tobacco products wholesaler; repealing the authority for the Comptroller to adopt regulations to require a common carrier that brings other tobacco products into the State to submit certain information to the Comptroller; repealing certain requirements for a person who ships, imports, or sells other tobacco products into or within the State; repealing certain prohibitions on selling or shipping other tobacco products that are ordered or purchased by mail or through a computer network, telephonic network, or other electronic network; repealing certain prohibitions on delivery of other tobacco products directly to a consumer; requiring a person who transports other tobacco products by vehicle on a public road to have certain information in the vehicle; repealing references to provisions repealed under this Act; repealing the prohibition on a county, municipal corporation, special taxing district, or other political subdivision from imposing a tax on other tobacco products; repealing the requirement that a wholesaler shall complete and file with the Comptroller a tobacco tax return for other tobacco products on or before a certain day; requiring a wholesaler to complete and file with the Comptroller a tobacco tax return for other tobacco products on a date specified by the Comptroller in regulation; requiring the tobacco tax to be paid by the wholesaler who sells the other tobacco products to a consumer; requiring a retailer or consumer to pay the tobacco tax on other tobacco products on which the tobacco tax has not been paid; requiring the Comptroller to adopt regulations establishing a system of administering, collecting, and enforcing the tobacco tax on other tobacco products; providing for specific regulations which the Comptroller may adopt to establish a system of administering, collecting, and enforcing the tobacco tax on other tobacco products; repealing a requirement that a person subject to the tobacco tax post security as an other tobacco products wholesaler; altering a certain penalty for a person who willfully ships, imports, sells into or within, or transports within the State other tobacco products on which the tobacco tax has not been paid; altering the definition of certain terms; defining certain terms; and generally relating to the regulation of other tobacco products in the State.~~

~~BY repealing~~
~~Article – Business Regulation~~
~~Section 16.5–101 through 16.5–218 and the title "Title 16.5. Other Tobacco Products Licenses"~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – Business Regulation~~
~~Section 16–217~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Business Regulation
Section 16.5–103 to be under the amended subtitle "Subtitle 1. Definitions; General Provisions"
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section ~~16–219~~ 16.5–217
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 12–101, 12–102, 12–103, 12–104, 12–201, 12–202, 12–301, 12–302, 13–825(h), and 13–1015~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

~~BY adding to~~
~~Article – Tax – General~~
~~Section 12–306~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

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

House Bill 658 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Public Safety – Emergency Management – Emergency Plans for Human Service Facilities – Dialysis Centers

FOR the purpose of altering the definition of "human service facility" to include certain kidney dialysis centers for purposes of certain provisions of law requiring a human service facility to develop a certain emergency plan; providing that a human service facility is solely responsible for certain financial obligations arising from certain activations of a certain emergency plan; specifying that certain provisions of this Act do not prohibit a human service facility from applying for and receiving certain reimbursement; requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date in consultation with representatives of certain entities; and generally relating to emergency plans for human service facilities.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 14–110.1
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 771 – Delegate Davis

AN ACT concerning

Electric Companies and Gas Companies – Customer Accounts and Information

FOR the purpose of requiring an electric company, a gas company, or an electric and gas company, on a certain request by a certain competitive supplier of electricity or gas, to provide certain information related to certain customer accounts to the supplier, subject to certain restrictions; requiring the distribution utility to provide the information in a certain form and to update it periodically; prohibiting a distribution utility from providing certain information without the prior authorization of a certain customer; providing the method by which a distribution utility must obtain the customer's authorization, including requiring certain notice to be provided containing certain information; requiring the notice to be provided to certain customers at certain times; establishing when a customer is deemed to have given certain authorization; authorizing a customer to withdraw authorization in a certain manner; requiring a distribution utility to ensure that certain information is not shared under certain circumstances; requiring a distribution utility to notify a certain competitive supplier that a certain customer has withdrawn certain authorization; requiring a competitive supplier to redact certain information from its records under certain circumstances and refrain from contacting a

certain customer in a certain manner under certain circumstances; requiring the Public Service Commission to allow a distribution utility to recover certain costs directly from a competitive supplier; providing that a competitive supplier may use certain information only for a certain purpose; prohibiting a competitive supplier from selling or providing certain information to any other person, with a certain exception; authorizing a competitive supplier to provide certain information to an authorized agent for a certain purpose; providing that the authorized agent is subject to the same restrictions on the use, sale, or provision of the information as the competitive supplier; requiring a certain competitive supplier to include certain information in certain marketing materials sent to certain customers; prohibiting a competitive supplier from transferring a certain customer account without certain authorization; requiring a competitive supplier to retain certain information for a certain purpose; requiring the Commission to adopt certain orders or regulations in consultation with the Office of the Attorney General; providing that a violation of this Act is an unfair or deceptive trade practice that is subject to certain penalty and enforcement provisions; authorizing the coordination of certain enforcement efforts; providing for the application of this Act to certain gas suppliers under certain provisions of law; providing for the enforcement of this Act with respect to certain gas suppliers and gas customers; providing that this Act does not apply to an electric cooperative or a gas cooperative; defining certain terms; 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 electricity, gas supply, and customer account information.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxvii)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxix)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY adding to
Article – Public Utilities
Section 7–510.1 and 7–604(c)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxvi)
Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 280 and 281 of the Acts of the General Assembly of 2011)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxviii)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)
(As enacted by Chapters 280 and 281 of the Acts of the General Assembly of 2011)

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

House Bill 777 – Delegate Feldman

AN ACT concerning

Corporations and Associations – Limited Liability Act – Revisions

FOR the purpose of establishing that certain statutory provisions relating to limited liability companies apply unless otherwise agreed on in the limited liability company's articles of organization, in the operating agreement, or by unanimous consent; repealing the requirement that the purposes for which a limited liability company is formed be set forth in the articles of organization; altering the requirements for a certain resident agent; authorizing the conversion of a partnership to a limited liability company to be abandoned by a certain vote or agreement; repealing provisions relating to a member's authority regarding abandoning the business; authorizing an operating agreement to contain procedures related to meetings and voting; prohibiting a member from taking certain actions without the consent of certain members holding at least a certain amount of the interest in profits of a limited liability company; prohibiting a member from taking certain actions without the unanimous consent of the members; authorizing a meeting of the members to be called by written request of certain members holding a certain amount of the interests in the profits of a limited liability company; authorizing members of a limited liability company to participate in a meeting by certain means of communication if certain requirements are met; authorizing electronic transmission of certain required notices, consents, or communications; authorizing a member to use certain means to authorize a certain person to act as a proxy; providing that a certain proxy is revocable under certain circumstances; clarifying certain standards governing the right to inspect and copy certain records; authorizing a limited liability company to keep certain information confidential for a certain time period, unless a certain agreement is executed; requiring a demand for certain protected information to be in writing and state the purpose of the demand; clarifying that only a certain economic interest may be assigned; clarifying that a certain assignment of an economic

interest does not include the exercise of certain noneconomic interests; providing that assignment of all of a certain economic interest in a limited liability company forfeits certain noneconomic interests; providing that the pledge or grant of a security interest, lien, or encumbrance in or against a member's economic interest does not affect a member's noneconomic interest; authorizing a member to withdraw from a limited liability company prior to the dissolution and winding up of the limited liability company by giving a certain notice; authorizing the operating agreement to provide that a member may not withdraw or place certain limits on the ability of a member to withdraw; providing that assignment of all of a certain economic interest in a limited liability company causes a person to no longer be a member of the limited liability company; providing that a charging order applies to a certain economic interest of a certain debtor and only requires the limited liability company to pay to a certain creditor certain distributions; providing that a certain noneconomic interest of a certain debtor is not subject to a charging order; altering the circumstances under which a foreclosure of certain economic interests may be ordered; authorizing certain members to consent to the redemption of an economic interest with certain property before a foreclosure; repealing the requirement of unanimous consent for abandoning a certain proposed merger; providing that abandonment of a proposed merger requires the consent of certain members; making certain technical, stylistic, clarifying, and conforming changes; defining certain terms; and generally relating to limited liability companies.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 1–101(t), 4A–101, 4A–102, 4A–203, 4A–204, 4A–209, 4A–210(a) and (c), 4A–211, 4A–401 through 4A–403, 4A–405, 4A–406, 4A–502 through 4A–505, 4A–601 through 4A–601.1, 4A–607, 4A–701, 4A–702, 4A–704 through 4A–706, 4A–709(c), 4A–801, 4A–902, 4A–904, 4A–906, 4A–918, 4A–1103, and 4A–1104
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Corporations and Associations
Section 4A–802
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Corporations and Associations
Section 4A–403.1 and 4A–403.2
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

House Bill 850 – Delegates Gilchrist and Niemann

AN ACT concerning

Real Property – Condominiums – Payment of Assessments and Fees

FOR the purpose of authorizing a council of unit owners to petition the District Court for relief if a unit owner has failed to pay assessments and fees for a unit for a certain period of time and is renting the unit to a tenant; requiring a certified copy of the petition to be mailed to the unit owner and served on the tenant under certain circumstances; authorizing the District Court to enter an order directing the tenant to pay rent due under the lease to certain persons under certain circumstances; requiring the District Court to order certain persons to apply rent payments received to the payment of certain assessments and fees under certain circumstances; prohibiting a unit owner from taking any action for failure to pay rent against a tenant under certain circumstances; and generally relating to the payment of assessments and fees in condominiums.

BY adding to
Article – Real Property
Section 11–110.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 862 – Delegate Hammen

AN ACT concerning

Residential Child and Youth Care Practitioners – Certification – Modifications

FOR the purpose of requiring the State Board for Certification of Residential Child Care Program Professionals, in consultation with the Children's Cabinet, to establish a tiered certification structure for residential child and youth care practitioners; requiring the Board to establish training requirements for the residential child and youth care practitioners certified by the Board; requiring, instead of authorizing, the Board to set reasonable fees for certain services; authorizing the Board to waive ~~certain~~ the fees under certain circumstances; prohibiting the Board from requiring fees for the examination of qualified certified residential child and youth care practitioner applicants; establishing certain exceptions to the requirement that residential child and youth care practitioners be certified on or before a certain date; requiring, with certain exceptions, an applicant for a certificate as a residential child and youth care practitioner to have successfully completed a certain training program;

requiring the Board to establish requirements and procedures for waiving the training program requirement for applicants with certain degrees under certain circumstances; requiring the Board to waive certain requirements for applicants who apply for certification on or before a certain date and present to the Board evidence of certain experience; requiring the Board to adopt regulations for approved training programs for residential child and youth care practitioners; requiring the regulations to include certain items; requiring the Board to post a list of approved training programs on its Web site; altering and repealing certain provisions of law relating to the age and training of direct care staff of residential child care programs that conflict with certain statutory requirements and requirements of this Act relating to residential child and youth care practitioners; providing for a delayed effective date for certain provisions of this Act; and generally relating to the certification of residential child and youth care practitioners by the State Board for Certification of Residential Child Care Program Professionals.

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 20–101(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 20–205, 20–206, 20–301(b), and 20–302.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – Health Occupations
Section 20–302.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–704(10) and 8–1002
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

BY repealing
Article – Human Services
Section 8–1003
Annotated Code of Maryland
(2007 Volume and 2011 Supplement)

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

House Bill 1175 – Howard County Delegation

AN ACT concerning

Howard County – Workers' Compensation – Students in Unpaid Work–Based Learning Experiences
Ho. Co. 9–12

FOR the purpose of authorizing the Howard County Board of Education to waive the requirement that a participating employer reimburse the county for the cost of certain workers' compensation insurance coverage for students placed in unpaid work–based learning experiences; and generally relating to the waiver of workers' compensation reimbursement in connection with unpaid work–based learning experiences.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–114
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–228(c)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 1034 – Senator Muse

AN ACT concerning

Civil Rights – Fair Practices and Equal Employment Opportunity Officers – Supervision by the Attorney General

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

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

Senate Bill 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR BRINKLEY.

FLOOR AMENDMENT

SB0320/803426/1
BY: Senator Brinkley
(To be offered in the Education, Health, and Environmental Affairs Committee)

AMENDMENT TO SENATE BILL 320
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Young" and substitute "Senators Young and Brinkley".

The preceding amendment was withdrawn.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

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

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit C of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT;
AND SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit E of Appendix III)

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 with amendments:

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 152 – THE BUDGET RECONCILIATION AND
FINANCING ACT

(See Exhibit F of Appendix III)

SB0152/179432/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "site;" insert "altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date;"; in line 18, after "education;" insert "requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain amount;"; strike beginning with "establishing" in line 21 down through "centers;" in line 23 and substitute "requiring certain managed care organizations to operate without restricted enrollment in all jurisdictions of the State or remit a certain amount of money at certain times to the Maryland Medical Assistance Program; requiring the Department to use certain money to fund the statewide rural enrollment supplemental payments made by the Department under a certain provision of law;"; in line 28, after "facilities;" insert "providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; requiring that certain money received by the State as a result of a certain multistate–federal settlement of foreclosure misconduct claims be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring that beginning with a certain fiscal year the Governor include in the budget bill a certain appropriation of the settlement money to the Dedicated Purpose Account;"; in line 29, after "agents" insert "for a certain fiscal year"; and in the same line, strike "counties" and substitute "county boards of education".

On page 2, strike beginning with "establish" in line 1 down through "years;" in line 2 and substitute "include a separate certification of a certain normal contribution rate in the certification of certain rates;"; in lines 3 and 4, in each instance, strike "counties" and substitute "county boards of education"; strike beginning with "exercise" in line 5 down through "against" in line 6 and substitute "withhold certain delinquent amounts from"; in line 6, strike "or becoming due"; in line 7, after "circumstances;" insert "requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; altering a certain requirement for the Maryland Transit Administration to set certain fare prices to include a certain percentage from a certain Consumer Price Index; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year;"; strike beginning with "altering" in line 9 down through "utilities;" in line 32

and substitute "altering certain State education funding for a certain fiscal year, subject to a certain contingency; authorizing certain transfers subject to a certain contingency; requiring the Governor to include a certain transfer in the budget bill for a certain fiscal year; declaring the intent of the General Assembly;"; in line 34, after "System;" insert "setting certain limits on increases in payments to certain providers for a certain fiscal year;"; in line 37, after "remittances;" insert "requiring that the Governor transfer a certain amount from the Injured Workers' Insurance Fund to the General Fund under certain circumstances; requiring that certain money received by the State as a result of a certain approved merger between Exelon Corporation and Constellation Energy Group be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring each county to appropriate to the county board of education certain amounts; requiring that for a certain fiscal year a certain maintenance of effort amount be calculated in a certain manner;"; in line 38, strike "application and"; and in line 39, after "severable;" insert "providing for the effective dates of this Act;".

On page 2, after line 40, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 3, after line 5, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, after "5–103(c)," insert "5–202(a)(13) and (i),"; strike in their entirety lines 32 through 36, inclusive; and in line 39, strike "4–217(c)(1),".

On page 4, in line 4, strike "7–207, 14–207, and 14–305" and substitute "15–102.8"; after line 11, insert:

"BY repealing

Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–310.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 14, strike ", 9–1604(b)(1)(vi),"; in line 19, after "(b)" insert "and 21–308(a)(1)"; after line 21, insert:

"BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–125(b) and 21–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

strike beginning with ", 8–406(b)," in line 29 down through "11–214.1" in line 30; after line 32, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)";

in line 35, after "Section" insert "4–321(e), 7–208(b–1), and"; and after line 38, insert:

"BY adding to
Article – Transportation

Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 193 of the Acts of the General Assembly of 2005
Section 3".

On page 5, strike in their entirety lines 6 through 21, inclusive.

AMENDMENT NO. 2

On page 9, in lines 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, strike "1.", "2.", "3.", "4.", "5.", "6.", "7.", "8.", "9.", "10.", "11.", "12.", "13.", and "14.", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively.

On page 10, in lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, strike "15.", "16.", "17.", "18.", "19.", "20.", "21.", "22.", "23.", and "24.", respectively, and substitute "**(XV)**", "**(XVI)**", "**(XVII)**", "**(XVIII)**", "**(XIX)**", "**(XX)**", "**(XXI)**", "**(XXII)**", "**(XXIII)**", and "**(XXIV)**", respectively.

On page 23, after line 28, insert:

"(2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv) **[**and (v)**], (V), AND (VI)** of this subsection to the Community Health Resources Commission **[**and**],** the Kidney Disease Program**, AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE** shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.

(ii) The subsidy provided under this subsection to the Community Health Resources Commission may not be less than:

1. $3,000,000 for each of fiscal years 2012 and 2013; and

2. $8,000,000 for fiscal year 2014 and each fiscal year thereafter.

(3) For any year, the subsidy and funding required under this subsection by a nonprofit health service plan subject to this section may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.".

On page 30, in line 26, before "September" insert "**IN**".

On page 44, in line 27, strike "6." and substitute "4."; and in line 29, strike "7." and substitute "5.".

On page 45, in line 3, after "City" insert "Community"; in line 4, strike "8." and substitute "6."; and in line 30, strike "10." and substitute "7.".

On page 46, in lines 3, 10, and 15, strike "11.", "12.", and "13.", respectively, and substitute "8.", "9.", and "10.", respectively.

On page 47, in lines 6, 9, and 13, strike "16.", "17.", and "18.", respectively, and substitute "12.", "13.", and "14.", respectively; in lines 8 and 12, in each instance, strike "January 19, 2011" and substitute "January 18, 2012".

On page 48, after line 20, insert:

"SECTION 24. AND BE IT FURTHER ENACTED, That § 12–118(e)(2) of the Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1, 2012.";

and in line 26, strike "23." and substitute "25.".

AMENDMENT NO. 3

On page 11, in line 11, strike "**EACH OF**"; in the same line, strike the second set of brackets; in the same line, strike "**YEARS**"; strike beginning with "**THROUGH**" in line 11 down through "19%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 19.3%**"; in line 16, strike "**] $1,839.43**" and substitute "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**7." and substitute "**6.**"; strike beginning with "not" in line 17 down through "19.5%" in line 18 and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.8%**"; in line 21, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "8." and substitute "**7.**"; strike beginning with "not" in line 22 down through "21%" in line 23

and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.4%**"; in line 26, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "9." and substitute "**8.**"; strike beginning with "not" in line 27 down through "22%" in line 28 and substitute "**AN AMOUNT THAT IS THE GREATER OF 17.9%**"; in line 31, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 32, strike "10."; in the same line, strike the closing bracket and "**6.**" and substitute "**9.**"; in line 33, strike "**19.69%**" and substitute "**19.7%**"; and in line 37, strike "**7.**" and substitute "**10.**".

On page 12, in lines 4, 9, 14, and 19, strike "**8.**", "**9.**", "**10.**", and "**11.**", respectively, and substitute "**11.**", "**12.**", "**13.**", and "**14.**", respectively; and in line 26, strike "**$199,172,005**" and substitute "**$199,176,114**".

On pages 12 and 13, strike in their entirety the lines beginning with line 28 on page 12 through line 13 on page 13, inclusive, and substitute:

"**1. ALLEGANY COLLEGE $4,773,622;**

2. ANNE ARUNDEL COMMUNITY COLLEGE $27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE.....$4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND..... $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE .. $8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

14. PRINCE GEORGE'S COMMUNITY COLLEGE.....$22,013,074; AND

15. WOR–WIC COMMUNITY COLLEGE ... $6,748,796.".

On page 14, strike beginning with "**THROUGH**" in line 11 down through "64%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 59.6%**"; strike beginning with the bracket in line 15 down through "**$5,695.90**" in line 16 and substitute "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than an amount equal to 64.5%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 58.3%**"; in line 21, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than an amount equal to 64.75%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 56.9%**"; in line 26, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than an amount equal to 65.25%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 55.6%**"; in line 31, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 32, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; in line 33, strike "**59.98%**" and substitute "**60%**"; and in line 37, strike "**(VII)**" and substitute "**(X)**".

On page 15, in lines 4, 9, 14, and 19, strike "**(VIII)**", "**(IX)**", "**(X)**", and "**(XI)**", respectively, and substitute "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively; and in line 26, strike "**$39,867,838**" and substitute "**$39,863,729**".

On page 16, strike beginning with "**THROUGH**" in line 13 down through "10%" in line 14 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 9.2%**"; in line 16, strike the bracket and substitute "**OR**"; in the same line, after "**$875.53**" insert "**PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than 10.6%" and substitute "**THAT IS THE GREATER OF 9.0%**"; in line 19, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 20, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than 11.1%" and substitute "**THAT IS THE GREATER OF 8.7%**"; in line 22, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 23, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than 12%" and substitute "**THAT IS THE GREATER OF 8.5%**"; in line 25, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 26, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; and in lines 29 and 32, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(X)**" and "**(XI)**", respectively.

On page 17, in line 1, strike "**(IX)**" and substitute "**(XII)**".

AMENDMENT NO. 4

On page 18, strike in their entirety lines 17 through 22, inclusive.

AMENDMENT NO. 5

On pages 18 and 19, strike in their entirety the lines beginning with line 24 on page 18 through line 26 on page 19, inclusive.

On page 21, strike in their entirety lines 1 through 26, inclusive.

AMENDMENT NO. 6

On pages 19 and 20, strike in their entirety the lines beginning with line 27 on page 19 through line 28 on page 20, inclusive.

On page 48, after line 14, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may transfer up to $5,000,000 in general funds in the Developmental Disabilities Administration at the end of fiscal year 2012 into a dedicated account, to be used in fiscal year 2013 for the following expenditures:

(1) within the Community Services Program of the Developmental Disabilities Administration:

(i) providing community–based services to individuals eligible for services from the Developmental Disabilities Administration, including individuals on the Developmental Disabilities Administration Waiting List;

(ii) continuing the implementation of the hold harmless policy related to changes in fiscal year 2012 to reimbursement policies for absence days;

(iii) enhancing services and service coordination for individuals receiving services from the Developmental Disabilities Administration; and

(iv) providing grants consistent with the purpose of Title 7 of the Health – General Article, to enhance and provide services to individuals eligible for services from the Developmental Disabilities Administration; and

(2) within the Office of Health Care Quality, providing funding, up to $750,000, for activities directly related to providers licensed by the Developmental Disabilities Administration in lieu of increasing licensure fees for developmental disability providers.".

AMENDMENT NO. 7

On page 24, in line 28, strike the brackets; in line 29, strike "**A**"; in the same line, strike the brackets; in the same line, strike "**5.0%**"; in line 31, strike the bracket; in the same line, strike "2012" and substitute "**2013**"; and in line 33, strike the bracket.

AMENDMENT NO. 8

On page 25, strike in their entirety lines 1 through 8, inclusive.

On page 30, after line 15, insert:

"2–1104.

(b) For each fiscal year beginning on or before July 1, 2015, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) to the General Fund of the State:

(i) $5,000,000 for each fiscal year beginning on or before July 1, **[**2014**] 2011**; **[**and**]**

(II) $13,000,000 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012;

(III) $5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR BEFORE JULY 1, 2014; AND

[(ii)**] (IV)** $4,624,687 for the fiscal year beginning July 1, 2015; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.".

On pages 31 through 44, strike in their entirety the lines beginning with line 3 on page 31 through line 26 on page 44, inclusive.

On page 46, strike in their entirety lines 20 through 26, inclusive.

On page 48, strike in their entirety lines 21 through 25, inclusive.

AMENDMENT NO. 9

On page 25, after line 14, insert:

"21–125.

(b) (1) On the basis of actuarial assumptions that the Board of Trustees adopts, each year the actuary shall make a valuation of the assets and liabilities of the funds of the several systems.

(2) Each year the Board of Trustees shall certify to the Secretary of Budget and Management and to the Governor the rates of employer contributions.

(3) For purposes of actuarial valuation, the Board of Trustees may adopt a generally accepted method for determining the value of the assets held by the several systems.

(4) For general ledger accounting and financial reporting, the Board of Trustees shall use generally accepted accounting principles.";

strike beginning with "**(2)**" in line 17 down through "**TO**" in line 18 and substitute "**(2) (I) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS THE TOTAL ANNUAL EARNABLE COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS**"; and after line 21, insert:

"**(II) "AGGREGATE ANNUAL EARNABLE COMPENSATION" INCLUDES ANY ACTUARIAL ASSUMED SALARY INCREASES THAT WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21–125(B) OF THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.**".

On page 26, strike beginning with the colon in line 8 down through "**(I)**" in line 9; in lines 12, 13, 14, 15, 16, and 17, strike "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", and "**6.**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 17, strike the semicolon and substitute a period; strike in their entirety lines 18 through 23, inclusive, and substitute:

"**(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**";

in lines 24 and 27, respectively, strike "**(7)**" and "**(8)**", respectively, and substitute "**(8)**" and "**(9)**", respectively; in line 29, strike "**THE**" and substitute "**ALL**"; and in line 30, strike "**OF EACH COUNTY**".

On page 27, in line 31, after "**(4)**" insert "**(I)**"; in line 32, strike "**2013**" and substitute "**2012**"; and in the same line, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; and strike beginning with the second "**OF**" in line 34 down through "**COUNTY.**" in line 35 and substitute "**AS PROVIDED IN THIS PARAGRAPH.**

(II) FOR FISCAL YEARS 2013 THROUGH 2016, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE, WHICH SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:

LOCAL	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR

EMPLOYER	2013	2014	2015	2016
ALLEGANY	743,871	1,450,580	2,128,645	2,773,677
ANNE ARUNDEL	5,746,842	11,206,590	16,445,043	21,428,297
BALTIMORE CITY	6,461,431	12,600,071	18,489,897	24,092,793
BALTIMORE	7,877,901	15,362,248	22,543,237	29,374,395
CALVERT	1,417,969	2,765,101	4,057,630	5,287,193
CAROLINE	396,967	774,103	1,135,953	1,480,175
CARROLL	2,002,891	3,905,724	5,731,431	7,468,196
CECIL	1,229,909	2,398,376	3,519,483	4,585,973
CHARLES	1,968,258	3,838,189	5,632,327	7,339,061
DORCHESTER	328,271	640,143	939,375	1,224,028
FREDERICK	2,946,731	5,746,252	8,432,303	10,987,499
GARRETT	332,357	648,110	951,066	1,239,262
HARFORD	2,764,870	5,391,617	7,911,896	10,309,396
HOWARD	4,910,533	9,575,752	14,051,879	18,309,945
KENT	183,073	357,001	523,879	682,628
MONTGOMERY	13,613,776	26,547,453	38,956,900	50,761,802
PRINCE GEORGE'S	9,777,290	19,066,138	27,978,489	36,456,662
QUEEN ANNE'S	552,763	1,077,912	1,581,776	2,061,093
ST. MARY'S	1,242,849	2,423,608	3,556,510	4,634,220
SOMERSET	240,062	468,131	686,956	895,121
TALBOT	314,228	612,758	899,189	1,171,665
WASHINGTON	1,547,056	3,016,827	4,427,024	5,768,522
WICOMICO	1,086,797	2,119,301	3,109,955	4,052,348
WORCESTER	635,780	1,239,799	1,819,336	2,370,640

(III) BEGINNING IN FISCAL YEAR 2017, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER".

On page 28, in line 3, after the first "**FOR**" insert "ALL"; in the same line, strike "**FOR EACH COUNTY**"; after line 4, insert:

"(c) (1) As part of each actuarial valuation, the actuary shall determine the normal contributions, net of member contributions, on account of the State members of each State system.

(2) For each State system, the normal contribution rate equals the fraction that has:

(i) as its numerator, the sum of the normal contributions determined under this subsection; and

(ii) as its denominator, the aggregate annual earnable compensation of the State members of the State system.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year**, INCLUDING A SEPARATE CERTIFICATION OF THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM**; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.";

strike in their entirety lines 8 through 14, inclusive; in line 15, strike "**(3)**" and substitute "**(2)**"; strike in their entirety lines 17 through 21, inclusive, and substitute:

"**(3) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.**";

and strike in their entirety lines 22 through 30, inclusive.

On page 29, in line 1, strike "**(C)**" and substitute "**(B)**"; in line 2, after "**DETERMINE**" insert "**AND CERTIFY**"; strike in their entirety lines 4 through 7, inclusive; in lines 2, 9, and 10, in each instance, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; in line 8, strike "**(E) (1)**" and substitute "**(C)**"; in line 11, strike "**(D)**" and substitute "**(B)**"; and strike in their entirety lines 12 through 25, inclusive, and substitute:

"**(D) (1) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.**

(2) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY:

(I) SHALL WITHHOLD THE DELINQUENT AMOUNTS, INCLUDING INTEREST ON THE DELINQUENT AMOUNTS AT A RATE OF 7.75% A YEAR, FROM ANY INSTALLMENT DUE THE LOCAL EMPLOYER FROM THE GENERAL STATE SCHOOL FUND; AND

(II) SHALL PAY TO THE BOARD OF TRUSTEES THE DELINQUENT AMOUNTS, INCLUDING INTEREST, WITHHELD UNDER THIS PARAGRAPH.

(E) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER OR THE STATE COMPTROLLER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.".

On pages 47 and 48, strike in their entirety the lines beginning with line 20 on page 47 through line 14 on page 48, inclusive.

AMENDMENT NO. 10

On page 45, strike in their entirety lines 11 and 12; strike in their entirety lines 15 and 16; strike in their entirety lines 20 and 21; after line 21, insert:

"$320,392 of the funds in the State Board of Physicians Fund established under § 14–207 of the Health Occupations Article;";

and strike in their entirety lines 26 through 29, inclusive.

On page 46, in line 12, strike "$1,867,000" and substitute "$209,000"; and after line 26, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to $950,000 of the funds in the Problem Gambling Fund established under § 9–1A–33(b) of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.".

AMENDMENT NO. 11

On page 24, after line 25, insert:

"Article – Labor and Employment

[10–127.

If the General Assembly repeals this subtitle, money in the Fund at the time of repeal shall be distributed:

(1) as the General Assembly provides; or

(2) if the General Assembly does not provide for distribution, as justice requires, with due regard for existing obligations for compensation.**]**

10–127.

(A) THE STATE HAS NO INTEREST IN THE ASSETS OF THE FUND.

(B) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR THE POLICYHOLDERS, INJURED WORKERS AND THEIR FAMILIES, AND CREDITORS OF THE FUND.

(C) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(D) THE FUND MAY NOT BE DISSOLVED.".

On page 46, in line 4, strike ", on" and substitute ":

(1) On";

in line 6, strike "This transfer" and substitute:

"(2) If legislation is enacted during the 2012 Session of the General Assembly that requires a valuation study by the Insurance Commissioner, the Governor shall transfer from the Injured Workers' Insurance Fund to the General Fund an additional amount that the Insurance Commissioner determines to be the appropriate value of benefits, in excess of $50,000,000, that the Injured Workers' Insurance Fund has realized from its association with the State, if the Insurance Commissioner determines that the additional amount would not impair the adequacy of the Injured Workers' Insurance Fund's surplus and reserves.

(3) The transfer of $50,000,000 and the additional transfer, if any, required by this section".

AMENDMENT NO. 12

On pages 46 and 47, strike in their entirety the lines beginning with line 27 on page 46 through line 5 on page 47, inclusive.

AMENDMENT NO. 13

On page 30, after line 16, insert:

"4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year **[**2013**] 2014** equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007;

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012 **[**or**],** fiscal year 2013**, OR FISCAL YEAR 2014**; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.".

AMENDMENT NO. 14

On page 24, before line 26, insert:

"Article – State Finance and Procurement

7–310.1.

(A) ANY MONEY RECEIVED BY THE STATE AS A RESULT OF THE MULTISTATE–FEDERAL SETTLEMENT OF FORECLOSURE MISCONDUCT CLAIMS:

(1) SHALL BE EXPENDED ONLY AS AUTHORIZED THROUGH AN ACT OF THE GENERAL ASSEMBLY OR SPECIFICALLY AUTHORIZED IN THE STATE BUDGET BILL AS ENACTED; AND

(2) IS NOT SUBJECT TO TRANSFER BY BUDGET AMENDMENT.

(B) FOR FISCAL YEAR 2014 AND THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF ANY MONEY RECEIVED UNDER THE SETTLEMENT TO THE DEDICATED PURPOSE ACCOUNT ESTABLISHED UNDER § 7–310 OF THIS SUBTITLE.".

AMENDMENT NO. 15

On page 48, after line 14, insert:

"SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance.".

AMENDMENT NO. 16

On page 7, after line 18, insert:

"Article – Courts and Judicial Proceedings

7–301.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a $7.50 surcharge to the court costs imposed by the court.

(3) (i) The Comptroller annually shall credit the surcharges collected under this subsection as provided in this paragraph.

(ii) An amount annually as set forth in the State budget shall be distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program as established in § 18–603 of the Education Article.

(iii) After the distribution under subparagraph (ii) of this paragraph, **[**subject to subparagraph (iv) of this paragraph,**]** **$200,000 SHALL BE DISTRIBUTED TO THE MARYLAND STATE FIREMEN'S ASSOCIATION.**

(IV) AFTER THE DISTRIBUTION UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH AND UNTIL A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND SINCE THE ESTABLISHMENT OF THE SURCHARGE UNDER THIS SUBSECTION, THE REMAINDER SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE

FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(V) AFTER A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, 100% of the remainder shall be credited to the Maryland Emergency Medical Systems Operation Fund established under § 13–955 of the Transportation Article.

(VI) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR UNTIL $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE AMOUNT OF REVENUE DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND UNDER THIS PARAGRAPH.

[(iv) For fiscal years 2012 and 2013 only, before the distribution to the Maryland Emergency Medical Systems Operation Fund under subparagraph (iii) of this paragraph, from the surcharges collected under this subsection, an amount equal to $8,201,311 for fiscal year 2012 and $2,114,000 for fiscal year 2013 shall be credited to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.**]**".

AMENDMENT NO. 17

On page 48, after line 14, insert:

"SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor shall transfer $4,500,000 from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health – General Article in fiscal year 2013.".

AMENDMENT NO. 18

On page 30, after line 16, insert:

"**5–415.**

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

(2) ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.".

AMENDMENT NO. 19

On page 21, after line 26, insert:

"**15–102.8.**

(A) IF THE NUMBER OF PROGRAM RECIPIENTS ENROLLED IN A MANAGED CARE ORGANIZATION EXCEEDS 10% OF THE TOTAL NUMBER OF PROGRAM RECIPIENTS, THE MANAGED CARE ORGANIZATION SHALL:

(1) OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE; OR

(2) REMIT TO THE PROGRAM:

(I) $1,500,000 ON OR BEFORE JUNE 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT; AND

(II) $1,500,000 ON OR BEFORE DECEMBER 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT.

(B) IF MONEY IS REMITTED TO THE PROGRAM UNDER SUBSECTION (A)(2) OF THIS SECTION, THE DEPARTMENT SHALL USE THE MONEY TO FUND

THE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS MADE BY THE DEPARTMENT UNDER COMAR 10.09.65.19–3.".

AMENDMENT NO. 20

On page 30, after line 21, insert:

"Chapter 193 of the Acts of 2005

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing efforts of the Department of Health and Mental Hygiene to ensure that managed care organizations deliver quality health care to their members, the Department may modify, enhance, or replace the Value Based Purchasing Initiative in effect on January 1, 2005, provided that:

(1) except as provided in **[**item (4)**] ITEMS (4) AND (5)** of this section, any changes to the core set of performance measures and the methodology for penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(2) except as provided in item (4) of this section, the Secretary of Health and Mental Hygiene shall notify managed care organizations of the core set of performance measures and targets at least 3 months prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(3) any penalty or capitation adjustment imposed under this section on a managed care organization may not be implemented by means of a capitation payment withhold; **[**and**]**

(4) with respect to the performance measures for calendar year 2005, the Secretary of Health and Mental Hygiene may modify the ranges or targets of the core set of performance measures without complying with the provisions of items (1) and (2) of this section, provided that the dollar amounts of any financial rewards or disincentives shall be calculated as set forth in the Value Based Purchasing Initiative in effect on January 1, 2005**; AND**

(5) WITH RESPECT TO CALENDAR YEAR 2012, THE DEPARTMENT MAY MAKE CHANGES TO THE METHODOLOGY FOR PENALTIES, REWARDS,

DISINCENTIVES, OR INCENTIVES BY REGULATIONS ADOPTED DURING THE CALENDAR YEAR.".

AMENDMENT NO. 21

On page 48, after line 14, insert:

"SECTION 18. AND BE IT FURTHER ENACTED, That any money received by the State as a result of conditions of an approved merger between Exelon Corporation and Constellation Energy Group shall be expended only as authorized through an act of the General Assembly or specifically authorized in the State budget bill as enacted and is not subject to transfer by budget amendment.".

AMENDMENT NO. 22

On page 46, in line 15, strike ", notwithstanding" and substitute ":

(1) Notwithstanding";

and after line 19, insert:

"(2) (i) The Governor shall include in the budget bill for fiscal year 2014 the transfer of $2,000,000 from the Fair Campaign Financing Fund to the Maryland Information Technology Development Project Fund (program F50A01.01) that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding the purchase of a new Optical Scan Voting System.

(ii) It is the intent of the General Assembly that, beginning in fiscal year 2015, each county pay its share of one–half of any further cost of acquiring and operating the Optical Scan Voting System as required under Chapter 564 of the Acts of 2001.".

AMENDMENT NO. 23

On page 30, before line 17, insert:

"7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) **[**Shall**] SUBJECT TO PARAGRAPHS (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 2013, SHALL INCREASE BASE FARE PRICES TO THE NEAREST NICKEL FOR CORE BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES BY AT LEAST THE SAME PERCENTAGE AS THE BIENNIAL 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, 2011, AND EACH SUBSEQUENT 2–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. 24

On page 5, after line 28, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1105.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER RETIREMENT SUPPLEMENTAL GRANTS TO THE COUNTIES:

(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $6,972,596;

(3) CAROLINE COUNTY – $685,108;

(4) DORCHESTER COUNTY – $308,913;

(5) GARRETT COUNTY – $406,400;

(6) PRINCE GEORGE'S COUNTY – $7,628,702;

(7) SOMERSET COUNTY – $381,999; AND

(8) WICOMICO COUNTY – $1,567,837.".

AMENDMENT NO. 25

On page 44, after line 26, insert:

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

Article – Education

5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(iii) In fiscal year 2012, $6,694; **[**and**]**

(iv) **IN FISCAL YEAR 2013, $6,650; AND**

(V) In each of fiscal years **[**2013**] 2014** through 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the failure of this Act to require local jurisdictions to contribute a portion of retirement costs for teachers.".

On page 48, before line 15, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer $25,000,000 of the funds in the Chesapeake Bay 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article to the General Fund.

SECTION 20. AND BE IT FURTHER ENACTED, That Section 19 of this Act is contingent on the failure of Sections 5, 6, 7, and 8 of this Act.".

AMENDMENT NO. 26

On page 9, after line 3, insert:

"(i) (1) In this subsection, "total direct education aid" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.".

AMENDMENT NO. 27

On page 48, in line 15, strike "SECTION 20." and substitute:

"SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts:

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	189,796	890,964	1,563,433	2,202,813
Anne Arundel	3,092,946	8,526,156	13,737,805	18,693,987
Baltimore City	451,499	6,530,039	12,359,166	17,900,754
Baltimore	3,479,937	10,920,304	18,056,875	24,843,168
Calvert	900,826	2,242,787	3,530,094	4,754,381
Caroline	107,209	481,447	840,370	1,181,636
Carroll	1,259,058	3,154,453	4,972,647	6,701,824
Cecil	606,569	1,768,803	2,883,613	3,943,744
Charles	1,241,900	3,104,567	4,891,369	6,590,693
Dorchester	45,147	354,188	650,559	932,325
Frederick	1,850,755	4,639,317	7,314,299	9,858,315
Garrett	56,117	369,108	669,273	954,651
Harford	1,303,111	3,915,240	6,420,755	8,803,344
Howard	3,914,319	8,569,576	13,035,641	17,283,545
Kent	37,401	209,872	375,279	532,541
Montgomery	7,397,129	20,268,640	32,615,298	44,356,785
Prince George's	3,153,145	12,375,752	21,221,199	29,631,799
Queen Anne's	263,742	786,001	1,286,946	1,763,315
St. Mary's	641,651	1,816,399	2,943,228	4,014,805
Somerset	0	225,299	441,326	609,677
Talbot	92,359	388,670	672,859	943,072
Washington	647,544	2,108,319	3,509,431	4,841,753
Wicomico	297,377	1,321,987	2,304,668	3,239,008
Worcester	229,927	829,887	1,405,325	1,952,489

SECTION 22. AND BE IT FURTHER ENACTED, That for fiscal year 2017, the maintenance of effort amount calculated under § 5–202(d) of the Education Article shall be based on the total per pupil appropriation for fiscal 2016 including the amount each county was required to appropriate to the county board of education in fiscal year 2016 under Section 20 of this Act.

SECTION 23.".

The preceding 27 amendments were read only.

MOTION

Senator Kasemeyer moved, duly seconded, to suspend the Rules in order that the Committee Reprint for Senate Bill 152 be considered the Original Bill.

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 with amendments:

Senate Bill 523 – Senator Manno

AN ACT concerning

Income Tax – Repeal of the 1997 Income Tax Reduction

SB0523/659438/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 523
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Income Tax – Repeal of the 1997 Income Tax Reduction" and substitute "State and Local Revenue Act of 2012"; strike beginning with "requiring" in line 4 down through "extent;" in line 5 and substitute "altering, for certain taxable years, the percentage of the federal earned income credit used for determining the amount that an individual may claim as a refund under the State earned income tax credit under certain circumstances; altering a certain definition for certain purposes under the sales and use tax; providing that for purposes of certain provisions of the sales and use tax law certain persons shall be presumed under certain circumstances to have an agent, canvasser, representative, salesman, independent contractor, or solicitor operating in the State for certain purposes;

providing that a certain presumption may be rebutted by certain proof; altering certain tax rates for certain cigars and certain tobacco products; providing that, for purposes of the recordation tax, secured debt with respect to certain mortgages, deeds of trust, and other security interests in real property securing a guarantee of repayment of a loan for a certain amount is deemed to be incurred as debt is incurred on the guaranteed loan and, with respect to those mortgages, deeds of trust, and other security interests, the recordation tax applies in a certain manner; altering the amount of a certain fee; repealing a certain exemption to the sales and use tax for certain sales in the form of a demurrage charge; repealing a certain modification for purposes of determining Maryland taxable income for certain public utilities; repealing a certain credit against the State income tax for certain public utilities;"; strike beginning with "providing" in line 6 down through "tax" in line 7 and substitute "requiring the Comptroller to waive certain interest and penalties for a certain calendar year to a certain extent; authorizing the Comptroller to provide an alternative method of assessing and collecting a certain additional tax; requiring certain revenue to be remitted to the Comptroller by a certain date; defining certain terms; providing for the application and construction of certain provisions of this Act; and generally relating to altering certain taxes and fees"; in line 10, after "10–105(a)" insert ", 10–704(b), 11–701(b), and 12–105(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–704(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 11–701.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – Property
Section 12–105(f)(7)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 9–1604(b)(1)(vi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 10–306(c), 10–708, and 11–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, in line 1, strike "**5%**" and substitute "**4.9%**"; in line 2, strike "$150,000" and substitute "**$25,000**"; after line 2, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $25,001 THROUGH $75,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $75,001 THROUGH $150,000;";

in lines 3, 5, and 7, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; in line 15, strike "**5%**" and substitute "**4.9%**"; in line 16, strike "$200,000" and substitute "**$50,000**"; after line 16, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $50,001 THROUGH $100,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $100,001 THROUGH $200,000;";

and in lines 17, 19, and 21, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively.

AMENDMENT NO. 3

On page 3, after line 4, insert:

"10–704.

(a) (1) An individual may claim a credit against the State income tax for a taxable year in the amount determined under subsection (b) of this section for earned income.

(2) An individual may claim a credit against the county income tax for a taxable year in the amount determined under subsection (c) of this section for earned income.

(b) (1) Except as provided in paragraph (2) of this subsection and subject to subsection (d) of this section, the credit allowed against the State income tax under subsection (a)(1) of this section is the lesser of:

(i) 50% of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code; or

(ii) the State income tax for the taxable year.

(2) **(I)** An individual may claim a refund in the amount, if any, by which **[**25%**] THE APPLICABLE PERCENTAGE SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH** of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code exceeds the State income tax for the taxable year.

(II) THE APPLICABLE PERCENTAGE OF THE EARNED INCOME CREDIT ALLOWABLE UNDER § 32 OF THE INTERNAL REVENUE CODE TO BE USED FOR PURPOSES OF DETERMINING THE REFUND PROVIDED UNDER THIS PARAGRAPH IS:

1. 26% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2011, BUT BEFORE JANUARY 1, 2013;

2. 27% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, BUT BEFORE JANUARY 1, 2014;

3. 28% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2013, BUT BEFORE JANUARY 1, 2015;

4. 29% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2014, BUT BEFORE JANUARY 1, 2016; AND

5. 30% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015.".

AMENDMENT NO. 4

On page 3, after line 4, insert:

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

Article – Tax – General

11–701.

(b) (1) "Engage in the business of an out–of–state vendor" means to sell or deliver tangible personal property or a taxable service for use in the State.

(2) "Engage in the business of an out–of–state vendor" includes:

(i) permanently or temporarily maintaining, occupying, or using any office, sales or sample room, or distribution, storage, warehouse, or other place for the sale of tangible personal property or a taxable service directly or indirectly through an agent or subsidiary;

(ii) having an agent, canvasser, representative, salesman, **INDEPENDENT CONTRACTOR,** or solicitor operating in the State for the purpose of delivering, selling, or taking orders for tangible personal property or a taxable service; or

(iii) entering the State on a regular basis to provide service or repair for tangible personal property.

11–701.1.

(A) IN THIS SECTION, "SELLER" MEANS A PERSON MAKING SALES OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE.

(B) FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE, A SELLER SHALL BE PRESUMED TO HAVE AN AGENT, CANVASSER, REPRESENTATIVE, SALESMAN, INDEPENDENT CONTRACTOR, OR SOLICITOR OPERATING IN THE STATE FOR THE PURPOSE OF SELLING OR TAKING ORDERS FOR TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IF:

(1) THE SELLER ENTERS INTO AN AGREEMENT WITH A RESIDENT OF THE STATE UNDER WHICH THE RESIDENT, FOR A COMMISSION OR OTHER CONSIDERATION, DIRECTLY OR INDIRECTLY REFERS POTENTIAL CUSTOMERS TO THE SELLER, WHETHER BY A LINK ON AN INTERNET WEB SITE, OR OTHERWISE; AND

(2) THE CUMULATIVE GROSS RECEIPTS FROM SALES BY THE SELLER TO CUSTOMERS IN THE STATE WHO ARE REFERRED TO THE SELLER BY ALL RESIDENTS HAVING AN AGREEMENT WITH THE SELLER AS DESCRIBED IN ITEM (1) OF THIS SUBSECTION IS GREATER THAN $10,000 DURING THE PRECEDING FOUR QUARTERLY PERIODS ENDING ON THE LAST DAY OF FEBRUARY, MAY, AUGUST, AND NOVEMBER.

(C) THE PRESUMPTION UNDER THIS SECTION MAY BE REBUTTED BY PROOF THAT THE RESIDENT WITH WHOM THE SELLER HAS AN AGREEMENT AS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION DID NOT ENGAGE IN ANY SOLICITATION IN THE STATE ON BEHALF OF THE SELLER THAT WOULD SATISFY THE NEXUS REQUIREMENT OF THE UNITED STATES CONSTITUTION DURING THE FOUR QUARTERLY PERIODS IN QUESTION.

(D) THIS SECTION MAY NOT BE CONSTRUED TO NARROW THE SCOPE OF THE TERMS "AGENT", "CANVASSER", "REPRESENTATIVE", "SALESMAN", "INDEPENDENT CONTRACTOR", AND "SOLICITOR" FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE OR FOR PURPOSES OF ANY OTHER PROVISION OF LAW.".

AMENDMENT NO. 5

On page 3, after line 4, insert:

"12–105.

(b) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** tobacco tax rate for other tobacco products is [15%] **20%** of the wholesale price of the tobacco products.

(2) (I) IN THIS PARAGRAPH, "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE TOBACCO TAX RATE FOR CIGARS IS 70% OF THE WHOLESALE PRICE OF THE CIGARS.

(III) THE TOBACCO TAX RATE FOR PREMIUM CIGARS IS 20% OF THE WHOLESALE PRICE OF THE PREMIUM CIGARS.".

AMENDMENT NO. 6

On page 3, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

12–105.

(f) **(7) (I) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE" INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.**

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:

1. SECURED DEBT WITH RESPECT TO AN INDEMNITY MORTGAGE IS DEEMED TO BE INCURRED FOR PURPOSES OF THIS SUBSECTION WHEN AND TO THE SAME EXTENT AS DEBT IS INCURRED ON THE GUARANTEED LOAN; AND

2. THE RECORDATION TAX APPLIES UNDER THIS SUBSECTION IN THE SAME MANNER AS IF THE GUARANTOR WERE PRIMARILY LIABLE FOR THE GUARANTEED LOAN.

(III) THIS PARAGRAPH DOES NOT APPLY:

1. TO THE EXTENT THAT RECORDATION TAX IS PAID ON ANOTHER INSTRUMENT OF WRITING THAT SECURES PAYMENT OF THE GUARANTEED LOAN; OR

2. TO AN INDEMNITY MORTGAGE THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR LESS THAN $1,000,000.".

AMENDMENT NO. 7

On page 3, after line 4, insert:

"SECTION 4. BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1604.

(b) (1) The Chief Administrative Law Judge may:

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. **[**$125**] $150** for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.".

AMENDMENT NO. 8

On page 3, after line 4, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 10–306(c) and 10–708 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 9

On page 3, before line 5, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 11–202 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 10

On page 3, after line 9, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That, as provided in § 12–105 of the Tax – General Article, all other tobacco products used, possessed, or held in the State on or after July 1, 2012, by any person for sale or use in the State, shall be subject to the full tax on other tobacco products, as enacted under this Act. The Comptroller may provide an alternative method of assessing and collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by October 15, 2012.".

AMENDMENT NO. 11

On page 3, in line 5, strike "2." and substitute "7."; in line 10, strike "3." and substitute "9."; in the same line, after "That" insert "Sections 1 and 5 of"; and after line 12, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2 and 6 of this Act shall take effect July 1, 2012.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012, and shall be applicable to all instruments of writing recorded on or after July 1, 2012.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, of this Act shall take effect June 1, 2012.".

The preceding 11 amendments were read only.

Senator Manno 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 with amendments:

Senate Bill 848 – Senator King

AN ACT concerning

Education – Maintenance of Effort – Waivers

SB0848/239335/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 848
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 2, strike "– Waivers"; in line 3, after the first "of" insert "authorizing a county governing body, for a certain purpose and under certain circumstances, to set a property tax rate that is higher than the rate authorized under the county's charter or to collect more property tax revenues than are authorized under the county's charter, notwithstanding any provision of the county charter that places certain limits on that county's property tax rate or revenues; requiring a county to appropriate to the local board of education certain revenues under certain circumstances; prohibiting a county from reducing certain funding to the local board of education under certain circumstances; establishing a certain penalty for a county that does not fund the local share of the foundation program or the maintenance of effort requirement; excluding the cost of debt service incurred for school construction projects from a certain calculation;"; in line 8, after "circumstances;" insert "establishing the application procedure for a maintenance of effort waiver;"; and strike beginning with "requiring" in line 8 down through "actions;" in line 11; in line 12, strike "provide" and substitute "make"; in the same line, strike "county's"; in the same line, strike "request to" and substitute "application"; in line 13, strike the first "the State Board"; strike beginning with "at" in line 13 down through "consider" in line 14 and substitute "; establishing"; in line 14, after "factors" insert "that the State Board shall consider"; strike beginning with "making" in line 14 down through "decision" in line 15 and substitute "deciding";

in line 15, strike "certain"; in the same line, after "waiver" insert "request; requiring the Department to consult with certain State agencies when making certain calculations"; strike beginning with "if" in line 16 down through "funding" in line 19 and substitute "under certain circumstances; limiting the amount of a waiver that the State Board may grant under certain circumstances; authorizing a county to request a rebasing waiver under certain circumstances; requiring the State Board to consider certain factors when deciding whether to grant a rebasing waiver; requiring the Comptroller to withhold from a county a certain amount under certain circumstances and distribute the amount to the county board; establishing a certain assessment under certain circumstances; requiring the maintenance of effort amount to increase by a certain amount under certain circumstances; waiving the penalty for not meeting the maintenance of effort requirement in a certain year; establishing the maintenance of effort amount for a certain fiscal year for certain counties; requiring counties to provide a certain report under certain circumstances; requiring the Superintendent to make a certain report annually; defining certain terms; providing for the application of certain provisions of this Act; providing for the effective date of certain provisions of this Act; making this Act an emergency measure; and generally relating to local funding of education".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 5–104, 5–202(d), and 5–213
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and strike in their entirety lines 20 through 29, inclusive.

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

"BY adding to
Article – Education
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 2–604, 2–605(a), 2–606(a), and 2–607(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–608(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"5–104.

(a) Each county council or board of county commissioners shall levy and collect a tax on the assessable property of the county which, together with other local revenue available, including income tax revenues and bond money, and together with estimated revenues and funds from all sources, will produce the amounts necessary to meet the appropriations made in the approved annual budget of the county board.

(b) (1) Local funds provided for appropriations shall be paid in accordance with the expenditure requirements, as certified by the county board, to the treasurer of the county board on a monthly basis.

(2) Appropriations for school construction, permanent improvements, and repairs for special purposes may be required to be paid more frequently on the order of the president and secretary of the county board to the county commissioners, county council, or the county executive.

(c) (1) Notwithstanding any other provision in this article, this subsection applies to Wicomico County.

(2) The Wicomico County Council annually shall pay to the Wicomico County Board the amount of the budget of the county board that has been approved by the County Council:

(i) In 12 equal monthly installments; or

(ii) At the times on which the County Council and county board mutually agree.

(3) Taxes levied under this section shall be retained by the county and any annual deficiencies in the tax are the responsibility of Wicomico County.

(D) (1) NOTWITHSTANDING ANY PROVISION OF A COUNTY CHARTER THAT PLACES A LIMIT ON THAT COUNTY'S PROPERTY TAX RATE OR REVENUES AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY GOVERNING BODY MAY SET A PROPERTY TAX RATE THAT IS HIGHER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECT MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER FOR THE SOLE PURPOSE OF FUNDING THE APPROVED BUDGET OF THE COUNTY BOARD.

(2) IF THE COUNTY GOVERNING BODY SETS A COUNTY PROPERTY TAX RATE THAT IS GREATER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECTS MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER, THE COUNTY:

(I) MAY NOT REDUCE FUNDING PROVIDED TO THE COUNTY BOARD FROM ANY OTHER LOCAL REVENUE SOURCE BELOW THE FUNDING LEVEL IN THE CURRENT COUNTY BUDGET; AND

(II) SHALL APPROPRIATE TO THE COUNTY BOARD ALL PROPERTY TAX REVENUES EXCEEDING THE AMOUNT THAT WOULD HAVE BEEN AVAILABLE IF THE COUNTY CHARTER LIMITATION HAD APPLIED.

(3) ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH A COUNTY SETS A PROPERTY TAX RATE AS PROVIDED IN THIS SUBSECTION, THE COUNTY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE PROPERTY TAX RATE SET, THE ADDITIONAL AMOUNT OF REVENUES GENERATED, AND THE APPROPRIATION OF THE ADDITIONAL REVENUES.".

AMENDMENT NO. 4

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 down through line 6 on page 5, inclusive, and substitute:

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

Article – Education

5–202.

(d) (1) **(I)** **[**To be eligible to receive the State share of the foundation program:

(i) The**] SUBJECT TO § 5–213.1 OF THIS SUBTITLE, THE** county governing body shall levy **AND APPROPRIATE** an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program**[**; and**].**

(ii) **[**The**] SUBJECT TO § 5–213 OF THIS SUBTITLE, THE** county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

(2) Except as provided in paragraph (3) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's full–time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school

operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

(3) For purposes of this subsection, for fiscal year 1997 and each subsequent fiscal year, the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

(i) A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board; **[**and**]**

(ii) A cost of a program that has been shifted from the county school operating budget to the county operating budget**; AND**

(III) THE COST OF DEBT SERVICE INCURRED FOR SCHOOL CONSTRUCTION PROJECTS.

(4) The county board must present satisfactory evidence to the county government that any appropriation under paragraph (3)(i) of this subsection is used only for the purpose designated by the county government in its request for approval.

(5) Any appropriation that is not excluded under paragraph (3)(i) of this subsection as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

(6) Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

(i) Computer laboratories;

(ii) Technology enhancement;

(iii) New instructional program start–up costs; and

(iv) Books other than classroom textbooks.

(7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT

IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS IMPEDED, THE COUNTY SHALL APPLY UNDER PARAGRAPH (8) OF THIS SUBSECTION TO THE STATE BOARD FOR A WAIVER.

(II) IF A COUNTY FAILS TO APPLY TO THE STATE BOARD FOR A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT AND FAILS TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT:

1. THE COUNTY SHALL BE ASSESSED IN ACCORDANCE WITH § 5–213 OF THIS SUBTITLE; AND

2. THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(7)**] (8)** (i) The **[**provisions**] MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II)** of this subsection **[**do**] DOES** not apply to a county if the county **REQUESTS AND** is granted a **[**temporary waiver or partial**]** waiver from the **[**provisions**] REQUIREMENT** by the State Board **[**of Education**]** based on**:**

1. [a**] A** determination **UNDER THIS PARAGRAPH** that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement**;**

2. SUBJECT TO PARAGRAPH (9) OF THIS SUBSECTION, AN AGREEMENT BETWEEN THE COUNTY AND THE COUNTY BOARD TO REDUCE RECURRING COSTS; OR

3. SUBJECT TO PARAGRAPH (10) OF THIS SUBSECTION, A DETERMINATION THAT A COUNTY'S ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT IS PERMANENTLY IMPEDED.

(ii) [After a public hearing, the State Board of Education may grant a waiver under this paragraph in accordance with its regulations.

(iii)] In order to qualify for [the] A waiver [under this paragraph] for a fiscal year, a county shall make a request for a waiver to the State Board [of Education by April 1] **BY THE EARLIER OF THE SEVENTH DAY FOLLOWING THE END OF THE LEGISLATIVE REGULAR SESSION OR APRIL 20** of the prior fiscal year.

(III) THE STATE SUPERINTENDENT SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE STATE BOARD BEFORE A PUBLIC HEARING HELD IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IV) BEFORE ACTING ON A REQUEST FOR A WAIVER, THE STATE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(V) EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING A COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;

2. A COUNTY'S TAX BASE;

3. RATE OF INFLATION RELATIVE TO GROWTH OF STUDENT POPULATION IN A COUNTY;

4. MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO A COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;

5. A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION;

6. AN AGREEMENT BETWEEN A COUNTY AND A COUNTY BOARD THAT A WAIVER SHOULD BE GRANTED;

7. SIGNIFICANT REDUCTIONS IN STATE AID TO A COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED;

8. THE NUMBER OF WAIVERS A COUNTY HAS RECEIVED IN THE PAST 5 YEARS; AND

9. THE HISTORY OF COMPENSATION ADJUSTMENTS FOR EMPLOYEES OF THE COUNTY BOARD AND COUNTY GOVERNMENT.

[(iv)**] (VI)** The State Board **[**of Education**]** shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part **[**by May 15 of the prior fiscal year**] NO LATER THAN 30 DAYS AFTER RECEIPT OF AN APPLICATION OR MAY 20 OF THE PRIOR FISCAL YEAR, WHICHEVER IS EARLIER**.

[(v)**] (VII) [**If the State Board of Education grants**] EXCEPT AS PROVIDED IN PARAGRAPHS (9) AND (10) OF THIS SUBSECTION, IF** a county **IS GRANTED** a **[**temporary waiver or partial**]** waiver from the provisions of this subsection **BY EITHER THE STATE BOARD OR THE GENERAL ASSEMBLY** for any fiscal year, the minimum appropriation of local funds required under this subsection **[**for the county to be eligible to receive the State share of the foundation program**]** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year **[**or the second prior fiscal year, whichever is greater**] IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION**.

(9) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)2 OF THIS SUBSECTION.

(II) 1. THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN AGREED ON BY THE COUNTY AND COUNTY BOARD THAT IS ATTRIBUTABLE TO REDUCTIONS IN RECURRING COSTS.

2. IF THE REDUCTION IN RECURRING COSTS INCLUDES REDUCTIONS IN PERSONNEL OR PERSONNEL COSTS, THEN THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN MUTUALLY AGREED ON BY THE COUNTY, COUNTY BOARD, AND EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(III) THE AMOUNT OF THE AGREED ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS.

(IV) THE AMOUNT OF THE AGREED ON WAIVER MAY NOT:

1. EXCEED THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS; OR

2. REDUCE A COUNTY'S EDUCATION APPROPRIATION BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.

(V) THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(10) (I) IN THIS PARAGRAPH THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

1. "EDUCATION APPROPRIATION" INCLUDES ANY MONEY REDIRECTED TO A COUNTY BOARD UNDER § 5–213 OR § 5–213.1 OF THIS SUBTITLE.

2. "EDUCATION EFFORT" MEANS A COUNTY'S EDUCATION APPROPRIATION DIVIDED BY THE COUNTY'S WEALTH.

3. "5–YEAR MOVING AVERAGE" MEANS THE AVERAGE OF THE 5 YEARS BEFORE THE WAIVER YEAR.

4. "WAIVER YEAR" MEANS THE FISCAL YEAR FOR WHICH A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS REQUESTED.

(II) THIS PARAGRAPH APPLIES TO A COUNTY THAT HAS:

1. RECEIVED A WAIVER UNDER PARAGRAPH (8)(I)1 OF THIS SUBSECTION FROM THE MAINTENANCE OF EFFORT REQUIREMENT; AND

2. A REQUIRED COUNTY EDUCATION APPROPRIATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE WAIVER YEAR THAT EXCEEDS 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT TIMES A COUNTY'S LOCAL WEALTH.

(III) A COUNTY THAT SATISFIES THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY REQUEST A REBASING WAIVER FROM THE STATE BOARD.

(IV) WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST UNDER THIS PARAGRAPH, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. WHETHER A COUNTY HAS SUBMITTED SUFFICIENT EVIDENCE THAT THE FACTORS IN PARAGRAPH (8)(V) OF THIS SUBSECTION WILL AFFECT A COUNTY'S ONGOING ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT;

2. WHETHER A COUNTY IS AT ITS MAXIMUM TAXING AUTHORITY UNDER THE LAW;

3. WHETHER A COUNTY'S EDUCATION APPROPRIATION IS COMMENSURATE WITH A COUNTY'S WEALTH;

4. WHETHER A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT HAS MADE MEETING THE MAINTENANCE OF EFFORT REQUIREMENT IN FUTURE YEARS UNSUSTAINABLE; AND

5. WHETHER A COUNTY HAS RECEIVED A REBASING WAIVER IN THE PAST 5 YEARS.

(V) IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE AMOUNT OF THE WAIVER FOR ANY FISCAL YEAR IS LIMITED TO THE LESSER OF:

1. AN AMOUNT THAT WOULD RESULT IN A COUNTY'S EDUCATION EFFORT FOR THE WAIVER YEAR FALLING BELOW THE LEVEL ESTABLISHED IN SUBPARAGRAPH (II)2 OF THIS PARAGRAPH; OR

2. A. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS LESS THAN OR EQUAL TO 110% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 1% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT;

B. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 110% AND LESS THAN OR EQUAL TO 120% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 2% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT; OR

C. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 120% OF THE 5–YEAR MOVING STATEWIDE AVERAGE OF EDUCATION EFFORT, 3% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT.

(VI) 1. IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE

CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

2. IF THE STATE BOARD GRANTS A REBASING WAIVER TO BE IMPLEMENTED OVER A MULTIYEAR PERIOD, WHICH MAY NOT EXCEED 3 YEARS, IN EACH YEAR THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(VII) IF THE STATE BOARD DOES NOT GRANT A WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(VIII) NOTHING IN THIS PARAGRAPH PRECLUDES A COUNTY FROM ALSO REQUESTING A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (9) OF THIS SUBSECTION FOR THE SAME FISCAL YEAR AS THE WAIVER REQUESTED UNDER THIS PARAGRAPH.

(11) IN MAKING THE CALCULATIONS REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

(12) (I) A COUNTY SHALL SUBMIT TO THE SUPERINTENDENT THE COUNTY'S APPROVED BUDGET NO LATER THAN 7 DAYS AFTER APPROVAL OF THE BUDGET OR JUNE 30, WHICHEVER IS EARLIER.

(II) NO LATER THAN 15 DAYS AFTER RECEIPT OF THE COUNTY'S APPROVED BUDGET THE SUPERINTENDENT SHALL CERTIFY WHETHER THE COUNTY HAS MET THE FUNDING REQUIREMENTS ESTABLISHED

UNDER THIS SUBSECTION AND SHALL NOTIFY THE COUNTY AND COUNTY BOARD OF THAT CERTIFICATION.

(13) ON OR BEFORE DECEMBER 31 OF EACH YEAR THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL WAIVER REQUESTS, MAINTENANCE OF EFFORT CALCULATIONS MADE BY THE DEPARTMENT AND THE COUNTY, THE DEPARTMENT'S DECISIONS REGARDING WAIVER REQUESTS, THE DEPARTMENT'S CERTIFICATION OF WHETHER A COUNTY HAS MET THE REQUIREMENT, AND ANY OTHER INFORMATION RELATING TO A COUNTY'S REQUEST FOR A WAIVER AND THE DEPARTMENT'S MAINTENANCE OF EFFORT DECISIONS.

5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county **[**is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county**]** fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, **[**as the case may be,**]** the Comptroller shall suspend, until notification of compliance is received**[**:

(i) For noncompliance with Subtitle 4 of this title**]**, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year**[**; and

(ii) For noncompliance with § 5–202(d) of this subtitle, payment of any funds due the county for the following fiscal year, as provided under § 5–202 of this subtitle, which are appropriated in the General State School Fund, in the amount that the State's aid due the county in the current fiscal year under that section in the Fund exceeded the amount that the county received in the prior fiscal year**]**.

(C) (1) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE MAINTENANCE OF LOCAL EFFORT PROVISIONS OF § 5–202(D)(1)(II) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(2) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS AFTER THE ISSUANCE OF A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(3) (I) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE AMOUNT BY WHICH A COUNTY FAILED TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT.

(II) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DIRECTLY TO THE COUNTY BOARD.

5–213.1.

(A) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE LOCAL SHARE OF THE FOUNDATION FLOOR REQUIRED UNDER § 5–202(D)(1)(I) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(B) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS OF THE ISSUANCE OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(C) (1) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE STATE SHARE OF THE FOUNDATION PROGRAM PLUS THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED BY THE COUNTY UNDER § 5–202(D)(1)(I) AND THE LOCAL SHARE OF THE FOUNDATION PROGRAM.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION DIRECTLY TO THE COUNTY BOARD.

Article – Tax – General

2–604.

From the income tax revenue from individuals, the Comptroller shall distribute the amount necessary to pay refunds relating to income tax from individuals to the income tax refund account.

2–605.

(a) After making the distribution required under § 2–604 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute the cost of administering the income tax laws to an administrative cost account.

2–606.

(a) After making the distributions required under §§ 2–604 and 2–605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

2–607.

(a) After making the distributions required under §§ 2–604 through 2–606 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to each special taxing district that received an income tax revenue distribution in fiscal year 1977 and to each municipal corporation an amount that, based on the certification of the Comptroller as to State income tax liability and county income tax liability of the residents of the district or municipal corporation, equals the greater of:

(1) subject to subsection (b) of this section, 17% of the county income tax liability of those residents; or

(2) 0.37% of the Maryland taxable income of those residents.

2–608.

(a) **(1) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–604 THROUGH 2–607 OF THIS SUBTITLE, IF IT IS DETERMINED THAT A COUNTY HAS NOT MET THE LOCAL FUNDING REQUIREMENTS FOR EDUCATION UNDER § 5–202(D) OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE COUNTY BOARD OF EDUCATION AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER § 5–213 OR § 5–213.1 OF THE EDUCATION ARTICLE.**

(2) After making the distributions required under §§ 2–604 through 2–607 of this subtitle **AND PARAGRAPH (1) OF THIS SUBSECTION**, the Comptroller

shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.”.

AMENDMENT NO. 5

On page 5, strike lines 7 and 8 in their entirety and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–202.

(d) (1) (i) Subject to § 5–213.1 of this subtitle, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program.

(ii) **1.** **[**Subject**]** **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH AND SUBJECT** to § 5–213 of this subtitle, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county’s full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

2. IN EACH FISCAL YEAR IF A COUNTY’S EDUCATION EFFORT, AS DEFINED IN PARAGRAPH (10) OF THIS SUBSECTION, IS BELOW 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, THE REQUIRED MAINTENANCE OF EFFORT AMOUNT FOR THE COUNTY SHALL BE ADJUSTED BY INCREASING THE PER PUPIL AMOUNT BY THE LESSER OF:

A. A COUNTY’S INCREASE IN THE LOCAL WEALTH PER PUPIL;

B. THE STATEWIDE AVERAGE INCREASE IN LOCAL WEALTH PER PUPIL; OR

C. 2.5%.”.

AMENDMENT NO. 6

On page 5, after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no penalty shall be applied to any county that did not meet the maintenance of effort requirement in fiscal 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort funding requirement under § 5–202(d) of the Education Article in fiscal year 2012 and has a county income tax rate of 3.2%, the maintenance of effort funding requirement for fiscal year 2013 shall be based on the local funds appropriated to the school operating budget for fiscal year 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, the required fiscal year 2013 maintenance of effort amount under § 5–202(d) of the Education Article for a county that did not meet the maintenance of effort requirement in fiscal year 2012 shall be calculated based on the per pupil amount required for the county to meet maintenance of effort in fiscal year 2012.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014.

SECTION 9. 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, except as provided in Section 8 of this Act, shall take effect from the date it is enacted.".

The preceding 6 amendments were read only.

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

The motion was adopted.

Senate Resolution No. 464 – Senator Barry Glassman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The John Carroll School Varsity Girls Basketball Team
in recognition of
your winning the 2012 IAAM B Conference Basketball 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 12th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 441)

Senate Resolution No. 465 – Senator Barry Glassman:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
The John Carroll School Varsity Boys Basketball Team
in recognition of
your winning the 2012 MIAA A Conference Basketball 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 12th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 442)

SPECIAL ORDERS

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

Senate Bill 559 – Senators Forehand, Kelley, Madaleno, Manno, and Young

AN ACT concerning

Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child

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

FLOOR AMENDMENT

SB0559/933522/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Smoking in Vehicle Containing Young Child" and substitute "Allowing Child to Ride in Vehicle in Which Smoking Has Occurred"; strike beginning with "in" in line 4 down through "smoke" in line 6 and substitute "from allowing a child under a certain age to be a passenger in a motor vehicle if the driver knows or should know that smoking has occurred"; and in line 9, strike "prohibitions against" and substitute "children and".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 22 through 24, inclusive, and substitute:

"**(B) THE DRIVER OF A MOTOR VEHICLE MAY NOT ALLOW A CHILD UNDER THE AGE OF 8 YEARS TO BE A PASSENGER IN THE MOTOR VEHICLE IF THE DRIVER KNOWS OR SHOULD KNOW THAT SMOKING HAS OCCURRED IN THE MOTOR VEHICLE.**".

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

Affirmative – 10 Negative – 36 (See Roll Call No. 443)

FLOOR AMENDMENT

SB0559/703428/1
BY: Senator Reilly

AMENDMENTS TO SENATE BILL 559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "Act;" insert "authorizing a police officer to enforce this Act only as a secondary action when the police officer detains a driver for a suspected violation of another provision of law;".

AMENDMENT NO. 2

On page 2, in line 4, after "**(D)**" insert "**A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

(E)".

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

Affirmative – 19 Negative – 27 (See Roll Call No. 444)

Read the second time and ordered prepared for Third Reading.

Senate Bill 221 – Senator Frosh

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

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

FLOOR AMENDMENT

SB0221/183528/1
BY: Senator Frosh

AMENDMENT TO SENATE BILL 221
(First Reading File Bill)

On page 2, in line 24, after the semicolon insert "**OR**"; and strike beginning with "**A**" in line 25 down through "**5.**" in line 26.

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 445)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 132 – Senator Conway

AN ACT concerning

Health Occupations – State Board of Pharmacy – Jurisdiction Over Nonresident Pharmacies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 446)

The Bill was then sent to the House of Delegates.

Senate Bill 196 – Senators Young, Klausmeier, Madaleno, Montgomery, and Robey

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 – 23 Negative – 22 (See Roll Call No. 447)

Senate Bill 315 – Senators Pugh, Benson, Ferguson, King, Klausmeier, Muse, and Peters

AN ACT concerning

Council for the Procurement of Health, Educational, and Social Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 448)

The Bill was then sent to the House of Delegates.

Senate Bill 340 – Senator Raskin

AN ACT concerning

Vehicle Laws – Stopping, Standing, and Parking – Plug–In Vehicles

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

Affirmative – 36 Negative – 10 (See Roll Call No. 449)

The Bill was then sent to the House of Delegates.

Senate Bill 350 – Senator Conway

AN ACT concerning

Respiratory Care Practitioners – Practicing Polysomnography – Licensing Exceptions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 450)

The Bill was then sent to the House of Delegates.

Senate Bill 395 – Senator Jennings

AN ACT concerning

Health Occupations – Public Disclosure of Professional Credentials and Reports on Advertising Regulations and Policies

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 432 – Senators Young, Forehand, Garagiola, Klausmeier, Madaleno, Montgomery, and Stone

AN ACT concerning

Procurement – Maryland Buy American Steel and Manufactured Goods Act

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 486 – Senators Raskin, Forehand, and Rosapepe

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Enforcement

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

Affirmative – 28 Negative – 18 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 551 – Senators Montgomery and King

AN ACT concerning

Procurement – Required Disclosure – Conflict Minerals Originated in the Democratic Republic of the Congo

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 603 – Senators Montgomery and Conway

AN ACT concerning

Health Care Practitioners – Licensed Dentists, Physicians, and Podiatrists – Personally Preparing and Dispensing Prescription Drugs and Devices

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

Affirmative – 46 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

Senate Bill 607 – Senator Benson

AN ACT concerning

Business Occupations – Plumbers and Gas Fitters – Apprentice License Renewal

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

Affirmative – 45 Negative – 1 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

Senate Bill 629 – Senator Conway (Chair, Education, Health, and Environmental Affairs Committee)

AN ACT concerning

State Board of Physicians – Sunset Extension and Program Evaluation

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

Affirmative – 45 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the House of Delegates.

Senate Bill 640 – Senators Ramirez, Forehand, Manno, Montgomery, and Rosapepe

AN ACT concerning

Public Safety – Possession of Firearms – Crimes Committed in Other States

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

Affirmative – 29 Negative – 17 (See Roll Call No. 458)

The Bill was then sent to the House of Delegates.

Senate Bill 841 – Senator Pinsky

AN ACT concerning

State Board of Dental Examiners – Licenses – Examination Requirements for Dentists and Dental Hygienists

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

Affirmative – 46 Negative – 0 (See Roll Call No. 459)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 293 – Senators Miller, Kittleman, Benson, Brinkley, Colburn, Conway, Currie, DeGrange, Edwards, Ferguson, Forehand, Garagiola, Getty, Glassman, Jacobs, Jennings, Jones–Rodwell, Kasemeyer, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, McFadden, Montgomery, Peters, Pipkin, Pugh, Ramirez, Raskin, Robey, Shank, Stone, Young, and Zirkin

AN ACT concerning

Education – Core Content Areas – Accountability Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the House of Delegates.

Senate Bill 327 – Senator McFadden

AN ACT concerning

Baltimore City – 45th Legislative District – Liquor Stores – Premises Near Places of Worship or Schools

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

Affirmative – 46 Negative – 0 (See Roll Call No. 461)

The Bill was then sent to the House of Delegates.

Senate Bill 328 – Senator McFadden

AN ACT concerning

Baltimore City – 45th Legislative District – Alcoholic Beverages – Landlords – Licensed Premises

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

Affirmative – 46 Negative – 0 (See Roll Call No. 462)

The Bill was then sent to the House of Delegates.

Senate Bill 354 – Senators Jones–Rodwell, McFadden, and Pugh

AN ACT concerning

Baltimore City – Alcoholic Beverages – ~~Beer, Wine, and Liquor Tasting~~ Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 463)

The Bill was then sent to the House of Delegates.

Senate Bill 476 – Senators Klausmeier, Colburn, Forehand, Madaleno, Montgomery, Raskin, Rosapepe, Stone, ~~and Young~~ Young, Kelley, and Muse

AN ACT concerning

State Government – Financial Education and Capability Commission

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

Affirmative – 46 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the House of Delegates.

Senate Bill 527 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Class B Beer Licenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the House of Delegates.

Senate Bill 585 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Special Class C Beer, Wine and Liquor License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the House of Delegates.

Senate Bill 587 – Senator Edwards

AN ACT concerning

Garrett County – Alcoholic Beverages – Nudity and Sexual Displays – License Revocation

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

Affirmative – 45 Negative – 1 (See Roll Call No. 467)

The Bill was then sent to the House of Delegates.

Senate Bill 601 – ~~Senator Gladden~~ Senators Gladden and Muse

AN ACT concerning

Public Institutions of Higher Education – Waiver of Tuition – Individual Exonerated After Wrongful Conviction

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

Affirmative – 46 Negative – 0 (See Roll Call No. 468)

The Bill was then sent to the House of Delegates.

Senate Bill 621 – Senators Shank, Jennings, Simonaire, ~~and Young~~ Young, Mathias, and Montgomery

AN ACT concerning

Public Schools – Epinephrine Availability and Use – Policy Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 469)

The Bill was then sent to the House of Delegates.

Senate Bill 665 – Carroll County Senators

AN ACT concerning

Carroll County – ~~Board of Community College Trustees~~ Carroll Community College Board of Trustees – Membership

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

Affirmative – 46 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the House of Delegates.

Senate Bill 874 – Senator Ferguson

AN ACT concerning

Baltimore City – Alcoholic Beverages – Refillable Containers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 471)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Gladden moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1095 – Senators Gladden and Frosh

EMERGENCY BILL

AN ACT concerning

Child in Need of Supervision Pilot Program – Funding

FOR the purpose of requiring the Governor to include a certain General Fund appropriation in the budget bills for certain fiscal years to be provided as grants

to Cecil County, Montgomery County, and Prince George's County to implement the expansion of the Child in Need of Supervision Pilot Program; making this Act an emergency measure; and generally relating to the Child in Need of Supervision Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 382 of the Acts of the General Assembly of 2011
Section 2

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. 472)

ADJOURNMENT

At 9:31 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 13, 2012.

Annapolis, Maryland
Tuesday, March 13, 2012
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Ken Valentine, Wesley Grove United Methodist Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of March 12, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 474)

LAID OVER BILLS

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

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit C of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT;
AND SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit E of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (147) AND THE FAVORABLE REPORT.

Senator Kasemeyer moved, duly seconded, that the Bill and Amendments be Special Ordered until March 14, 2012.

Senate Bill 152 – The President (By Request – Administration)

Budget Reconciliation and Financing Act of 2012

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (27) AND THE FAVORABLE REPORT.

SB0152/179432/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "site;" insert "altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date;"; in line 18, after "education;" insert "requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain

amount;"; strike beginning with "establishing" in line 21 down through "centers;" in line 23 and substitute "requiring certain managed care organizations to operate without restricted enrollment in all jurisdictions of the State or remit a certain amount of money at certain times to the Maryland Medical Assistance Program; requiring the Department to use certain money to fund the statewide rural enrollment supplemental payments made by the Department under a certain provision of law;"; in line 28, after "facilities;" insert "providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; requiring that certain money received by the State as a result of a certain multistate–federal settlement of foreclosure misconduct claims be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring that beginning with a certain fiscal year the Governor include in the budget bill a certain appropriation of the settlement money to the Dedicated Purpose Account;"; in line 29, after "agents" insert "for a certain fiscal year"; and in the same line, strike "counties" and substitute "county boards of education".

On page 2, strike beginning with "establish" in line 1 down through "years;" in line 2 and substitute "include a separate certification of a certain normal contribution rate in the certification of certain rates;"; in lines 3 and 4, in each instance, strike "counties" and substitute "county boards of education"; strike beginning with "exercise" in line 5 down through "against" in line 6 and substitute "withhold certain delinquent amounts from"; in line 6, strike "or becoming due"; in line 7, after "circumstances;" insert "requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; altering a certain requirement for the Maryland Transit Administration to set certain fare prices to include a certain percentage from a certain Consumer Price Index; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year;"; strike beginning with "altering" in line 9 down through "utilities;" in line 32 and substitute "altering certain State education funding for a certain fiscal year, subject to a certain contingency; authorizing certain transfers subject to a certain contingency; requiring the Governor to include a certain transfer in the budget bill for a certain fiscal year; declaring the intent of the General Assembly;"; in line 34, after "System;" insert "setting certain limits on increases in payments to certain providers for a certain fiscal year;"; in line 37, after "remittances;" insert "requiring that the Governor transfer a certain amount from the Injured Workers' Insurance Fund to the

General Fund under certain circumstances; requiring that certain money received by the State as a result of a certain approved merger between Exelon Corporation and Constellation Energy Group be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring each county to appropriate to the county board of education certain amounts; requiring that for a certain fiscal year a certain maintenance of effort amount be calculated in a certain manner;"; in line 38, strike "application and"; and in line 39, after "severable;" insert "providing for the effective dates of this Act;".

On page 2, after line 40, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 3, after line 5, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–301(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, after "5–103(c)," insert "5–202(a)(13) and (i),"; strike in their entirety lines 32 through 36, inclusive; and in line 39, strike "4–217(c)(1),".

On page 4, in line 4, strike "7–207, 14–207, and 14–305" and substitute "15–102.8"; after line 11, insert:

"BY repealing
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment

Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–310.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 14, strike ", 9–1604(b)(1)(vi),"; in line 19, after "(b)" insert "and 21–308(a)(1)"; after line 21, insert:

"BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–125(b) and 21–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

strike beginning with ", 8–406(b)," in line 29 down through "11–214.1" in line 30; after line 32, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)";

in line 35, after "Section" insert "4–321(e), 7–208(b–1), and"; and after line 38, insert:

"BY adding to
Article – Transportation
Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 193 of the Acts of the General Assembly of 2005
Section 3".

On page 5, strike in their entirety lines 6 through 21, inclusive.

AMENDMENT NO. 2

On page 9, in lines 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, strike "1.", "2.", "3.", "4.", "5.", "6.", "7.", "8.", "9.", "10.", "11.", "12.", "13.", and "14.", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively.

On page 10, in lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, strike "15.", "16.", "17.", "18.", "19.", "20.", "21.", "22.", "23.", and "24.", respectively, and substitute "**(XV)**", "**(XVI)**", "**(XVII)**", "**(XVIII)**", "**(XIX)**", "**(XX)**", "**(XXI)**", "**(XXII)**", "**(XXIII)**", and "**(XXIV)**", respectively.

On page 23, after line 28, insert:

"(2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv) **[**and (v)**], (V), AND (VI)** of this subsection to the Community Health Resources Commission **[**and**],** the Kidney Disease Program**, AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE** shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.

(ii) The subsidy provided under this subsection to the Community Health Resources Commission may not be less than:

1. $3,000,000 for each of fiscal years 2012 and 2013; and

2. $8,000,000 for fiscal year 2014 and each fiscal year thereafter.

(3) For any year, the subsidy and funding required under this subsection by a nonprofit health service plan subject to this section may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.".

On page 30, in line 26, before "September" insert "**IN**".

On page 44, in line 27, strike "6." and substitute "4."; and in line 29, strike "7." and substitute "5.".

On page 45, in line 3, after "City" insert "Community"; in line 4, strike "8." and substitute "6."; and in line 30, strike "10." and substitute "7.".

On page 46, in lines 3, 10, and 15, strike "11.", "12.", and "13.", respectively, and substitute "8.", "9.", and "10.", respectively.

On page 47, in lines 6, 9, and 13, strike "16.", "17.", and "18.", respectively, and substitute "12.", "13.", and "14.", respectively; in lines 8 and 12, in each instance, strike "January 19, 2011" and substitute "January 18, 2012".

On page 48, after line 20, insert:

"SECTION 24. AND BE IT FURTHER ENACTED, That § 12–118(e)(2) of the Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1, 2012.";

and in line 26, strike "23." and substitute "25.".

AMENDMENT NO. 3

On page 11, in line 11, strike "**EACH OF**"; in the same line, strike the second set of brackets; in the same line, strike "**YEARS**"; strike beginning with "**THROUGH**" in line 11 down through "19%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 19.3%**"; in line 16, strike "**] $1,839.43**" and substitute "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**7." and substitute "**6.**"; strike beginning with "not" in line 17 down through "19.5%" in line 18 and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.8%**"; in line 21, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "8." and substitute "**7.**"; strike beginning with "not" in line 22 down through "21%" in line 23 and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.4%**"; in line 26, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "9." and substitute "**8.**"; strike beginning with "not" in line 27 down through "22%" in line 28 and substitute "**AN AMOUNT THAT IS THE GREATER OF 17.9%**"; in line 31, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 32, strike "10."; in the same line, strike the closing bracket and "**6.**" and

substitute "**9.**"; in line 33, strike "**19.69%**" and substitute "**19.7%**"; and in line 37, strike "**7.**" and substitute "**10.**".

On page 12, in lines 4, 9, 14, and 19, strike "**8.**", "**9.**", "**10.**", and "**11.**", respectively, and substitute "**11.**", "**12.**", "**13.**", and "**14.**", respectively; and in line 26, strike "**$199,172,005**" and substitute "**$199,176,114**".

On pages 12 and 13, strike in their entirety the lines beginning with line 28 on page 12 through line 13 on page 13, inclusive, and substitute:

"**1. ALLEGANY COLLEGE $4,773,622;**

2. ANNE ARUNDEL COMMUNITY COLLEGE $27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE $4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE $8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

14. PRINCE GEORGE'S COMMUNITY COLLEGE .....$22,013,074; AND

15. WOR–WIC COMMUNITY COLLEGE ..... $6,748,796.".

On page 14, strike beginning with "**THROUGH**" in line 11 down through "64%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 59.6%**"; strike beginning with the bracket in line 15 down through "**$5,695.90**" in line 16 and substitute "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than an amount equal to 64.5%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 58.3%**"; in line 21, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than an amount equal to 64.75%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 56.9%**"; in line 26, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than an amount equal to 65.25%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 55.6%**"; in line 31, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 32, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; in line 33, strike "**59.98%**" and substitute "**60%**"; and in line 37, strike "**(VII)**" and substitute "**(X)**".

On page 15, in lines 4, 9, 14, and 19, strike "**(VIII)**", "**(IX)**", "**(X)**", and "**(XI)**", respectively, and substitute "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively; and in line 26, strike "**$39,867,838**" and substitute "**$39,863,729**".

On page 16, strike beginning with "**THROUGH**" in line 13 down through "10%" in line 14 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 9.2%**"; in line 16, strike the bracket and substitute "**OR**"; in the same line, after "**$875.53**" insert "**PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than 10.6%" and substitute "**THAT IS THE GREATER OF 9.0%**"; in line 19, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 20, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than 11.1%" and substitute "**THAT IS THE GREATER OF 8.7%**"; in line 22, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 23, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than 12%" and substitute "**THAT IS THE GREATER OF 8.5%**"; in line 25, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 26, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; and in lines 29 and 32, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(X)**" and "**(XI)**", respectively.

On page 17, in line 1, strike "**(IX)**" and substitute "**(XII)**".

AMENDMENT NO. 4

On page 18, strike in their entirety lines 17 through 22, inclusive.

AMENDMENT NO. 5

On pages 18 and 19, strike in their entirety the lines beginning with line 24 on page 18 through line 26 on page 19, inclusive.

On page 21, strike in their entirety lines 1 through 26, inclusive.

AMENDMENT NO. 6

On pages 19 and 20, strike in their entirety the lines beginning with line 27 on page 19 through line 28 on page 20, inclusive.

On page 48, after line 14, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may transfer up to $5,000,000 in general funds in the Developmental Disabilities Administration at the end of fiscal year 2012 into a dedicated account, to be used in fiscal year 2013 for the following expenditures:

(1) within the Community Services Program of the Developmental Disabilities Administration:

(i) providing community–based services to individuals eligible for services from the Developmental Disabilities Administration, including individuals on the Developmental Disabilities Administration Waiting List;

(ii) continuing the implementation of the hold harmless policy related to changes in fiscal year 2012 to reimbursement policies for absence days;

(iii) enhancing services and service coordination for individuals receiving services from the Developmental Disabilities Administration; and

(iv) providing grants consistent with the purpose of Title 7 of the Health – General Article, to enhance and provide services to individuals eligible for services from the Developmental Disabilities Administration; and

(2) within the Office of Health Care Quality, providing funding, up to $750,000, for activities directly related to providers licensed by the Developmental Disabilities Administration in lieu of increasing licensure fees for developmental disability providers.".

AMENDMENT NO. 7

On page 24, in line 28, strike the brackets; in line 29, strike "**A**"; in the same line, strike the brackets; in the same line, strike "**5.0%**"; in line 31, strike the bracket; in the same line, strike "2012" and substitute "**2013**"; and in line 33, strike the bracket.

AMENDMENT NO. 8

On page 25, strike in their entirety lines 1 through 8, inclusive.

On page 30, after line 15, insert:

"2–1104.

(b) For each fiscal year beginning on or before July 1, 2015, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) to the General Fund of the State:

(i) $5,000,000 for each fiscal year beginning on or before July 1, **[**2014**] 2011**; **[**and**]**

(II) $13,000,000 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012;

(III) $5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR BEFORE JULY 1, 2014; AND

[(ii)**] (IV)** $4,624,687 for the fiscal year beginning July 1, 2015; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.".

On pages 31 through 44, strike in their entirety the lines beginning with line 3 on page 31 through line 26 on page 44, inclusive.

On page 46, strike in their entirety lines 20 through 26, inclusive.

On page 48, strike in their entirety lines 21 through 25, inclusive.

AMENDMENT NO. 9

On page 25, after line 14, insert:

"21–125.

(b) (1) On the basis of actuarial assumptions that the Board of Trustees adopts, each year the actuary shall make a valuation of the assets and liabilities of the funds of the several systems.

(2) Each year the Board of Trustees shall certify to the Secretary of Budget and Management and to the Governor the rates of employer contributions.

(3) For purposes of actuarial valuation, the Board of Trustees may adopt a generally accepted method for determining the value of the assets held by the several systems.

(4) For general ledger accounting and financial reporting, the Board of Trustees shall use generally accepted accounting principles.";

strike beginning with "**(2)**" in line 17 down through "**TO**" in line 18 and substitute "**(2) (I) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS THE TOTAL ANNUAL EARNABLE COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS**"; and after line 21, insert:

"**(II) "AGGREGATE ANNUAL EARNABLE COMPENSATION" INCLUDES ANY ACTUARIAL ASSUMED SALARY INCREASES THAT WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21–125(B) OF THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.**".

On page 26, strike beginning with the colon in line 8 down through "**(I)**" in line 9; in lines 12, 13, 14, 15, 16, and 17, strike "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", and "**6.**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 17, strike the semicolon and substitute a period; strike in their entirety lines 18 through 23, inclusive, and substitute:

"**(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**";

in lines 24 and 27, respectively, strike "**(7)**" and "**(8)**", respectively, and substitute "**(8)**" and "**(9)**", respectively; in line 29, strike "**THE**" and substitute "**ALL**"; and in line 30, strike "**OF EACH COUNTY**".

On page 27, in line 31, after "**(4)**" insert "**(I)**"; in line 32, strike "**2013**" and substitute "**2012**"; and in the same line, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; and strike beginning with the second "**OF**" in line 34 down through "**COUNTY.**" in line 35 and substitute "**AS PROVIDED IN THIS PARAGRAPH.**

(II) FOR FISCAL YEARS 2013 THROUGH 2016, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE, WHICH SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:

LOCAL	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR	FISCAL YEAR

EMPLOYER	2013	2014	2015	2016
ALLEGANY	743,871	1,450,580	2,128,645	2,773,677
ANNE ARUNDEL	5,746,842	11,206,590	16,445,043	21,428,297
BALTIMORE CITY	6,461,431	12,600,071	18,489,897	24,092,793
BALTIMORE	7,877,901	15,362,248	22,543,237	29,374,395
CALVERT	1,417,969	2,765,101	4,057,630	5,287,193
CAROLINE	396,967	774,103	1,135,953	1,480,175
CARROLL	2,002,891	3,905,724	5,731,431	7,468,196
CECIL	1,229,909	2,398,376	3,519,483	4,585,973
CHARLES	1,968,258	3,838,189	5,632,327	7,339,061
DORCHESTER	328,271	640,143	939,375	1,224,028
FREDERICK	2,946,731	5,746,252	8,432,303	10,987,499
GARRETT	332,357	648,110	951,066	1,239,262
HARFORD	2,764,870	5,391,617	7,911,896	10,309,396
HOWARD	4,910,533	9,575,752	14,051,879	18,309,945
KENT	183,073	357,001	523,879	682,628
MONTGOMERY	13,613,776	26,547,453	38,956,900	50,761,802
PRINCE GEORGE'S	9,777,290	19,066,138	27,978,489	36,456,662
QUEEN ANNE'S	552,763	1,077,912	1,581,776	2,061,093
ST. MARY'S	1,242,849	2,423,608	3,556,510	4,634,220
SOMERSET	240,062	468,131	686,956	895,121
TALBOT	314,228	612,758	899,189	1,171,665
WASHINGTON	1,547,056	3,016,827	4,427,024	5,768,522
WICOMICO	1,086,797	2,119,301	3,109,955	4,052,348
WORCESTER	635,780	1,239,799	1,819,336	2,370,640

(III) BEGINNING IN FISCAL YEAR 2017, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER".

On page 28, in line 3, after the first "**FOR**" insert "ALL"; in the same line, strike "**FOR EACH COUNTY**"; after line 4, insert:

"(c) (1) As part of each actuarial valuation, the actuary shall determine the normal contributions, net of member contributions, on account of the State members of each State system.

(2) For each State system, the normal contribution rate equals the fraction that has:

(i) as its numerator, the sum of the normal contributions determined under this subsection; and

(ii) as its denominator, the aggregate annual earnable compensation of the State members of the State system.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year**, INCLUDING A SEPARATE CERTIFICATION OF THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM**; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER § 21–304 OF THIS SUBTITLE** to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.";

strike in their entirety lines 8 through 14, inclusive; in line 15, strike "**(3)**" and substitute "**(2)**"; strike in their entirety lines 17 through 21, inclusive, and substitute:

"**(3) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.**";

and strike in their entirety lines 22 through 30, inclusive.

On page 29, in line 1, strike "**(C)**" and substitute "**(B)**"; in line 2, after "**DETERMINE**" insert "**AND CERTIFY**"; strike in their entirety lines 4 through 7, inclusive; in lines 2, 9, and 10, in each instance, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; in line 8, strike "**(E) (1)**" and substitute "**(C)**"; in line 11, strike "**(D)**" and substitute "**(B)**"; and strike in their entirety lines 12 through 25, inclusive, and substitute:

"**(D) (1) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.**

(2) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY:

(I) SHALL WITHHOLD THE DELINQUENT AMOUNTS, INCLUDING INTEREST ON THE DELINQUENT AMOUNTS AT A RATE OF 7.75% A YEAR, FROM ANY INSTALLMENT DUE THE LOCAL EMPLOYER FROM THE GENERAL STATE SCHOOL FUND; AND

(II) SHALL PAY TO THE BOARD OF TRUSTEES THE DELINQUENT AMOUNTS, INCLUDING INTEREST, WITHHELD UNDER THIS PARAGRAPH.

(E) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER OR THE STATE COMPTROLLER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.".

On pages 47 and 48, strike in their entirety the lines beginning with line 20 on page 47 through line 14 on page 48, inclusive.

AMENDMENT NO. 10

On page 45, strike in their entirety lines 11 and 12; strike in their entirety lines 15 and 16; strike in their entirety lines 20 and 21; after line 21, insert:

"$320,392 of the funds in the State Board of Physicians Fund established under § 14–207 of the Health Occupations Article;";

and strike in their entirety lines 26 through 29, inclusive.

On page 46, in line 12, strike "$1,867,000" and substitute "$209,000"; and after line 26, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to $950,000 of the funds in the Problem Gambling Fund established under § 9–1A–33(b) of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.".

AMENDMENT NO. 11

On page 24, after line 25, insert:

"Article – Labor and Employment

[10–127.

If the General Assembly repeals this subtitle, money in the Fund at the time of repeal shall be distributed:

(1) as the General Assembly provides; or

(2) if the General Assembly does not provide for distribution, as justice requires, with due regard for existing obligations for compensation.**]**

10–127.

(A) THE STATE HAS NO INTEREST IN THE ASSETS OF THE FUND.

(B) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR THE POLICYHOLDERS, INJURED WORKERS AND THEIR FAMILIES, AND CREDITORS OF THE FUND.

(C) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(D) THE FUND MAY NOT BE DISSOLVED.".

On page 46, in line 4, strike ", on" and substitute ":

(1) On";

in line 6, strike "This transfer" and substitute:

"(2) If legislation is enacted during the 2012 Session of the General Assembly that requires a valuation study by the Insurance Commissioner, the Governor shall transfer from the Injured Workers' Insurance Fund to the General Fund an additional amount that the Insurance Commissioner determines to be the appropriate value of benefits, in excess of $50,000,000, that the Injured Workers' Insurance Fund has realized from its association with the State, if the Insurance Commissioner determines that the additional amount would not impair the adequacy of the Injured Workers' Insurance Fund's surplus and reserves.

(3) The transfer of $50,000,000 and the additional transfer, if any, required by this section".

AMENDMENT NO. 12

On pages 46 and 47, strike in their entirety the lines beginning with line 27 on page 46 through line 5 on page 47, inclusive.

AMENDMENT NO. 13

On page 30, after line 16, insert:

"4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year **[**2013**] 2014** equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007;

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012 **[**or**],** fiscal year 2013**, OR FISCAL YEAR 2014**; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.".

AMENDMENT NO. 14

On page 24, before line 26, insert:

"Article – State Finance and Procurement

7–310.1.

(A) ANY MONEY RECEIVED BY THE STATE AS A RESULT OF THE MULTISTATE–FEDERAL SETTLEMENT OF FORECLOSURE MISCONDUCT CLAIMS:

(1) SHALL BE EXPENDED ONLY AS AUTHORIZED THROUGH AN ACT OF THE GENERAL ASSEMBLY OR SPECIFICALLY AUTHORIZED IN THE STATE BUDGET BILL AS ENACTED; AND

(2) IS NOT SUBJECT TO TRANSFER BY BUDGET AMENDMENT.

(B) FOR FISCAL YEAR 2014 AND THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF ANY MONEY RECEIVED UNDER THE SETTLEMENT TO THE DEDICATED PURPOSE ACCOUNT ESTABLISHED UNDER § 7–310 OF THIS SUBTITLE.".

AMENDMENT NO. 15

On page 48, after line 14, insert:

"SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance.".

AMENDMENT NO. 16

On page 7, after line 18, insert:

"Article – Courts and Judicial Proceedings

7–301.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a $7.50 surcharge to the court costs imposed by the court.

(3) (i) The Comptroller annually shall credit the surcharges collected under this subsection as provided in this paragraph.

(ii) An amount annually as set forth in the State budget shall be distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program as established in § 18–603 of the Education Article.

(iii) After the distribution under subparagraph (ii) of this paragraph, **[**subject to subparagraph (iv) of this paragraph,**]** **$200,000 SHALL BE DISTRIBUTED TO THE MARYLAND STATE FIREMEN'S ASSOCIATION.**

(IV) AFTER THE DISTRIBUTION UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH AND UNTIL A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND SINCE THE ESTABLISHMENT OF THE SURCHARGE UNDER THIS SUBSECTION, THE REMAINDER SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE

FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(V) AFTER A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, 100% of the remainder shall be credited to the Maryland Emergency Medical Systems Operation Fund established under § 13–955 of the Transportation Article.

(VI) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR UNTIL $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE AMOUNT OF REVENUE DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND UNDER THIS PARAGRAPH.

[(iv) For fiscal years 2012 and 2013 only, before the distribution to the Maryland Emergency Medical Systems Operation Fund under subparagraph (iii) of this paragraph, from the surcharges collected under this subsection, an amount equal to $8,201,311 for fiscal year 2012 and $2,114,000 for fiscal year 2013 shall be credited to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.**]**".

AMENDMENT NO. 17

On page 48, after line 14, insert:

"SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor shall transfer $4,500,000 from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health – General Article in fiscal year 2013.".

AMENDMENT NO. 18

On page 30, after line 16, insert:

"**5–415.**

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

(2) ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.".

AMENDMENT NO. 19

On page 21, after line 26, insert:

"**15–102.8.**

(A) IF THE NUMBER OF PROGRAM RECIPIENTS ENROLLED IN A MANAGED CARE ORGANIZATION EXCEEDS 10% OF THE TOTAL NUMBER OF PROGRAM RECIPIENTS, THE MANAGED CARE ORGANIZATION SHALL:

(1) OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE; OR

(2) REMIT TO THE PROGRAM:

(I) $1,500,000 ON OR BEFORE JUNE 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT; AND

(II) $1,500,000 ON OR BEFORE DECEMBER 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT.

(B) IF MONEY IS REMITTED TO THE PROGRAM UNDER SUBSECTION (A)(2) OF THIS SECTION, THE DEPARTMENT SHALL USE THE MONEY TO FUND

THE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS MADE BY THE DEPARTMENT UNDER COMAR 10.09.65.19–3.".

AMENDMENT NO. 20

On page 30, after line 21, insert:

"Chapter 193 of the Acts of 2005

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing efforts of the Department of Health and Mental Hygiene to ensure that managed care organizations deliver quality health care to their members, the Department may modify, enhance, or replace the Value Based Purchasing Initiative in effect on January 1, 2005, provided that:

(1) except as provided in **[**item (4)**] ITEMS (4) AND (5)** of this section, any changes to the core set of performance measures and the methodology for penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(2) except as provided in item (4) of this section, the Secretary of Health and Mental Hygiene shall notify managed care organizations of the core set of performance measures and targets at least 3 months prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(3) any penalty or capitation adjustment imposed under this section on a managed care organization may not be implemented by means of a capitation payment withhold; **[**and**]**

(4) with respect to the performance measures for calendar year 2005, the Secretary of Health and Mental Hygiene may modify the ranges or targets of the core set of performance measures without complying with the provisions of items (1) and (2) of this section, provided that the dollar amounts of any financial rewards or disincentives shall be calculated as set forth in the Value Based Purchasing Initiative in effect on January 1, 2005**; AND**

(5) WITH RESPECT TO CALENDAR YEAR 2012, THE DEPARTMENT MAY MAKE CHANGES TO THE METHODOLOGY FOR PENALTIES, REWARDS,

DISINCENTIVES, OR INCENTIVES BY REGULATIONS ADOPTED DURING THE CALENDAR YEAR.".

AMENDMENT NO. 21

On page 48, after line 14, insert:

"SECTION 18. AND BE IT FURTHER ENACTED, That any money received by the State as a result of conditions of an approved merger between Exelon Corporation and Constellation Energy Group shall be expended only as authorized through an act of the General Assembly or specifically authorized in the State budget bill as enacted and is not subject to transfer by budget amendment.".

AMENDMENT NO. 22

On page 46, in line 15, strike ", notwithstanding" and substitute ":

(1) Notwithstanding";

and after line 19, insert:

"(2) (i) The Governor shall include in the budget bill for fiscal year 2014 the transfer of $2,000,000 from the Fair Campaign Financing Fund to the Maryland Information Technology Development Project Fund (program F50A01.01) that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding the purchase of a new Optical Scan Voting System.

(ii) It is the intent of the General Assembly that, beginning in fiscal year 2015, each county pay its share of one–half of any further cost of acquiring and operating the Optical Scan Voting System as required under Chapter 564 of the Acts of 2001.".

AMENDMENT NO. 23

On page 30, before line 17, insert:

"7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) **[**Shall**] SUBJECT TO PARAGRAPHS (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 2013, SHALL INCREASE BASE FARE PRICES TO THE NEAREST NICKEL FOR CORE BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES BY AT LEAST THE SAME PERCENTAGE AS THE BIENNIAL 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, 2011, AND EACH SUBSEQUENT 2–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. 24

On page 5, after line 28, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1105.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER RETIREMENT SUPPLEMENTAL GRANTS TO THE COUNTIES:

(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $6,972,596;

(3) CAROLINE COUNTY – $685,108;

(4) DORCHESTER COUNTY – $308,913;

(5) GARRETT COUNTY – $406,400;

(6) PRINCE GEORGE'S COUNTY – $7,628,702;

(7) SOMERSET COUNTY – $381,999; AND

(8) WICOMICO COUNTY – $1,567,837.".

AMENDMENT NO. 25

On page 44, after line 26, insert:

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

Article – Education

5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(iii) In fiscal year 2012, $6,694; **[**and**]**

(iv) **IN FISCAL YEAR 2013, $6,650; AND**

(V) In each of fiscal years **[**2013**] 2014** through 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the failure of this Act to require local jurisdictions to contribute a portion of retirement costs for teachers.".

On page 48, before line 15, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer $25,000,000 of the funds in the Chesapeake Bay 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article to the General Fund.

SECTION 20. AND BE IT FURTHER ENACTED, That Section 19 of this Act is contingent on the failure of Sections 5, 6, 7, and 8 of this Act.".

AMENDMENT NO. 26

On page 9, after line 3, insert:

"(i) (1) In this subsection, "total direct education aid" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.".

AMENDMENT NO. 27

On page 48, in line 15, strike "SECTION 20." and substitute:

"SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts:

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	189,796	890,964	1,563,433	2,202,813
Anne Arundel	3,092,946	8,526,156	13,737,805	18,693,987
Baltimore City	451,499	6,530,039	12,359,166	17,900,754
Baltimore	3,479,937	10,920,304	18,056,875	24,843,168
Calvert	900,826	2,242,787	3,530,094	4,754,381
Caroline	107,209	481,447	840,370	1,181,636
Carroll	1,259,058	3,154,453	4,972,647	6,701,824
Cecil	606,569	1,768,803	2,883,613	3,943,744
Charles	1,241,900	3,104,567	4,891,369	6,590,693
Dorchester	45,147	354,188	650,559	932,325
Frederick	1,850,755	4,639,317	7,314,299	9,858,315
Garrett	56,117	369,108	669,273	954,651
Harford	1,303,111	3,915,240	6,420,755	8,803,344
Howard	3,914,319	8,569,576	13,035,641	17,283,545
Kent	37,401	209,872	375,279	532,541
Montgomery	7,397,129	20,268,640	32,615,298	44,356,785
Prince George's	3,153,145	12,375,752	21,221,199	29,631,799
Queen Anne's	263,742	786,001	1,286,946	1,763,315
St. Mary's	641,651	1,816,399	2,943,228	4,014,805
Somerset	0	225,299	441,326	609,677
Talbot	92,359	388,670	672,859	943,072
Washington	647,544	2,108,319	3,509,431	4,841,753
Wicomico	297,377	1,321,987	2,304,668	3,239,008
Worcester	229,927	829,887	1,405,325	1,952,489

SECTION 22. AND BE IT FURTHER ENACTED, That for fiscal year 2017, the maintenance of effort amount calculated under § 5–202(d) of the Education Article shall be based on the total per pupil appropriation for fiscal 2016 including the amount each county was required to appropriate to the county board of education in fiscal year 2016 under Section 20 of this Act.

SECTION 23.".

The preceding 27 amendments were read only.

Senator Kasemeyer moved, duly seconded, to make the Bill and Amendments a Special Order for March 14, 2012.

The motion was adopted.

Senate Bill 523 – Senator Manno

AN ACT concerning

Income Tax – Repeal of the 1997 Income Tax Reduction

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

SB0523/659438/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 523

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Income Tax – Repeal of the 1997 Income Tax Reduction" and substitute "State and Local Revenue Act of 2012"; strike beginning with "requiring" in line 4 down through "extent;" in line 5 and substitute "altering, for certain taxable years, the percentage of the federal earned income credit used for determining the amount that an individual may claim as a refund under the State earned income tax credit under certain circumstances; altering a certain definition for certain purposes under the sales and use tax; providing that for purposes of certain provisions of the sales and use tax law certain persons shall be presumed under certain circumstances to have an agent, canvasser, representative, salesman, independent contractor, or solicitor operating in the State for certain purposes; providing that a certain presumption may be rebutted by certain proof; altering certain tax rates for certain cigars and certain tobacco products; providing that, for purposes of the recordation tax, secured debt with respect to certain mortgages, deeds of trust, and other security interests in real property securing a guarantee of repayment of a loan for a certain amount is deemed to be incurred as debt is incurred on the guaranteed loan and, with respect to those mortgages, deeds of trust, and other

security interests, the recordation tax applies in a certain manner; altering the amount of a certain fee; repealing a certain exemption to the sales and use tax for certain sales in the form of a demurrage charge; repealing a certain modification for purposes of determining Maryland taxable income for certain public utilities; repealing a certain credit against the State income tax for certain public utilities;"; strike beginning with "providing" in line 6 down through "tax" in line 7 and substitute "requiring the Comptroller to waive certain interest and penalties for a certain calendar year to a certain extent; authorizing the Comptroller to provide an alternative method of assessing and collecting a certain additional tax; requiring certain revenue to be remitted to the Comptroller by a certain date; defining certain terms; providing for the application and construction of certain provisions of this Act; and generally relating to altering certain taxes and fees"; in line 10, after "10–105(a)" insert ", 10–704(b), 11–701(b), and 12–105(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–704(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 11–701.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – Property
Section 12–105(f)(7)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1604(b)(1)(vi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing

Article – Tax – General
Section 10–306(c), 10–708, and 11–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, in line 1, strike "**5%**" and substitute "**4.9%**"; in line 2, strike "$150,000" and substitute "**$25,000**"; after line 2, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $25,001 THROUGH $75,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $75,001 THROUGH $150,000;";

in lines 3, 5, and 7, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; in line 15, strike "**5%**" and substitute "**4.9%**"; in line 16, strike "$200,000" and substitute "**$50,000**"; after line 16, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $50,001 THROUGH $100,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $100,001 THROUGH $200,000;";

and in lines 17, 19, and 21, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively.

AMENDMENT NO. 3

On page 3, after line 4, insert:

"10–704.

(a) (1) An individual may claim a credit against the State income tax for a taxable year in the amount determined under subsection (b) of this section for earned income.

(2) An individual may claim a credit against the county income tax for a taxable year in the amount determined under subsection (c) of this section for earned income.

(b) (1) Except as provided in paragraph (2) of this subsection and subject to subsection (d) of this section, the credit allowed against the State income tax under subsection (a)(1) of this section is the lesser of:

(i) 50% of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code; or

(ii) the State income tax for the taxable year.

(2) **(I)** An individual may claim a refund in the amount, if any, by which **[**25%**] THE APPLICABLE PERCENTAGE SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH** of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code exceeds the State income tax for the taxable year.

(II) THE APPLICABLE PERCENTAGE OF THE EARNED INCOME CREDIT ALLOWABLE UNDER § 32 OF THE INTERNAL REVENUE CODE TO BE USED FOR PURPOSES OF DETERMINING THE REFUND PROVIDED UNDER THIS PARAGRAPH IS:

1. 26% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2011, BUT BEFORE JANUARY 1, 2013;

2. 27% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, BUT BEFORE JANUARY 1, 2014;

3. 28% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2013, BUT BEFORE JANUARY 1, 2015;

4. 29% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2014, BUT BEFORE JANUARY 1, 2016; AND

5. 30% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015.".

AMENDMENT NO. 4

On page 3, after line 4, insert:

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

Article – Tax – General

11–701.

(b) (1) "Engage in the business of an out–of–state vendor" means to sell or deliver tangible personal property or a taxable service for use in the State.

(2) "Engage in the business of an out–of–state vendor" includes:

(i) permanently or temporarily maintaining, occupying, or using any office, sales or sample room, or distribution, storage, warehouse, or other place for the sale of tangible personal property or a taxable service directly or indirectly through an agent or subsidiary;

(ii) having an agent, canvasser, representative, salesman, **INDEPENDENT CONTRACTOR,** or solicitor operating in the State for the purpose of delivering, selling, or taking orders for tangible personal property or a taxable service; or

(iii) entering the State on a regular basis to provide service or repair for tangible personal property.

11–701.1.

(A) IN THIS SECTION, "SELLER" MEANS A PERSON MAKING SALES OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE.

(B) FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE, A SELLER SHALL BE PRESUMED TO HAVE AN AGENT, CANVASSER, REPRESENTATIVE,

SALESMAN, INDEPENDENT CONTRACTOR, OR SOLICITOR OPERATING IN THE STATE FOR THE PURPOSE OF SELLING OR TAKING ORDERS FOR TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IF:

(1) THE SELLER ENTERS INTO AN AGREEMENT WITH A RESIDENT OF THE STATE UNDER WHICH THE RESIDENT, FOR A COMMISSION OR OTHER CONSIDERATION, DIRECTLY OR INDIRECTLY REFERS POTENTIAL CUSTOMERS TO THE SELLER, WHETHER BY A LINK ON AN INTERNET WEB SITE, OR OTHERWISE; AND

(2) THE CUMULATIVE GROSS RECEIPTS FROM SALES BY THE SELLER TO CUSTOMERS IN THE STATE WHO ARE REFERRED TO THE SELLER BY ALL RESIDENTS HAVING AN AGREEMENT WITH THE SELLER AS DESCRIBED IN ITEM (1) OF THIS SUBSECTION IS GREATER THAN $10,000 DURING THE PRECEDING FOUR QUARTERLY PERIODS ENDING ON THE LAST DAY OF FEBRUARY, MAY, AUGUST, AND NOVEMBER.

(C) THE PRESUMPTION UNDER THIS SECTION MAY BE REBUTTED BY PROOF THAT THE RESIDENT WITH WHOM THE SELLER HAS AN AGREEMENT AS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION DID NOT ENGAGE IN ANY SOLICITATION IN THE STATE ON BEHALF OF THE SELLER THAT WOULD SATISFY THE NEXUS REQUIREMENT OF THE UNITED STATES CONSTITUTION DURING THE FOUR QUARTERLY PERIODS IN QUESTION.

(D) THIS SECTION MAY NOT BE CONSTRUED TO NARROW THE SCOPE OF THE TERMS "AGENT", "CANVASSER", "REPRESENTATIVE", "SALESMAN", "INDEPENDENT CONTRACTOR", AND "SOLICITOR" FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE OR FOR PURPOSES OF ANY OTHER PROVISION OF LAW.".

AMENDMENT NO. 5

On page 3, after line 4, insert:

"12–105.

(b) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** tobacco tax rate for other tobacco products is [15%] **20%** of the wholesale price of the tobacco products.

(2) (I) IN THIS PARAGRAPH, "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE TOBACCO TAX RATE FOR CIGARS IS 70% OF THE WHOLESALE PRICE OF THE CIGARS.

(III) THE TOBACCO TAX RATE FOR PREMIUM CIGARS IS 20% OF THE WHOLESALE PRICE OF THE PREMIUM CIGARS.".

AMENDMENT NO. 6

On page 3, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

12–105.

(f) **(7) (I) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE" INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.**

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:

1. SECURED DEBT WITH RESPECT TO AN INDEMNITY MORTGAGE IS DEEMED TO BE INCURRED FOR PURPOSES OF THIS SUBSECTION WHEN AND TO THE SAME EXTENT AS DEBT IS INCURRED ON THE GUARANTEED LOAN; AND

2. THE RECORDATION TAX APPLIES UNDER THIS SUBSECTION IN THE SAME MANNER AS IF THE GUARANTOR WERE PRIMARILY LIABLE FOR THE GUARANTEED LOAN.

(III) THIS PARAGRAPH DOES NOT APPLY:

1. TO THE EXTENT THAT RECORDATION TAX IS PAID ON ANOTHER INSTRUMENT OF WRITING THAT SECURES PAYMENT OF THE GUARANTEED LOAN; OR

2. TO AN INDEMNITY MORTGAGE THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR LESS THAN $1,000,000.".

AMENDMENT NO. 7

On page 3, after line 4, insert:

"SECTION 4. BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1604.

(b) (1) The Chief Administrative Law Judge may:

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. **[**$125**] $150** for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.".

AMENDMENT NO. 8

On page 3, after line 4, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 10–306(c) and 10–708 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 9

On page 3, before line 5, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 11–202 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 10

On page 3, after line 9, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That, as provided in § 12–105 of the Tax – General Article, all other tobacco products used, possessed, or held in the State on or after July 1, 2012, by any person for sale or use in the State, shall be subject to the full tax on other tobacco products, as enacted under this Act. The Comptroller may provide an alternative method of assessing and collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by October 15, 2012.".

AMENDMENT NO. 11

On page 3, in line 5, strike "2." and substitute "7."; in line 10, strike "3." and substitute "9."; in the same line, after "That" insert "Sections 1 and 5 of"; and after line 12, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2 and 6 of this Act shall take effect July 1, 2012.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012, and shall be applicable to all instruments of writing recorded on or after July 1, 2012.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, of this Act shall take effect June 1, 2012.".

The preceding 11 amendments were read only.

Senator Kasemeyer moved, duly seconded, to make the Bill and Amendments a Special Order for March 14, 2012.

The motion was adopted.

Senate Bill 848 – Senator King

AN ACT concerning

Education – Maintenance of Effort – Waivers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0848/239335/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 848
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 2, strike "– Waivers"; in line 3, after the first "of" insert "authorizing a county governing body, for a certain purpose and under certain circumstances, to set a property tax rate that is higher than the rate authorized under the county's charter or to collect more property tax revenues than are authorized under the county's charter, notwithstanding any provision of the county charter that places certain limits on that county's property tax rate or revenues; requiring a county to appropriate to the local board of education certain revenues under certain circumstances; prohibiting a county from reducing certain funding to the local board of education under certain circumstances; establishing a certain penalty for a county that does not fund the local share of the foundation program or the maintenance of effort requirement; excluding the cost of debt service incurred for school construction projects from a certain calculation;"; in line 8, after "circumstances;" insert "establishing the application procedure for a maintenance of effort waiver;"; and strike beginning with "requiring" in line 8 down through "actions;" in line 11; in line 12, strike "provide" and substitute "make"; in the same line, strike "county's"; in the same line, strike "request to" and substitute "application"; in line 13, strike the first "the State Board"; strike beginning with "at" in line 13 down through "consider" in line 14 and substitute "; establishing"; in line 14, after "factors" insert "that the State Board shall consider"; strike beginning with "making" in line 14 down through "decision" in line 15 and substitute "deciding";

in line 15, strike "certain"; in the same line, after "waiver" insert "request; requiring the Department to consult with certain State agencies when making certain calculations"; strike beginning with "if" in line 16 down through "funding" in line 19 and substitute "under certain circumstances; limiting the amount of a waiver that the State Board may grant under certain circumstances; authorizing a county to request a rebasing waiver under certain circumstances; requiring the State Board to consider certain factors when deciding whether to grant a rebasing waiver; requiring the Comptroller to withhold from a county a certain amount under certain circumstances and distribute the amount to the county board; establishing a certain assessment under certain circumstances; requiring the maintenance of effort amount to increase by a certain amount under certain circumstances; waiving the penalty for not meeting the maintenance of effort requirement in a certain year; establishing the maintenance of effort amount for a certain fiscal year for certain counties; requiring counties to provide a certain report under certain circumstances; requiring the Superintendent to make a certain report annually; defining certain terms; providing for the application of certain provisions of this Act; providing for the effective date of certain provisions of this Act; making this Act an emergency measure; and generally relating to local funding of education".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 5–104, 5–202(d), and 5–213
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and strike in their entirety lines 20 through 29, inclusive.

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

"BY adding to
Article – Education
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 2–604, 2–605(a), 2–606(a), and 2–607(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–608(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"5–104.

(a) Each county council or board of county commissioners shall levy and collect a tax on the assessable property of the county which, together with other local revenue available, including income tax revenues and bond money, and together with estimated revenues and funds from all sources, will produce the amounts necessary to meet the appropriations made in the approved annual budget of the county board.

(b) (1) Local funds provided for appropriations shall be paid in accordance with the expenditure requirements, as certified by the county board, to the treasurer of the county board on a monthly basis.

(2) Appropriations for school construction, permanent improvements, and repairs for special purposes may be required to be paid more frequently on the order of the president and secretary of the county board to the county commissioners, county council, or the county executive.

(c) (1) Notwithstanding any other provision in this article, this subsection applies to Wicomico County.

(2) The Wicomico County Council annually shall pay to the Wicomico County Board the amount of the budget of the county board that has been approved by the County Council:

(i) In 12 equal monthly installments; or

(ii) At the times on which the County Council and county board mutually agree.

(3) Taxes levied under this section shall be retained by the county and any annual deficiencies in the tax are the responsibility of Wicomico County.

(D) (1) NOTWITHSTANDING ANY PROVISION OF A COUNTY CHARTER THAT PLACES A LIMIT ON THAT COUNTY'S PROPERTY TAX RATE OR REVENUES AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY GOVERNING BODY MAY SET A PROPERTY TAX RATE THAT IS HIGHER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECT MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER FOR THE SOLE PURPOSE OF FUNDING THE APPROVED BUDGET OF THE COUNTY BOARD.

(2) IF THE COUNTY GOVERNING BODY SETS A COUNTY PROPERTY TAX RATE THAT IS GREATER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECTS MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER, THE COUNTY:

(I) MAY NOT REDUCE FUNDING PROVIDED TO THE COUNTY BOARD FROM ANY OTHER LOCAL REVENUE SOURCE BELOW THE FUNDING LEVEL IN THE CURRENT COUNTY BUDGET; AND

(II) SHALL APPROPRIATE TO THE COUNTY BOARD ALL PROPERTY TAX REVENUES EXCEEDING THE AMOUNT THAT WOULD HAVE BEEN AVAILABLE IF THE COUNTY CHARTER LIMITATION HAD APPLIED.

(3) ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH A COUNTY SETS A PROPERTY TAX RATE AS PROVIDED IN THIS SUBSECTION, THE COUNTY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE PROPERTY TAX RATE SET, THE ADDITIONAL AMOUNT OF REVENUES GENERATED, AND THE APPROPRIATION OF THE ADDITIONAL REVENUES.".

AMENDMENT NO. 4

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 down through line 6 on page 5, inclusive, and substitute:

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

Article – Education

5–202.

(d) (1) **(I)** **[**To be eligible to receive the State share of the foundation program:

(i) The**] SUBJECT TO § 5–213.1 OF THIS SUBTITLE, THE** county governing body shall levy **AND APPROPRIATE** an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program**[**; and**].**

(ii) **[**The**] SUBJECT TO § 5–213 OF THIS SUBTITLE, THE** county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

(2) Except as provided in paragraph (3) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's full–time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school

operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

(3) For purposes of this subsection, for fiscal year 1997 and each subsequent fiscal year, the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

(i) A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board; **[**and**]**

(ii) A cost of a program that has been shifted from the county school operating budget to the county operating budget**; AND**

(III) THE COST OF DEBT SERVICE INCURRED FOR SCHOOL CONSTRUCTION PROJECTS.

(4) The county board must present satisfactory evidence to the county government that any appropriation under paragraph (3)(i) of this subsection is used only for the purpose designated by the county government in its request for approval.

(5) Any appropriation that is not excluded under paragraph (3)(i) of this subsection as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

(6) Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

(i) Computer laboratories;

(ii) Technology enhancement;

(iii) New instructional program start–up costs; and

(iv) Books other than classroom textbooks.

(7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT

IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS IMPEDED, THE COUNTY SHALL APPLY UNDER PARAGRAPH (8) OF THIS SUBSECTION TO THE STATE BOARD FOR A WAIVER.

(II) IF A COUNTY FAILS TO APPLY TO THE STATE BOARD FOR A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT AND FAILS TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT:

1. THE COUNTY SHALL BE ASSESSED IN ACCORDANCE WITH § 5–213 OF THIS SUBTITLE; AND

2. THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(7)**] (8)** (i) The **[**provisions**] MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II)** of this subsection **[**do**] DOES** not apply to a county if the county **REQUESTS AND** is granted a **[**temporary waiver or partial**]** waiver from the **[**provisions**] REQUIREMENT** by the State Board **[**of Education**]** based on**:**

1. **[**a**] A** determination **UNDER THIS PARAGRAPH** that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement**;**

2. SUBJECT TO PARAGRAPH (9) OF THIS SUBSECTION, AN AGREEMENT BETWEEN THE COUNTY AND THE COUNTY BOARD TO REDUCE RECURRING COSTS; OR

3. SUBJECT TO PARAGRAPH (10) OF THIS SUBSECTION, A DETERMINATION THAT A COUNTY'S ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT IS PERMANENTLY IMPEDED.

(ii) [After a public hearing, the State Board of Education may grant a waiver under this paragraph in accordance with its regulations.

(iii)] In order to qualify for [the] A waiver [under this paragraph] for a fiscal year, a county shall make a request for a waiver to the State Board [of Education by April 1] **BY THE EARLIER OF THE SEVENTH DAY FOLLOWING THE END OF THE LEGISLATIVE REGULAR SESSION OR APRIL 20** of the prior fiscal year.

(III) THE STATE SUPERINTENDENT SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE STATE BOARD BEFORE A PUBLIC HEARING HELD IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IV) BEFORE ACTING ON A REQUEST FOR A WAIVER, THE STATE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(V) EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING A COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;

2. A COUNTY'S TAX BASE;

3. RATE OF INFLATION RELATIVE TO GROWTH OF STUDENT POPULATION IN A COUNTY;

4. MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO A COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;

5. A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION;

6. AN AGREEMENT BETWEEN A COUNTY AND A COUNTY BOARD THAT A WAIVER SHOULD BE GRANTED;

7. SIGNIFICANT REDUCTIONS IN STATE AID TO A COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED;

8. THE NUMBER OF WAIVERS A COUNTY HAS RECEIVED IN THE PAST 5 YEARS; AND

9. THE HISTORY OF COMPENSATION ADJUSTMENTS FOR EMPLOYEES OF THE COUNTY BOARD AND COUNTY GOVERNMENT.

[(iv)**]****(VI)** The State Board **[**of Education**]** shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part **[**by May 15 of the prior fiscal year**]** **NO LATER THAN 30 DAYS AFTER RECEIPT OF AN APPLICATION OR MAY 20 OF THE PRIOR FISCAL YEAR, WHICHEVER IS EARLIER**.

[(v)**]****(VII)** **[**If the State Board of Education grants**]** **EXCEPT AS PROVIDED IN PARAGRAPHS (9) AND (10) OF THIS SUBSECTION, IF** a county **IS GRANTED** a **[**temporary waiver or partial**]** waiver from the provisions of this subsection **BY EITHER THE STATE BOARD OR THE GENERAL ASSEMBLY** for any fiscal year, the minimum appropriation of local funds required under this subsection **[**for the county to be eligible to receive the State share of the foundation program**]** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year **[**or the second prior fiscal year, whichever is greater**]** **IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION**.

(9) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)2 OF THIS SUBSECTION.

(II) 1. THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN AGREED ON BY THE COUNTY AND COUNTY BOARD THAT IS ATTRIBUTABLE TO REDUCTIONS IN RECURRING COSTS.

2. IF THE REDUCTION IN RECURRING COSTS INCLUDES REDUCTIONS IN PERSONNEL OR PERSONNEL COSTS, THEN THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN MUTUALLY AGREED ON BY THE COUNTY, COUNTY BOARD, AND EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(III) THE AMOUNT OF THE AGREED ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS.

(IV) THE AMOUNT OF THE AGREED ON WAIVER MAY NOT:

1. EXCEED THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS; OR

2. REDUCE A COUNTY'S EDUCATION APPROPRIATION BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.

(V) THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(10) (I) IN THIS PARAGRAPH THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

1. "EDUCATION APPROPRIATION" INCLUDES ANY MONEY REDIRECTED TO A COUNTY BOARD UNDER § 5–213 OR § 5–213.1 OF THIS SUBTITLE.

2. "EDUCATION EFFORT" MEANS A COUNTY'S EDUCATION APPROPRIATION DIVIDED BY THE COUNTY'S WEALTH.

3. "5–YEAR MOVING AVERAGE" MEANS THE AVERAGE OF THE 5 YEARS BEFORE THE WAIVER YEAR.

4. "WAIVER YEAR" MEANS THE FISCAL YEAR FOR WHICH A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS REQUESTED.

(II) THIS PARAGRAPH APPLIES TO A COUNTY THAT HAS:

1. RECEIVED A WAIVER UNDER PARAGRAPH (8)(I)1 OF THIS SUBSECTION FROM THE MAINTENANCE OF EFFORT REQUIREMENT; AND

2. A REQUIRED COUNTY EDUCATION APPROPRIATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE WAIVER YEAR THAT EXCEEDS 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT TIMES A COUNTY'S LOCAL WEALTH.

(III) A COUNTY THAT SATISFIES THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY REQUEST A REBASING WAIVER FROM THE STATE BOARD.

(IV) WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST UNDER THIS PARAGRAPH, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. WHETHER A COUNTY HAS SUBMITTED SUFFICIENT EVIDENCE THAT THE FACTORS IN PARAGRAPH (8)(V) OF THIS SUBSECTION WILL AFFECT A COUNTY'S ONGOING ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT;

2. WHETHER A COUNTY IS AT ITS MAXIMUM TAXING AUTHORITY UNDER THE LAW;

3. WHETHER A COUNTY'S EDUCATION APPROPRIATION IS COMMENSURATE WITH A COUNTY'S WEALTH;

4. WHETHER A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT HAS MADE MEETING THE MAINTENANCE OF EFFORT REQUIREMENT IN FUTURE YEARS UNSUSTAINABLE; AND

5. WHETHER A COUNTY HAS RECEIVED A REBASING WAIVER IN THE PAST 5 YEARS.

(V) IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE AMOUNT OF THE WAIVER FOR ANY FISCAL YEAR IS LIMITED TO THE LESSER OF:

1. AN AMOUNT THAT WOULD RESULT IN A COUNTY'S EDUCATION EFFORT FOR THE WAIVER YEAR FALLING BELOW THE LEVEL ESTABLISHED IN SUBPARAGRAPH (II)2 OF THIS PARAGRAPH; OR

2. A. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS LESS THAN OR EQUAL TO 110% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 1% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT;

B. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 110% AND LESS THAN OR EQUAL TO 120% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 2% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT; OR

C. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 120% OF THE 5–YEAR MOVING STATEWIDE AVERAGE OF EDUCATION EFFORT, 3% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT.

(VI) 1. IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE

CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

2. IF THE STATE BOARD GRANTS A REBASING WAIVER TO BE IMPLEMENTED OVER A MULTIYEAR PERIOD, WHICH MAY NOT EXCEED 3 YEARS, IN EACH YEAR THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(VII) IF THE STATE BOARD DOES NOT GRANT A WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(VIII) NOTHING IN THIS PARAGRAPH PRECLUDES A COUNTY FROM ALSO REQUESTING A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (9) OF THIS SUBSECTION FOR THE SAME FISCAL YEAR AS THE WAIVER REQUESTED UNDER THIS PARAGRAPH.

(11) IN MAKING THE CALCULATIONS REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

(12) (I) A COUNTY SHALL SUBMIT TO THE SUPERINTENDENT THE COUNTY'S APPROVED BUDGET NO LATER THAN 7 DAYS AFTER APPROVAL OF THE BUDGET OR JUNE 30, WHICHEVER IS EARLIER.

(II) NO LATER THAN 15 DAYS AFTER RECEIPT OF THE COUNTY'S APPROVED BUDGET THE SUPERINTENDENT SHALL CERTIFY WHETHER THE COUNTY HAS MET THE FUNDING REQUIREMENTS ESTABLISHED

UNDER THIS SUBSECTION AND SHALL NOTIFY THE COUNTY AND COUNTY BOARD OF THAT CERTIFICATION.

(13) ON OR BEFORE DECEMBER 31 OF EACH YEAR THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL WAIVER REQUESTS, MAINTENANCE OF EFFORT CALCULATIONS MADE BY THE DEPARTMENT AND THE COUNTY, THE DEPARTMENT'S DECISIONS REGARDING WAIVER REQUESTS, THE DEPARTMENT'S CERTIFICATION OF WHETHER A COUNTY HAS MET THE REQUIREMENT, AND ANY OTHER INFORMATION RELATING TO A COUNTY'S REQUEST FOR A WAIVER AND THE DEPARTMENT'S MAINTENANCE OF EFFORT DECISIONS.

5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county **[**is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county**]** fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, **[**as the case may be,**]** the Comptroller shall suspend, until notification of compliance is received**[**:

(i) For noncompliance with Subtitle 4 of this title**]**, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year**[**; and

(ii) For noncompliance with § 5–202(d) of this subtitle, payment of any funds due the county for the following fiscal year, as provided under § 5–202 of this subtitle, which are appropriated in the General State School Fund, in the amount that the State's aid due the county in the current fiscal year under that section in the Fund exceeded the amount that the county received in the prior fiscal year**]**.

(C) (1) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE MAINTENANCE OF LOCAL EFFORT PROVISIONS OF § 5–202(D)(1)(II) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(2) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS AFTER THE ISSUANCE OF A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(3) (I) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE AMOUNT BY WHICH A COUNTY FAILED TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT.

(II) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DIRECTLY TO THE COUNTY BOARD.

5–213.1.

(A) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE LOCAL SHARE OF THE FOUNDATION FLOOR REQUIRED UNDER § 5–202(D)(1)(I) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(B) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS OF THE ISSUANCE OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(C) (1) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE STATE SHARE OF THE FOUNDATION PROGRAM PLUS THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED BY THE COUNTY UNDER § 5–202(D)(1)(I) AND THE LOCAL SHARE OF THE FOUNDATION PROGRAM.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION DIRECTLY TO THE COUNTY BOARD.

Article – Tax – General

2–604.

From the income tax revenue from individuals, the Comptroller shall distribute the amount necessary to pay refunds relating to income tax from individuals to the income tax refund account.

2–605.

(a) After making the distribution required under § 2–604 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute the cost of administering the income tax laws to an administrative cost account.

2–606.

(a) After making the distributions required under §§ 2–604 and 2–605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

2–607.

(a) After making the distributions required under §§ 2–604 through 2–606 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to each special taxing district that received an income tax revenue distribution in fiscal year 1977 and to each municipal corporation an amount that, based on the certification of the Comptroller as to State income tax liability and county income tax liability of the residents of the district or municipal corporation, equals the greater of:

(1) subject to subsection (b) of this section, 17% of the county income tax liability of those residents; or

(2) 0.37% of the Maryland taxable income of those residents.

2–608.

(a) **(1) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–604 THROUGH 2–607 OF THIS SUBTITLE, IF IT IS DETERMINED THAT A COUNTY HAS NOT MET THE LOCAL FUNDING REQUIREMENTS FOR EDUCATION UNDER § 5–202(D) OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE COUNTY BOARD OF EDUCATION AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER § 5–213 OR § 5–213.1 OF THE EDUCATION ARTICLE.**

(2) After making the distributions required under §§ 2–604 through 2–607 of this subtitle **AND PARAGRAPH (1) OF THIS SUBSECTION**, the Comptroller

shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.”.

AMENDMENT NO. 5

On page 5, strike lines 7 and 8 in their entirety and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–202.

(d) (1) (i) Subject to § 5–213.1 of this subtitle, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program.

(ii) **1.** **[**Subject**]** **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH AND SUBJECT** to § 5–213 of this subtitle, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county’s full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

2. IN EACH FISCAL YEAR IF A COUNTY’S EDUCATION EFFORT, AS DEFINED IN PARAGRAPH (10) OF THIS SUBSECTION, IS BELOW 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, THE REQUIRED MAINTENANCE OF EFFORT AMOUNT FOR THE COUNTY SHALL BE ADJUSTED BY INCREASING THE PER PUPIL AMOUNT BY THE LESSER OF:

A. A COUNTY’S INCREASE IN THE LOCAL WEALTH PER PUPIL;

B. THE STATEWIDE AVERAGE INCREASE IN LOCAL WEALTH PER PUPIL; OR

C. 2.5%.”.

AMENDMENT NO. 6

On page 5, after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no penalty shall be applied to any county that did not meet the maintenance of effort requirement in fiscal 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort funding requirement under § 5–202(d) of the Education Article in fiscal year 2012 and has a county income tax rate of 3.2%, the maintenance of effort funding requirement for fiscal year 2013 shall be based on the local funds appropriated to the school operating budget for fiscal year 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, the required fiscal year 2013 maintenance of effort amount under § 5–202(d) of the Education Article for a county that did not meet the maintenance of effort requirement in fiscal year 2012 shall be calculated based on the per pupil amount required for the county to meet maintenance of effort in fiscal year 2012.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014.

SECTION 9. 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, except as provided in Section 8 of this Act, shall take effect from the date it is enacted.".

The preceding 6 amendments were read only.

Senator Kasemeyer moved, duly seconded, to make the Bill and Amendments a Special Order for March 14, 2012.

The motion was adopted.

QUORUM CALL

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

(See Roll Call No. 475)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 253 – Senators Jacobs and Ferguson

AN ACT concerning

State Government – Administrative Procedure Act – ~~Proposed~~ Regulations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 476)

The Bill was then sent to the House of Delegates.

Senate Bill 317 – Senators Pugh~~, Ferguson, Gladden, Jennings, King, Madaleno, Manno, Mathias, Montgomery~~, Astle, Ferguson, Gladden, Glassman, Jennings, King, Kittleman, Madaleno, Manno, Middleton, Mathias, Montgomery, Muse, Raskin, Rosapepe, Shank, and Stone

AN ACT concerning

Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and Purchaser Remedies

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

Affirmative – 46 Negative – 0 (See Roll Call No. 477)

The Bill was then sent to the House of Delegates.

Senate Bill 535 – Senators Pugh, Benson, Conway, Currie, Gladden, Jones–Rodwell, Kelley, McFadden, Muse, Ramirez, ~~and Robey~~ Robey, and Middleton

AN ACT concerning

Ex–Offender Business Development Program Study

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

Affirmative – 46 Negative – 0 (See Roll Call No. 478)

The Bill was then sent to the House of Delegates.

Senate Bill 549 – Senators Montgomery, Benson, Colburn, Mathias, Ramirez, ~~and Raskin~~ Raskin, and Rosapepe

AN ACT concerning

Small Business Reserve Program – Definition of Small Business – Revision

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

Affirmative – 46 Negative – 0 (See Roll Call No. 479)

The Bill was then sent to the House of Delegates.

Senate Bill 608 – Senator Benson

AN ACT concerning

Maryland Higher Education Commission – Employees and Children – Tuition Waiver

Read the third time and failed for want of a constitutional majority:

Affirmative – 12 Negative – 33 (See Roll Call No. 480)

Senate Bill 655 – Senators Klausmeier, Astle, ~~and Pugh~~ Pugh, and Kittleman

AN ACT concerning

Residential Multiple Occupancy Buildings – Master Meters – Heating, Ventilation, and Air Conditioning Services

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

Affirmative – 46 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the House of Delegates.

Senate Bill 737 – Senator Rosapepe

AN ACT concerning

Nursing Home Administrator License – Revocation or Surrender – Ban on Employment

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

Affirmative – 46 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #11

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

Senate Bill 302 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Commissioner of Financial Regulation – Investigative and Enforcement Powers and Regulation of Mortgage Lenders

SB0302/197074/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 302
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Regulation)" insert "and Senators Muse, Kelley, and Pugh"; in line 4, strike "repealing" and substitute "altering the scope of"; strike beginning with "and" in line 11 down through "banks" in line 12; and strike beginning with "repealing" in line 12 down through "change;" in line 13 and substitute "making certain conforming changes;".

AMENDMENT NO. 2

On page 2, in lines 1, 3, 7, 11, 20, and 22, in each instance, strike the bracket; in line 3, strike "**(C)**"; in line 7, strike "**(B)**"; in line 11, strike "**(C)**"; in line 17, strike

"**OR**"; and in line 22, after "subsection" insert "**OVER WHICH THE COMMISSIONER HAS NO JURISDICTION**".

On page 4, in line 2, after "States," insert a closing bracket; in lines 3, 21, and 22, in each instance, strike the bracket; in line 22, strike "**ANY**"; in line 24, strike the semicolon and substitute "**]; OR**"; in line 25, strike "out–of–state" and substitute "**OTHER–STATE**"; and strike beginning with the semicolon in line 26 down through "State**]**" in line 29.

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 314 – Senators Pugh, Benson, Forehand, Garagiola, Gladden, Jones–Rodwell, King, Klausmeier, Manno, Muse, Peters, Rosapepe, and Stone

AN ACT concerning

State Personnel – Traumatic Events – Mental Health Support Services

SB0314/387476/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "make available" and substitute "obtain"; in line 4, strike "to" and substitute "for"; in line 7, strike "for a certain purpose and"; in line 8, strike "a certain term" and substitute "certain terms"; and after line 9, insert:

"BY repealing and reenacting, without amendments,
Article – State Government
Section 8–306(a)(4)
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"Article – State Government

8–306.

(a) (4) "State facility" means a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.".

AMENDMENT NO. 3

On page 1, in line 21, after "**(A)**" insert "**(1)**"; and in the same line, strike beginning with the comma through "**MEANS**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "STATE FACILITY" HAS THE MEANING STATED IN § 8–306(A) OF THE STATE GOVERNMENT ARTICLE.

(3) "UNIT" MEANS".

On page 2, strike beginning with "**A**" in line 1 down through "**BY**" in line 2 and substitute "**IF**"; in line 3, strike "**THAT**"; in the same line, after "**A**" insert "**STATE**"; in the same line, strike "**THE**" and substitute "**A**"; in line 4, strike "**INDIVIDUAL**" and substitute "**INDIVIDUAL, THE UNIT SHALL OBTAIN MENTAL HEALTH SUPPORT SERVICES FOR ANY EMPLOYEE OF THE UNIT AFFECTED BY THE TRAUMATIC EVENT**"; in line 5, strike "**MENTAL HEALTH SUPPORT**"; in the same line, strike "**PROVIDED**" and substitute "**REQUIRED**"; and strike beginning with "**MADE**" in line 6 down through "**(2)**" in line 10 and substitute "**PROVIDED**".

The preceding 3 amendments were read only.

Senator Reilly 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 575 – Senator Astle

AN ACT concerning

Maryland Medical Assistance Program – Subrogation – Reduction

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 577 – Senator Reilly

AN ACT concerning

State Traumatic Brain Injury Trust Fund

SB0577/507174/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 577
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Reilly" and substitute "Senators Reilly, Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Muse, and Pugh"; in lines 5 and 7, in each instance, strike "Director" and substitute "Secretary"; in line 5, strike "Developmental" and substitute "Department of"; in line 6, strike "Administration"; in lines 6 and 7, in each instance, strike "Director's" and substitute "Secretary's"; in line 9, after "Fund;" insert "adding the Fund to a certain list of funds the interest earnings of which are exempt from accruing to the General Fund of the State;"; in line 10, after "terms;" insert "prohibiting the Department from hiring an employee to administer the Fund until the balance of the Fund is at least a certain amount;"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62. and 63.

Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64.
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

On page 4, after line 21, insert:

"Article – State Finance and Procurement

6–226.

(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. STATE TRAUMATIC BRAIN INJURY TRUST FUND.".

AMENDMENT NO. 2

On page 2, in line 1, strike "**DEVELOPMENTAL**" and substitute "**DEPARTMENT OF**"; and in line 2, strike "**ADMINISTRATION**".

On page 2 in line 1, on page 3 in lines 5 and 26, and on page 4 in lines 18 and 20, in each instance, strike "**DIRECTOR**" and substitute "**SECRETARY**".

On page 3 in lines 5 and 27 and on page 4 in lines 18 and 20, in each instance, strike "**DIRECTOR'S**" and substitute "**SECRETARY'S**".

On page 4, before line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Disabilities may not hire an employee to administer the State Traumatic Brain Injury

Trust Fund established under Title 13, Subtitle 21A of the Health – General Article, as enacted by Section 1 of this Act, until the balance of the Fund is at least $500,000.";

and in line 22, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 745 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Conversion to Chesapeake Employers' Insurance Company

SB0745/457678/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 745
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Kelley, and Klausmeier"; in line 9, after "insurers;" insert "requiring the Company to be authorized, examined, and regulated by the Maryland Insurance Commissioner in a certain matter and to a certain extent and to be subject to certain provisions of law;"; in line 12, after "and" insert ", on and after a certain date, a"; in the same line, after "resort;" insert "requiring the Fund, before a certain date, to serve as the workers' compensation insurer of last resort and as a competitive workers' compensation insurer under certain terms and conditions;"; and in line 15, after "Company;" insert "requiring the Board to adopt a certain schedule of premium rates; requiring the Commissioner to review certain rates for a certain purpose; requiring the Board to manage the business and affairs of the Company as a private, nonprofit corporation;".

On page 2, in line 1, after "time;" insert "requiring the Fund to retain certain assets;"; in line 2, after "company" insert ", being sold,"; in the same line, after "dissolved;" insert "providing that the Fund is an instrumentality of the State;"; in line 3, after "requiring" insert ", on and after a certain date, the Company, and not"; in the same line, after "Fund" insert a comma; strike beginning with "in" in line 3 down through "date" in line 4; in line 6, strike "except through the Company"; in line 9, strike "authorizing" and substitute "requiring"; in the same line, after the second "employees;" insert "requiring the Fund to maintain a certain payroll and human resources system and be responsible for paying certain taxes and contributions and paying for certain benefits; providing that employees of the Fund may be assigned to perform certain functions of the Company;"; in line 15, after "election;" insert "requiring the Board for the Fund to manage the business and affairs of the Fund in a certain manner;"; in line 18, strike "authorizing" and substitute "requiring"; in line 22, after "Company;" insert "requiring the Fund to pay, on and after a certain date, certain amounts to the Employees' Retirement System or the Employees' Pension System on behalf of certain employees; requiring the Fund to pay a certain withdrawal liability contribution beginning on or before a certain date and each year thereafter; defining certain terms; stating certain findings of the General Assembly;"; strike beginning with "providing" in line 28 down through "time" in line 30 and substitute "requiring the Maryland Insurance Administration to study, in consultation with certain persons and entities, whether the Company should be subject to a certain rating law; requiring the Administration to report on or before a certain date on certain findings and recommendations"; strike line 31 in its entirety; in line 33, after "Code;" insert "requiring the Administration to contract with a certain firm to conduct a certain study; requiring the study to consider the fair value of certain financial contributions and benefits; specifying the items that the study is required to consider in determining a certain fair value; requiring a certain firm, in conducting a certain study, to consult with certain persons; requiring the Administration to require a certain firm to report certain findings and conclusions to the Administration before a certain date; requiring the Administration to report the firm's findings and conclusions to certain legislative committees on or before a certain date; requiring the Administration to contract with certain consultants to conduct a certain assessment under certain circumstances; providing that the Company shall owe a certain debt to the General Fund under certain circumstances; specifying the manner in which the Company must pay the debt; requiring the Fund to be responsible for the payment of the costs of a certain study and a certain assessment; requiring the Fund and the Board of Trustees for the State Retirement and Pension System to enter into a certain agreement on or before a certain date; requiring the Fund to be responsible for the payment of certain costs incurred in calculating a certain liability; making this Act an

emergency measure; providing for the effective dates of certain provisions of this Act;"; and in line 38, strike "24–311" and substitute "24–312".

On page 3, after line 19, insert:

"BY adding to
Article – State Personnel and Pensions
Section 21–307(p)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 5, in lines 19, 22, and 27, in each instance, strike "**COMPANY**" and substitute "**CORPORATION**"; and in lines 23 and 29, in each instance, strike "**MARCH**" and substitute "**OCTOBER**".

On page 6, in line 2, after "**ARTICLE**" insert "**AND A STATEMENT OF THE RISK–BASED CAPITAL LEVELS OF THE COMPANY AS OF THE DATE OF THE APPLICATION PREPARED IN ACCORDANCE WITH § 4–303 OF THIS ARTICLE**"; after line 12, insert:

"**(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMPANY SHALL BE:**

(1) AUTHORIZED, EXAMINED, AND REGULATED BY THE COMMISSIONER IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER AUTHORIZED PROPERTY AND CASUALTY INSURERS; AND

(2) SUBJECT TO EACH PROVISION OF THIS ARTICLE THAT IS APPLICABLE TO OTHER AUTHORIZED PROPERTY AND CASUALTY INSURERS.";

in line 13, strike "**(D)**" and substitute "**(E)**"; after line 15, insert:

"**(A) THE COMPANY IS NOT SUBJECT TO TITLE 11 OF THIS ARTICLE.**

(B) THE BOARD SHALL:

(1) ADOPT A SCHEDULE OF PREMIUM RATES IN ACCORDANCE WITH SOUND ACTUARIAL PRACTICES; AND

(2) ENSURE THAT THE RATES ARE NOT EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

(C) (1) THE BOARD SHALL DETERMINE THE SCHEDULE OF PREMIUM RATES BY:

(I) CLASSIFYING ALL OF THE POLICYHOLDERS OF THE COMPANY ON THE BASIS OF THE RESPECTIVE LEVEL OF HAZARD OF THEIR ENTERPRISES; AND

(II) SETTING A PREMIUM RATE FOR EACH CLASS ON THE BASIS OF:

1. ITS LEVEL OF HAZARD; AND

2. INCENTIVES TO PREVENT INJURIES TO EMPLOYEES.

(2) TO DETERMINE THE SCHEDULE OF PREMIUM RATES, THE BOARD SHALL USE THE RATING SYSTEM THAT, IN THE OPINION OF THE BOARD:

(I) MOST ACCURATELY MEASURES THE LEVEL OF HAZARD FOR EACH POLICYHOLDER ON THE BASIS OF THE NUMBER OF INJURIES THAT OCCUR IN THE ENTERPRISES OF THE POLICYHOLDER;

(II) ENCOURAGES THE PREVENTION OF INJURIES; AND

(III) ENSURES THE SOLVENCY OF THE COMPANY FROM YEAR TO YEAR.

(3) THE BOARD MAY SET MINIMUM PREMIUM RATES FOR POLICIES ISSUED BY THE COMPANY.

(D) THE COMMISSIONER SHALL REVIEW THE COMPANY'S RATES AS PART OF AN EXAMINATION UNDER § 2–205 OF THIS ARTICLE TO DETERMINE WHETHER THE COMPANY'S RATE MAKING PRACTICES PRODUCE ACTUARIALLY SOUND RATES.

24–306.";

in line 16, strike "**SHALL BE**"; in line 17, after "**(1)**" insert "**SHALL BE**"; in line 18, after "**(2)**" insert "**ON AND AFTER OCTOBER 1, 2013, SHALL BE**"; after line 20, insert:

"**(B) BEFORE OCTOBER 1, 2013, THE FUND SHALL SERVE AS THE WORKERS' COMPENSATION INSURER OF LAST RESORT FOR WORKERS' COMPENSATION INSURANCE AND AS A COMPETITIVE WORKERS' COMPENSATION INSURER UNDER THE SAME TERMS AND CONDITIONS AS THE FUND SERVED BEFORE OCTOBER 1, 2012.**";

and in lines 21 and 29, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

AMENDMENT NO. 3

On page 7, in lines 1 and 25, strike "**24–306.**" and "**24–307.**", respectively, and substitute "**24–307.**" and "**24–308.**", respectively; in line 2, after "**(A)**" insert "**(1)**"; after line 3, insert:

"**(2) THE BOARD SHALL MANAGE THE BUSINESS AND AFFAIRS OF THE COMPANY AS A PRIVATE, NONPROFIT CORPORATION IN ACCORDANCE WITH STATE LAW.**";

and in line 6, strike "**CITIZEN**" and substitute "**RESIDENT**".

On page 8, in line 10, strike "**(A)**" and substitute "**(A)(2)**"; and in line 22, strike "**24–308.**" and substitute "**24–309.**".

On page 9, in line 13, strike "**24–309.**" and substitute "**24–310.**".

On page 10, in line 7, strike "**SUBJECT TO**" and substitute "**IN ACCORDANCE WITH**"; in lines 19 and 30, strike "**24–310.**" and "**24–311.**", respectively, and substitute "**24–311.**" and "**24–312.**", respectively; in line 20, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**"; in line 21, strike "**MARCH**" and substitute "**OCTOBER**"; after line 29, insert:

"**(C) THE FUND SHALL RETAIN THOSE ASSETS NECESSARY TO PERFORM ITS DUTIES UNDER TITLE 10 OF THE LABOR AND EMPLOYMENT ARTICLE.**";

in line 32, strike the second "**OR**"; and after line 32, insert:

"**(2) BE SOLD; OR**".

On page 11, in line 1, strike "**(2)**" and substitute "**(3)**"; after line 1, insert:

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

in line 25, after "**(A)**" insert "**(1)**"; and after line 25, insert:

"**(2) THE FUND IS AN INSTRUMENTALITY OF THE STATE.**".

On page 12, in line 1, strike "**BEFORE MARCH 1, 2013**" and substitute "**ON AND AFTER OCTOBER 1, 2013**"; in the same line, after the first "**THE**" insert "**COMPANY, AND NOT THE**"; in the same line, after "**FUND**" insert a comma; strike beginning with "**AND**" in line 3 down through "**2012**" in line 5; in lines 6 and 10, in each instance, strike "**MARCH**" and substitute "**OCTOBER**"; in line 9, strike "**EXCEPT THROUGH THE COMPANY**"; in line 14, strike "**IN**" and substitute "**SUBJECT TO SUBSECTION (F) OF THIS SECTION, IN**"; in line 15, strike "**THE FUND AND**"; in line 16, strike "**MAY**" and substitute "**SHALL**"; in line 17, strike "**OR THE COMPANY**"; after line 17, insert:

"**(3) THE FUND SHALL:**

(I) MAINTAIN A PAYROLL AND HUMAN RESOURCES SYSTEM; AND

(II) BE RESPONSIBLE FOR PAYING:

1. THE EMPLOYER PORTION OF ANY PAYROLL OR OTHER TAXES AND RETIREMENT OR PENSION CONTRIBUTIONS FOR EMPLOYEES OF THE FUND; AND

2. FOR ANY HEALTH OR OTHER EMPLOYEE BENEFITS THAT ARE AVAILABLE TO EMPLOYEES OF THE FUND.";

in line 18, after "**(1)**" insert "**EMPLOYEES OF THE FUND MAY BE ASSIGNED TO PERFORM FUNCTIONS OF THE COMPANY UNDER A CONTRACT BETWEEN THE FUND AND THE COMPANY.**

(2)";

in lines 19 and 20, strike "**AND THE EMPLOYEES OF THE COMPANY**" and substitute "**WHO HAVE BEEN ASSIGNED TO PERFORM DUTIES ON BEHALF OF THE COMPANY**"; in line 21, strike "**(2)**" and substitute "**(3)**"; in line 22, strike "**THAT**" and substitute "**WHO**"; strike beginning with "**STATE**" in line 24 down through "**(III)**" in line 26; in line 26, after "**THAT**" insert "**, EXCEPT WITH RESPECT TO ASSETS NECESSARY FOR THE FUND TO PERFORM ITS DUTIES UNDER THIS SUBTITLE,**"; and in line 28, strike "**(IV)**" and substitute "**(III)**".

On page 13, in lines 1, 10, 12, and 19, in each instance, strike "**MARCH**" and substitute "**OCTOBER**".

On page 15, in line 19, after "**(A)**" insert "**(1)**"; after line 19, insert:

"**(2) THE BOARD SHALL MANAGE THE BUSINESS AND AFFAIRS OF THE FUND AS AN INSTRUMENTALITY OF THE STATE IN ACCORDANCE WITH STATE LAW.**";

and in line 24, strike "**THE CURRENT TERM**" and substitute "**THEIR CURRENT TERMS**".

On page 17, in line 19, strike "**MAY**" and substitute "**SHALL**".

On page 18, in line 13, strike "**THE**" and substitute "**NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE**"; in the same line, after "**FUND**" insert "**SHALL REMAIN IN EXISTENCE UNTIL IT**"; strike beginning with "**SHALL**" in line 14 down through "**HAVE**" in line 15 and substitute "**NO LONGER HAS ANY**"; in line 16, strike "**MAY BE**" and substitute "**IS**"; and in the same line, strike "**ONLY**".

AMENDMENT NO. 4

On page 26, after line 21, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

21–307.

(P) (1) ON AND AFTER OCTOBER 1, 2013, ON BEHALF OF ITS EMPLOYEES WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, THE INJURED WORKERS' INSURANCE FUND SHALL:

(I) PAY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING:

1. THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF THOSE MEMBERS; AND

2. THE NORMAL CONTRIBUTION RATE OTHERWISE PAID BY THE STATE FOR MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM;

(II) PAY AN ADDITIONAL AMOUNT EQUAL TO 5% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ITS EMPLOYEES WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM; AND

(III) REMIT TO THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM THE CONTRIBUTIONS REQUIRED TO BE PAID BY ITS EMPLOYEES.

(2) BEGINNING ON OR BEFORE DECEMBER 31, 2013, AND EACH YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INJURED WORKERS' INSURANCE FUND SHALL PAY A WITHDRAWAL LIABILITY CONTRIBUTION:

(I) AS CALCULATED BY THE ACTUARY OF THE STATE RETIREMENT AND PENSION SYSTEM; AND

(II) IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.

(3) THE PARTICIPANT FUNDING RATIO FOR THE INJURED WORKERS' INSURANCE FUND SHALL BE A FRACTION THAT HAS:

(I) AS ITS NUMERATOR, THE MARKET VALUE OF ASSETS FOR THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM REPORTED IN THE JUNE 30, 2013, ANNUAL ACTUARIAL VALUATION FOR THE STATE; AND

(II) AS ITS DENOMINATOR, THE ENTRY AGE ACTUARIAL ACCRUED LIABILITY FOR THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM REPORTED IN THE JUNE 30, 2013, ANNUAL ACTUARIAL VALUATION FOR THE STATE.

(4) THE WITHDRAWAL LIABILITY CONTRIBUTION OF THE INJURED WORKERS' INSURANCE FUND SHALL BE THE COMPLEMENT OF THE PARTICIPANT FUNDING RATIO FOR THE FUND MULTIPLIED BY THE ENTRY AGE ACTUARIAL ACCRUED LIABILITY FOR THE FUND BASED ON DATA SUBMITTED AS OF OCTOBER 1, 2013, FOR THE FUND.".

AMENDMENT NO. 5

On page 26, in line 22, strike "2." and substitute "4.".

On page 27, in line 4, strike "March" and substitute "October"; strike in their entirety lines 9 through 12, inclusive; in lines 13 and 20, strike "4." and "5.", respectively, and substitute "5." and "6.", respectively; after line 13, insert:

"(a) The Maryland Insurance Administration shall study, in consultation with the Injured Workers' Insurance Fund and the National Council on Compensation Insurance, Inc., whether the Chesapeake Employers' Insurance Company should be subject to Title 11 of the Insurance Article, including whether the Company should be a member of the rating organization.

(b) In conducting the study, the Administration:

(1) may consult with any other person or entity that the Administration considers appropriate;

(2) shall consider the impact on the Company and its policyholders if the Company is made subject to Title 11 of the Insurance Article, including the impact of the membership and transaction fees payable to the rating organization and additional administrative and system costs associated with complying with Title 11 of the Insurance Article; and

(3) if the Administration determines that the Company should be subject to Title 11 of the Insurance Article, shall consider:

(i) the extent to which the Company should be in compliance with the rating plan requirements under Title 11 of the Insurance Article; and

(ii) an appropriate timeline for the Company to phase in participation in the rating plan requirements to avoid disruption to its policyholders.

(c) On or before October 1, 2012, the Administration shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee.";

strike in their entirety lines 14 through 19, inclusive; after line 26, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall contract with an independent financial, accounting, or valuation consulting firm to conduct a study to determine, since the enactment of Chapter 800 of 1914, the fair value of:

(1) any financial contribution made by the State to the Injured Workers' Insurance Fund; and

(2) any financial benefit the Fund received from the State.

(b) (1) The study shall consider the fair value of:

(i) funds, including start–up funding, provided by the State to the Fund at any time;

(ii) real estate or other assets transferred or otherwise provided to the Fund, net of any amounts paid for the real estate or other asset by the Fund out of Fund revenues;

(iii) property taxes or transfer taxes on Fund–owned real property that would have been paid if the Fund had not been a State agency;

(iv) sales and excise taxes that would have been paid to the State if the Fund had not been a State agency;

(v) premium taxes not paid to the State by the Fund due to its tax exempt status prior to June 1, 2011, but only to the extent that the benefit of the tax exemption was not passed on to policyholders of the Fund through the rate making process; and

(vi) any other direct financial contribution made by the State to the Fund and any other financial benefit the Fund received from the State.

(2) The study also shall consider:

(i) additional costs the Fund incurred from the Fund's status as the insurer of last resort which required the Fund to provide workers' compensation insurance to businesses regardless of the degree of risk;

(ii) that while the Fund was part of the former State Department of Personnel, the State purchased four parcels of land with Fund revenues, but the State held the title to the land until it was transferred to the Fund;

(iii) that the Fund is required to transfer $6,000,000 to the General Fund on or before June 30, 2012, as provided in Section 20 of Chapter 397 of the Acts of the General Assembly of 2011, less the amount received by the State on or before June 30, 2012, as a result of the imposition of a premium tax on the Fund under § 6–101 of the Insurance Article;

(iv) that the Fund is a nonprofit entity with profits passed on to its policyholders; and

(v) the estimated cost of any subsidy provided by the State to cover the future costs of retiree health benefits for retired Fund employees and their dependents.

(c) In conducting the study, the firm:

(1) shall consult with the Fund, the Maryland Insurance Commissioner, and the Secretary of Budget and Management;

(2) may consult with any other person or entity that the firm considers appropriate; and

(3) shall consider any studies conducted by the Administration or the Department of Budget and Management on the Fund, including the study on the Fund's role as the third party administrator for the State.

(d) (1) The Administration shall require the firm to report the findings and conclusions of its study of the fair value to the Administration before October 1, 2012.

(2) On or before October 1, 2012, the Administration shall report, in accordance with § 2–1246 of the State Government Article, the firm's findings and conclusions of its study of the fair value to the Legislative Policy Committee, the Fund, the Governor, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee.

(e) If the study concludes that the fair value is $50,000,000 or more:

(1) the Administration shall contract with consultants to conduct a comprehensive assessment of the long–term effect of transferring the fair value to the State on the adequacy of the Fund's surplus;

(2) the Chesapeake Employers' Insurance Company shall owe a debt to the General Fund in an amount equal to:

(i) the fair value; less

(ii) 1. the $50,000,000 which is required to be transferred from the Fund to the General Fund under Chapter (S.B. 152 / H.B. 87) of the Acts of the General Assembly of 2012; and

2. the cost of the study and the assessment paid by the Fund, as provided under subsection (g) of this section.

(f) (1) Subject to paragraph (2) of this subsection, the Company shall pay the debt calculated under subsection (e) of this section, without interest, to the State in 10 equal annual installments beginning in fiscal year 2014 or, as agreed by the Fund and the Secretary of Budget and Management, in payments over an alternative period of time.

(2) (i) An installment or other payment shall be suspended or delayed, and may not be paid, in any year in which the Maryland Insurance Commissioner determines that the Company's surplus is not adequate to make a payment or that the Company's ability to meet its financial obligations would be impaired if a payment is made.

(ii) The Company shall pay any suspended or delayed installment or other payment in a subsequent year until the debt is fully satisfied.

(g) The Fund shall be responsible for the payment of the costs of the study required under subsection (a) of this section and the assessment required under subsection (e) of this section, including any costs incurred by the Administration in contracting with consultants to perform the study and the assessment.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2013, the Injured Workers' Insurance Fund and the Board of Trustees for the State Retirement and Pension System shall enter into an agreement specifying the terms and conditions of payment for the withdrawal of the Fund from the State Retirement and Pension System in accordance with § 21–307(p) of the State Personnel and Pensions Article, as enacted by Section 3 of this Act.

(b) The Fund shall be responsible for the payment of any costs incurred in calculating the Fund's liability for withdrawing from the State Retirement and Pension System.";

in line 27, strike "6." and substitute "9."; in the same line, after "That" insert "Sections 1 and 3 of"; and after line 28, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this Act shall take effect October 1, 2013.

SECTION 11. 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, except as provided in Sections 9 and 10 of this Act, shall take effect from the date it is enacted.".

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.

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

Senate Bill 820 – Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Klausmeier, Shank, and Stone

AN ACT concerning

Transportation – Toll, Fee, or Other Charge Increases – Notice and Public Comment

SB0820/577071/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 820
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Notice" in line 2 down through "Comment" in line 3 and substitute "Required Procedures"; in line 4, strike "certain staff of"; strike beginning with "provide" in line 5 down through "proposal" in line 9 and substitute "provide an opportunity for public review and comment on a proposal to increase tolls, fees, or other charges on any part of a transportation facilities project in a certain manner before the Authority adopts the proposal; requiring the Authority to provide to the public certain information and studies in a certain manner; requiring the Authority to provide the public with an opportunity to submit certain written comments for a certain period of time; requiring the Authority to provide to the public in a certain manner a summary and analysis of certain public comments; requiring the Authority, before voting on a certain proposal, to provide certain information to the public and to each member of the Authority, provide an opportunity for public review and comment on the recommendation of the Authority, and provide and make available to the public a certain summary and analysis of certain public comments; requiring the Authority, at a certain meeting, to provide the public a reasonable amount of time to comment on a certain recommendation before the Authority votes on the recommendation; requiring the Authority to follow certain procedures required by regulations in effect as of a certain date"; strike beginning with "notice" in line 9 down through "by" in line 11; and in line 11, after "Authority" insert "and required procedures regarding proposals to increase tolls, fees, or other charges".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with "**(I)**" in line 27 on page 2 down through "**PROPOSAL**" in line 8 on page 3 and substitute:

"**(I) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN**

EACH JURISDICTION IN WHICH THE INCREASE IS PROPOSED TO BE IMPLEMENTED.

(II) AT LEAST 10 WORKING DAYS BEFORE THE START OF THE FIRST MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL WEB SITE INFORMATION AND STUDIES USED IN ITS ANALYSIS TO JUSTIFY THE PROPOSED INCREASE IN TOLLS, FEES, OR OTHER CHARGES.

(III) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS ON THE PROPOSAL.

(IV) WITHIN 10 DAYS AFTER THE CLOSE OF THE WRITTEN COMMENT PERIOD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE AND TO THE MEMBERS OF THE AUTHORITY A SUMMARY AND ANALYSIS OF THE COMMENTS RECEIVED FROM THE PUBLIC ON THE PROPOSAL.

(4) BEFORE THE AUTHORITY VOTES ON ANY PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL:

(I) PROVIDE IN WRITING TO ALL OF THE MEMBERS OF THE AUTHORITY AND, ON REQUEST, TO THE PUBLIC ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL;

(II) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER MAKING ANY RECOMMENDATION ON THE PROPOSAL, PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE RECOMMENDATION;

(III) PROVIDE ON ITS OFFICIAL WEB SITE AND IN ANY INFORMATION PROVIDED TO THE PUBLIC RELATING TO THE PROPOSAL:

1. ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL; AND

2. THE TIME, PLACE, AND DATE OF THE MEETING AT WHICH THE AUTHORITY WILL VOTE ON THE PROPOSAL; AND

(IV) PROVIDE TO EACH MEMBER OF THE AUTHORITY AND MAKE AVAILABLE TO THE PUBLIC A SUMMARY AND ANALYSIS OF ANY PUBLIC COMMENTS RECEIVED UNDER ITEM (II) OF THIS PARAGRAPH BY THE AUTHORITY REGARDING THE AUTHORITY'S RECOMMENDATION.

(5) AT ANY MEETING IN WHICH A RECOMMENDATION TO INCREASE TOLLS, FEES, OR OTHER CHARGES IS SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE RECOMMENDATION.

(6) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE AUTHORITY SHALL FOLLOW ANY PROCEDURES REQUIRED BY REGULATION IN EFFECT AS OF JANUARY 1, 2012, FOR A PROPOSAL TO CHANGE ANY TOLLS, FEES, OR OTHER CHARGES ON A TRANSPORTATION FACILITIES PROJECT".

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.

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 127 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Marine Gathering Permit – Establishment

SB0127/304830/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 127
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "within" in line 6 down through "period" in line 7; in the same line, after the semicolon insert "prohibiting the Department from requiring a certain permit application to be submitted within a certain time period;"; in line 8, after "permits;" insert "requiring the Department to issue a certain permit under certain circumstances and in accordance with certain requirements; authorizing the Department to require certain terms in a certain permit; authorizing the Department to recommend certain actions to a certain applicant for a certain purpose; prohibiting the Department from requiring any additional terms or conditions in a certain permit;"; in line 10, after "occur" insert "and certain public safety organizations"; in the same line, after "permit;" insert "authorizing a police officer to terminate and disband a marine gathering for failure to obtain a certain permit or to comply with the terms of a certain permit;"; in line 11, strike the second "a"; in the same line, strike "term" and substitute "terms"; and in line 12, strike "the" and substitute "a".

AMENDMENT NO. 2

On page 1, strike line 22 in its entirety and substitute:

"**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**".

On page 2, in line 1, strike "**(1) MEANS**" and substitute:

"**(2) (I) "MARINE GATHERING" MEANS**"; in line 4, strike "**; AND**" and substitute a period; in line 5, strike "**(2) DOES**" and substitute "**(II) "MARINE GATHERING" DOES**"; in lines 6, 9, and 10, respectively, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; after line 10, insert:

"**(3) "PERMIT" MEANS A MARINE GATHERING PERMIT ISSUED IN ACCORDANCE WITH THIS SECTION.**".

AMENDMENT NO. 3

On page 2, in line 1, strike "**50**" and substitute "**100**"; strike beginning with "**AT**" in line 13 down through the third "**THE**" in line 14 and substitute "**THE**"; in line 19, strike "**AND ENFORCING**"; after line 19, insert:

"**(3) THE DEPARTMENT MAY NOT REQUIRE THE APPLICATION TO BE SUBMITTED MORE THAN 45 DAYS BEFORE THE MARINE GATHERING.**";

in line 21, strike "**FOR,**" and substitute "**AND**"; and in the same line, strike "**, AND TERMS AND CONDITIONS FOR**".

On pages 2 and 3, strike beginning with "**THE**" in line 23 on page 2 down through "**SAFETY.**" in line 2 on page 3 and substitute "**IF A PERMIT IS NEEDED TO ENSURE PUBLIC SAFETY, THE DEPARTMENT SHALL ISSUE A PERMIT IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.**

(3) THE DEPARTMENT MAY REQUIRE IN THE TERMS OF A PERMIT ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

(I) THE PRESENCE OF SECURITY OFFICERS AT THE MARINE GATHERING;

(II) THE PRESENCE OF RESCUE PERSONNEL OR LIFEGUARDS AT THE MARINE GATHERING;

(III) THE PLACEMENT OF BUOYS AT THE MARINE GATHERING; AND

(IV) LIMITATIONS ON THE DURATION OF THE MARINE GATHERING.

(4) THE DEPARTMENT MAY:

(I) RECOMMEND ADDITIONAL ACTIONS TO AN APPLICANT TO FURTHER SAFEGUARD THE PARTICIPANTS OF THE MARINE GATHERING; BUT

(II) NOT REQUIRE ANY ADDITIONAL TERMS OR CONDITIONS IN A PERMIT BEYOND WHAT MAY BE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION.".

AMENDMENT NO. 4

On page 3, in line 5, after "**OCCUR**" insert "**AND PUBLIC SAFETY ORGANIZATIONS THAT THE DEPARTMENT CONSIDERS NECESSARY**"; after line 5, insert:

"**(F) A POLICE OFFICER MAY TERMINATE AND DISBAND A MARINE GATHERING:**

(1) HELD WITHOUT THE NECESSARY PERMIT; OR

(2) IN VIOLATION OF THE TERMS OF A PERMIT.";

and in line 6, strike "**(F)**" and substitute "**(G)**"; strike beginning with "**A**" in line 6 down through "**(2)**" in line 10; in line 13, strike "**(3)**" and substitute "**(2)**"; and in line 15, strike "**IS GUILTY**" and substitute "**IS:**

(I) GUILTY";

in line 16, strike "**IMPRISONMENT NOT EXCEEDING 6 MONTHS OR**"; strike beginning with "**$2,000**" in line 16 down through "**OR BOTH**" in line 17 and substitute "**$5,000; AND**

(II) LIABLE TO THE STATE FOR THE COST OF DISBANDING THE MARINE GATHERING".

The preceding 4 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 434 – Senators Young, Kelley, King, Montgomery, and Shank

AN ACT concerning

Institutions of Postsecondary Education – Electronic Account, Service, and Communications Device Privacy Protection

SB0434/714437/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 434
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "provide" in line 5 down through "to" in line 7; in line 7, after "name," insert "account name,"; strike beginning with the comma in line 9 down through "content" in line 10; strike beginning with "provide" in line 12 down through "access," in line 13; and in line 13, strike ", or install certain software" and substitute "; providing that this Act may not be construed to prohibit a student or an applicant from voluntarily disclosing any user name, password, or other means for accessing certain accounts or services through an electronic communications device".

AMENDMENT NO. 2

On page 2, after line 30, insert:

"**(5) "PERSONAL ACCOUNT OR SERVICE" DOES NOT INCLUDE AN ACCOUNT OR SERVICE PROVIDED TO A STUDENT BY AN INSTITUTION OF POSTSECONDARY EDUCATION.**".

AMENDMENT NO. 3

On page 3, in line 1, strike "**AN**" and substitute "**SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN**"; strike beginning with the colon in line 2 down through "**DISCLOSE**" in line 6 and substitute "**DISCLOSE**"; in line 6, after "**NAME,**" insert "**ACCOUNT NAME,**"; strike in their entirety lines 9 through 11; in line 14, strike "**PROVIDE ANY ACCESS,**"; in line 15, strike "**, OR INSTALL ANY SOFTWARE**"; and after line 16, insert:

"**(C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A STUDENT OR AN APPLICANT FROM VOLUNTARILY DISCLOSING A USER NAME, PASSWORD, OR OTHER MEANS FOR ACCESSING A STUDENT'S OR AN APPLICANT'S PERSONAL ACCOUNT OR SERVICE THROUGH AN ELECTRONIC COMMUNICATIONS DEVICE.**".

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 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – Prohibition on Possession or Distribution

SB0465/524836/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 465
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Prohibition" and substitute "Restriction"; in line 5, after "fin;" insert "exempting a certain person from the prohibition against possessing a shark fin under certain circumstances; authorizing a certain person to use a ray or skate as bait under certain circumstances;"; in lines 5 and 6, strike "establishing certain civil penalties for violations of this Act;"; and in line 8, strike "prohibition against" and substitute "restriction on".

AMENDMENT NO. 2

On page 1, in line 22, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SECTION, A**";

and after line 23, insert:

"**(2) A PERSON MAY POSSESS A SHARK FIN IF:**

(I) THE PERSON HOLDS THE APPROPRIATE STATE OR FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A SHARK OR ELASMOBRANCH FOR RECREATIONAL OR COMMERCIAL PURPOSES;

(II) THE SHARK FIN IS TAKEN FROM A SHARK OR ELASMOBRANCH THAT THE PERSON HAS TAKEN OR LANDED FOR PERSONAL USE; AND

(III) THE SHARK FIN IS TAKEN IN A MANNER CONSISTENT WITH THE PERSON'S LICENSE.

(3) A PERSON MAY USE AN UNPROCESSED RAY OR SKATE AS BAIT IF:

(I) THE PERSON HOLDS THE APPROPRIATE STATE OR FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A RAY OR SKATE;

(II) THE PERSON USES THE UNPROCESSED RAY OR SKATE AS BAIT IN A COASTAL AREA; AND

(III) THE NATIONAL MARINE FISHERIES SERVICE HAS NOT FOUND THAT THE SPECIES OF RAY OR SKATE BEING USED AS BAIT IS OVERFISHED.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 6, inclusive; and in line 7, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 4

On page 2, in line 10, strike "June" and substitute "October".

The preceding 4 amendments were read only.

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

Senate Bill 472 – Senator Edwards

AN ACT concerning

Environment – Dormant Mineral Interests – Termination by Court Order Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 816 – Harford County Senators

AN ACT concerning

Harford County Board of Education – Student Member – Voting Rights

SB0816/674833/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 816
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Voting Rights"; strike beginning with "making" in line 5 down through "change" in line 6 and substitute "providing that certain provisions of law relating to the payment of certain expenses for members of the Harford County Board of Education do not apply to the student member of the Board; making certain clarifying changes; altering a certain definition"; in line 7, after "rights" insert "and expense allowance"; in line 10, strike "3–6A–01(b)" and substitute

"3–6A–01, 3–6A–02, and 3–6A–04"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On page 1, after line 21, insert:

"(a) (1) In this subtitle, "elected member" means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the Harford County Board of Education under subsection (e)(2) of this section.

(2) "Elected member" does not include a:

(i) County superintendent of schools serving as an ex officio member of the county board; or

(ii) **[**Nonvoting student**]** **STUDENT** member selected under subsection (f) of this section.".

AMENDMENT NO. 3

On page 2, after line 4, insert:

"(c) (1) (i) A member from a councilmanic district shall be a resident of that district.

(ii) A member from a councilmanic district who no longer resides in that district may not continue as a member of the county board.

(2) A member of the county board shall be a registered voter of the county for at least 3 years prior to the date of the beginning of the term of office of the member.

(d) (1) Of the nine voting members of the county board **ELECTED OR APPOINTED UNDER THIS SUBSECTION**:

(i) One member shall be elected from each of the six councilmanic districts only by the voters of that councilmanic district; and

(ii) Three members shall be appointed by the Governor.

(2) The elected members shall be elected at a general election as required by subsection (e) of this section.

(3) The appointed members shall be appointed, when appropriate, within 90 days of the general election.

(e) (1) Except for the **[**nonvoting members**]** **EX OFFICIO MEMBER AND THE STUDENT MEMBER**, a member serves for a term of 4 years beginning July 1 after the election or appointment of the member and until a successor is elected or appointed and qualifies.

(2) (i) Unless otherwise disqualified under this section, a member of the county board is eligible for reelection or reappointment.

(ii) A voting **ELECTED** member **OR AN APPOINTED MEMBER** may not serve for more than two consecutive terms as a voting member.

(3) The Harford County Board of Elections may adopt regulations to implement this subsection.

(f) (1) The Harford County Council shall appoint a qualified individual to fill any vacancy of an elected member on the county board for the remainder of the term and until a successor is elected and qualifies.

(2) The Governor shall appoint a qualified individual to fill any vacancy of an appointed member of the county board for the remainder of the term and until a successor is appointed and qualifies.

(g) (1) The **[**nonvoting**]** student member of the county board shall be elected by the high school students of the county in accordance with procedures established by the Harford County public school system.

(2) The student member shall:

(i) Be an eleventh or twelfth grade student, in good standing, and regularly enrolled in the Harford County public school system;

(ii) Be a student government association representative at the student's high school;

(iii) Serve for 1 year beginning on July 1 after the election of the member;

(iv) **[**Be a nonvoting**]** **EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3) OF THIS SECTION, BE A VOTING** member; and

(v) Advise the county board on the thoughts and feelings of students in the Harford County public schools.

(3) **(I)** **EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE STUDENT MEMBER OF THE COUNTY BOARD HAS THE SAME RIGHTS AND PRIVILEGES AS A MEMBER APPOINTED OR ELECTED UNDER SUBSECTION (D) OF THIS SECTION.**

(II) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session of the county board **ADDRESSING A MATTER ON WHICH A STUDENT MEMBER IS PROHIBITED FROM VOTING ON UNDER SUBPARAGRAPH (III) OF THIS SUBSECTION**.".

AMENDMENT NO. 4

On page 2, strike in their entirety lines 5 through 12, inclusive; in line 13, strike "**(2)**" and substitute "**(III)**"; and in lines 15, 17, 20, 22, 23, 24, 26, and 28, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", and "**(VIII)**", respectively, and substitute "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", "**6.**", "**7.**", and "**8.**", respectively.

On page 3, in lines 1, 3, 5, 7, 9, 11, and 13, strike "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", "**(XIV)**", and "**(XV)**", respectively, and substitute "**9.**", "**10.**", "**11.**", "**12.**", "**13.**", "**14.**", and "**15.**", respectively; and after line 13, insert:

"3–6A–02.

(a) **[**The**]** **EXCEPT FOR THE STUDENT MEMBER, THE** State Board may remove a voting member of the county board for:

(1) Immorality;

(2) Misconduct in office;

(3) Incompetency;

(4) Willful neglect of duty; or

(5) Failure to attend, without good cause, at least 75% of the scheduled meetings of the county board in any 1 calendar year.

(b) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity to request a hearing within 10 days.

(c) If the member requests a hearing within the 10–day period:

(1) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(2) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(d) A member removed under this section has the right to a de novo review of the removal by the Circuit Court for Harford County.

3–6A–04.

(a) Each **NONSTUDENT** member of the Harford County Board is entitled to receive $3,600 annually for travel and other expenses related to the performance of duties as a member of the board.

(b) Payments to a **NONSTUDENT** member for the expenses described in subsection (a) of this section shall be paid in 12 equal monthly installments.

(c) Subject to the approval of the board, a **NONSTUDENT** member may be reimbursed for additional travel and other expenses.".

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 858 – Senators Raskin, Colburn, Middleton, and Peters

AN ACT concerning

Public Library – Essential Community Service – Designation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #17

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

Senate Bill 378 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Program Evaluation Act – Revisions

SB0378/974538/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 378
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 31, after "procedures;" insert "requiring certain governmental activities and units to be subject to certain provisions of this Act and exempting certain governmental activities and units from certain provisions of this Act for a certain year; requiring the Department on or before a certain date to send a certain self–evaluation report form to certain units subject to termination or responsible for a governmental activity subject to termination; requiring the units subject to

termination or responsible for a governmental activity subject to termination to submit a certain self–evaluation report form to the Department on or before a certain date and requiring the Department to compile the forms on or before a certain date; requiring the units subject to termination or responsible for a governmental activity subject to termination to ensure that certain legislation is requested; stating the intent of the General Assembly that the Department conduct certain full evaluations and make certain recommendations on or before certain dates; requiring certain proposed legislation to include certain provisions;".

On page 2, in line 21, strike ", 8–407, and 8–408" and substitute "and 8–407 through 8–409".

On pages 2 through 4, strike in their entirety the lines beginning with line 24 on page 2 through line 1 on page 4, inclusive.

AMENDMENT NO. 2

On page 11, in line 8, after the parenthesis, insert "**, INCLUDING THE ELECTROLOGY PRACTICE COMMITTEE**"; in line 12, after the parenthesis, insert "**, INCLUDING THE ALLIED HEALTH ADVISORY COMMITTEES UNDER THE JURISDICTION OF THE BOARD**".

On page 18, after line 4, insert:

"**8–409.**

(A) THIS SECTION APPLIES TO THE FOLLOWING GOVERNMENTAL ACTIVITIES AND UNITS:

(1) ACUPUNCTURE BOARD, STATE (§ 1A–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(2) AMUSEMENT RIDE SAFETY, STATE ADVISORY BOARD (§ 3–303 OF THE BUSINESS REGULATION ARTICLE);

(3) APPRENTICESHIP AND TRAINING COUNCIL (§ 11–403 OF THE LABOR AND EMPLOYMENT ARTICLE);

(4) ARCHITECTS, STATE BOARD OF (§ 3–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(5) ATHLETIC COMMISSION, STATE (§ 4–201 OF THE BUSINESS REGULATION ARTICLE);

(6) AUDIOLOGISTS, HEARING AID DISPENSERS, AND SPEECH–LANGUAGE PATHOLOGISTS, STATE BOARD OF EXAMINERS FOR (§ 2–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(7) BARBERS, STATE BOARD OF (§ 4–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(8) BOILER RULES, BOARD OF (§ 12–904 OF THE PUBLIC SAFETY ARTICLE);

(9) CEMETERY OVERSIGHT, OFFICE OF (§ 5–201 OF THE BUSINESS REGULATION ARTICLE);

(10) CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS, STATE BOARD OF (§ 3–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(11) COLLECTION AGENCY LICENSING BOARD, STATE (§ 7–201 OF THE BUSINESS REGULATION ARTICLE);

(12) COSMETOLOGISTS, STATE BOARD OF (§ 5–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(13) COUNSELORS AND THERAPISTS, STATE BOARD OF PROFESSIONAL (§ 17–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(14) DIETETIC PRACTICE, STATE BOARD OF (§ 5–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(15) ELECTRICIANS, STATE BOARD OF MASTER (§ 6–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(16) ELEVATOR SAFETY REVIEW BOARD (§§ 12–819 THROUGH 12–841 OF THE PUBLIC SAFETY ARTICLE);

(17) ENGINEERS, STATE BOARD FOR PROFESSIONAL (§ 14–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(18) ENGINEERS, STATE BOARD OF STATIONARY (§ 6.5–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(19) ENVIRONMENTAL SANITARIANS, STATE BOARD OF (§ 11–201 OF THE ENVIRONMENT ARTICLE);

(20) FINANCIAL REGULATION, OFFICE OF THE COMMISSIONER OF (§ 2–101 OF THE FINANCIAL INSTITUTIONS ARTICLE);

(21) FORESTERS, STATE BOARD OF (§ 7–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(22) HEATING, VENTILATION, AIR–CONDITIONING, AND REFRIGERATION CONTRACTORS, STATE BOARD OF (§ 9A–201 OF THE BUSINESS REGULATION ARTICLE);

(23) HOME IMPROVEMENT COMMISSION, MARYLAND (§ 8–201 OF THE BUSINESS REGULATION ARTICLE);

(24) HORSE INDUSTRY BOARD, MARYLAND (§ 2–701 OF THE AGRICULTURE ARTICLE);

(25) INDIVIDUAL TAX PREPARERS, STATE BOARD OF (§ 21–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(26) INTERIOR DESIGNERS, STATE BOARD OF CERTIFIED (§ 8–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(27) LABOR AND INDUSTRY, DIVISION OF (TITLE 2 OF THE LABOR AND EMPLOYMENT ARTICLE);

(28) LAND SURVEYORS, STATE BOARD FOR PROFESSIONAL (§ 15–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(29) LANDSCAPE ARCHITECTS, STATE BOARD OF EXAMINERS OF (§ 9–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(30) LAW EXAMINERS, STATE BOARD OF (§ 10–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(31) MARYLAND–BRED RACE FUND ADVISORY COMMITTEE (§ 11–531 OF THE BUSINESS REGULATION ARTICLE);

(32) MOLD REMEDIATION SERVICES, LICENSING AND REGULATION OF (§ 8–701 OF THE BUSINESS REGULATION ARTICLE);

(33) NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS OF (§ 9–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(34) OCCUPATIONAL SAFETY AND HEALTH ADVISORY BOARD (§ 5–302 OF THE LABOR AND EMPLOYMENT ARTICLE);

(35) OCCUPATIONAL THERAPY PRACTICE, STATE BOARD OF (§ 10–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(36) OPTOMETRY, STATE BOARD OF EXAMINERS IN (§ 11–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(37) PHYSICAL THERAPY EXAMINERS, STATE BOARD OF (§ 13–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(38) PILOTS, STATE BOARD OF (§ 11–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(39) PLUMBING, STATE BOARD OF (§ 12–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(40) PODIATRIC MEDICAL EXAMINERS, STATE BOARD OF (§ 16–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(41) PREVAILING WAGE RATES, ADVISORY COUNCIL ON (§ 17–203 OF THE STATE FINANCE AND PROCUREMENT ARTICLE);

(42) PSYCHOLOGISTS, STATE BOARD OF EXAMINERS OF (§ 18–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(43) PUBLIC ACCOUNTANCY, STATE BOARD OF (§ 2–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(44) RACING COMMISSION, STATE (§ 11–201 OF THE BUSINESS REGULATION ARTICLE);

(45) REAL ESTATE APPRAISERS AND HOME INSPECTORS, STATE COMMISSION OF (§ 16–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(46) REAL ESTATE COMMISSION, STATE (§ 17–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(47) RESIDENTIAL CHILD CARE PROGRAM PROFESSIONALS, STATE BOARD FOR CERTIFICATION OF (§ 20–202 OF THE HEALTH OCCUPATIONS ARTICLE);

(48) SECURITY SYSTEMS TECHNICIANS, LICENSING AND REGULATION OF (§ 18–201 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE);

(49) SOCIAL WORK EXAMINERS, STATE BOARD OF (§ 19–201 OF THE HEALTH OCCUPATIONS ARTICLE);

(50) STANDARDBRED RACE FUND ADVISORY COMMITTEE, MARYLAND (§ 11–625 OF THE BUSINESS REGULATION ARTICLE);

(51) VETERINARY MEDICAL EXAMINERS, STATE BOARD OF (§ 2–302 OF THE AGRICULTURE ARTICLE);

(52) WATERWORKS AND WASTE SYSTEMS OPERATORS, STATE BOARD OF (§ 12–201 OF THE ENVIRONMENT ARTICLE); AND

(53) WELL DRILLERS, STATE BOARD OF (§ 13–201 OF THE ENVIRONMENT ARTICLE).

(B) ON OR BEFORE JULY 1 OF THE SECOND YEAR BEFORE THE TERMINATION DATE OF A GOVERNMENTAL ACTIVITY OR UNIT SUBJECT TO THIS SECTION, THE DEPARTMENT SHALL SEND THE UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION A SELF–EVALUATION REPORT FORM.

(C) ON OR BEFORE NOVEMBER 1 OF THE SECOND YEAR BEFORE THE TERMINATION DATE OF A GOVERNMENTAL ACTIVITY OR UNIT SUBJECT TO THIS SECTION, THE UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL SUBMIT TO THE DEPARTMENT A SELF–EVALUATION REPORT ON THE FORM PROVIDED BY THE DEPARTMENT.

(D) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL COMPILE THE SELF–EVALUATION REPORTS REQUIRED UNDER THIS SECTION AND SUBMIT THEM TO THE COMMITTEES OF JURISDICTION.

(E) EACH UNIT SUBJECT TO TERMINATION OR RESPONSIBLE FOR THE GOVERNMENTAL ACTIVITY SUBJECT TO TERMINATION SHALL ENSURE THAT LEGISLATION IS REQUESTED TO EXTEND THE TERMINATION DATE OF THE GOVERNMENTAL ACTIVITY OR UNIT.".

On page 18, in lines 5, 16, and 23, strike "**8–409.**", "**8–410.**", and "**8–411.**", respectively, and substitute "**8–410.**", "**8–411.**", and "**8–412.**", respectively; in line 7,

after "subtitle" insert "**OR SUBJECT TO § 8–409 OF THIS SUBTITLE**"; and after line 24, insert:

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

(a) In 2012 only, the Elevator Safety Review Board, the State Board of Stationary Engineers, the Division of Labor and Industry, the Maryland Apprenticeship and Training Council, the Advisory Council on Prevailing Wage Rates, the Maryland Occupational Safety and Health Advisory Board, the Amusement Ride Safety Advisory Board, and the Board of Boiler Rules shall be exempt from the requirements under § 8–409 of the State Government Article as established under this Act.

(b) It is the intent of the General Assembly that the Department of Legislative Services shall:

(1) on or before December 1, 2012, conduct a full evaluation of the Employment Standards and Classification Program of the Division of Labor and Industry and the Advisory Council on Prevailing Wage Rates as approved by the Legislative Policy Committee in December 2011; and

(2) on or before January 1, 2013, make recommendations to the committees of jurisdiction on new termination dates for the Elevator Safety Review Board, the State Board of Stationary Engineers, and the Board of Boiler Rules.

(c) Proposed legislation submitted as part of the full evaluation conducted under subsection (b) of this section shall extend the termination dates of the Maryland Apprenticeship and Training Council, the Maryland Occupational Safety and Health Advisory Board, and the Amusement Ride Safety Advisory Board by 10 years as approved by the Legislative Policy Committee in December 2011.".

On pages 18 and 19, strike in their entirety the lines beginning with line 25 on page 18 down through line 27 on page 19, inclusive.

On page 19, in line 28, strike "12." and substitute "3."; and in line 29, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 391 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Class BLX Licenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 474 – Senator Pinsky

AN ACT concerning

State Board of Professional Counselors and Therapists – Certified Professional Counselor–Alcohol and Drug – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 479 – Senator Ferguson

AN ACT concerning

Health Occupations – Physician Assistants – Patient's Access to Supervising Physician

SB0479/534237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 479
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "circumstances;" in line 5 and substitute "repealing a requirement that certain patients be seen by certain physicians who supervise certain physician assistants under certain circumstances; requiring certain delegation agreements to contain a certain statement;"; in line 10, after "15–301" insert "and 15–302(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–302(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 26 through 32, inclusive; and after line 32, insert:

"15–302.

(a) A physician may delegate medical acts to a physician assistant only after:

(1) A delegation agreement has been executed and filed with the Board; and

(2) Any advanced duties have been authorized as required under subsection (c) of this section.

(b) The delegation agreement shall contain:

(1) A description of the qualifications of the primary supervising physician and physician assistant;

(2) A description of the settings in which the physician assistant will practice;

(3) A description of the continuous physician supervision mechanisms that are reasonable and appropriate to the practice setting;

(4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;

(5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;

(6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;

(7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;

(8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;

(9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant; **[**and**]**

(10) THE FOLLOWING STATEMENT: "THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT ATTEST THAT:

(I) THEY WILL ESTABLISH A PLAN FOR THE TYPES OF CASES THAT REQUIRE A PHYSICIAN PLAN OF CARE OR REQUIRE THAT THE PATIENT INITIALLY OR PERIODICALLY BE SEEN BY THE SUPERVISING PHYSICIAN; AND

(II) THE PATIENT WILL BE PROVIDED ACCESS TO THE SUPERVISING PHYSICIAN ON REQUEST"; AND

[(10)**] (11)** Any other information deemed necessary by the Board to carry out the provisions of this subtitle.".

The preceding 2 amendments were read only.

Senator Brochin 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 534 – Senators Pugh, Currie, Gladden, and Jones–Rodwell

AN ACT concerning

Baltimore City – Alcoholic Beverages License – Repeal of Voter Registration Requirement for Licensees

SB0534/684534/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 534
(First Reading File Bill)

On page 1, in line 6, after "license" insert "that was issued on or before a certain date".

On page 2, in line 3, after "**COMPANY**" insert "**THAT WAS ISSUED ON OR BEFORE JUNE 1, 2012,**".

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 635 – Senators Frosh, Madaleno, Manno, Montgomery, and Pinsky

AN ACT concerning

Environment – Water Appropriation or Use Permits – Fees

SB0635/774838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 635
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Permits – Fees" and substitute "Permit Fees – Workgroup"; strike beginning with "a" in line 3 down through "requiring" in line 7; in line 8, after "structure" insert "in a certain manner"; in line 9, after "Department" insert "of the Environment"; in line 11, strike "defining certain terms;" and substitute "providing for the termination of this Act;"; strike in their entirety lines 13 through 22, inclusive; in line 24, strike "the Laws of Maryland read as follows"; and strike line 25 in its entirety.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 1 on page 2 down through line 13 on page 5.

AMENDMENT NO. 3

On page 5, strike beginning with "Prior" in line 14 down through the first "the" in line 15 and substitute "The"; in line 16, strike "the" and substitute ":

(1) The";

in line 17, strike ", the" and substitute ";

(2) The";

in the same line, strike ", agriculture" and substitute ";

(3) Agriculture";

in the same line, strike ", public" and substitute ";

(4) Public";

in line 18, strike ", the golf" and substitute ";

(5) The golf";

in the same line, strike ", the power" and substitute ";

(6) The power";

in the same line, strike ", and the" and substitute "; and

(7) The";

strike beginning with "to" in line 19 down through "Act" in line 21; after line 21 insert:

"(b) (1) The workgroup shall develop a structure of fees related to the issuance and renewal of a water appropriation and use permit issued by the Department of the Environment under § 5–502 of the Environment Article.

(2) The structure of fees shall be set in the manner necessary to:

(i) Fund the cost to the Department of regulating or monitoring the activity for which the permit is issued; and

(ii) Support the needs of the Department for program development activities, including:

1. Conducting watershed and aquifer studies;

2. Monitoring and assessing the cumulative impacts associated with regulated activities on the State's groundwater and surface water;

3. Developing and implementing a statewide water supply plan; and

4. Providing technical assistance to local governments.";

in line 22, strike "(b)" and substitute "(c)"; in the same line, strike "of the Environment"; in line 25, strike "findings and recommendations of" and substitute "structure of fees developed by"; in line 27, strike "3." and substitute "2."; in line 28, strike "July" and substitute "June"; in the same line, after "2012." insert "It shall

remain effective for a period of 1 year and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read 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 649 – Senators Ramirez, Raskin, and Jones–Rodwell

AN ACT concerning

Environment – Asbestos Worker Protection

SB0649/884131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 649
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "fees;" insert "altering the circumstances under which a certain penalty may be composed;"; and strike beginning with "establishing" in line 8 down through "circumstance;" in line 9.

AMENDMENT NO. 2

On page 4, in line 10, strike "willfully"; and strike beginning with the comma in line 16 down through "**VIOLATION**" in line 17.

The preceding 2 amendments were read only.

Senator Jacobs moved, duly seconded, to make the Bill and Amendments a Special Order for March 15, 2012.

The motion was adopted.

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 581 – Senators Stone, Brochin, Klausmeier, and Zirkin

AN ACT concerning

Maryland Historical Trust – Historic Property Designation – Essex Skypark

SB0581/874231/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 581
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "and Zirkin" and substitute "Zirkin, and Jennings"; in line 2, after "Trust –" insert "National Register of"; in the same line, strike "Property Designation" and substitute "Places"; in line 3, after the second "the" insert "Director of the"; in line 4, strike "designate" and substitute "determine whether"; in the same line, strike "as a historic property under" and substitute "is eligible for listing in the National Register of Historic Places in accordance with".

AMENDMENT NO. 2

In line 8, after "the" insert "Director of the"; in line 9, strike "designate" and substitute "determine whether"; and in the same line, strike "as a historic property under" and substitute "is eligible for listing in the National Register of Historic Places in accordance with".

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 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – Fire and Life Safety

SB0602/604039/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 602
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Fire and Life Safety" and substitute "Automatic Fire Sprinkler Systems"; in line 3, after "jurisdiction" insert ", with a certain exception,"; in line 5, strike "fire and life safety" and substitute "certain automatic fire sprinkler systems"; and in line 7, after "Act;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 1, in line 24, after "(a)" insert "**(1)**".

On page 2, in lines 1 and 3, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 5, strike "**(3)**" and substitute "**(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**"; after line 6, insert:

"**(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.**";

and in line 28, after "**(III)**" insert "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**".

On page 3, after line 5, insert:

"**(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.**".

AMENDMENT NO. 3

On page 2, in lines 5 and 28, in each instance, strike "**FIRE AND LIFE SAFETY**" and substitute "**THE AUTOMATIC FIRE SPRINKLER SYSTEMS**"; and in the same lines, in each instance, after "**PROVISIONS**" insert "**FOR TOWNHOUSES AND ONE– AND TWO–FAMILY DWELLINGS**".

AMENDMENT NO. 4

On page 3, in line 21, after "4." insert "AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any building permit for which an application is submitted before the effective date of this Act.

SECTION 5.".

The preceding 4 amendments were read only.

Senator Edwards 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 609 – Senator Benson (Chair, Task Force on the Establishment of a Statewide Spay/Neuter Fund)

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund – 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 659 – Senators Pinsky, Klausmeier, Manno, and Rosapepe

AN ACT concerning

State Procurement – Disclosure of the Relocation of Jobs to a Foreign Country

SB0659/234635/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 659
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Procurement –" insert "Preference and"; in lines 2 and 3, strike "of the Relocation of Jobs to a Foreign Country" and substitute "– Location of the Performance of Services"; strike beginning with "requiring" in line 4 down through "period;" in line 11 and substitute "requiring, under certain circumstances, a bidder to disclose certain information regarding whether services required under a procurement contract will be performed outside the State or the United States; prohibiting a public employer from knowingly contracting for certain services unless the services are to be provided in the United States, except under certain circumstances; requiring the Board of Public Works to adopt certain regulations;"; in line 12, after "right;" insert "defining a certain term;"; strike beginning with "the" in line 13 down through "countries" in line 14 and substitute "preferences and disclosures regarding the location of the performance of services required under procurement contracts"; and strike beginning with "11–401" in line 17 down through "Country"" in line 18 and substitute "14–413".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"**14–413.**

(A) IN THIS SECTION, "PUBLIC EMPLOYER" MEANS:

(1) A UNIT;

(2) A COUNTY;

(3) A MUNICIPALITY;

(4) A COUNTY BOARD OF EDUCATION; OR

(5) A SPECIAL TAXING DISTRICT.

(B) THIS SECTION APPLIES TO A PROCUREMENT CONTRACT WITH AN ESTIMATED VALUE OF $2,000,000 OR MORE.

(C) IN RESPONSE TO A SOLICITATION FOR A PROCUREMENT CONTRACT ISSUED BY A PUBLIC EMPLOYER, A BIDDER SHALL DISCLOSE TO THE PUBLIC EMPLOYER THE FOLLOWING:

(1) WHETHER THE BIDDER ANTICIPATES THAT THE BIDDER OR ANY CONTRACTOR THE BIDDER WILL SUBCONTRACT WITH TO PERFORM THE CONTRACT WILL PERFORM ANY SERVICES REQUIRED UNDER THE CONTRACT OUTSIDE THE STATE OR THE UNITED STATES; AND

(2) IF SERVICES REQUIRED UNDER THE CONTRACT ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE STATE OR THE UNITED STATES:

(I) WHERE THE SERVICES WILL BE PERFORMED; AND

(II) THE REASONS WHY IT IS NECESSARY OR ADVANTAGEOUS TO PERFORM THE SERVICES OUTSIDE THE STATE OR THE UNITED STATES.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC EMPLOYER MAY NOT KNOWINGLY CONTRACT FOR THE FOLLOWING SERVICES UNLESS THE SERVICES ARE TO BE PROVIDED IN THE UNITED STATES:

(I) ARCHITECTURAL SERVICES;

(II) CONSTRUCTION SERVICES;

(III) ENGINEERING SERVICES; OR

(IV) ENERGY PERFORMANCE CONTRACT SERVICES.

(2) A PUBLIC EMPLOYER MAY CONTRACT FOR SERVICES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT ARE PROVIDED OUTSIDE THE UNITED STATES, IF:

(I) THE SERVICES ARE NOT AVAILABLE IN THE UNITED STATES;

(II) THE PRICE OF THE SERVICES IN THE UNITED STATES EXCEEDS BY AN UNREASONABLE AMOUNT THE PRICE OF SERVICES PROVIDED OUTSIDE THE UNITED STATES; OR

(III) THE QUALITY OF THE SERVICES IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF COMPARABLY PRICED SERVICES PROVIDED OUTSIDE THE UNITED STATES.

(3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SUBSECTION:

(I) "UNREASONABLE AMOUNT"; AND

(II) "SUBSTANTIALLY LESS".".

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 21 on page 3, inclusive.

The preceding 2 amendments were read only.

Senator Kittleman 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 756 – Senators Young, Colburn, Klausmeier, Mathias, and Montgomery

AN ACT concerning

Governor's Advisory Commission on Maryland Wine and Grape Growing – Membership

SB0756/774935/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 756
(First Reading File Bill)

On page 2, in line 15, strike "**OFFICE OF TOURISM DEVELOPMENT**" and substitute "**DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT**".

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 776 – Senator Young

AN ACT concerning

Polysomnographic Technologists – Education and Examination Requirements

SB0776/664133/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 776
(First Reading File Bill)

On page 2, in line 10, after "**2.**" insert "**A.**"; and in line 12, after "**MEDICINE;**" insert "**AND**

B. HAVE COMPLETED A CLINICAL COMPONENT OF AN EDUCATIONAL PROGRAM AS ESTABLISHED BY THE COMMITTEE AND APPROVED BY THE BOARD;".

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 840 – Senator Rosapepe

AN ACT concerning

Alcoholic Beverages – City of Laurel – Sales by License Holders

SB0840/234937/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 840
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "500 feet" and substitute "a certain distance"; and strike beginning with "under" in line 5 down through "circumstances" in line 6.

AMENDMENT NO. 2

On page 2, strike beginning with "**IF**" in line 30 down through the first "**THE**" in line 32 and substitute "**THE**".

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 951 – Senator Dyson

AN ACT concerning

General Assembly – Ethics Counseling

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #13

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

Senate Bill 168 – Senators Brochin, Forehand, Frosh, Jacobs, Ramirez, Raskin, and Stone

AN ACT concerning

Criminal Procedure – Victim's Compensation – Temporary Lodging for Domestic Violence Victims

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 14, 2012.

The motion was adopted.

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

Senate Bill 175 – Senators Raskin, Forehand, Getty, Jacobs, Shank, and Stone

AN ACT concerning

Crimes – Electronic Communication – Harassment

SB0175/168979/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 175
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Ramirez, and Zirkin".

AMENDMENT NO. 2

On page 1, strike beginning with "engaging" in line 4 down through "harass" in line 5 and substitute "maliciously engaging in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another under certain circumstances"; and strike beginning with "establishing" in line 5 down through "Act;" in line 6.

AMENDMENT NO. 3

On page 1, in line 21, before "**ENGAGE**" insert "**MALICIOUSLY**"; in the same line, after "**IN**" insert "**A COURSE OF CONDUCT, THROUGH THE USE OF**"; in line 22, strike "with the intent to harass:" and substitute "**, THAT ALARMS OR SERIOUSLY ANNOYS ANOTHER:**

(1) WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE OTHER;

(2) AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF THE OTHER; AND

(3) WITHOUT A LEGAL PURPOSE.";

and strike line 23 in its entirety.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 4

On page 2, strike beginning with the colon in line 17 down through "**OFFENSE,**" in line 18; and strike beginning with the semicolon in line 19 down through "**BOTH**" in line 21.

The preceding 4 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 496 – Senator Gladden

AN ACT concerning

Criminal Procedure – Unexecuted Warrant, Summons, or Other Criminal Process – Invalidation and Destruction

SB0496/298776/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 2, in lines 5 and 20, in each instance, after "**WARRANT**" insert "**FOR A MISDEMEANOR OFFENSE**".

The preceding amendment was read only.

Senator Middleton 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 512 – Senators Frosh, Conway, Forehand, Gladden, Kelley, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Regulated Firearms – Database – Applications for Dealer's License – Record Keeping and Reporting Requirements

SB0512/418670/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 512
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "firearm;" in line 9.

On page 2, strike in their entirety lines 1 through 10, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 5 on page 3, inclusive.

AMENDMENT NO. 3

On page 5, in line 12, strike "**(1)**"; and strike in their entirety lines 16 through 19, inclusive.

The preceding 3 amendments were read only.

Senator Kittleman 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 673 – Senator Getty

AN ACT concerning

Courts and Judicial Proceedings – Testimony by Convicted Perjurer

SB0673/628170/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 673
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "Senator Getty" and substitute "Senators Getty, Forehand, and Gladden"; in line 2, after "Proceedings –" insert "Prohibition Against"; in the same line, after "Perjurer" insert "– Repeal"; in line 3, strike "establishing an

exception to" and substitute "repealing"; strike beginning with "for" in line 4 down through "victim" in line 5; and in line 7, strike "and reenacting, with amendments,".

AMENDMENT NO. 2

Strike in their entirety lines 15 through 19, 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 691 – Senator Shank

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

SB0691/618474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 691
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Shank" and substitute "Senators Shank, Frosh, Getty, and Gladden"; in line 7, strike "requiring" and substitute "authorizing"; and in line 18, after "terms;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 15, strike "**OR SUBSTANTIAL**"; and in line 25, strike "**SERVICE**" and substitute "**SUPERVISION**".

AMENDMENT NO. 3

On page 3, in line 3, strike "**CURRENTLY BEING SUPERVISED**" and substitute "**CONVICTED**"; strike beginning with "**CURRENTLY**" in line 4 down through "**SUPERVISED**" in line 5 and substitute "**CONVICTED**"; and strike beginning with

"**CURRENTLY**" in line 7 down through "**SUPERVISED**" in line 8 and substitute "**CONVICTED**".

AMENDMENT NO. 4

On page 3, in line 24, strike "**SHALL**" and substitute "**MAY**".

On page 4, in line 1, strike "**INITIAL PERIOD OF ACTIVE SUPERVISION**" and substitute "**SENTENCE**".

AMENDMENT NO. 5

On page 4, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the conviction or supervision of any individual before the effective date of this Act.";

in line 21, strike "2." and substitute "3."; and in line 22, strike "October 1, 2014" and substitute "January 1, 2013".

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.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

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

Senate Bill 18 – Senators Peters, Astle, Klausmeier, Garagiola, DeGrange, Rosapepe, King, Ramirez, Montgomery, Kelley, Madaleno, Stone, Manno, Kittleman, Colburn, Edwards, and Brochin

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

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 123 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property – Purchase of Residential Property by Secured Party – Notice to Local Supervisor of Assessments

SB0123/808371/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 123
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Purchase" and substitute "Foreclosure Sale"; in the same line, strike "by Secured Party"; strike beginning with the first "certain" in line 4 down through "party" in line 9 and substitute "the purchaser of certain residential property at a foreclosure sale to provide a copy of the court order ratifying the sale to the local supervisor of assessments within a certain period of time; providing certain exceptions; requiring the supervisor of assessments to provide a receipt to the person providing a copy of the ratification order; providing that, if a copy of the ratification order is not provided to the local supervisor of assessments within a certain period of time, a certain reduction in property tax plus interest at a certain rate remains due and collectable as a property tax; defining certain terms; and generally relating to notice to the local supervisor of assessments of a foreclosure sale of certain residential property"; and strike in their entirety lines 10 through 14, inclusive, and substitute:

"BY adding to
Article – Real Property
Section 7–105.11
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 17 on page 2, inclusive, and substitute:

"**7–105.11.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "INSTRUMENT OF WRITING" HAS THE MEANING STATED IN § 12–101 OF THE TAX – PROPERTY ARTICLE.

(3) (I) "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY A DWELLING UNIT THAT IS DESIGNED PRINCIPALLY AND IS INTENDED FOR HUMAN HABITATION.

(II) "RESIDENTIAL PROPERTY" INCLUDES:

1. A RESIDENTIAL CONDOMINIUM UNIT; AND

2. A UNIT IN A COOPERATIVE PROJECT, AS DEFINED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(4) "TAX" HAS THE MEANING STATED IN § 14–801 OF THE TAX – PROPERTY ARTICLE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF RESIDENTIAL PROPERTY IS PURCHASED AT A SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST ON THE RESIDENTIAL PROPERTY, THE PURCHASER SHALL PROVIDE A COPY OF THE COURT ORDER RATIFYING THE FORECLOSURE SALE TO THE SUPERVISOR OF ASSESSMENTS FOR THE COUNTY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED BY THE LATER OF:

(1) 60 DAYS AFTER THE ENTRY OF THE COURT ORDER RATIFYING THE FORECLOSURE SALE; OR

(2) IF A MOTION IS FILED UNDER MARYLAND RULE 2–535 BEFORE THE EXPIRATION OF THE TIME PERIOD SET FORTH IN ITEM (1) OF THIS

SUBSECTION, 30 DAYS AFTER THE ENTRY OF A COURT ORDER THAT RESOLVES THE MOTION WITHOUT NULLIFYING THE RATIFICATION ORDER.

(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY IF:

(1) AN INSTRUMENT OF WRITING TRANSFERRING THE RESIDENTIAL PROPERTY HAS BEEN RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE RESIDENTIAL PROPERTY IS LOCATED BEFORE THE EXPIRATION OF THE TIME PERIOD SET FORTH IN SUBSECTION (B) OF THIS SECTION; OR

(2) THE FORECLOSURE SALE IS SUBJECT TO:

(I) A PENDING APPEAL OF THE RATIFICATION ORDER;

(II) A BANKRUPTCY STAY; OR

(III) AN UNEXPIRED RIGHT OF REDEMPTION IN FAVOR OF THE UNITED STATES OR ANY AGENCY OR DEPARTMENT OF THE UNITED STATES.

(D) THE SUPERVISOR OF ASSESSMENTS SHALL PROVIDE A RECEIPT TO THE PERSON PROVIDING A COPY OF THE RATIFICATION ORDER.

(E) IF A COPY OF THE RATIFICATION ORDER IS NOT PROVIDED TO THE SUPERVISOR OF ASSESSMENTS AS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, ANY REDUCTION IN PROPERTY TAX RECEIVED BY THE RESIDENTIAL PROPERTY BECAUSE OF ITS STATUS AS AN OWNER–OCCUPIED PRINCIPAL RESIDENCE FROM THE DATE OF THE ENTRY OF THE RATIFICATION ORDER UNTIL THE EARLIER OF THE RECEIPT BY THE SUPERVISOR OF ASSESSMENTS OF A COPY OF THE RATIFICATION ORDER OR THE RECORDATION IN THE LAND RECORDS OF AN INSTRUMENT OF WRITING TRANSFERRING THE PROPERTY TO A THIRD PARTY SHALL REMAIN DUE AND COLLECTABLE AS A PROPERTY TAX UNDER TITLE 14 OF THE TAX – PROPERTY ARTICLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 413 – Senators Brochin, Madaleno, and Raskin

AN ACT concerning

Courts – Service of Process – Increase in Sheriff's Fees – Distribution to Rental Allowance Program Fund

SB0413/968070/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "purposes;" insert "adding the Fund to a certain list of funds the interest earnings of which are exempt from accruing to the General Fund of the State;".

On page 2, after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62 and 63
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, in line 13, after "fee" insert "**REMAINING AFTER DISTRIBUTION TO THE FUND IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION**".

AMENDMENT NO. 3

On page 5, in line 18, strike "**THIS SUBTITLE**" and substitute "**THE RENTAL ALLOWANCE PROGRAM**".

AMENDMENT NO. 4

On page 5, after line 20, insert:

"Article – State Finance and Procurement

6–226.

(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. RENTAL ALLOWANCE PROGRAM FUND.".

The preceding 4 amendments were read only.

Senator Reilly 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 453 – Senator Stone

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

SB0453/798073/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 453
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone and Jacobs".

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 616 – Senator Jennings

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Judges – Mandatory Retirement

Senator Madaleno moved, duly seconded, to make the Bill and Report a Special Order for March 15, 2012.

The motion was adopted.

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

Senate Bill 797 – Senators Frosh and Gladden

AN ACT concerning

Courts and Judicial Proceedings – Witnesses – Privileged Communications Between Labor Organization and Member

SB0797/498677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Gladden" and substitute "Gladden, Forehand, Ramirez, Raskin, Stone, and Zirkin"; and in line 6, strike "acquired from a member" and substitute "received or acquired while acting in a representative capacity".

AMENDMENT NO. 2

On page 2, strike beginning with "**AN**" in line 1 down through "**CAPACITY**" in line 4 and substitute "**THE LABOR ORGANIZATION OR AGENT RECEIVED OR ACQUIRED FROM A MEMBER OF THE LABOR ORGANIZATION WHILE THE LABOR ORGANIZATION OR AGENT WAS ACTING IN A REPRESENTATIVE CAPACITY**".

AMENDMENT NO. 3

On page 2, after line 10, insert:

"**(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE LABOR ORGANIZATION MEMBER HAS COMMITTED A CRIME;**";

in lines 11, 18, 20, and 25, strike "**(2)**", "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 29, strike "**(C)(2)**" and substitute "**(C)(3)**".

The preceding 3 amendments were read only.

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

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

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

Senate Bill 185 – Senators Forehand, Conway, King, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Stone

AN ACT concerning

Motor Vehicles – Child Seating and Safety Seats – Requirements and Prohibition

SB0185/728571/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 185
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Seating and"; in lines 2 and 3, strike "and Prohibition"; strike beginning with "requiring" in line 4 down through "instructions;" in line 6; strike beginning with "prohibiting" in line 9 down through "vehicle;" in line 10; in line 11, strike "and conforming"; in line 12, strike "seating and"; and strike in their entirety lines 18 through 22, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**(1)**" in line 25 down through "**(2)**" in line 29; in line 29, strike the brackets; and in lines 29 and 30, strike "**BETWEEN THE AGES OF 2 AND**".

AMENDMENT NO. 3

On page 3, in lines 5, 7, and 9, strike "**(1)**", "**(I)**", and "**(II)**", respectively; in lines 7 and 9, in each instance, strike the bracket; and strike in their entirety lines 10 through 13, inclusive.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 12 through 14, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 276 – Senators Mathias, Colburn, Currie, DeGrange, Edwards, Garagiola, Jennings, Middleton, Peters, and Robey

AN ACT concerning

Drivers' Licenses and Identification Cards – Notation of Veteran Status

SB0276/898872/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 276
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Forehand, Getty, Jacobs, Stone, and Zirkin".

AMENDMENT NO. 2

On page 1, in line 6, strike "a certain certification of" and substitute "certain documentation certifying"; in lines 10 and 11, in each instance, strike "the Department" and substitute "certain Executive Branch agencies under certain circumstances"; and in line 13, after "Act;" insert "providing for a delayed effective date;".

AMENDMENT NO. 3

On page 3, in line 4, after "**ARTICLE**" insert "**, A DD FORM 214, OR OTHER DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING VETERAN STATUS,**"; in lines 8 and 9, strike "**THE DEPARTMENT OF VETERANS AFFAIRS**" and substitute "**APPROPRIATE EXECUTIVE BRANCH AGENCIES**"; in line 11, strike "**THE**" and substitute "**IN ACCORDANCE WITH § 10–616 OF THE STATE GOVERNMENT ARTICLE AND ANY OTHER APPLICABLE LAW, AND ON REQUEST BY AN EXECUTIVE BRANCH AGENCY, THE**"; in line 12, strike "**DEPARTMENT OF VETERANS AFFAIRS**" and substitute "**EXECUTIVE BRANCH AGENCY**"; and in line 18, strike "October 1, 2012" and substitute "January 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.

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

Senate Bill 283 – Senators Stone, Forehand, Jacobs, Klausmeier, and Simonaire

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 347 – 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.

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

Senate Bill 487 – Senators Raskin and Reilly

AN ACT concerning

Vehicle Laws – Salvage – Defective, Lost, or Destroyed Certificates of Title

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 506 – Senators Raskin, Gladden, Ramirez, and Stone

AN ACT concerning

Vehicle Laws – Provisional Driver's Licenses – Driver Education Requirements

SB0506/918176/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 506
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Brochin".

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 560 – Senators Forehand, Frosh, Manno, Ramirez, and Stone

AN ACT concerning

Vehicle Laws – Title and Registration – Transfer to Surviving Spouse

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 643 – Senators Ramirez, Colburn, Kelley, Montgomery, and Muse

AN ACT concerning

Vehicle Laws – Abandoned Vehicles – Notice

SB0643/198270/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 643
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Abandoned" and substitute "Stolen"; strike beginning with "altering" in line 3 down through "vehicles" in line 6 and substitute "requiring a police department that takes into custody a vehicle that has been reported stolen to provide, within a certain period of time, a certain notice to the last known registered owner of the vehicle; and generally relating to reporting requirements and stolen vehicles"; and strike in their entirety lines 7 through 16, inclusive, and substitute:

"BY adding to
Article – Transportation
Section 14–105.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 8 on page 3, inclusive, and substitute:

"**14–105.2.**

WITHIN 3 DAYS AFTER TAKING A VEHICLE THAT HAS BEEN REPORTED STOLEN INTO CUSTODY, A POLICE DEPARTMENT SHALL:

(1) SEND NOTICE TO THE LAST KNOWN OWNER OF THE VEHICLE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND

(2) PROVIDE NOTICE BY TELEPHONE TO THE LAST KNOWN REGISTERED OWNER OF THE VEHICLE IF A TELEPHONE NUMBER FOR THE OWNER IS AVAILABLE.".

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

Senate Bill 741 – Senators Forehand and Rosapepe

AN ACT concerning

Vehicle Laws – U.S. Foreign Service Members Absent from State – Effective Period of Driver's License

SB0741/288271/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 741
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute ", Rosapepe, Gladden, Jacobs, and Raskin".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

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

(See Roll Call No. 483)

ADJOURNMENT

At 12:17 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 14, 2012.

Annapolis, Maryland
Wednesday, March 14, 2012
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Cynthia Terry, Chaplain at Goucher College, guest of Senator Brochin.

(See Exhibit A of Appendix III)

The Journal of March 13, 2012 was read and approved.

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

QUORUM CALL

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

(See Roll Call No. 486)

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 489 – Senator Joseph M. Getty:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Margo Huffman
in recognition of
being named Miss Teen Maryland International 2011.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 14th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 487)

QUORUM CALL

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

(See Roll Call No. 488)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #33

Senate Bill 221 – ~~Senator Frosh~~ Senators Frosh, Brochin, Forehand, and Raskin

AN ACT concerning

Courts and Judicial Proceedings – Strategic Lawsuits Against Public Participation

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 489)

Senate Bill 320 – Senator Young

AN ACT concerning

Frederick County Board of Education – Membership and Employment

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 19, 2012.

The motion was adopted.

Senate Bill 559 – Senators Forehand, Kelley, Madaleno, Manno, and Young

AN ACT concerning

Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child

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

Affirmative – 27 Negative – 19 (See Roll Call No. 490)

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 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit C of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT;
AND SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit E of Appendix III)

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (147) AND THE FAVORABLE REPORT.

Committee amendments 1 through 9 were read and adopted.

Committee amendments 10 through 24 were read and adopted.

Committee amendments 25 through 38 were read and adopted.

Committee amendments 39 through 53 were read and adopted.

Committee amendments 54 through 68 were read and adopted.

Committee amendments 69 through 77 were read and adopted.

Committee amendments 78 through 101 were read and adopted.

Committee amendments 102 through 121 were read and adopted.

Committee amendments 122 through 143 were read and adopted.

Committee amendments 144 through 147 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0150/263621/1
BY: Senator Kittleman

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 23, in Amendment No. 18, under:

Heading: MARYLAND HEATH BENEFIT EXCHANGE

Program: D78Y01.01

Entitled: Maryland Health Benefit Exchange

In line 35, after "to" insert "the House Health and Government Operations Committee, the Senate Finance Committee, and".

On page 24, in line 10, strike "budget".

On page 24, in Amendment No. 19, in line 17, after "to" insert "the House Health and Government Operations Committee, the Senate Finance Committee, and"; and in line 33, strike "budget".

On page 74, in Amendment No. 49, under:

Heading: MENTAL HYGIENE ADMINISTRATION

Program: M00L01.01

Entitled: Program Direction

In line 38, after "to" insert "the House Health and Government Operations Committee, the Senate Finance Committee, and".

On page 75, in lines 29 and 36, in each instance, strike "budget".

On page 80, in Amendment No. 53, under:

Heading: DEVELOPMENTAL DISABILITIES ADMINISTRATION

Program: M00M01.01

Entitled: Program Direction

In line 7, after "to" insert "the House Health and Government Operations Committee, the Senate Finance Committee, and"; and in lines 16, 21, and 28, in each instance, strike "budget".

On page 88, in Amendment No. 68, under:

Heading: HEALTH REGULATORY COMMISSIONS

Program: M00R01.03

Entitled: Maryland Community Heath Resources Commission

In line 17, after "to" insert "the House Health and Government Operations Committee, the Senate Finance Committee, and"; and in lines 26 and 33, in each instance, strike "budget".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0150/933626/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 118, in Amendment No. 84, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

In line 10, after "Fund" insert ". Further provided that $830,818 of this appropriation made for the State Share of Foundation Program shall not be spent for that purpose and instead may only be transferred to the Guaranteed Tax Base program if additional State funds are necessary to provide aid under § 5–210 of the Education Article. Any funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.".

On page 215, after line 30, insert:

"SECTION 45. AND BE IT FURTHER ENACTED, That the following appropriations contained in Section 1 of this Act are reduced by $1,226,384,600 as follows:

Appropriation Code	Program Title	General Fund Reduction Amount	Special Fund Reduction Amount	Federal Fund Reduction Amount
A15O00.01	Disparity Grants Reduce Disparity Grants by 10%	11,992,672		
A15O00.01	Disparity Grants Supplemental disparity grant	19,583,662		
D15A05.16	Governor's Office of Crime	20,768,000		

	Control and Prevention Eliminate Local Law Enforcement Grants			
D40W01.12	Sustainable Communities Tax Credit Eliminate Sustainable Communities Tax Credit	7,000,000		
F10A02.08	Statewide Expenses Eliminate State employee cost–of–living adjustment	33,800,000	8,000,000	5,100,000
J00H01.05	Facilities and Capital Equipment Eliminate Development and Evaluation funding for the Purple Line, Red Line, and the Corridor Cities Transitway		119,000,000	
M00L01.02	Community Services Eliminate provider increases for Maryland Hygiene Administration (MHA)	800,000		
M00L01.02	Community Services for Medicaid Recipients Eliminate provider increases for MHA	2,300,000		
M00M01.02	Community Services Eliminate provider increases for the Developmental Disabilities Administration	8,600,000		
M00Q01.03	Medical Care Provider Reimbursements Impose service limitations	45,000,000		45,000,000

	on non–emergency room outpatient visits		
M00Q01.03	Medical Care Provider Reimbursements Reduce expansion of rates for evaluation and management codes for non–primary care physicians to the Medicare rate	15,990,000	15,990,000
M00Q01.03	Medical Care Provider Reimbursements Reduce Managed Care Organization rates by an additional 1%	15,675,000	15,675,000
M00Q01.03	Medical Care Provider Reimbursements Reduce the nursing home rate increase	5,500,000	5,500,000
N00G00.01	Foster Care Maintenance Payments Eliminate provider increases for foster care	1,400,000	
R00A02.01	State Share of Foundation Program Eliminate GCEI	128,752,660	
R00A02.01	State Share of Foundation Program Reduce per pupil foundation amount from $6,694 to $6,650	44,774,042	
R00A02.02	Compensatory Education Reduce per pupil foundation	18,877,131	

	amount from $6,694 to $6,650	
R00A02.07	Students with Disabilities Reduce per pupil foundation amount from $6,694 to $6,650	4,368,607
R00A02.07	Students with Disabilities Eliminate provider increases for nonpublic placements	2,100,000
R00A02.24	Limited English Proficient Reduce per pupil foundation amount from $6,694 to $6,650	2,917,010
R00A02.55	Teacher Development Eliminate Teacher Quality Incentives/National Board Certification Fees	5,232,000
R62I00.03	Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education Reduce funds for institutions having an endowment in excess of $1 billion	16,400,000
R62I00.05	The Senator John A. Cade Funding Formula for the Distribution of Funds to Community Colleges Reduce funding for community colleges 10% below the Budget Reconciliation and Financing Act	19,917,611

R75T00.01	Support for State Operated Institutions of Higher Education Reduce public higher education 10%	115,471,205	
T00F00.12	Maryland Biotechnology Investment Tax Credit Reserve Fund Eliminate Biotechnology Tax Credit	8,000,000	
T50T01.03	Maryland Stem Cell Research Fund Eliminate Stem Cell Research Fund	10,400,000	
U00A01.11	Capital Appropriation–Bay Restoration Fund–Wastewater Level fund at the fiscal 2012 appropriation		55,500,000
U00A01.12	Capital Appropriation–Bay Restoration Fund–Septic Systems Level fund at the fiscal 2012 appropriation		8,500,000
Y00A01.01	Revenue Stabilization Account Delete Appropriation to the Rainy Day Fund	315,000,000	
Statewide	Eliminate 500 positions, provided that on or before July 1, 2012, the Governor shall abolish 500 regular	30,000,000	

	full–time equivalent positions from the Executive Branch and shall allocate the statewide reduction of $30,000,000 for salaries and fringe benefits. An accounting of the abolished positions shall be noted in Appendix E of the fiscal 2014 budget submission.	
Statewide	Reduce agency operating expenses by 6%, provided that on or before June 1, 2012, the Governor shall submit a schedule to the Board of Public Works to allocate the statewide reduction of $37,500,000 and shall take such actions as necessary to implement a reduction of 6% across all Executive Branch agencies.	37,500,000

SECTION 46. AND BE IT FURTHER ENACTED, That for fiscal 2013, no funds may be transferred from the Revenue Stabilization Account of the State Reserve Fund to the General Fund.".

On page 215, in Amendment No. 147, in line 31, strike "45." and substitute "47."; and in line 38, strike "46." and substitute "48.".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 30 (See Roll Call No. 491)

FLOOR AMENDMENT

SB0150/553825/1
BY: Senator Reilly

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 212, in Amendment No. 144, strike beginning with "the" in line 6 down through the first "in" in line 7; strike beginning with "contingent" in line 8 down through "teachers." in line 9 and substitute "reduced by $262,238,143 as follows:"; and in line 10, strike "Contingent".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 35 (See Roll Call No. 492)

FLOOR AMENDMENT

SB0150/693220/1
BY: Senator Reilly

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 213, in Amendment No. 145, strike beginning with "following" in line 8 down through the first "in" in line 9; strike line 10 in its entirety and substitute "reduced by $427,732,349 as follows:"; and in line 11, strike "Contingent".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 493)

FLOOR AMENDMENT

SB0150/483820/1
BY: Senator Reilly

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 215, in Amendment No. 146, strike beginning with "following" in line 16 down through the first "in" in line 17; and strike beginning with "contingent" in line 17 down through "2013." in line 20 and substitute "reduced by $47,710,491 as follows:".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 11 Negative – 34 (See Roll Call No. 494)

FLOOR AMENDMENT

SB0150/343520/1
BY: Senator Reilly

AMENDMENT TO SENATE BILL 150
(First Reading File Bill – Committee Reprint)

On pages 83 and 84, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.03

Entitled: Medical Care Provider Reimbursements

Strike beginning with the semicolon in line 44 on page 83 down through "health" in line 10 on page 84.

On pages 86 and 87, under:

Heading: MEDICAL CARE PROGRAMS ADMINISTRATION

Program: M00Q01.07

Entitled: Maryland Children's Health Program

Strike beginning with the semicolon in line 43 on page 86 down through "health" in line 8 on page 87.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 495)

FLOOR AMENDMENT

SB0150/493923/2

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 150, AS AMENDED
(First Reading File Bill – Committee Reprint)

On page 215, after line 30, insert:

"SECTION 45. AND BE IT FURTHER ENACTED, That $23,175,560 of the General Fund appropriation for the Developmental Disabilities Administration, $1,572,800 of the General Fund appropriation for the Maryland Department of the Environment, $204,865,322 of the General Fund appropriation for the Maryland Department of Health and Mental Hygiene, $41,116,049 of the Special Fund appropriation for the Maryland Transit Administration, and $35,749,264 of the Special Fund appropriation for the State Highway Administration may not be expended until the departments complete all actions planned to resolve audit findings from their most recent fiscal compliance audits. The departments, in accordance with § 2–1246 of the State Government Article, shall submit a report on or before December 31, 2012, on the date each planned action was completed to the budget committees, the Board of Public Works, and the Joint Audit Committee. The Office of Legislative Audits (OLA) shall review the actions completed by the departments before submission of the report to the budget committees and Joint Audit Committee and comment on whether the actions are sufficient to correct the audit findings. The budget committees shall have 45 days to review and comment on the report with OLA comments. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.";

and in Amendment No. 147, in lines 31 and 38, strike "45." and "46.", respectively, and substitute "46." and "47.", respectively.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 32 (See Roll Call No. 496)

INTRODUCTION OF BILLS

Senator Simonaire 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 1096 – Senators Simonaire, Astle, Benson, Brochin, Conway, Currie, Dyson, Edwards, Ferguson, Gladden, Glassman, Jacobs, Jennings, Jones–Rodwell, King, Kittleman, Klausmeier, Madaleno, Montgomery, Peters, Pinsky, Pipkin, Pugh, Raskin, Reilly, Robey, Rosapepe, Shank, Stone, and Young

EMERGENCY BILL

AN ACT concerning

Criminal Law – Aggravated Animal Cruelty – Bait Dogs

FOR the purpose of prohibiting a person from using or allowing a dog to be used as a bait dog; prohibiting a person from possessing, owning, selling, transporting, or training a dog with the intent to use the dog as a bait dog; requiring a dog that is used in a dogfight or as a bait dog to be removed from the possession of the owner and not returned except under certain circumstances; defining a certain term; making this Act an emergency measure; and generally relating to dogfights and bait dogs.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–607
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

QUORUM CALL

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

(See Roll Call No. 497)

RECESS

At 1:19 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 3:30 P.M. on Wednesday, March 14, 2012.

AFTER RECESS
Annapolis, Maryland
Wednesday, March 14, 2012

At 3:41 P.M. the Senate resumed its session.

QUORUM CALL

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

(See Roll Call No. 498)

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

UNFINISHED BUSINESS

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

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

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE SENATE OF MARYLAND – 2012 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit C of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPORT ON SENATE BILL 150 – THE BUDGET BILL;
SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT;
SENATE BILL 523 – STATE AND LOCAL REVENUE ACT;
AND SENATE BILL 848 – MAINTENANCE OF EFFORT

(See Exhibit D of Appendix III)

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 150 – THE BUDGET BILL

(See Exhibit E of Appendix III)

FLOOR AMENDMENT

SB0150/783827/1
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 150
(First Reading File Bill – Committee Reprint)

On page 129, under:

Heading: MARYLAND HIGHER EDUCATION COMMISSION

Program: R62I00.03

Entitled: Joseph A. Sellinger Formula for Aid to Non–Public Institutions of Higher Education

Strike beginning with the comma in line 27 down through "Act" in line 31; and in line 31, strike "39,790,106" and substitute "0".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 6 Negative – 39 (See Roll Call No. 499)

FLOOR AMENDMENT

SB0150/703826/2
BY: Senator Pipkin

AMENDMENT TO SENATE BILL 150
(First Reading File Bill – Committee Reprint)

On page 19, under:

Heading: DEPARTMENT OF PLANNING

Program: D40W01.07

Entitled: Management Planning and Educational Outreach

In line 34, in the General Fund Appropriation, strike "1,019,473" and substitute "0".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 33 (See Roll Call No. 500)

FLOOR AMENDMENT

SB0150/223528/1
BY: Senator Reilly

AMENDMENT TO SENATE BILL 150
(First Reading File Bill – Committee Reprint)

On page 138, under:

Heading: DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

After line 1, insert "Provided that no funds in this appropriation shall be expended to move the department's offices from its current location to a new location in Prince George's County.".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 29 (See Roll Call No. 501)

Read the second time and ordered prepared for Third Reading.

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (27) AND THE FAVORABLE REPORT.

SENATE BUDGET AND TAXATION
COMMITTEE REPRINT TO SENATE BILL 152 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit F of Appendix III)

SB0152/179432/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "site;" insert "altering the distribution of certain traffic conviction surcharges; requiring the State Court Administrator to submit a certain annual report on or before a certain date;"; in line 18, after "education;" insert "requiring the State to provide a certain grant to a county board of education in a certain fiscal year if certain funding provided to a county board decreases by a certain amount;"; strike beginning with "establishing" in line 21 down through "centers;" in line 23 and substitute "requiring certain managed care organizations to operate without restricted enrollment in all jurisdictions of the State or remit a certain amount of money at certain times to the Maryland Medical Assistance Program; requiring the Department to use certain money to fund the statewide rural enrollment supplemental payments made by the Department under a certain provision of law;"; in line 28, after "facilities;" insert "providing that the State has no interest in the assets of the Injured Workers' Insurance Fund and that all revenues, money, and assets of the Fund belong to the Fund and are held in trust for certain persons; prohibiting the State from borrowing, appropriating, or directing payments from the Fund for any purpose; prohibiting the dissolution of the Fund; requiring that certain money received by the State as a result of a certain multistate–federal settlement of foreclosure misconduct claims be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring that beginning with a certain fiscal year the Governor include in the budget bill a certain appropriation of the settlement money to the Dedicated Purpose Account;"; in line 29, after "agents" insert "for a certain fiscal year"; and in the same line, strike "counties" and substitute "county boards of education".

On page 2, strike beginning with "establish" in line 1 down through "years;" in line 2 and substitute "include a separate certification of a certain normal contribution

rate in the certification of certain rates;"; in lines 3 and 4, in each instance, strike "counties" and substitute "county boards of education"; strike beginning with "exercise" in line 5 down through "against" in line 6 and substitute "withhold certain delinquent amounts from"; in line 6, strike "or becoming due"; in line 7, after "circumstances;" insert "requiring the Maryland Aviation Administration Fire Rescue Service to charge a certain ambulance transport fee; altering a certain requirement for the Maryland Transit Administration to set certain fare prices to include a certain percentage from a certain Consumer Price Index; authorizing the Department of Health and Mental Hygiene to make certain changes to a certain methodology in connection with a certain Value Based Purchasing Initiative for a certain calendar year;"; strike beginning with "altering" in line 9 down through "utilities;" in line 32 and substitute "altering certain State education funding for a certain fiscal year, subject to a certain contingency; authorizing certain transfers subject to a certain contingency; requiring the Governor to include a certain transfer in the budget bill for a certain fiscal year; declaring the intent of the General Assembly;"; in line 34, after "System;" insert "setting certain limits on increases in payments to certain providers for a certain fiscal year;"; in line 37, after "remittances;" insert "requiring that the Governor transfer a certain amount from the Injured Workers' Insurance Fund to the General Fund under certain circumstances; requiring that certain money received by the State as a result of a certain approved merger between Exelon Corporation and Constellation Energy Group be expended only in a certain manner; providing that the settlement money is not subject to transfer by budget amendment; requiring each county to appropriate to the county board of education certain amounts; requiring that for a certain fiscal year a certain maintenance of effort amount be calculated in a certain manner;"; in line 38, strike "application and"; and in line 39, after "severable;" insert "providing for the effective dates of this Act;".

On page 2, after line 40, insert:

"BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 9–1105
Annotated Code of Maryland
(2011 Replacement Volume)".

On page 3, after line 5, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings

Section 7–301(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)";

in line 13, after "5–103(c)," insert "5–202(a)(13) and (i),"; strike in their entirety lines 32 through 36, inclusive; and in line 39, strike "4–217(c)(1),".

On page 4, in line 4, strike "7–207, 14–207, and 14–305" and substitute "15–102.8"; after line 11, insert:

"BY repealing
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – Labor and Employment
Section 10–127
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 7–310.1
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

in line 14, strike ", 9–1604(b)(1)(vi),"; in line 19, after "(b)" insert "and 21–308(a)(1)"; after line 21, insert:

"BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–125(b) and 21–304(c)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)";

strike beginning with ", 8–406(b)," in line 29 down through "11–214.1" in line 30; after line 32, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–1104(b)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)";

in line 35, after "Section" insert "4–321(e), 7–208(b–1), and"; and after line 38, insert:

"BY adding to
Article – Transportation
Section 5–415
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Chapter 193 of the Acts of the General Assembly of 2005
Section 3".

On page 5, strike in their entirety lines 6 through 21, inclusive.

AMENDMENT NO. 2

On page 9, in lines 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, strike "1.", "2.", "3.", "4.", "5.", "6.", "7.", "8.", "9.", "10.", "11.", "12.", "13.", and "14.", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively.

On page 10, in lines 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, strike "15.", "16.", "17.", "18.", "19.", "20.", "21.", "22.", "23.", and "24.", respectively, and substitute "**(XV)**", "**(XVI)**", "**(XVII)**", "**(XVIII)**", "**(XIX)**", "**(XX)**", "**(XXI)**", "**(XXII)**", "**(XXIII)**", and "**(XXIV)**", respectively.

On page 23, after line 28, insert:

"(2) (i) Except as provided in subparagraph (ii) of this paragraph, the support provided under paragraph (1)(iv) **[**and (v)**], (V), AND (VI)** of this subsection to the Community Health Resources Commission **[**and**],** the Kidney Disease Program**, AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

shall be the value of the premium tax exemption less the subsidy required under this subsection for the Senior Prescription Drug Assistance Program.

(ii) The subsidy provided under this subsection to the Community Health Resources Commission may not be less than:

1. $3,000,000 for each of fiscal years 2012 and 2013; and

2. $8,000,000 for fiscal year 2014 and each fiscal year thereafter.

(3) For any year, the subsidy and funding required under this subsection by a nonprofit health service plan subject to this section may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.".

On page 30, in line 26, before "September" insert "**IN**".

On page 44, in line 27, strike "6." and substitute "4."; and in line 29, strike "7." and substitute "5.".

On page 45, in line 3, after "City" insert "Community"; in line 4, strike "8." and substitute "6."; and in line 30, strike "10." and substitute "7.".

On page 46, in lines 3, 10, and 15, strike "11.", "12.", and "13.", respectively, and substitute "8.", "9.", and "10.", respectively.

On page 47, in lines 6, 9, and 13, strike "16.", "17.", and "18.", respectively, and substitute "12.", "13.", and "14.", respectively; in lines 8 and 12, in each instance, strike "January 19, 2011" and substitute "January 18, 2012".

On page 48, after line 20, insert:

"SECTION 24. AND BE IT FURTHER ENACTED, That § 12–118(e)(2) of the Transportation Article, as enacted by Section 1 of this Act, shall take effect October 1, 2012.";

and in line 26, strike "23." and substitute "25.".

AMENDMENT NO. 3

On page 11, in line 11, strike "**EACH OF**"; in the same line, strike the second set of brackets; in the same line, strike "**YEARS**"; strike beginning with "**THROUGH**" in line 11 down through "19%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 19.3%**"; in line 16, strike "**] $1,839.43**" and substitute "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**7." and substitute "**6.**"; strike beginning with "not" in line 17 down through "19.5%" in line 18 and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.8%**"; in line 21, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "8." and substitute "**7.**"; strike beginning with "not" in line 22 down through "21%" in line 23 and substitute "**AN AMOUNT THAT IS THE GREATER OF 18.4%**"; in line 26, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "9." and substitute "**8.**"; strike beginning with "not" in line 27 down through "22%" in line 28 and substitute "**AN AMOUNT THAT IS THE GREATER OF 17.9%**"; in line 31, after "year" insert "**OR $1,839.47 PER FULL–TIME EQUIVALENT STUDENT**"; in line 32, strike "10."; in the same line, strike the closing bracket and "**6.**" and substitute "**9.**"; in line 33, strike "**19.69%**" and substitute "**19.7%**"; and in line 37, strike "**7.**" and substitute "**10.**".

On page 12, in lines 4, 9, 14, and 19, strike "**8.**", "**9.**", "**10.**", and "**11.**", respectively, and substitute "**11.**", "**12.**", "**13.**", and "**14.**", respectively; and in line 26, strike "**$199,172,005**" and substitute "**$199,176,114**".

On pages 12 and 13, strike in their entirety the lines beginning with line 28 on page 12 through line 13 on page 13, inclusive, and substitute:

"**1. ALLEGANY COLLEGE $4,773,622;**

2. ANNE ARUNDEL COMMUNITY COLLEGE.....$27,235,329;

3. COMMUNITY COLLEGE OF BALTIMORE COUNTY $34,398,366;

4. CARROLL COMMUNITY COLLEGE $6,851,515;

5. CECIL COMMUNITY COLLEGE..... $4,645,751;

6. COLLEGE OF SOUTHERN MARYLAND $10,902,580;

7. CHESAPEAKE COLLEGE $5,675,815;

8. FREDERICK COMMUNITY COLLEGE .. $8,145,648;

9. GARRETT COLLEGE $2,246,709;

10. HAGERSTOWN COMMUNITY COLLEGE $6,965,064;

11. HARFORD COMMUNITY COLLEGE $9,990,806;

12. HOWARD COMMUNITY COLLEGE $12,584,485;

13. MONTGOMERY COLLEGE $35,998,553;

14. PRINCE GEORGE'S COMMUNITY COLLEGE.....$22,013,074; AND

15. WOR–WIC COMMUNITY COLLEGE ... $6,748,796.".

On page 14, strike beginning with "**THROUGH**" in line 11 down through "64%" in line 12 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 59.6%**"; strike beginning with the bracket in line 15 down through "**$5,695.90**" in line 16 and substitute "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than an amount equal to 64.5%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 58.3%**"; in line 21, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 22, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than an amount equal to 64.75%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 56.9%**"; in line 26, after "year" insert "**OR $5,695.63 PER FULL–TIME EQUIVALENT STUDENT**"; in line 27, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than an amount equal to 65.25%" and substitute "**AN AMOUNT THAT IS THE GREATER OF 55.6%**"; in line 31, after "year" insert "**OR $5,695.63 PER FULL–TIME**

EQUIVALENT STUDENT"; in line 32, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; in line 33, strike "**59.98%**" and substitute "**60%**"; and in line 37, strike "**(VII)**" and substitute "**(X)**".

On page 15, in lines 4, 9, 14, and 19, strike "**(VIII)**", "**(IX)**", "**(X)**", and "**(XI)**", respectively, and substitute "**(XI)**", "**(XII)**", "**(XIII)**", and "**(XIV)**", respectively; and in line 26, strike "**$39,867,838**" and substitute "**$39,863,729**".

On page 16, strike beginning with "**THROUGH**" in line 13 down through "10%" in line 14 and substitute "**, AN AMOUNT THAT IS THE GREATER OF 9.2%**"; in line 16, strike the bracket and substitute "**OR**"; in the same line, after "**$875.53**" insert "**PER FULL–TIME EQUIVALENT STUDENT**"; in line 17, strike "**[**(vii)" and substitute "**(VI)**"; in the same line, strike "not less than 10.6%" and substitute "**THAT IS THE GREATER OF 9.0%**"; in line 19, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 20, strike "(viii)" and substitute "**(VII)**"; in the same line, strike "not less than 11.1%" and substitute "**THAT IS THE GREATER OF 8.7%**"; in line 22, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 23, strike "(ix)" and substitute "**(VIII)**"; in the same line, strike "not less than 12%" and substitute "**THAT IS THE GREATER OF 8.5%**"; in line 25, after "year" insert "**OR $875.53 PER FULL–TIME EQUIVALENT STUDENT**"; in line 26, before "(x)" insert an opening bracket; in the same line, strike "**(VI)**" and substitute "**(IX)**"; and in lines 29 and 32, strike "**(VII)**" and "**(VIII)**", respectively, and substitute "**(X)**" and "**(XI)**", respectively.

On page 17, in line 1, strike "**(IX)**" and substitute "**(XII)**".

AMENDMENT NO. 4

On page 18, strike in their entirety lines 17 through 22, inclusive.

AMENDMENT NO. 5

On pages 18 and 19, strike in their entirety the lines beginning with line 24 on page 18 through line 26 on page 19, inclusive.

On page 21, strike in their entirety lines 1 through 26, inclusive.

AMENDMENT NO. 6

On pages 19 and 20, strike in their entirety the lines beginning with line 27 on page 19 through line 28 on page 20, inclusive.

On page 48, after line 14, insert:

"SECTION 15. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene may transfer up to $5,000,000 in general funds in the Developmental Disabilities Administration at the end of fiscal year 2012 into a dedicated account, to be used in fiscal year 2013 for the following expenditures:

(1) within the Community Services Program of the Developmental Disabilities Administration:

(i) providing community–based services to individuals eligible for services from the Developmental Disabilities Administration, including individuals on the Developmental Disabilities Administration Waiting List;

(ii) continuing the implementation of the hold harmless policy related to changes in fiscal year 2012 to reimbursement policies for absence days;

(iii) enhancing services and service coordination for individuals receiving services from the Developmental Disabilities Administration; and

(iv) providing grants consistent with the purpose of Title 7 of the Health – General Article, to enhance and provide services to individuals eligible for services from the Developmental Disabilities Administration; and

(2) within the Office of Health Care Quality, providing funding, up to $750,000, for activities directly related to providers licensed by the Developmental Disabilities Administration in lieu of increasing licensure fees for developmental disability providers.".

AMENDMENT NO. 7

On page 24, in line 28, strike the brackets; in line 29, strike "**A**"; in the same line, strike the brackets; in the same line, strike "**5.0%**"; in line 31, strike the bracket; in the same line, strike "2012" and substitute "**2013**"; and in line 33, strike the bracket.

AMENDMENT NO. 8

On page 25, strike in their entirety lines 1 through 8, inclusive.

On page 30, after line 15, insert:

"2–1104.

(b) For each fiscal year beginning on or before July 1, 2015, instead of the distribution required under subsection (a)(1) of this section, the Comptroller shall distribute 2.3% of the remaining motor fuel tax revenue as follows:

(1) to the General Fund of the State:

(i) $5,000,000 for each fiscal year beginning on or before July 1, **[**2014**] 2011**; **[**and**]**

(II) $13,000,000 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2012;

(III) $5,000,000 FOR EACH FISCAL YEAR BEGINNING ON OR BEFORE JULY 1, 2014; AND

[(ii)**] (IV)** $4,624,687 for the fiscal year beginning July 1, 2015; and

(2) the balance to the Chesapeake Bay 2010 Trust Fund.".

On pages 31 through 44, strike in their entirety the lines beginning with line 3 on page 31 through line 26 on page 44, inclusive.

On page 46, strike in their entirety lines 20 through 26, inclusive.

On page 48, strike in their entirety lines 21 through 25, inclusive.

AMENDMENT NO. 9

On page 25, after line 14, insert:

"21–125.

(b) (1) On the basis of actuarial assumptions that the Board of Trustees adopts, each year the actuary shall make a valuation of the assets and liabilities of the funds of the several systems.

(2) Each year the Board of Trustees shall certify to the Secretary of Budget and Management and to the Governor the rates of employer contributions.

(3) For purposes of actuarial valuation, the Board of Trustees may adopt a generally accepted method for determining the value of the assets held by the several systems.

(4) For general ledger accounting and financial reporting, the Board of Trustees shall use generally accepted accounting principles.";

strike beginning with "**(2)**" in line 17 down through "**TO**" in line 18 and substitute "**(2) (I) WITH RESPECT TO LOCAL EMPLOYEES, "AGGREGATE ANNUAL EARNABLE COMPENSATION" MEANS THE TOTAL ANNUAL EARNABLE COMPENSATION PAYABLE BY A LOCAL EMPLOYER TO ALL OF ITS**"; and after line 21, insert:

"**(II) "AGGREGATE ANNUAL EARNABLE COMPENSATION" INCLUDES ANY ACTUARIAL ASSUMED SALARY INCREASES THAT WERE USED IN THE ACTUARIAL VALUATION PREPARED UNDER § 21–125(B) OF THIS TITLE FOR THE IMMEDIATE PRIOR FISCAL YEAR.**".

On page 26, strike beginning with the colon in line 8 down through "**(I)**" in line 9; in lines 12, 13, 14, 15, 16, and 17, strike "**1.**", "**2.**", "**3.**", "**4.**", "**5.**", and "**6.**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; in line 17, strike the semicolon and substitute a period; strike in their entirety lines 18 through 23, inclusive, and substitute:

"**(7) "LOCAL EMPLOYER" MEANS A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS.**";

in lines 24 and 27, respectively, strike "**(7)**" and "**(8)**", respectively, and substitute "**(8)**" and "**(9)**", respectively; in line 29, strike "**THE**" and substitute "**ALL**"; and in line 30, strike "**OF EACH COUNTY**".

On page 27, in line 31, after "**(4)**" insert "**(I)**"; in line 32, strike "**2013**" and substitute "**2012**"; and in the same line, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; and strike beginning with the second "**OF**" in line 34 down through "**COUNTY.**" in line 35 and substitute "**AS PROVIDED IN THIS PARAGRAPH.**

(II) FOR FISCAL YEARS 2013 THROUGH 2016, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE, WHICH SHALL BE EQUAL TO THE FOLLOWING AMOUNTS:

LOCAL EMPLOYER	FISCAL YEAR 2013	FISCAL YEAR 2014	FISCAL YEAR 2015	FISCAL YEAR 2016
ALLEGANY	743,871	1,450,580	2,128,645	2,773,677
ANNE ARUNDEL	5,746,842	11,206,590	16,445,043	21,428,297
BALTIMORE CITY	6,461,431	12,600,071	18,489,897	24,092,793
BALTIMORE	7,877,901	15,362,248	22,543,237	29,374,395
CALVERT	1,417,969	2,765,101	4,057,630	5,287,193
CAROLINE	396,967	774,103	1,135,953	1,480,175
CARROLL	2,002,891	3,905,724	5,731,431	7,468,196
CECIL	1,229,909	2,398,376	3,519,483	4,585,973
CHARLES	1,968,258	3,838,189	5,632,327	7,339,061
DORCHESTER	328,271	640,143	939,375	1,224,028
FREDERICK	2,946,731	5,746,252	8,432,303	10,987,499
GARRETT	332,357	648,110	951,066	1,239,262
HARFORD	2,764,870	5,391,617	7,911,896	10,309,396
HOWARD	4,910,533	9,575,752	14,051,879	18,309,945
KENT	183,073	357,001	523,879	682,628
MONTGOMERY	13,613,776	26,547,453	38,956,900	50,761,802
PRINCE GEORGE'S	9,777,290	19,066,138	27,978,489	36,456,662
QUEEN ANNE'S	552,763	1,077,912	1,581,776	2,061,093
ST. MARY'S	1,242,849	2,423,608	3,556,510	4,634,220
SOMERSET	240,062	468,131	686,956	895,121
TALBOT	314,228	612,758	899,189	1,171,665
WASHINGTON	1,547,056	3,016,827	4,427,024	5,768,522
WICOMICO	1,086,797	2,119,301	3,109,955	4,052,348

WORCESTER	**635,780**	**1,239,799**	**1,819,336**	**2,370,640**

(III) BEGINNING IN FISCAL YEAR 2017, EACH LOCAL EMPLOYER SHALL PAY TO THE BOARD OF TRUSTEES ITS LOCAL SHARE EQUAL TO THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM MULTIPLIED BY THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF THE LOCAL EMPLOYEES OF THAT LOCAL EMPLOYER".

On page 28, in line 3, after the first "**FOR**" insert "**ALL**"; in the same line, strike "**FOR EACH COUNTY**"; after line 4, insert:

"(c) (1) As part of each actuarial valuation, the actuary shall determine the normal contributions, net of member contributions, on account of the State members of each State system.

(2) For each State system, the normal contribution rate equals the fraction that has:

(i) as its numerator, the sum of the normal contributions determined under this subsection; and

(ii) as its denominator, the aggregate annual earnable compensation of the State members of the State system.

21–308.

(a) (1) On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year**, INCLUDING A SEPARATE CERTIFICATION OF THE NORMAL CONTRIBUTION RATE FOR THE TEACHERS' RETIREMENT SYSTEM AND THE TEACHERS' PENSION SYSTEM**; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid **BY THE STATE AS DETERMINED UNDER §**

21–304 OF THIS SUBTITLE to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems.";

strike in their entirety lines 8 through 14, inclusive; in line 15, strike "**(3)**" and substitute "**(2)**"; strike in their entirety lines 17 through 21, inclusive, and substitute:

"**(3) "LOCAL EMPLOYER" HAS THE MEANING STATED IN § 21–304 OF THIS SUBTITLE.**";

and strike in their entirety lines 22 through 30, inclusive.

On page 29, in line 1, strike "**(C)**" and substitute "**(B)**"; in line 2, after "**DETERMINE**" insert "**AND CERTIFY**"; strike in their entirety lines 4 through 7, inclusive; in lines 2, 9, and 10, in each instance, strike "**COUNTY**" and substitute "**LOCAL EMPLOYER**"; in line 8, strike "**(E) (1)**" and substitute "**(C)**"; in line 11, strike "**(D)**" and substitute "**(B)**"; and strike in their entirety lines 12 through 25, inclusive, and substitute:

"**(D) (1) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD NOT TO EXCEED 10 CALENDAR DAYS FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION.**

(2) IF A LOCAL EMPLOYER DOES NOT PAY THE AMOUNTS REQUIRED UNDER THIS SECTION WITHIN THE TIME REQUIRED, ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE STATE COMPTROLLER IMMEDIATELY:

(I) SHALL WITHHOLD THE DELINQUENT AMOUNTS, INCLUDING INTEREST ON THE DELINQUENT AMOUNTS AT A RATE OF 7.75% A YEAR, FROM ANY INSTALLMENT DUE THE LOCAL EMPLOYER FROM THE GENERAL STATE SCHOOL FUND; AND

(II) SHALL PAY TO THE BOARD OF TRUSTEES THE DELINQUENT AMOUNTS, INCLUDING INTEREST, WITHHELD UNDER THIS PARAGRAPH.

(E) ON RECEIPT OF THE PAYMENTS FROM EACH LOCAL EMPLOYER OR THE STATE COMPTROLLER, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.".

On pages 47 and 48, strike in their entirety the lines beginning with line 20 on page 47 through line 14 on page 48, inclusive.

AMENDMENT NO. 10

On page 45, strike in their entirety lines 11 and 12; strike in their entirety lines 15 and 16; strike in their entirety lines 20 and 21; after line 21, insert:

"$320,392 of the funds in the State Board of Physicians Fund established under § 14–207 of the Health Occupations Article;";

and strike in their entirety lines 26 through 29, inclusive.

On page 46, in line 12, strike "$1,867,000" and substitute "$209,000"; and after line 26, insert:

"SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2012, the Governor may transfer up to $950,000 of the funds in the Problem Gambling Fund established under § 9–1A–33(b) of the State Government Article to the Education Trust Fund established under § 9–1A–30 of the State Government Article.".

AMENDMENT NO. 11

On page 24, after line 25, insert:

"Article – Labor and Employment

[10–127.

If the General Assembly repeals this subtitle, money in the Fund at the time of repeal shall be distributed:

(1) as the General Assembly provides; or

(2) if the General Assembly does not provide for distribution, as justice requires, with due regard for existing obligations for compensation.]

10–127.

(A) THE STATE HAS NO INTEREST IN THE ASSETS OF THE FUND.

(B) ALL REVENUES, MONEY, AND ASSETS OF THE FUND BELONG SOLELY TO THE FUND AND ARE HELD BY THE FUND IN TRUST FOR THE POLICYHOLDERS, INJURED WORKERS AND THEIR FAMILIES, AND CREDITORS OF THE FUND.

(C) THE STATE MAY NOT BORROW, APPROPRIATE, OR DIRECT PAYMENTS FROM THE REVENUES, MONEY, OR ASSETS OF THE FUND FOR ANY PURPOSE.

(D) THE FUND MAY NOT BE DISSOLVED.".

On page 46, in line 4, strike ", on" and substitute ":

(1) On";

in line 6, strike "This transfer" and substitute:

"(2) If legislation is enacted during the 2012 Session of the General Assembly that requires a valuation study by the Insurance Commissioner, the Governor shall transfer from the Injured Workers' Insurance Fund to the General Fund an additional amount that the Insurance Commissioner determines to be the appropriate value of benefits, in excess of $50,000,000, that the Injured Workers' Insurance Fund has realized from its association with the State, if the Insurance Commissioner determines that the additional amount would not impair the adequacy of the Injured Workers' Insurance Fund's surplus and reserves.

(3) The transfer of $50,000,000 and the additional transfer, if any, required by this section".

AMENDMENT NO. 12

On pages 46 and 47, strike in their entirety the lines beginning with line 27 on page 46 through line 5 on page 47, inclusive.

AMENDMENT NO. 13

On page 30, after line 16, insert:

"4–321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least $30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund or general obligation bonds, an aggregate appropriation by fiscal year **[**2013**] 2014** equal to $264,913,000, as follows:

(i) $53,000,000 for fiscal year 2007;

(ii) $55,000,000 for fiscal year 2010;

(iii) At least $80,000,000 for fiscal year 2011; and

(iv) The remaining balance for fiscal year 2012 **[**or**],** fiscal year 2013**, OR FISCAL YEAR 2014**; and

(3) At least $10,000,000 federal aid from any source in amounts as deemed prudent.".

AMENDMENT NO. 14

On page 24, before line 26, insert:

"Article – State Finance and Procurement

7–310.1.

(A) ANY MONEY RECEIVED BY THE STATE AS A RESULT OF THE MULTISTATE–FEDERAL SETTLEMENT OF FORECLOSURE MISCONDUCT CLAIMS:

(1) SHALL BE EXPENDED ONLY AS AUTHORIZED THROUGH AN ACT OF THE GENERAL ASSEMBLY OR SPECIFICALLY AUTHORIZED IN THE STATE BUDGET BILL AS ENACTED; AND

(2) IS NOT SUBJECT TO TRANSFER BY BUDGET AMENDMENT.

(B) FOR FISCAL YEAR 2014 AND THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN APPROPRIATION OF ANY MONEY RECEIVED UNDER THE SETTLEMENT TO THE DEDICATED PURPOSE ACCOUNT ESTABLISHED UNDER § 7–310 OF THIS SUBTITLE.".

AMENDMENT NO. 15

On page 48, after line 14, insert:

"SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor may transfer up to $2,000,000 of the funds in the administrative expense account in the Strategic Energy Investment Fund established under § 9–20B–05 of the State Government Article to the Office of Home Energy Programs in the Department of Human Resources established under § 5–5A–02 of the Human Services Article to provide low–income energy assistance.".

AMENDMENT NO. 16

On page 7, after line 18, insert:

"Article – Courts and Judicial Proceedings

7–301.

(f) (1) This subsection does not apply to a traffic case under § 21–202.1, § 21–809, or § 21–810 of the Transportation Article or to a parking or impounding case.

(2) In a traffic case under subsection (a)(1) of this section the court shall add a $7.50 surcharge to the court costs imposed by the court.

(3) (i) The Comptroller annually shall credit the surcharges collected under this subsection as provided in this paragraph.

(ii) An amount annually as set forth in the State budget shall be distributed for the Charles W. Riley Fire and Emergency Medical Services Tuition Reimbursement Program as established in § 18–603 of the Education Article.

(iii) After the distribution under subparagraph (ii) of this paragraph, [subject to subparagraph (iv) of this paragraph,] **$200,000 SHALL BE DISTRIBUTED TO THE MARYLAND STATE FIREMEN'S ASSOCIATION.**

(IV) AFTER THE DISTRIBUTION UNDER SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH AND UNTIL A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND SINCE THE ESTABLISHMENT OF THE SURCHARGE UNDER THIS SUBSECTION, THE REMAINDER SHALL BE CREDITED TO THE VOLUNTEER COMPANY ASSISTANCE FUND TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(V) AFTER A TOTAL OF $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, 100% of the remainder shall be credited to the Maryland Emergency Medical Systems Operation Fund established under § 13–955 of the Transportation Article.

(VI) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR UNTIL $20,000,000 HAS BEEN DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND, THE STATE COURT ADMINISTRATOR SHALL SUBMIT A REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE AMOUNT OF REVENUE DISTRIBUTED TO THE VOLUNTEER COMPANY ASSISTANCE FUND UNDER THIS PARAGRAPH.

[(iv) For fiscal years 2012 and 2013 only, before the distribution to the Maryland Emergency Medical Systems Operation Fund under subparagraph (iii) of this paragraph, from the surcharges collected under this subsection, an amount equal to $8,201,311 for fiscal year 2012 and $2,114,000 for fiscal year 2013 shall be credited to the Volunteer Company Assistance Fund to be used in accordance with the provisions of Title 8, Subtitle 2 of the Public Safety Article.]".

AMENDMENT NO. 17

On page 48, after line 14, insert:

"SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Governor shall transfer $4,500,000 from the Senior Prescription Drug Assistance Program account of the Maryland Health Insurance Plan Fund established under § 14–504(e) of the Insurance Article to the Medical Assistance Program established under Title 15, Subtitle 1 of the Health–General Article in fiscal year 2013.".

AMENDMENT NO. 18

On page 30, after line 16, insert:

"**5–415.**

(A) IN THIS SECTION, "FIRE RESCUE SERVICE" MEANS THE MARYLAND AVIATION ADMINISTRATION FIRE RESCUE SERVICE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FIRE RESCUE SERVICE SHALL CHARGE AN AMBULANCE TRANSPORT FEE SET IN REGULATIONS ADOPTED UNDER SUBSECTION (D) OF THIS SECTION TO AN INDIVIDUAL IF THE FIRE RESCUE SERVICE TRANSPORTS THE INDIVIDUAL TO A HOSPITAL FROM PROPERTY OWNED BY THE ADMINISTRATION OR PROPERTY SUBJECT TO A MUTUAL AID AGREEMENT TO WHICH THE ADMINISTRATION IS A PARTY.

(C) (1) THE FIRE RESCUE SERVICE MAY NOT:

(I) QUESTION AN INDIVIDUAL ABOUT ABILITY TO PAY THE AMBULANCE TRANSPORT FEE AT THE TIME THAT AMBULANCE TRANSPORTATION IS REQUESTED OR PROVIDED; OR

(II) FAIL TO PROVIDE AMBULANCE TRANSPORTATION AND EMERGENCY MEDICAL SERVICES BECAUSE OF AN INDIVIDUAL'S ACTUAL OR PERCEIVED INABILITY TO PAY THE AMBULANCE TRANSPORT FEE.

(2) THE ADMINISTRATION MAY PROCURE THE SERVICES OF A THIRD PARTY BILLING COMPANY TO ADMINISTER ITS AMBULANCE TRANSPORT FEE PROGRAM.

(D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO:

(1) SET THE AMBULANCE TRANSPORT FEE; AND

(2) ADMINISTER THE COLLECTION OF THE AMBULANCE TRANSPORT FEE, INCLUDING REGULATIONS GOVERNING:

(I) A WAIVER OF THE AMBULANCE TRANSPORT FEE IN THE EVENT OF FINANCIAL HARDSHIP;

(II) THE ACCEPTANCE OF REDUCED PAYMENTS BY COMMERCIAL INSURERS AND OTHER THIRD–PARTY PAYORS, INCLUDING MEDICARE AND MEDICAID; AND

(III) A REQUIREMENT THAT EACH INDIVIDUAL RECEIVING AN AMBULANCE TRANSPORT PROVIDE FINANCIAL INFORMATION, INCLUDING THE INDIVIDUAL'S INSURANCE COVERAGE, AND ASSIGN INSURANCE BENEFITS TO THE ADMINISTRATION.

(E) THE ADMINISTRATION SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN THE TRANSPORTATION TRUST FUND.".

AMENDMENT NO. 19

On page 21, after line 26, insert:

"**15–102.8.**

(A) IF THE NUMBER OF PROGRAM RECIPIENTS ENROLLED IN A MANAGED CARE ORGANIZATION EXCEEDS 10% OF THE TOTAL NUMBER OF PROGRAM RECIPIENTS, THE MANAGED CARE ORGANIZATION SHALL:

(1) OPERATE WITHOUT RESTRICTED ENROLLMENT IN ALL JURISDICTIONS OF THE STATE; OR

(2) REMIT TO THE PROGRAM:

(I) $1,500,000 ON OR BEFORE JUNE 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT; AND

(II) $1,500,000 ON OR BEFORE DECEMBER 1 OF THE CALENDAR YEAR IN WHICH THE MANAGED CARE ORGANIZATION FAILED TO OPERATE WITHOUT RESTRICTED ENROLLMENT.

(B) IF MONEY IS REMITTED TO THE PROGRAM UNDER SUBSECTION (A)(2) OF THIS SECTION, THE DEPARTMENT SHALL USE THE MONEY TO FUND THE STATEWIDE RURAL ENROLLMENT SUPPLEMENTAL PAYMENTS MADE BY THE DEPARTMENT UNDER COMAR 10.09.65.19–3.".

AMENDMENT NO. 20

On page 30, after line 21, insert:

"Chapter 193 of the Acts of 2005

SECTION 3. AND BE IT FURTHER ENACTED, That, as part of the ongoing efforts of the Department of Health and Mental Hygiene to ensure that managed care organizations deliver quality health care to their members, the Department may modify, enhance, or replace the Value Based Purchasing Initiative in effect on January 1, 2005, provided that:

(1) except as provided in **[**item (4)**] ITEMS (4) AND (5)** of this section, any changes to the core set of performance measures and the methodology for penalties, rewards, disincentives, or incentives shall be adopted by regulation prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(2) except as provided in item (4) of this section, the Secretary of Health and Mental Hygiene shall notify managed care organizations of the core set of performance measures and targets at least 3 months prior to the calendar year for which the managed care organizations will be held accountable for compliance with the performance measures;

(3) any penalty or capitation adjustment imposed under this section on a managed care organization may not be implemented by means of a capitation payment withhold; **[**and**]**

(4) with respect to the performance measures for calendar year 2005, the Secretary of Health and Mental Hygiene may modify the ranges or targets of the core set of performance measures without complying with the provisions of items (1) and (2) of this section, provided that the dollar amounts of any financial rewards or disincentives shall be calculated as set forth in the Value Based Purchasing Initiative in effect on January 1, 2005**; AND**

(5) WITH RESPECT TO CALENDAR YEAR 2012, THE DEPARTMENT MAY MAKE CHANGES TO THE METHODOLOGY FOR PENALTIES, REWARDS, DISINCENTIVES, OR INCENTIVES BY REGULATIONS ADOPTED DURING THE CALENDAR YEAR.".

AMENDMENT NO. 21

On page 48, after line 14, insert:

"SECTION 18. AND BE IT FURTHER ENACTED, That any money received by the State as a result of conditions of an approved merger between Exelon Corporation and Constellation Energy Group shall be expended only as authorized through an act of the General Assembly or specifically authorized in the State budget bill as enacted and is not subject to transfer by budget amendment.".

AMENDMENT NO. 22

On page 46, in line 15, strike ", notwithstanding" and substitute ":

(1) Notwithstanding";

and after line 19, insert:

"(2) (i) The Governor shall include in the budget bill for fiscal year 2014 the transfer of $2,000,000 from the Fair Campaign Financing Fund to the Maryland Information Technology Development Project Fund (program F50A01.01) that was authorized by Section 38 of Chapter 487 of the Acts of 2009 for the purpose of funding the purchase of a new Optical Scan Voting System.

(ii) It is the intent of the General Assembly that, beginning in fiscal year 2015, each county pay its share of one–half of any further cost of acquiring and operating the Optical Scan Voting System as required under Chapter 564 of the Acts of 2001.".

AMENDMENT NO. 23

On page 30, before line 17, insert:

"7–208.

(b–1) Subject to § 7–506 of this title, the Administration:

(1) [Shall] **SUBJECT TO PARAGRAPHS (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 2013, SHALL INCREASE BASE FARE PRICES TO THE NEAREST NICKEL FOR CORE BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES BY AT LEAST THE SAME PERCENTAGE AS THE BIENNIAL 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, 2011, AND EACH SUBSEQUENT 2–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. 24

On page 5, after line 28, insert:

"Article 24 – Political Subdivisions – Miscellaneous Provisions

9–1105.

THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR EACH FISCAL YEAR A GENERAL FUND APPROPRIATION FOR THE FOLLOWING TEACHER RETIREMENT SUPPLEMENTAL GRANTS TO THE COUNTIES:

(1) ALLEGANY COUNTY – $1,632,106;

(2) BALTIMORE CITY – $6,972,596;

(3) CAROLINE COUNTY – $685,108;

(4) DORCHESTER COUNTY – $308,913;

(5) GARRETT COUNTY – $406,400;

(6) PRINCE GEORGE'S COUNTY – $7,628,702;

(7) SOMERSET COUNTY – $381,999; AND

(8) WICOMICO COUNTY – $1,567,837.".

AMENDMENT NO. 25

On page 44, after line 26, insert:

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

Article – Education

5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694;

(ii) Except as provided in items (iii) and (iv) of this paragraph, in subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year;

(iii) In fiscal year 2012, $6,694; **[**and**]**

(iv) **IN FISCAL YEAR 2013, $6,650; AND**

(V) In each of fiscal years **[**2013**] 2014** through 2015:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or

C. 1%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year, the target per pupil foundation amount for the prior fiscal year.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the failure of this Act to require local jurisdictions to contribute a portion of retirement costs for teachers.".

On page 48, before line 15, insert:

"SECTION 19. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2013, the Governor may transfer $25,000,000 of the funds in the Chesapeake Bay 2010 Trust Fund established under § 8–2A–02 of the Natural Resources Article to the General Fund.

SECTION 20. AND BE IT FURTHER ENACTED, That Section 19 of this Act is contingent on the failure of Sections 5, 6, 7, and 8 of this Act.".

AMENDMENT NO. 26

On page 9, after line 3, insert:

"(i) (1) In this subsection, "total direct education aid" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program including funds for the Geographic Cost of Education under this section;

(ii) Transportation aid under § 5–205 of this subtitle;

(iii) Funding for compensatory education under § 5–207 of this subtitle;

(iv) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(v) Funding for special education students under § 5–209 of this subtitle;

(vi) Funding for the guaranteed tax base program under § 5–210 of this subtitle; and

(vii) Funding for grants provided under this subsection.

(2) For fiscal year 2012 only, if a county board's total direct education aid in the current fiscal year is less than the prior fiscal year by more than 6.5%, then the State shall provide a grant to the county board in an amount necessary to ensure that a decrease in total direct education aid is not more than 6.5%.

(3) FOR FISCAL YEAR 2013 ONLY, IF A COUNTY BOARD'S TOTAL DIRECT EDUCATION AID IN THE CURRENT FISCAL YEAR IS LESS THAN THE PRIOR FISCAL YEAR BY MORE THAN 5%, THEN THE STATE SHALL PROVIDE A GRANT TO THE COUNTY BOARD IN AN AMOUNT NECESSARY TO ENSURE THAT A DECREASE IN TOTAL DIRECT EDUCATION AID IS NOT MORE THAN 5%.".

AMENDMENT NO. 27

On page 48, in line 15, strike "SECTION 20." and substitute:

"SECTION 21. AND BE IT FURTHER ENACTED, That for fiscal years 2013 through 2016, in addition to the required maintenance of effort amount calculated under § 5–202(d) of the Education Article, each county shall appropriate to the county board of education the following dollar amounts:

County	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016
Allegany	189,796	890,964	1,563,433	2,202,813
Anne Arundel	3,092,946	8,526,156	13,737,805	18,693,987
Baltimore City	451,499	6,530,039	12,359,166	17,900,754
Baltimore	3,479,937	10,920,304	18,056,875	24,843,168
Calvert	900,826	2,242,787	3,530,094	4,754,381
Caroline	107,209	481,447	840,370	1,181,636
Carroll	1,259,058	3,154,453	4,972,647	6,701,824
Cecil	606,569	1,768,803	2,883,613	3,943,744
Charles	1,241,900	3,104,567	4,891,369	6,590,693
Dorchester	45,147	354,188	650,559	932,325
Frederick	1,850,755	4,639,317	7,314,299	9,858,315
Garrett	56,117	369,108	669,273	954,651
Harford	1,303,111	3,915,240	6,420,755	8,803,344
Howard	3,914,319	8,569,576	13,035,641	17,283,545
Kent	37,401	209,872	375,279	532,541
Montgomery	7,397,129	20,268,640	32,615,298	44,356,785

Prince George's	3,153,145	12,375,752	21,221,199	29,631,799
Queen Anne's	263,742	786,001	1,286,946	1,763,315
St. Mary's	641,651	1,816,399	2,943,228	4,014,805
Somerset	0	225,299	441,326	609,677
Talbot	92,359	388,670	672,859	943,072
Washington	647,544	2,108,319	3,509,431	4,841,753
Wicomico	297,377	1,321,987	2,304,668	3,239,008
Worcester	229,927	829,887	1,405,325	1,952,489

SECTION 22. AND BE IT FURTHER ENACTED, That for fiscal year 2017, the maintenance of effort amount calculated under § 5–202(d) of the Education Article shall be based on the total per pupil appropriation for fiscal 2016 including the amount each county was required to appropriate to the county board of education in fiscal year 2016 under Section 20 of this Act.

SECTION 23.".

Committee amendments (#1–5) were read and adopted.

Committee amendments (#6–8) were read and adopted.

Committee amendment (#9) was read and adopted.

Committee amendments (#10–14) were read and adopted.

Committee amendments (#15–18) were read and adopted.

Committee amendments (#19–23) were read and adopted.

Committee amendments (#24–25) were read and adopted.

Committee amendments (#26–27) were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0152/649630/1
BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

On page 66, in line 20, strike "20" and substitute "21".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0152/263520/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1
On page 2, strike beginning with "altering" in line 9 down through "facilities;" in line 10.

On page 5, in line 9, strike ", 19–214(b) and (c), and 19–310.1(b)(2)" and substitute "and 19–214(b) and (c)".

AMENDMENT NO. 2
On page 29, strike in their entirety lines 7 through 10, inclusive.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 502)

FLOOR AMENDMENT

SB0152/763729/1
BY: Senator Kittleman

AMENDMENT TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

On page 61, strike in their entirety lines 13 through 20, inclusive; in line 21, strike "(3)" and substitute "(2)"; and strike beginning with "and" in line 21 down through "section" in line 22.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 10 Negative – 36 (See Roll Call No. 503)

FLOOR AMENDMENT

SB0152/133522/2
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, strike beginning with "requiring" in line 28 down through "circumstances;" in line 30.

AMENDMENT NO. 2

On page 61, strike in their entirety lines 8 through 25, inclusive; and in lines 26 and 32, strike "9." and "10.", respectively, and substitute "8." and "9.", respectively.

On page 62, in lines 14 and 35, strike "11." and "12.", respectively, and substitute "10." and "11.", respectively.

On page 63, in lines 3 and 7, strike "13." and "14.", respectively, and substitute "12." and "13.", respectively.

On page 64, in line 11, strike "15." and substitute "14.".

On page 65, in lines 1, 7, 13, 18, 22, and 24, strike "16.", "17.", "18.", "19.", "20.", and "21.", respectively, and substitute "15.", "16.", "17.", "18.", "19.", and "20.", respectively; in line 22, strike "19" and substitute "18"; and in line 23, strike "5, 6, 7, and 8" and substitute "5, 6, and 7".

On page 66, in lines 16, 21, 27, and 35, strike "22.", "23.", "24.", and "25.", respectively, and substitute "21.", "22.", "23.", and "24.", respectively.

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

Affirmative – 13 Negative – 33 (See Roll Call No. 504)

FLOOR AMENDMENT

SB0152/533126/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 30, after "circumstances;" insert "requiring the State to reimburse the Injured Workers' Insurance Fund a certain amount under certain circumstances;".

AMENDMENT NO. 2

On page 61, after line 20, insert:

"(3) If the valuation study described in paragraph (2) of this section determines that the Injured Workers' Insurance Fund has realized benefits less than $50,000,000, the State shall reimburse the Injured Workers' Insurance Fund for the difference between $50,000,000 and the value determined by the valuation study.";

and in line 21, strike "(3)" and substitute "(4)".

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

Affirmative – 13 Negative – 31 (See Roll Call No. 505)

FLOOR AMENDMENT

SB0152/663523/1
BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 1, in line 15, after "date;" insert "requiring the Maryland Technology Development Corporation and the Stem Cell Research Commission to include certain final results in a certain annual stem cell research report;".

On page 4, in line 18, after "Section" insert "10–442 and".

AMENDMENT NO. 2

On page 11, after line 16, insert:

"10–442.

(a) On or before January 1 of each year, the Corporation and the Commission shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on the progress of State–funded stem cell research conducted in accordance with this part.

(b) The report shall **[**identify**]** **INCLUDE**:

(1) **THE NAME OF** each recipient of money from the Fund;

(2) the amount of money awarded to each recipient; **[**and**]**

(3) a description of the type of stem cell research performed by the recipient**; AND**

(4) AT THE CONCLUSION OF THE FUNDING PERIOD OF AN AWARD, THE FINAL RESULTS OF THE RESEARCH PERFORMED BY THE RECIPIENT, INCLUDING THE NUMBER OF PATIENTS TREATED AS A DIRECT RESULT OF THE RESEARCH.".

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

Affirmative – 16 Negative – 30 (See Roll Call No. 506)

FLOOR AMENDMENT

SB0152/133923/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 22 down through "years;" in line 31 and substitute "requiring the State Board of Education to provide for the

calculation of a payment of a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring certain counties to pay a certain amount of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the State to pay, under certain circumstances, a certain portion of certain employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; altering the amount of employer contributions the State is required to pay for certain members of the Teachers' Retirement System or the Teachers' Pension System; providing for the method of payment each county is required to make to the Board of Trustees for the State Retirement and Pension System regarding a certain portion of employer contributions for certain members of the Teachers' Retirement System or the Teachers' Pension System; requiring the State Board of Education, the Maryland Higher Education Commission, and each county to submit certain information to the Board of Trustees on or before a certain date each year; requiring the Board of Trustees to make certain determinations based on certain information;".

On page 6, in line 5, strike "21–304(a) and (b) and 21–308(a)(1)" and substitute "21–304 and 21–308"; and in line 10, strike "and 21–304(c)".

AMENDMENT NO. 2

On pages 33 through 40, strike in their entirety the lines beginning with line 18 on page 33 through line 6 on page 40, inclusive, and substitute:

"(a) (1) In this section the following words have the meanings indicated.

(2) "Preliminary funding rate" means the sum of:

(i) the aggregate normal rate that is based on the normal contribution rate calculated under subsection **[**(c)**] (D)** of this section; and

(ii) the aggregate unfunded accrued liability contribution rate that is based on the unfunded accrued liability contribution rate under subsection **[**(d)(1)(i)**] (E)(1)(I)** and (ii)1 and 2 and (2) of this section.

(3) "Funding ratio for the employees' systems" means the actuarial value of assets for the employees' systems divided by the actuarial accrued liability for the employees' systems.

(4) "Funding ratio for the teachers' systems" means the actuarial value of assets for the teachers' systems divided by the actuarial accrued liability for the teachers' systems.

(5) "LOCAL COMMUNITY COLLEGE EMPLOYEES" MEANS THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO ARE FACULTY, PROFESSIONAL, OR CLERICAL EMPLOYEES OF A COMMUNITY COLLEGE THAT IS ESTABLISHED UNDER THE EDUCATION ARTICLE.

(6) "LOCAL COMMUNITY COLLEGE SHARE" MEANS THAT PORTION OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES THAT IS:

(I) SOLELY ATTRIBUTABLE TO THE AMOUNT OF A LOCAL COMMUNITY COLLEGE EMPLOYEE'S SALARY THAT IS IN EXCESS OF THE STATEWIDE MEDIAN COMMUNITY COLLEGE EMPLOYEE SALARY; AND

(II) ATTRIBUTABLE TO THE LOCAL COMMUNITY COLLEGE EMPLOYEES OF EACH COUNTY.

(7) "LOCAL LIBRARIAN EMPLOYEES" MEANS THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO ARE LIBRARIANS OR CLERICAL EMPLOYEES OF A LIBRARY THAT IS ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE.

(8) "LOCAL LIBRARIAN SHARE" MEANS THAT PORTION OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES THAT IS:

(I) SOLELY ATTRIBUTABLE TO THE AMOUNT OF A LOCAL LIBRARIAN EMPLOYEE'S SALARY THAT IS IN EXCESS OF THE STATEWIDE MEDIAN LIBRARIAN EMPLOYEE SALARY; AND

(II) ATTRIBUTABLE TO THE LOCAL LIBRARIAN EMPLOYEES OF EACH COUNTY.

(9) "LOCAL MEDIAN COMMUNITY COLLEGE EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL COMMUNITY COLLEGE EMPLOYEES FOR EACH COUNTY AS DETERMINED BY EACH COUNTY AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(10) "LOCAL MEDIAN LIBRARIAN EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL LIBRARIAN EMPLOYEES FOR EACH COUNTY AS DETERMINED BY EACH COUNTY AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(11) "LOCAL MEDIAN TEACHER EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL TEACHER EMPLOYEES FOR EACH COUNTY AS DETERMINED BY EACH COUNTY AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(12) "LOCAL TEACHER EMPLOYEES" MEANS THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO ARE EMPLOYEES OF A DAY SCHOOL IN THE STATE UNDER THE AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS, EMPLOYED AS:

(I) A CLERK;

(II) A HELPING TEACHER;

(III) A TEACHER;

(IV) A SUPERVISOR;

(V) A PRINCIPAL; OR

(VI) A SUPERINTENDENT.

(13) "LOCAL TEACHER SHARE" MEANS THAT PORTION OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES THAT IS:

(I) SOLELY ATTRIBUTABLE TO THE AMOUNT OF A LOCAL TEACHER EMPLOYEE'S SALARY THAT IS IN EXCESS OF THE STATEWIDE MEDIAN TEACHER EMPLOYEE SALARY; AND

(II) ATTRIBUTABLE TO THE LOCAL TEACHER EMPLOYEES OF EACH COUNTY.

[(5)**] (14)** "State member" does not include a member on whose behalf a participating governmental unit is required to make an employer contribution under § 21–305 or § 21–306 of this subtitle.

(15) "STATEWIDE MEDIAN LOCAL COMMUNITY COLLEGE EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL COMMUNITY COLLEGE EMPLOYEES AS DETERMINED BY THE MARYLAND HIGHER EDUCATION COMMISSION AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(16) "STATEWIDE MEDIAN LOCAL LIBRARIAN EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL LIBRARIAN EMPLOYEES AS DETERMINED BY THE STATE BOARD OF EDUCATION AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(17) "STATEWIDE MEDIAN LOCAL TEACHER EMPLOYEE SALARY" MEANS THE MEDIAN ANNUAL SALARY OF ALL LOCAL TEACHER EMPLOYEES AS DETERMINED BY THE STATE BOARD OF EDUCATION AND SUBMITTED TO THE BOARD OF TRUSTEES UNDER SUBSECTION (A–1) OF THIS SECTION.

(18) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ALL LOCAL COMMUNITY COLLEGE EMPLOYEES.

(19) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ALL LOCAL LIBRARIAN EMPLOYEES.

(20) "TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES" MEANS THAT PORTION OF THE EMPLOYER CONTRIBUTION CALCULATED UNDER SUBSECTION (B) OF THIS SECTION THAT IS ATTRIBUTABLE TO ALL LOCAL TEACHER EMPLOYEES.

(A–1) (1) (I) ON OR BEFORE APRIL 1 OF EACH YEAR, THE STATE BOARD OF EDUCATION SHALL SUBMIT TO THE BOARD OF TRUSTEES:

1. THE AMOUNT OF THE STATEWIDE MEDIAN LOCAL LIBRARIAN EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR; AND

2. THE AMOUNT OF THE STATEWIDE MEDIAN LOCAL TEACHER EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR.

(II) 1. THIS SUBPARAGRAPH DOES NOT INCLUDE LOCAL COMMUNITY COLLEGE EMPLOYEES EMPLOYED BY BALTIMORE CITY COMMUNITY COLLEGE.

2. ON OR BEFORE APRIL 1 OF EACH YEAR, THE MARYLAND HIGHER EDUCATION COMMISSION SHALL SUBMIT TO THE BOARD OF TRUSTEES THE AMOUNT OF THE STATEWIDE MEDIAN LOCAL COMMUNITY COLLEGE EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR.

(2) ON OR BEFORE APRIL 1 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO THE BOARD OF TRUSTEES:

(I) THE AMOUNT OF THE LOCAL MEDIAN COMMUNITY COLLEGE EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR;

(II) THE AMOUNT OF THE LOCAL MEDIAN LIBRARIAN EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR; AND

(III) THE AMOUNT OF THE LOCAL MEDIAN TEACHER EMPLOYEE SALARY FOR THE PRECEDING CALENDAR YEAR.

(b) (1) [Each] **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH** fiscal year, on behalf of the State members of each State system, the State shall pay to the appropriate accumulation fund an amount equal to or greater than the sum of the amount, if any, required to be included in the budget bill under § 3–501(c)(2)(ii) of this article and the product of multiplying:

(i) the aggregate annual earnable compensation of the State members of that State system; and

(ii) 1. for State members of the Law Enforcement Officers' Retirement System, State Police Retirement System, and the Judges' Retirement System, the sum of the normal contribution rate and the accrued liability contribution rate, as determined under this section;

2. for State members of the Employees' Pension System, Employees' Retirement System, Correctional Officers' Retirement System, and Legislative Pension Plan, the employees' systems contribution rate determined under subsection [(e)] **(F)** of this section; or

3. for State members of the Teachers' Pension System and Teachers' Retirement System, the teachers' systems contribution rate determined under subsection [(f)] **(G)** of this section.

(2) The amount determined under paragraph (1) of this subsection for each State system shall be based on an actuarial determination of the amounts that are required to preserve the integrity of the funds of the several systems using:

(i) the entry–age actuarial cost method; and

(ii) actuarial assumptions adopted by the Board of Trustees.

(3) For the purpose of making the determinations required under this section:

(i) the Employees' Retirement System, the Employees' Pension System, the Correctional Officers' Retirement System, and the Legislative Pension Plan shall be considered together as one State system; and

(ii) the Teachers' Retirement System and the Teachers' Pension System shall be considered together as one State system.

(C) (1) (I) 1. THIS SUBPARAGRAPH DOES NOT APPLY TO:

A. BALTIMORE CITY COMMUNITY COLLEGE; AND

B. ANY COUNTY WHOSE LOCAL MEDIAN COMMUNITY COLLEGE EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL COMMUNITY COLLEGE EMPLOYEE SALARY.

2. BEGINNING JULY 1, 2013, ON BEHALF OF THE LOCAL COMMUNITY COLLEGE EMPLOYEES OF EACH COUNTY, EACH COUNTY SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO OR GREATER THAN THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES.

3. A. FOR A REGIONAL COMMUNITY COLLEGE, AS DEFINED UNDER § 16–202 OF THE EDUCATION ARTICLE, THE OBLIGATION OF THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES SHALL BE SHARED BY EACH COUNTY SUPPORTING THE REGIONAL COMMUNITY COLLEGE.

B. EACH COUNTY'S SHARE SHALL BE PRORATED BY DIVIDING THE NUMBER OF FULL–TIME EQUIVALENT STUDENTS, AS CALCULATED UNDER § 16–305(B)(7) OF THE EDUCATION ARTICLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE ENROLLED AT THE REGIONAL COMMUNITY COLLEGE AND ARE RESIDENTS OF THE COUNTY BY THE TOTAL NUMBER OF FULL–TIME EQUIVALENT STUDENTS, AS CALCULATED UNDER § 16–305(B)(7) OF THE EDUCATION ARTICLE FOR THE SECOND PRIOR FISCAL YEAR, WHO ARE RESIDENTS OF THE REGION.

4. THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES OF EACH COUNTY AND THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL

EMPLOYER CONTRIBUTIONS FOR LOCAL COMMUNITY COLLEGE EMPLOYEES OF EACH COUNTY SHALL BE THE OBLIGATION OF THE STATE.

(II) 1. THIS SUBPARAGRAPH DOES NOT APPLY TO ANY COUNTY WHOSE LOCAL MEDIAN LIBRARIAN EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL LIBRARIAN EMPLOYEE SALARY.

2. BEGINNING JULY 1, 2013, ON BEHALF OF THE LOCAL LIBRARIAN EMPLOYEES OF EACH COUNTY, EACH COUNTY SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO OR GREATER THAN THE LOCAL LIBRARIAN SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES.

3. THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES OF EACH COUNTY AND THE LOCAL LIBRARIAN SHARE OF THE TOTAL EMPLOYER CONTRIBUTIONS FOR LOCAL LIBRARIAN EMPLOYEES OF EACH COUNTY SHALL BE THE OBLIGATION OF THE STATE.

(III) 1. THIS SUBPARAGRAPH DOES NOT APPLY TO ANY COUNTY WHOSE LOCAL MEDIAN TEACHER EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL TEACHER EMPLOYEE SALARY.

2. BEGINNING JULY 1, 2013, ON BEHALF OF THE LOCAL TEACHER EMPLOYEES OF EACH COUNTY, EACH COUNTY SHALL PAY EACH FISCAL YEAR TO THE APPROPRIATE ACCUMULATION FUND AN AMOUNT EQUAL TO OR GREATER THAN THE LOCAL TEACHER SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES.

3. THE DIFFERENCE BETWEEN THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES OF EACH COUNTY AND THE LOCAL TEACHER SHARE OF THE TOTAL EMPLOYER CONTRIBUTIONS FOR LOCAL TEACHER EMPLOYEES OF EACH COUNTY SHALL BE THE OBLIGATION OF THE STATE.

(2) IN ADDITION TO ANY PAYMENTS MADE BY THE STATE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE SHALL PAY 100% OF THE AMOUNT DETERMINED UNDER SUBSECTION (B) OF THIS SECTION FOR THOSE MEMBERS OF THE TEACHERS' RETIREMENT SYSTEM OR TEACHERS' PENSION SYSTEM WHO ARE:

(I) FACULTY, PROFESSIONAL, OR CLERICAL EMPLOYEES OF BALTIMORE CITY COMMUNITY COLLEGE;

(II) FACULTY EMPLOYEES OF AN EDUCATIONAL INSTITUTION, OTHER THAN A COMMUNITY COLLEGE, SUPPORTED BY AND UNDER THE CONTROL OF THE STATE;

(III) STAFF EMPLOYEES OF THE UNIVERSITY SYSTEM OF MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF MARYLAND WHO WERE MEMBERS OF THE TEACHERS' PENSION SYSTEM AS OF JANUARY 1, 1998, OR WHO TRANSFERRED FROM THE TEACHERS' RETIREMENT SYSTEM ON OR AFTER JANUARY 1, 1998;

(IV) LOCAL COMMUNITY COLLEGE EMPLOYEES OF A COUNTY WHOSE LOCAL MEDIAN COMMUNITY COLLEGE EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL COMMUNITY COLLEGE EMPLOYEE SALARY;

(V) LOCAL LIBRARIAN EMPLOYEES OF A COUNTY WHOSE LOCAL MEDIAN LIBRARIAN EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL LIBRARIAN EMPLOYEE SALARY; OR

(VI) LOCAL TEACHER EMPLOYEES OF A COUNTY WHOSE LOCAL MEDIAN TEACHER EMPLOYEE SALARY IS LESS THAN THE STATEWIDE MEDIAN LOCAL TEACHER EMPLOYEE SALARY.

[(c)**] (D)** (1) As part of each actuarial valuation, the actuary shall determine the normal contributions, net of member contributions, on account of the State members of each State system.

(2) For each State system, the normal contribution rate equals the fraction that has:

(i) as its numerator, the sum of the normal contributions determined under this subsection; and

(ii) as its denominator, the aggregate annual earnable compensation of the State members of the State system.

[(d)**] (E)** (1) Beginning July 1, 2001, each year the Board of Trustees shall set contribution rates for each State system that shall amortize:

(i) all unfunded liabilities or surpluses accrued as of June 30, 2000, over 20 years; and

(ii) any new unfunded liabilities or surpluses that have accrued from July 1 of the preceding fiscal year over 25 years to reflect:

1. experience gains and losses;

2. the effect of changes in actuarial assumptions; and

3. the effect of legislation effective on or after July 1, 2001.

(2) If the accrued liability is increased by legislation that provides for early retirement of State employees, the additional liability shall be funded over a period of 5 years beginning on:

(i) July 1, 1997 for legislation effective June 1, 1996; and

(ii) July 1, 1998 for legislation effective June 1, 1997.

(3) If the accrued liability is increased by legislation effective June 1, 1998, that provides for the early retirement of employees of the University System of Maryland who are members of the Employees' Pension System or the Employees' Retirement System, the additional liability shall be determined by the actuary and funded over a period of 5 years beginning on July 1, 1999 by payment of an annual accrued liability contribution by the University System of Maryland and the Medical System as provided in § 21–307(h) and (i) of this subtitle.

[(e)**] (F)** (1) When the funding ratio for the employees' systems is between 90% and 110%, inclusive, the employees' system contribution rate is the rate for the previous fiscal year, adjusted to reflect legislative changes that result in changes in normal cost and to amortize over 25 years any actuarial liabilities of the employees' systems.

(2) Subject to paragraph (4) of this subsection, when the funding ratio for the employees' systems is below 90%, the employees' system contribution rate shall be the sum of:

(i) the employees' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the preliminary funding rate for the current fiscal year and the employees' system contribution rate for the previous fiscal year.

(3) Subject to paragraph (4) of this subsection, when the funding ratio for the employees' systems is above 110%, the employees' system contribution rate shall be the difference between:

(i) the employees' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the employees' system contribution rate for the previous fiscal year and the preliminary funding rate for the current fiscal year.

(4) The contribution rate for the employees' systems under paragraph (2) or (3) of this subsection shall be adjusted to reflect the cost or savings of legislative changes that result in changes in normal contributions or accrued liabilities and to amortize over 25 years any changes in accrued liabilities of the employees' systems.

[(f)**] (G)** (1) When the funding ratio for the teachers' systems is between 90% and 110%, the teachers' system contribution rate is the rate for the previous fiscal year, adjusted to reflect legislative changes that result in changes in normal cost and to amortize over 25 years any actuarial liabilities of the teachers' systems.

(2) Subject to paragraph (4) of this subsection, when the funding ratio for the teachers' systems is below 90%, the teachers' system contribution rate shall be the sum of:

(i) the teachers' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the preliminary funding rate for the current fiscal year and the teachers' system contribution rate for the previous fiscal year.

(3) Subject to paragraph (4) of this subsection, when the funding ratio for the teachers' systems is above 110%, the teachers' system contribution rate shall be the difference between:

(i) the teachers' system contribution rate for the previous fiscal year; and

(ii) 20% of the difference between the teachers' system contribution rate for the previous fiscal year and the preliminary funding rate for the current fiscal year.

(4) The contribution rate for the teachers' systems under paragraph (2) or (3) of this subsection shall be adjusted to reflect the cost or savings of legislative changes that result in changes in normal contributions or accrued liabilities and to amortize over 25 years any changes in accrued liabilities of the teachers' systems.

21–308.

(a) **(1) ON OR BEFORE APRIL 1 OF EACH YEAR, THE STATE BOARD OF EDUCATION SHALL CERTIFY TO THE BOARD OF TRUSTEES THE FOLLOWING INFORMATION:**

(I) THE TOTAL NUMBER OF LOCAL LIBRARIAN EMPLOYEES AND LOCAL TEACHER EMPLOYEES; AND

(II) THE NUMBER OF LOCAL LIBRARIAN EMPLOYEES AND LOCAL TEACHER EMPLOYEES DISAGGREGATED BY COUNTY OF EMPLOYMENT.

(2) ON OR BEFORE APRIL 1 OF EACH YEAR, THE MARYLAND HIGHER EDUCATION COMMISSION SHALL CERTIFY TO THE BOARD OF TRUSTEES THE FOLLOWING INFORMATION:

(I) THE TOTAL NUMBER OF LOCAL COMMUNITY COLLEGE EMPLOYEES; AND

(II) THE NUMBER OF LOCAL COMMUNITY COLLEGE EMPLOYEES DISAGGREGATED BY COUNTY OF EMPLOYMENT.

(3) THE BOARD OF TRUSTEES SHALL USE THE INFORMATION PROVIDED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION TO DETERMINE:

(I) THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES;

(II) THE LOCAL LIBRARIAN SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES; AND

(III) THE LOCAL TEACHER SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES.

[(1)**] (4)** On or before December 1 of each year, the Board of Trustees shall:

(i) certify to the Governor and the Secretary of Budget and Management the rates to be used to determine the amounts to be paid by the State to the accumulation fund of each of the several systems during the next fiscal year; and

(ii) provide to the Secretary of Budget and Management a statement of the total amount to be paid to the Teachers' Retirement System and the Teachers' Pension System expressed as a percentage of the payroll of all members of those State systems **REDUCED BY THE AMOUNT OF THE FOLLOWING PAID BY COUNTY GOVERNMENTS UNDER § 21–304(C) OF THIS SUBTITLE:**

1. THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES;

2. THE LOCAL LIBRARIAN SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES; AND

3. THE LOCAL TEACHER SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES.

[(2)**] (5)** The Governor shall include in the budget bill:

(i) the total amount of the State's contribution to each State system as ascertained based on the rates certified by the Board of Trustees under paragraph **[**(1)**] (4)** of this subsection;

(ii) the additional amounts as ascertained under subsection (d) of this section for the State's payment to the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System; and

(iii) any additional amount required to be in the budget bill under § 3–501(c)(2)(ii) of this article.

[(3)**] (6)** The amounts that the Governor is required to include in the budget bill under paragraph **[**(2)**] (5)** of this subsection shall be reduced by the amount of administrative and operational expenses for the Board of Trustees and the State Retirement Agency that are to be paid by local employers under § 21–316 of this subtitle other than participating governmental units or employers who are required to make contributions under § 21–307 of this subtitle.

[(4)**] (7)** (i) On or before December 1, 2012, and each December 1 thereafter, the Board of Trustees shall certify to the Governor and the Secretary of Budget and Management the amount of the difference between the total amount of the State's contribution required under paragraph **[**(2)**] (5)** of this subsection and the amount that the Board determines would have been required had legislation

increasing employee contributions to, and reducing the liabilities of, the State Retirement and Pension System not been enacted in 2011.

(ii) For fiscal year 2014 and each fiscal year thereafter, in addition to the amounts required under paragraph **[**(2)**]** **(5)** of this subsection, the Governor shall include in the budget bill the lesser of:

1. $300,000,000; and

2. the amount certified under subparagraph (i) of this paragraph.

(b) (1) (i) As to members of the several systems whose compensation is paid by the State, the Comptroller shall compute the amounts to be charged to the appropriation of each unit as the unit's share of retirement costs for its employees.

(ii) The Comptroller shall make the computation under subparagraph (i) of this paragraph using the total rates of contributions as set by the actuary under § 21–304 of this subtitle.

(2) As to members of the Teachers' Retirement System or the Teachers' Pension System whose compensation is not paid by the State, on September 30, December 31, May 31, and April 15 of each year, the State Department of Education and the Maryland Higher Education Commission shall certify to the Comptroller 25% of the amount appropriated in the budget of those units for employer contributions **REDUCED BY THE AMOUNT OF THE FOLLOWING PAID BY COUNTY GOVERNMENTS UNDER § 21–304(C) OF THIS SUBTITLE:**

(I) THE LOCAL COMMUNITY COLLEGE SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL COMMUNITY COLLEGE EMPLOYEES;

(II) THE LOCAL LIBRARIAN SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL LIBRARIAN EMPLOYEES; AND

(III) THE LOCAL TEACHER SHARE OF THE TOTAL EMPLOYER CONTRIBUTION FOR LOCAL TEACHER EMPLOYEES.

(c) (1) As payrolls are paid, the Comptroller shall issue a warrant or warrants to the State Treasurer in the amounts to be charged under subsection (b)(1) of this section against the budgets of the units.

(2) On or before October 1, January 1, June 1, and April 16 of each year, the Comptroller shall issue a warrant or warrants to the State Treasurer for the amounts certified to the Comptroller under subsection (b)(2) of this section.

(3) On the receipt of the warrant of the Comptroller, the State Treasurer immediately shall transfer to the appropriate State system the amounts due.

(d) (1) (i) The State Superintendent of Schools shall determine the amount that equals the applicable percentage as determined under subparagraph (ii) of this paragraph of the payroll of the professional and clerical employees of the Department of Public Libraries of Montgomery County who are members of the Employees' Retirement System of Montgomery County and are excluded from membership in the Teachers' Retirement System or the Teachers' Pension System.

(ii) The applicable percentage under subparagraph (i) of this paragraph is the lesser of:

1. the State's contribution percentage for the Teachers' Retirement System and the Teachers' Pension System, as certified by the Board of Trustees; or

2. the percentage of the payroll of its employees that Montgomery County has contributed to the Employees' Retirement System of Montgomery County, as determined by an actuarial valuation.

(2) The amount determined under paragraph (1) of this subsection shall be:

(i) included in the budget estimate for the Superintendent of Schools;

(ii) certified by the State Superintendent of Schools to the State Comptroller; and

(iii) paid to Montgomery County as provided in this subsection.

(3) The Comptroller shall issue a warrant or warrants to the State Treasurer for the amount to be paid Montgomery County under this subsection.

(4) On the receipt of the warrant of the Comptroller, the State Treasurer shall pay to the treasurer of Montgomery County the amount due.

(e) For each nonclerical and nonprofessional former Community College of Baltimore employee who chose to remain a member of the Baltimore City Retirement Plan, the State shall contribute annually to the Baltimore City Retirement Plan on behalf of the employee an amount equal to the lesser of the contribution the State would otherwise have made on behalf of each employee of the State to the Employees' Pension System or the rate required for the Baltimore City Retirement Plan.

21–309.1.

(A) ON OR BEFORE JUNE 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL CERTIFY TO EACH COUNTY THE STATE'S NORMAL CONTRIBUTION RATE AND THE STATE'S ACCRUED LIABILITY CONTRIBUTION RATE AND THE AMOUNTS PAYABLE UNDER § 21–304(C) OF THIS SUBTITLE.

(B) (1) ON SEPTEMBER 30, DECEMBER 31, APRIL 15, AND MAY 31, EACH COUNTY SHALL PAY TO THE BOARD OF TRUSTEES 25% OF THE AMOUNT OF THE CHARGES CERTIFIED TO THE COUNTY BY THE BOARD OF TRUSTEES UNDER SUBSECTION (A) OF THIS SECTION.

(2) IF A COUNTY DOES NOT PAY THE AMOUNTS CERTIFIED UNDER THIS SECTION WITHIN THE TIME REQUIRED, THE COUNTY IS LIABLE FOR:

(I) A PENALTY OF 10% OF THE AMOUNT DUE; AND

(II) INTEREST ON DELINQUENT AMOUNTS AT 10% A YEAR UNTIL PAYMENT.

(3) THE SECRETARY OF THE BOARD OF TRUSTEES MAY ALLOW A GRACE PERIOD FOR PAYMENT OF THE AMOUNTS CERTIFIED UNDER THIS SECTION NOT TO EXCEED 10 CALENDAR DAYS.

(4) ON NOTIFICATION BY THE SECRETARY OF THE BOARD OF TRUSTEES THAT A DELINQUENCY EXISTS, THE COMPTROLLER IMMEDIATELY SHALL EXERCISE THE RIGHT OF SETOFF AGAINST ANY MONEY DUE OR COMING DUE TO THAT COUNTY FROM THE STATE.

(C) ON RECEIPT OF THE PAYMENTS FROM EACH COUNTY, THE BOARD OF TRUSTEES SHALL CREDIT THESE AMOUNTS TO THE ACCUMULATION FUND OF THE APPROPRIATE STATE SYSTEM.".

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

Affirmative – 6 Negative – 40 (See Roll Call No. 507)

FLOOR AMENDMENT

SB0152/743725/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, strike beginning with "requiring" in line 20 down through "Assembly;" in line 22.

AMENDMENT NO. 2

On pages 61 and 62, strike beginning with "SECTION" in line 32 on page 61 down through "2001." in line 6 on page 62.

On page 62, in lines 14 and 35, strike "11." and "12.", respectively, and substitute "10." and "11.", respectively.

On page 63, in lines 3 and 7, strike "13." and "14.", respectively, and substitute "12." and "13.", respectively.

On page 64, in line 11, strike "15." and substitute "14.".

On page 65, in lines 1, 7, 13, 18, 22, and 24, strike "16.", "17.", "18.", "19.", "20.", and "21.", respectively, and substitute "15.", "16.", "17.", "18.", "19.", and "20.", respectively; and in line 22, strike "19" and substitute "18".

On page 66, in lines 16, 21, 27, and 35, strike "22.", "23.", "24.", and "25.", respectively, and substitute "21.", "22.", "23.", and "24.", respectively.

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

Affirmative – 14 Negative – 32 (See Roll Call No. 508)

FLOOR AMENDMENT

SB0152/423520/1
BY: Senator Middleton

AMENDMENTS TO SENATE BILL 152
(First Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 3, in line 30, after "circumstances;" insert "providing that the Injured Workers' Insurance Fund and its successor are jointly liable for a certain payment to the State under certain circumstances;".

AMENDMENT NO. 2

On page 61, strike beginning with "by" in line 14 down through "from" in line 15 and substitute "of the Injured Workers' Insurance Fund,"; in line 15, after "Fund" insert "and its successor shall be jointly liable to pay"; in line 16, strike "an" and substitute "the"; strike beginning with "that" in line 16 down through "benefits" in line 17; in line 21, strike the second "transfer" and substitute "payment to the State"; and in line 22, strike "required by this section".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 523 – Senator Manno

AN ACT concerning

Income Tax – Repeal of the 1997 Income Tax Reduction

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (11) AND THE FAVORABLE REPORT.

SB0523/659438/1
BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 523
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Income Tax – Repeal of the 1997 Income Tax Reduction" and substitute "State and Local Revenue Act of 2012"; strike beginning with "requiring" in line 4 down through "extent;" in line 5 and substitute "altering, for certain taxable years, the percentage of the federal earned income credit used for determining the amount that an individual may claim as a refund under the State earned income tax credit under certain circumstances; altering a certain definition for certain purposes under the sales and use tax; providing that for purposes of certain provisions of the sales and use tax law certain persons shall be presumed under certain circumstances to have an agent, canvasser, representative, salesman, independent contractor, or solicitor operating in the State for certain purposes; providing that a certain presumption may be rebutted by certain proof; altering certain tax rates for certain cigars and certain tobacco products; providing that, for purposes of the recordation tax, secured debt with respect to certain mortgages, deeds of trust, and other security interests in real property securing a guarantee of repayment of a loan for a certain amount is deemed to be incurred as debt is incurred on the guaranteed loan and, with respect to those mortgages, deeds of trust, and other security interests, the recordation tax applies in a certain manner; altering the amount of a certain fee; repealing a certain exemption to the sales and use tax for certain sales in the form of a demurrage charge; repealing a certain modification for purposes of determining Maryland taxable income for certain public utilities; repealing a certain credit against the State income tax for certain public utilities;"; strike beginning with "providing" in line 6 down through "tax" in line 7 and substitute "requiring the Comptroller to waive certain interest and penalties for a certain calendar year to a certain extent; authorizing the Comptroller to provide an alternative method of assessing and collecting a certain additional tax; requiring certain revenue to be remitted to the Comptroller by a certain date; defining certain terms; providing for the application and construction of certain provisions of this Act;

and generally relating to altering certain taxes and fees"; in line 10, after "10–105(a)" insert ", 10–704(b), 11–701(b), and 12–105(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–704(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – General
Section 11–701.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY adding to
Article – Tax – Property
Section 12–105(f)(7)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1604(b)(1)(vi)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing
Article – Tax – General
Section 10–306(c), 10–708, and 11–202
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 2, in line 1, strike "**5%**" and substitute "**4.9%**"; in line 2, strike "$150,000" and substitute "**$25,000**"; after line 2, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $25,001 THROUGH $75,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $75,001 THROUGH $150,000;";

in lines 3, 5, and 7, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively; in line 15, strike "**5%**" and substitute "**4.9%**"; in line 16, strike "$200,000" and substitute "**$50,000**"; after line 16, insert:

"**(V) 4.95% OF MARYLAND TAXABLE INCOME OF $50,001 THROUGH $100,000;**

(VI) 5% OF MARYLAND TAXABLE INCOME OF $100,001 THROUGH $200,000;";

and in lines 17, 19, and 21, strike "(v)", "(vi)", and "(vii)", respectively, and substitute "**(VII)**", "**(VIII)**", and "**(IX)**", respectively.

AMENDMENT NO. 3

On page 3, after line 4, insert:

"10–704.

(a) (1) An individual may claim a credit against the State income tax for a taxable year in the amount determined under subsection (b) of this section for earned income.

(2) An individual may claim a credit against the county income tax for a taxable year in the amount determined under subsection (c) of this section for earned income.

(b) (1) Except as provided in paragraph (2) of this subsection and subject to subsection (d) of this section, the credit allowed against the State income tax under subsection (a)(1) of this section is the lesser of:

(i) 50% of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code; or

(ii) the State income tax for the taxable year.

(2) **(I)** An individual may claim a refund in the amount, if any, by which **[**25%**] THE APPLICABLE PERCENTAGE SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH** of the earned income credit allowable for the taxable year under § 32 of the Internal Revenue Code exceeds the State income tax for the taxable year.

(II) THE APPLICABLE PERCENTAGE OF THE EARNED INCOME CREDIT ALLOWABLE UNDER § 32 OF THE INTERNAL REVENUE CODE TO BE USED FOR PURPOSES OF DETERMINING THE REFUND PROVIDED UNDER THIS PARAGRAPH IS:

1. 26% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2011, BUT BEFORE JANUARY 1, 2013;

2. 27% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2012, BUT BEFORE JANUARY 1, 2014;

3. 28% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2013, BUT BEFORE JANUARY 1, 2015;

4. 29% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2014, BUT BEFORE JANUARY 1, 2016; AND

5. 30% FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015.".

AMENDMENT NO. 4

On page 3, after line 4, insert:

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

Article – Tax – General

11–701.

(b) (1) "Engage in the business of an out–of–state vendor" means to sell or deliver tangible personal property or a taxable service for use in the State.

(2) "Engage in the business of an out–of–state vendor" includes:

(i) permanently or temporarily maintaining, occupying, or using any office, sales or sample room, or distribution, storage, warehouse, or other place for the sale of tangible personal property or a taxable service directly or indirectly through an agent or subsidiary;

(ii) having an agent, canvasser, representative, salesman, **INDEPENDENT CONTRACTOR,** or solicitor operating in the State for the purpose of delivering, selling, or taking orders for tangible personal property or a taxable service; or

(iii) entering the State on a regular basis to provide service or repair for tangible personal property.

11–701.1.

(A) IN THIS SECTION, "SELLER" MEANS A PERSON MAKING SALES OF TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE.

(B) FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE, A SELLER SHALL BE PRESUMED TO HAVE AN AGENT, CANVASSER, REPRESENTATIVE, SALESMAN, INDEPENDENT CONTRACTOR, OR SOLICITOR OPERATING IN THE STATE FOR THE PURPOSE OF SELLING OR TAKING ORDERS FOR TANGIBLE PERSONAL PROPERTY OR A TAXABLE SERVICE IF:

(1) THE SELLER ENTERS INTO AN AGREEMENT WITH A RESIDENT OF THE STATE UNDER WHICH THE RESIDENT, FOR A COMMISSION OR OTHER CONSIDERATION, DIRECTLY OR INDIRECTLY REFERS POTENTIAL CUSTOMERS TO THE SELLER, WHETHER BY A LINK ON AN INTERNET WEB SITE, OR OTHERWISE; AND

(2) THE CUMULATIVE GROSS RECEIPTS FROM SALES BY THE SELLER TO CUSTOMERS IN THE STATE WHO ARE REFERRED TO THE SELLER BY ALL RESIDENTS HAVING AN AGREEMENT WITH THE SELLER AS DESCRIBED IN

ITEM (1) OF THIS SUBSECTION IS GREATER THAN $10,000 DURING THE PRECEDING FOUR QUARTERLY PERIODS ENDING ON THE LAST DAY OF FEBRUARY, MAY, AUGUST, AND NOVEMBER.

(C) THE PRESUMPTION UNDER THIS SECTION MAY BE REBUTTED BY PROOF THAT THE RESIDENT WITH WHOM THE SELLER HAS AN AGREEMENT AS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION DID NOT ENGAGE IN ANY SOLICITATION IN THE STATE ON BEHALF OF THE SELLER THAT WOULD SATISFY THE NEXUS REQUIREMENT OF THE UNITED STATES CONSTITUTION DURING THE FOUR QUARTERLY PERIODS IN QUESTION.

(D) THIS SECTION MAY NOT BE CONSTRUED TO NARROW THE SCOPE OF THE TERMS "AGENT", "CANVASSER", "REPRESENTATIVE", "SALESMAN", "INDEPENDENT CONTRACTOR", AND "SOLICITOR" FOR PURPOSES OF § 11–701(B)(2)(II) OF THIS SUBTITLE OR FOR PURPOSES OF ANY OTHER PROVISION OF LAW.".

AMENDMENT NO. 5

On page 3, after line 4, insert:

"12–105.

(b) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** tobacco tax rate for other tobacco products is **[**15%**]** **20%** of the wholesale price of the tobacco products.

(2) (I) IN THIS PARAGRAPH, "PREMIUM CIGARS" HAS THE MEANING STATED IN § 16.5–101 OF THE BUSINESS REGULATION ARTICLE.

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE TOBACCO TAX RATE FOR CIGARS IS 70% OF THE WHOLESALE PRICE OF THE CIGARS.

(III) THE TOBACCO TAX RATE FOR PREMIUM CIGARS IS 20% OF THE WHOLESALE PRICE OF THE PREMIUM CIGARS.".

AMENDMENT NO. 6

On page 3, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – Property

12–105.

(f) **(7) (I) IN THIS PARAGRAPH, "INDEMNITY MORTGAGE" INCLUDES ANY MORTGAGE, DEED OF TRUST, OR OTHER SECURITY INTEREST IN REAL PROPERTY THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR WHICH THE GUARANTOR IS NOT PRIMARILY LIABLE.**

(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH:

1. SECURED DEBT WITH RESPECT TO AN INDEMNITY MORTGAGE IS DEEMED TO BE INCURRED FOR PURPOSES OF THIS SUBSECTION WHEN AND TO THE SAME EXTENT AS DEBT IS INCURRED ON THE GUARANTEED LOAN; AND

2. THE RECORDATION TAX APPLIES UNDER THIS SUBSECTION IN THE SAME MANNER AS IF THE GUARANTOR WERE PRIMARILY LIABLE FOR THE GUARANTEED LOAN.

(III) THIS PARAGRAPH DOES NOT APPLY:

1. TO THE EXTENT THAT RECORDATION TAX IS PAID ON ANOTHER INSTRUMENT OF WRITING THAT SECURES PAYMENT OF THE GUARANTEED LOAN; OR

2. TO AN INDEMNITY MORTGAGE THAT SECURES A GUARANTEE OF REPAYMENT OF A LOAN FOR LESS THAN $1,000,000.".

AMENDMENT NO. 7

On page 3, after line 4, insert:

"SECTION 4. BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Government

9–1604.

(b) (1) The Chief Administrative Law Judge may:

(vi) assess fees to cover administrative expenses as follows:

1. to file an appeal, a fee not exceeding:

A. **[**$125**] $150** for an appeal of a driver's license suspension or revocation related to a violation of the Maryland Vehicle Law; and

B. $50 for all other types of appeals; and

2. to process a subpoena, a fee not exceeding $5.".

AMENDMENT NO. 8

On page 3, after line 4, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That Section(s) 10–306(c) and 10–708 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 9

On page 3, before line 5, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 11–202 of Article – Tax – General of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 10

On page 3, after line 9, insert:

"SECTION 8. AND BE IT FURTHER ENACTED, That, as provided in § 12–105 of the Tax – General Article, all other tobacco products used, possessed, or held

in the State on or after July 1, 2012, by any person for sale or use in the State, shall be subject to the full tax on other tobacco products, as enacted under this Act. The Comptroller may provide an alternative method of assessing and collecting the additional tax. The revenue attributable to this requirement shall be remitted to the Comptroller by October 15, 2012.".

AMENDMENT NO. 11

On page 3, in line 5, strike "2." and substitute "7."; in line 10, strike "3." and substitute "9."; in the same line, after "That" insert "Sections 1 and 5 of"; and after line 12, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2 and 6 of this Act shall take effect July 1, 2012.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2012, and shall be applicable to all instruments of writing recorded on or after July 1, 2012.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, this Act shall take effect June 1, 2012.".

Committee amendment (#1) was read and adopted.

Committee amendment (#2) was read and adopted by a roll call vote as follows:

Affirmative – 27 Negative – 18 (See Roll Call No. 509)

Committee amendment (#3) was read and adopted.

Committee amendment (#4) was read and adopted by a roll call vote as follows:

Affirmative – 25 Negative – 21 (See Roll Call No. 510)

Committee amendment (#5) was read and adopted by a roll call vote as follows:

Affirmative – 27 Negative – 19 (See Roll Call No. 511)

Committee amendment (#6) was read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 19 (See Roll Call No. 512)

Committee amendment (#7) was read and adopted by a roll call vote as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 513)

Committee amendment (#8) was read and adopted by a roll call vote as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 514)

Committee amendment (#9) was read and adopted by a roll call vote as follows:

Affirmative – 31 Negative – 15 (See Roll Call No. 515)

Committee amendment (#10) was read and adopted.

Committee amendment (#11) was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0523/499033/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 523, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0523/659438/1), in line 2 of Amendment No. 1, after "State and Local Revenue" insert "and Financing"; and in line 17, after "manner;" insert "altering certain grants to counties under the Aging Schools Program for certain fiscal years; providing for the distribution of certain income tax revenue in a certain manner; altering certain maintenance of effort amounts required for a certain fiscal year under certain circumstances;".

On page 2 of the Budget and Taxation Committee Amendments, in line 3 of Amendment No. 1, strike "altering certain taxes and fees" and substitute "state and local revenues and finances"; in line 12, after "Section" insert "2–608.2 and"; and after line 19, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 5–206(f)(2)
Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)
(As enacted by Chapter ___ (S.B. 152) of the Acts of the General Assembly of 2012)".

On page 1 of the bill, in line 10, after "Section" insert "2–609,"; and in the same line, after "10–105(a)" insert "and (d)".

AMENDMENT NO. 2

On page 1 of the bill, in line 17, strike the brackets; and in the same line, strike "**FOR**".

On page 2 of the bill, in line 4, after "$300,000;" insert "**AND**"; strike beginning with "; and" in line 6 down through "$500,000" in line 8; in line 9, strike the brackets; in the same line, strike "**FOR**"; in line 18, after "350,000;" insert "**AND**"; and strike beginning with "; and" in line 20 down through "$500,000" in line 22.

On page 3 of the Budget and Taxation Committee Amendments, in lines 8 and 15 of Amendment No. 2, in each instance, strike "**(IX)**".

AMENDMENT NO. 3

On page 3 of the bill, in line 4, after "$1,000,000.**]**" insert:

"**(3) THE STATE INCOME TAX RATE IS 5.75% APPLIED TO ALL OF THE INDIVIDUAL'S MARYLAND TAXABLE INCOME IF AN INDIVIDUAL HAS MARYLAND TAXABLE INCOME IN EXCESS OF $500,000.**

(d) **(1)** **[**For**] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR** a nonresident:

[(1)**]** **(I)** the rates specified in subsection (a) of this section apply to the nonresident's Maryland taxable income, calculated without regard to the subtractions under § 10–210(b), (e), and (f) of this title; and

[(2)**]** **(II)** the State income tax imposed equals the result obtained under item **[**(1) of this subsection**] (I) OF THIS PARAGRAPH** multiplied times a fraction:

(i) the numerator of which is the nonresident's Maryland taxable income, calculated with the subtractions under § 10–210(b), (e), and (f) of this title; and

(ii) the denominator of which is the nonresident's Maryland taxable income, calculated without regard to the subtractions under § 10–210(b), (e), and (f) of this title.

(2) IF A NONRESIDENT HAS MARYLAND TAXABLE INCOME, CALCULATED WITHOUT REGARD TO THE SUBTRACTIONS UNDER § 10–210(B), (E), AND (F) OF THIS TITLE, IN EXCESS OF $500,000, THE STATE INCOME TAX IMPOSED EQUALS THE STATE INCOME TAX RATE SPECIFIED IN SUBSECTION (A)(3) OF THIS SECTION APPLIED TO ALL OF THE NONRESIDENT'S MARYLAND TAXABLE INCOME, CALCULATED WITH THE SUBTRACTIONS UNDER § 10–210(B), (E), AND (F) OF THIS TITLE.".

AMENDMENT NO. 4

On page 9 of the Budget and Taxation Committee Amendments, after line 3 of Amendment No. 7, insert:

"Article – Education

5–206.

(f) (2) In fiscal year 2013 and in each fiscal year thereafter, the funding level for a county is the following amounts for the following counties:

(i) Allegany County..... **[**$97,791**]$478,000**;

(ii) Anne Arundel County..... **[**$506,038**]$2,472,000**;

(iii) Baltimore City..... **[**$1,387,924**]$6,781,000**;

(iv) Baltimore County..... **[**$874,227**]$5,874,000**;

(v) Calvert County..... **[**$38,292**]$187,000**;

(vi) Caroline County..... **[**$50,074**]$245,000**;

(vii) Carroll County ..... **[**$137,261**]$670,000**;

(viii) Cecil County ..... **[**$96,024**]$469,000**;

(ix) Charles County ..... **[**$50,074**]$245,000**;

(x) Dorchester County ..... **[**$38,292**]$187,000**;

(xi) Frederick County ..... **[**$182,622**]$893,000**;

(xii) Garrett County ..... **[**$38,292**]$187,000**;

(xiii) Harford County ..... **[**$217,379**]$1,062,000**;

(xiv) Howard County ..... **[**$87,776**]$429,000**;

(xv) Kent County ..... **[**$38,292**]$187,000**;

(xvi) Montgomery County ..... **[**$602,651**]$4,603,000**;

(xvii) Prince George's County..... **[**$1,209,426**]$5,909,000**;

(xviii) Queen Anne's County ..... **[**$50,074**]$245,000**;

(xix) St. Mary's County ..... **[**$50,074**]$245,000**;

(xx) Somerset County ..... **[**$38,292**]$187,000**;

(xxi) Talbot County ..... **[**$38,292**]$187,000**;

(xxii) Washington County ..... **[**$134,904**]$659,000**;

(xxiii) Wicomico County ..... **[**$106,627**]$521,000**; and

(xxiv) Worcester County ..... **[**$38,292**]$187,000**.".

On page 10 of the Budget and Taxation Committee Amendments, after line 2 of Amendment No. 7, insert:

"Article – Tax – General

2–608.2.

(A) FOR FISCAL YEAR 2013, AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2–604 THROUGH § 2–608.1 OF THIS SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE $3,000,000 TO ELIGIBLE MUNICIPALITIES IN ACCORDANCE WITH THE ALLOCATION UNDER § 8–405 OF THE TRANSPORTATION ARTICLE.

(B) A DISTRIBUTION UNDER SUBSECTION (A) OF THIS SECTION MAY ONLY BE USED FOR THE PURPOSES SPECIFIED IN § 8–408 OF THE TRANSPORTATION ARTICLE.

2–609.

After making the distributions required under §§ 2–604 through **[**2–608.1**]** **2–608.2** of this subtitle, the Comptroller shall distribute the remaining income tax revenue from individuals to the General Fund of the State.".

AMENDMENT NO. 5

On page 11 of the Budget and Taxation Committee Amendments, after line 3 of Amendment No. 11, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That, for fiscal year 2016, the additional maintenance of effort amount for a county required in Ch. ___ (S.B. 152) of the Acts of the General Assembly of 2012 shall be reduced by the amount that total funding for the Aging Schools Program exceeds $6,100,000 in fiscal year 2016, multiplied by the proportion for that county of the total allocation under Section 4 of this Act.";

in lines 4, 6, and 9, strike "10.", "11.", and "12.", respectively, and substitute "11.", "12.", and "13.", respectively.

The preceding 5 amendments were read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 20 (See Roll Call No. 516)

Read the second time and ordered prepared for Third Reading.

Senate Bill 848 – Senator King

AN ACT concerning

Education – Maintenance of Effort – Waivers

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0848/239335/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 848
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 2, strike "– Waivers"; in line 3, after the first "of" insert "authorizing a county governing body, for a certain purpose and under certain circumstances, to set a property tax rate that is higher than the rate authorized under the county's charter or to collect more property tax revenues than are authorized under the county's charter, notwithstanding any provision of the county charter that places certain limits on that county's property tax rate or revenues; requiring a county to appropriate to the local board of education certain revenues under certain circumstances; prohibiting a county from reducing certain funding to the local board of education under certain circumstances; establishing a certain penalty for a county that does not fund the local share of the foundation program or the maintenance of effort requirement; excluding the cost of debt service incurred for school construction projects from a certain calculation;"; in line 8, after "circumstances;" insert "establishing the application procedure for a maintenance of effort waiver;"; and strike beginning with "requiring" in line 8 down through "actions;" in line 11; in line 12, strike "provide" and substitute "make"; in the same line, strike "county's"; in the same line, strike "request to" and substitute "application"; in line 13, strike the first "the State Board"; strike beginning with "at" in line 13 down through "consider" in line 14 and substitute "; establishing"; in line 14, after "factors" insert "that the State Board shall consider"; strike beginning with "making" in line 14 down through "decision" in line 15 and substitute "deciding";

in line 15, strike "certain"; in the same line, after "waiver" insert "request; requiring the Department to consult with certain State agencies when making certain calculations"; strike beginning with "if" in line 16 down through "funding" in line 19 and substitute "under certain circumstances; limiting the amount of a waiver that the State Board may grant under certain circumstances; authorizing a county to request a rebasing waiver under certain circumstances; requiring the State Board to consider certain factors when deciding whether to grant a rebasing waiver; requiring the Comptroller to withhold from a county a certain amount under certain circumstances and distribute the amount to the county board; establishing a certain assessment under certain circumstances; requiring the maintenance of effort amount to increase by a certain amount under certain circumstances; waiving the penalty for not meeting the maintenance of effort requirement in a certain year; establishing the maintenance of effort amount for a certain fiscal year for certain counties; requiring counties to provide a certain report under certain circumstances; requiring the Superintendent to make a certain report annually; defining certain terms; providing for the application of certain provisions of this Act; providing for the effective date of certain provisions of this Act; making this Act an emergency measure; and generally relating to local funding of education".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 5–104, 5–202(d), and 5–213
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)";

and strike in their entirety lines 20 through 29, inclusive.

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

"BY adding to
Article – Education
Section 5–213.1
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 2–604, 2–605(a), 2–606(a), and 2–607(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–608(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 5–202(d)(1)
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)
(As enacted by Section 2 of this Act)".

AMENDMENT NO. 3

On page 2, after line 8, insert:

"5–104.

(a) Each county council or board of county commissioners shall levy and collect a tax on the assessable property of the county which, together with other local revenue available, including income tax revenues and bond money, and together with estimated revenues and funds from all sources, will produce the amounts necessary to meet the appropriations made in the approved annual budget of the county board.

(b) (1) Local funds provided for appropriations shall be paid in accordance with the expenditure requirements, as certified by the county board, to the treasurer of the county board on a monthly basis.

(2) Appropriations for school construction, permanent improvements, and repairs for special purposes may be required to be paid more frequently on the order of the president and secretary of the county board to the county commissioners, county council, or the county executive.

(c) (1) Notwithstanding any other provision in this article, this subsection applies to Wicomico County.

(2) The Wicomico County Council annually shall pay to the Wicomico County Board the amount of the budget of the county board that has been approved by the County Council:

(i) In 12 equal monthly installments; or

(ii) At the times on which the County Council and county board mutually agree.

(3) Taxes levied under this section shall be retained by the county and any annual deficiencies in the tax are the responsibility of Wicomico County.

(D) (1) NOTWITHSTANDING ANY PROVISION OF A COUNTY CHARTER THAT PLACES A LIMIT ON THAT COUNTY'S PROPERTY TAX RATE OR REVENUES AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COUNTY GOVERNING BODY MAY SET A PROPERTY TAX RATE THAT IS HIGHER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECT MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER FOR THE SOLE PURPOSE OF FUNDING THE APPROVED BUDGET OF THE COUNTY BOARD.

(2) IF THE COUNTY GOVERNING BODY SETS A COUNTY PROPERTY TAX RATE THAT IS GREATER THAN THE RATE AUTHORIZED UNDER THE COUNTY'S CHARTER OR COLLECTS MORE PROPERTY TAX REVENUES THAN THE REVENUES AUTHORIZED UNDER THE COUNTY'S CHARTER, THE COUNTY:

(I) MAY NOT REDUCE FUNDING PROVIDED TO THE COUNTY BOARD FROM ANY OTHER LOCAL REVENUE SOURCE BELOW THE FUNDING LEVEL IN THE CURRENT COUNTY BUDGET; AND

(II) SHALL APPROPRIATE TO THE COUNTY BOARD ALL PROPERTY TAX REVENUES EXCEEDING THE AMOUNT THAT WOULD HAVE BEEN AVAILABLE IF THE COUNTY CHARTER LIMITATION HAD APPLIED.

(3) ON OR BEFORE DECEMBER 31 OF ANY YEAR IN WHICH A COUNTY SETS A PROPERTY TAX RATE AS PROVIDED IN THIS SUBSECTION, THE COUNTY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON THE PROPERTY TAX RATE SET, THE ADDITIONAL AMOUNT OF REVENUES GENERATED, AND THE APPROPRIATION OF THE ADDITIONAL REVENUES.".

AMENDMENT NO. 4

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 down through line 6 on page 5, inclusive, and substitute:

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

Article – Education

5–202.

(d) (1) **(I)** **[**To be eligible to receive the State share of the foundation program:

(i) The**] SUBJECT TO § 5–213.1 OF THIS SUBTITLE, THE** county governing body shall levy **AND APPROPRIATE** an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program**[**; and**].**

(ii) **[**The**] SUBJECT TO § 5–213 OF THIS SUBTITLE, THE** county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county's full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

(2) Except as provided in paragraph (3) of this subsection, for purposes of this subsection, the local appropriation on a per pupil basis for the prior fiscal year for a county is derived by dividing the county's highest local appropriation to its school operating budget for the prior fiscal year by the county's full–time equivalent enrollment for the prior fiscal year. For example, the calculation of the foundation aid for fiscal year 2003 shall be based on the highest local appropriation for the school

operating budget for a county for fiscal year 2002. Program shifts between a county operating budget and a county school operating budget may not be used to artificially satisfy the requirements of this paragraph.

(3) For purposes of this subsection, for fiscal year 1997 and each subsequent fiscal year, the calculation of the county's highest local appropriation to its school operating budget for the prior fiscal year shall exclude:

(i) A nonrecurring cost that is supplemental to the regular school operating budget, if the exclusion qualifies under regulations adopted by the State Board; **[**and**]**

(ii) A cost of a program that has been shifted from the county school operating budget to the county operating budget**; AND**

(III) THE COST OF DEBT SERVICE INCURRED FOR SCHOOL CONSTRUCTION PROJECTS.

(4) The county board must present satisfactory evidence to the county government that any appropriation under paragraph (3)(i) of this subsection is used only for the purpose designated by the county government in its request for approval.

(5) Any appropriation that is not excluded under paragraph (3)(i) of this subsection as a qualifying nonrecurring cost shall be included in calculating the county's highest local appropriation to its school operating budget.

(6) Qualifying nonrecurring costs, as defined in regulations adopted by the State Board, shall include but are not limited to:

(i) Computer laboratories;

(ii) Technology enhancement;

(iii) New instructional program start–up costs; and

(iv) Books other than classroom textbooks.

(7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF A COUNTY'S ABILITY TO FUND THE MAINTENANCE OF EFFORT REQUIREMENT

IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS IMPEDED, THE COUNTY SHALL APPLY UNDER PARAGRAPH (8) OF THIS SUBSECTION TO THE STATE BOARD FOR A WAIVER.

(II) IF A COUNTY FAILS TO APPLY TO THE STATE BOARD FOR A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT AND FAILS TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT:

1. THE COUNTY SHALL BE ASSESSED IN ACCORDANCE WITH § 5–213 OF THIS SUBTITLE; AND

2. THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

[(7)**] (8)** (i) The **[**provisions**] MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II)** of this subsection **[**do**] DOES** not apply to a county if the county **REQUESTS AND** is granted a **[**temporary waiver or partial**]** waiver from the **[**provisions**] REQUIREMENT** by the State Board **[**of Education**]** based on**:**

1. **[**a**] A** determination **UNDER THIS PARAGRAPH** that the county's fiscal condition significantly impedes the county's ability to fund the maintenance of effort requirement**;**

2. SUBJECT TO PARAGRAPH (9) OF THIS SUBSECTION, AN AGREEMENT BETWEEN THE COUNTY AND THE COUNTY BOARD TO REDUCE RECURRING COSTS; OR

3. SUBJECT TO PARAGRAPH (10) OF THIS SUBSECTION, A DETERMINATION THAT A COUNTY'S ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT IS PERMANENTLY IMPEDED.

(ii) [After a public hearing, the State Board of Education may grant a waiver under this paragraph in accordance with its regulations.

(iii)] In order to qualify for [the] A waiver [under this paragraph] for a fiscal year, a county shall make a request for a waiver to the State Board [of Education by April 1] **BY THE EARLIER OF THE SEVENTH DAY FOLLOWING THE END OF THE LEGISLATIVE REGULAR SESSION OR APRIL 20** of the prior fiscal year.

(III) THE STATE SUPERINTENDENT SHALL PROVIDE A PRELIMINARY ASSESSMENT OF A WAIVER REQUEST TO THE STATE BOARD BEFORE A PUBLIC HEARING HELD IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IV) BEFORE ACTING ON A REQUEST FOR A WAIVER, THE STATE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE STATE BOARD.

(V) EXCEPT AS PROVIDED IN PARAGRAPH (9) OF THIS SUBSECTION, WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. EXTERNAL ENVIRONMENTAL FACTORS SUCH AS A LOSS OF A MAJOR EMPLOYER OR INDUSTRY AFFECTING A COUNTY OR A BROAD ECONOMIC DOWNTURN AFFECTING MORE THAN ONE COUNTY;

2. A COUNTY'S TAX BASE;

3. RATE OF INFLATION RELATIVE TO GROWTH OF STUDENT POPULATION IN A COUNTY;

4. MAINTENANCE OF EFFORT REQUIREMENT RELATIVE TO A COUNTY'S STATUTORY ABILITY TO RAISE REVENUES;

5. A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT AMOUNT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION;

6. AN AGREEMENT BETWEEN A COUNTY AND A COUNTY BOARD THAT A WAIVER SHOULD BE GRANTED;

7. SIGNIFICANT REDUCTIONS IN STATE AID TO A COUNTY AND MUNICIPALITIES OF THE COUNTY FOR THE FISCAL YEAR FOR WHICH A WAIVER IS REQUESTED;

8. THE NUMBER OF WAIVERS A COUNTY HAS RECEIVED IN THE PAST 5 YEARS; AND

9. THE HISTORY OF COMPENSATION ADJUSTMENTS FOR EMPLOYEES OF THE COUNTY BOARD AND COUNTY GOVERNMENT.

[(iv)**]****(VI)** The State Board **[**of Education**]** shall inform the county whether the waiver for a fiscal year is approved or denied in whole or in part **[**by May 15 of the prior fiscal year**]** **NO LATER THAN 30 DAYS AFTER RECEIPT OF AN APPLICATION OR MAY 20 OF THE PRIOR FISCAL YEAR, WHICHEVER IS EARLIER**.

[(v)**]****(VII)** **[**If the State Board of Education grants**]** **EXCEPT AS PROVIDED IN PARAGRAPHS (9) AND (10) OF THIS SUBSECTION, IF** a county **IS GRANTED** a **[**temporary waiver or partial**]** waiver from the provisions of this subsection **BY EITHER THE STATE BOARD OR THE GENERAL ASSEMBLY** for any fiscal year, the minimum appropriation of local funds required under this subsection **[**for the county to be eligible to receive the State share of the foundation program**]** for the next fiscal year shall be calculated based on the per pupil local appropriation for the prior fiscal year **[**or the second prior fiscal year, whichever is greater**]** **IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION**.

(9) (I) THIS PARAGRAPH APPLIES TO A COUNTY THAT REQUESTS A WAIVER UNDER PARAGRAPH (8)(I)2 OF THIS SUBSECTION.

(II) 1. THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN AGREED ON BY THE COUNTY AND COUNTY BOARD THAT IS ATTRIBUTABLE TO REDUCTIONS IN RECURRING COSTS.

2. IF THE REDUCTION IN RECURRING COSTS INCLUDES REDUCTIONS IN PERSONNEL OR PERSONNEL COSTS, THEN THE STATE BOARD SHALL GRANT A WAIVER REQUEST IN THE AMOUNT THAT HAS BEEN MUTUALLY AGREED ON BY THE COUNTY, COUNTY BOARD, AND EXCLUSIVE EMPLOYEE REPRESENTATIVE.

(III) THE AMOUNT OF THE AGREED ON WAIVER MAY BE LESS THAN THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS.

(IV) THE AMOUNT OF THE AGREED ON WAIVER MAY NOT:

1. EXCEED THE ENTIRE AMOUNT OF THE REDUCTION IN RECURRING COSTS; OR

2. REDUCE A COUNTY'S EDUCATION APPROPRIATION BELOW THE AMOUNT REQUIRED IN PARAGRAPH (1)(I) OF THIS SUBSECTION.

(V) THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(10) (I) IN THIS PARAGRAPH THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

1. "EDUCATION APPROPRIATION" INCLUDES ANY MONEY REDIRECTED TO A COUNTY BOARD UNDER § 5–213 OR § 5–213.1 OF THIS SUBTITLE.

2. "EDUCATION EFFORT" MEANS A COUNTY'S EDUCATION APPROPRIATION DIVIDED BY THE COUNTY'S WEALTH.

3. "5–YEAR MOVING AVERAGE" MEANS THE AVERAGE OF THE 5 YEARS BEFORE THE WAIVER YEAR.

4. "WAIVER YEAR" MEANS THE FISCAL YEAR FOR WHICH A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS REQUESTED.

(II) THIS PARAGRAPH APPLIES TO A COUNTY THAT HAS:

1. RECEIVED A WAIVER UNDER PARAGRAPH (8)(I)1 OF THIS SUBSECTION FROM THE MAINTENANCE OF EFFORT REQUIREMENT; AND

2. A REQUIRED COUNTY EDUCATION APPROPRIATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR THE WAIVER YEAR THAT EXCEEDS 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT TIMES A COUNTY'S LOCAL WEALTH.

(III) A COUNTY THAT SATISFIES THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY REQUEST A REBASING WAIVER FROM THE STATE BOARD.

(IV) WHEN CONSIDERING WHETHER TO GRANT A COUNTY'S WAIVER REQUEST UNDER THIS PARAGRAPH, THE STATE BOARD SHALL CONSIDER THE FOLLOWING FACTORS:

1. WHETHER A COUNTY HAS SUBMITTED SUFFICIENT EVIDENCE THAT THE FACTORS IN PARAGRAPH (8)(V) OF THIS SUBSECTION WILL AFFECT A COUNTY'S ONGOING ABILITY TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT;

2. WHETHER A COUNTY IS AT ITS MAXIMUM TAXING AUTHORITY UNDER THE LAW;

3. WHETHER A COUNTY'S EDUCATION APPROPRIATION IS COMMENSURATE WITH A COUNTY'S WEALTH;

4. WHETHER A COUNTY'S HISTORY OF EXCEEDING THE REQUIRED MAINTENANCE OF EFFORT HAS MADE MEETING THE MAINTENANCE OF EFFORT REQUIREMENT IN FUTURE YEARS UNSUSTAINABLE; AND

5. WHETHER A COUNTY HAS RECEIVED A REBASING WAIVER IN THE PAST 5 YEARS.

(V) IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE AMOUNT OF THE WAIVER FOR ANY FISCAL YEAR IS LIMITED TO THE LESSER OF:

1. AN AMOUNT THAT WOULD RESULT IN A COUNTY'S EDUCATION EFFORT FOR THE WAIVER YEAR FALLING BELOW THE LEVEL ESTABLISHED IN SUBPARAGRAPH (II)2 OF THIS PARAGRAPH; OR

2. A. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS LESS THAN OR EQUAL TO 110% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 1% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT;

B. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 110% AND LESS THAN OR EQUAL TO 120% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, 2% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT; OR

C. FOR A COUNTY WITH A 5–YEAR MOVING AVERAGE FOR EDUCATION EFFORT THAT IS MORE THAN 120% OF THE 5–YEAR MOVING STATEWIDE AVERAGE OF EDUCATION EFFORT, 3% OF THE COUNTY'S REQUIRED MAINTENANCE OF EFFORT REQUIREMENT.

(VI) 1. IF THE STATE BOARD GRANTS A REBASING WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE

CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

2. IF THE STATE BOARD GRANTS A REBASING WAIVER TO BE IMPLEMENTED OVER A MULTIYEAR PERIOD, WHICH MAY NOT EXCEED 3 YEARS, IN EACH YEAR THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE CURRENT FISCAL YEAR APPROVED BY THE STATE BOARD UNDER THIS PARAGRAPH.

(VII) IF THE STATE BOARD DOES NOT GRANT A WAIVER UNDER THIS PARAGRAPH, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR IN WHICH THE COUNTY MET THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.

(VIII) NOTHING IN THIS PARAGRAPH PRECLUDES A COUNTY FROM ALSO REQUESTING A WAIVER FROM THE MAINTENANCE OF EFFORT REQUIREMENT UNDER PARAGRAPH (9) OF THIS SUBSECTION FOR THE SAME FISCAL YEAR AS THE WAIVER REQUESTED UNDER THIS PARAGRAPH.

(11) IN MAKING THE CALCULATIONS REQUIRED UNDER THIS SUBSECTION, THE DEPARTMENT SHALL CONSULT WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES.

(12) (I) A COUNTY SHALL SUBMIT TO THE SUPERINTENDENT THE COUNTY'S APPROVED BUDGET NO LATER THAN 7 DAYS AFTER APPROVAL OF THE BUDGET OR JUNE 30, WHICHEVER IS EARLIER.

(II) NO LATER THAN 15 DAYS AFTER RECEIPT OF THE COUNTY'S APPROVED BUDGET THE SUPERINTENDENT SHALL CERTIFY WHETHER THE COUNTY HAS MET THE FUNDING REQUIREMENTS ESTABLISHED

UNDER THIS SUBSECTION AND SHALL NOTIFY THE COUNTY AND COUNTY BOARD OF THAT CERTIFICATION.

(13) ON OR BEFORE DECEMBER 31 OF EACH YEAR THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON ALL WAIVER REQUESTS, MAINTENANCE OF EFFORT CALCULATIONS MADE BY THE DEPARTMENT AND THE COUNTY, THE DEPARTMENT'S DECISIONS REGARDING WAIVER REQUESTS, THE DEPARTMENT'S CERTIFICATION OF WHETHER A COUNTY HAS MET THE REQUIREMENT, AND ANY OTHER INFORMATION RELATING TO A COUNTY'S REQUEST FOR A WAIVER AND THE DEPARTMENT'S MAINTENANCE OF EFFORT DECISIONS.

5–213.

(a) After notification from the State Superintendent that a county is not complying with the provisions of the State program of public education, the State Comptroller shall withhold any installment due the county from the General State School Fund.

(b) (1) If the Superintendent finds that a county **[**is not complying with the maintenance of local effort provisions of § 5–202 of this subtitle or that a county**]** fails to meet the requirements of Subtitle 4 of this title, the Superintendent shall notify the county of such noncompliance.

(2) If a county disputes the finding within 30 days of the issuance of such notice, the dispute shall be promptly referred to the State Board of Education which shall make a final determination.

(3) Upon receipt of certification of noncompliance by the Superintendent or the State Board, **[**as the case may be,**]** the Comptroller shall suspend, until notification of compliance is received**[**:

(i) For noncompliance with Subtitle 4 of this title**]**, payment of any funds due the county for the current fiscal year, as provided under § 5–202 of this subtitle which are appropriated in the General State School Fund, to the extent that the State's aid due the county in the current fiscal year under that section in the Fund exceeds the amount which the county received in the prior fiscal year**[**; and

(ii) For noncompliance with § 5–202(d) of this subtitle, payment of any funds due the county for the following fiscal year, as provided under § 5–202 of this subtitle, which are appropriated in the General State School Fund, in the amount that the State's aid due the county in the current fiscal year under that section in the Fund exceeded the amount that the county received in the prior fiscal year**]**.

(C) (1) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE MAINTENANCE OF LOCAL EFFORT PROVISIONS OF § 5–202(D)(1)(II) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(2) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS AFTER THE ISSUANCE OF A NOTICE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(3) (I) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE AMOUNT BY WHICH A COUNTY FAILED TO MEET THE MAINTENANCE OF EFFORT REQUIREMENT.

(II) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DIRECTLY TO THE COUNTY BOARD.

5–213.1.

(A) IF THE SUPERINTENDENT FINDS THAT A COUNTY IS NOT COMPLYING WITH THE LOCAL SHARE OF THE FOUNDATION FLOOR REQUIRED UNDER § 5–202(D)(1)(I) OF THIS SUBTITLE, THE SUPERINTENDENT SHALL NOTIFY THE COUNTY OF SUCH NONCOMPLIANCE.

(B) IF A COUNTY DISPUTES THE FINDING WITHIN 15 DAYS OF THE ISSUANCE OF A NOTICE UNDER SUBSECTION (A) OF THIS SECTION, THE DISPUTE SHALL BE REFERRED PROMPTLY TO THE STATE BOARD, WHICH SHALL MAKE A FINAL DETERMINATION.

(C) (1) WITHIN 15 DAYS OF RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE SUPERINTENDENT OR THE STATE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL, UNDER § 2–608 OF THE TAX – GENERAL ARTICLE, WITHHOLD INCOME TAX REVENUE FROM THE COUNTY SO THAT THE TOTAL AMOUNT WITHHELD IS EQUAL TO THE STATE SHARE OF THE FOUNDATION PROGRAM PLUS THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED BY THE COUNTY UNDER § 5–202(D)(1)(I) AND THE LOCAL SHARE OF THE FOUNDATION PROGRAM.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE AMOUNT WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION DIRECTLY TO THE COUNTY BOARD.

Article – Tax – General

2–604.

From the income tax revenue from individuals, the Comptroller shall distribute the amount necessary to pay refunds relating to income tax from individuals to the income tax refund account.

2–605.

(a) After making the distribution required under § 2–604 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute the cost of administering the income tax laws to an administrative cost account.

2–606.

(a) After making the distributions required under §§ 2–604 and 2–605 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to an unallocated individual revenue account the income tax revenue:

(1) with respect to which an income tax return is not filed; and

(2) that is attributable to:

(i) income tax withheld from salary, wages, or other compensation for personal services under Title 10 of this article; or

(ii) estimated income tax payments by individuals.

2–607.

(a) After making the distributions required under §§ 2–604 through 2–606 of this subtitle, from the remaining income tax revenue from individuals, the Comptroller shall distribute to each special taxing district that received an income tax revenue distribution in fiscal year 1977 and to each municipal corporation an amount that, based on the certification of the Comptroller as to State income tax liability and county income tax liability of the residents of the district or municipal corporation, equals the greater of:

(1) subject to subsection (b) of this section, 17% of the county income tax liability of those residents; or

(2) 0.37% of the Maryland taxable income of those residents.

2–608.

(a) **(1) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER §§ 2–604 THROUGH 2–607 OF THIS SUBTITLE, IF IT IS DETERMINED THAT A COUNTY HAS NOT MET THE LOCAL FUNDING REQUIREMENTS FOR EDUCATION UNDER § 5–202(D) OF THE EDUCATION ARTICLE, THE COMPTROLLER SHALL DISTRIBUTE TO THE COUNTY BOARD OF EDUCATION AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER § 5–213 OR § 5–213.1 OF THE EDUCATION ARTICLE.**

(2) After making the distributions required under §§ 2–604 through 2–607 of this subtitle **AND PARAGRAPH (1) OF THIS SUBSECTION**, the Comptroller

shall distribute to each county the remaining income tax revenue from individuals attributable to the county income tax for that county.”.

AMENDMENT NO. 5

On page 5, strike lines 7 and 8 in their entirety and substitute:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Education

5–202.

(d) (1) (i) Subject to § 5–213.1 of this subtitle, the county governing body shall levy and appropriate an annual tax sufficient to provide an amount of revenue for elementary and secondary public education purposes equal to the local share of the foundation program.

(ii) **1.** **[**Subject**]** **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH AND SUBJECT** to § 5–213 of this subtitle, the county governing body shall appropriate local funds to the school operating budget in an amount no less than the product of the county’s full–time equivalent enrollment for the current fiscal year and the local appropriation on a per pupil basis for the prior fiscal year.

2. IN EACH FISCAL YEAR IF A COUNTY’S EDUCATION EFFORT, AS DEFINED IN PARAGRAPH (10) OF THIS SUBSECTION, IS BELOW 100% OF THE STATEWIDE 5–YEAR MOVING AVERAGE OF EDUCATION EFFORT, THE REQUIRED MAINTENANCE OF EFFORT AMOUNT FOR THE COUNTY SHALL BE ADJUSTED BY INCREASING THE PER PUPIL AMOUNT BY THE LESSER OF:

A. A COUNTY’S INCREASE IN THE LOCAL WEALTH PER PUPIL;

B. THE STATEWIDE AVERAGE INCREASE IN LOCAL WEALTH PER PUPIL; OR

C. 2.5%.”.

AMENDMENT NO. 6

On page 5, after line 8, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no penalty shall be applied to any county that did not meet the maintenance of effort requirement in fiscal 2012.

SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for a county that does not meet the maintenance of effort funding requirement under § 5–202(d) of the Education Article in fiscal year 2012 and has a county income tax rate of 3.2%, the maintenance of effort funding requirement for fiscal year 2013 shall be based on the local funds appropriated to the school operating budget for fiscal year 2012.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section 5 of this Act, the required fiscal year 2013 maintenance of effort amount under § 5–202(d) of the Education Article for a county that did not meet the maintenance of effort requirement in fiscal year 2012 shall be calculated based on the per pupil amount required for the county to meet maintenance of effort in fiscal year 2012.

SECTION 7. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2012.

SECTION 8. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014.

SECTION 9. 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, except as provided in Section 8 of this Act, shall take effect from the date it is enacted.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0848/413921/1

BY: Senator Reilly

AMENDMENTS TO SENATE BILL 848, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Budget and Taxation Committee Amendments (SB0848/239335/1), in Amendment No. 1, strike beginning with "excluding" in line 11 down through "calculation;" in line 13.

AMENDMENT NO. 2

On page 7 of the Budget and Taxation Committee Amendments, in line 3 of Amendment No. 4, strike the brackets; and strike beginning with "**; AND**" in line 5 down through "**PROJECTS**" in line 7.

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

Affirmative – 13 Negative – 32 (See Roll Call No. 517)

FLOOR AMENDMENT

SB0848/203222/1
BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 848, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Budget and Taxation Committee Amendments (SB0848/239335/1), in Amendment No. 1, strike beginning with "requiring" in line 2 down through "board;" in line 4.

On page 3 of the Budget and Taxation Committee Amendments, in Amendment No. 2, strike in their entirety lines 1 through line 10, inclusive.

AMENDMENT NO. 2

On page 18 of the Budget and Taxation Committee Amendments, in Amendment No. 4, strike in their entirety the lines 7 through line 16, inclusive.

On pages 19 through 21 of the Budget and Taxation Committee Amendments, in Amendment No. 4, strike in their entirety the lines beginning with line 3 on page 19 through line 11 on page 21, inclusive.

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

Affirmative – 15 Negative – 29 (See Roll Call No. 518)

FLOOR AMENDMENT

SB0848/373329/1
BY: Senator Rosapepe

AMENDMENTS TO SENATE BILL 848, AS AMENDED

On page 1 of the Budget and Taxation Committee Amendments (SB0848/239335/1), in Amendment No. 1, strike beginning with "authorizing" in line 2 down through "circumstances;" in line 10.

On page 2 of the Budget and Taxation Committee Amendments, in line 4 of Amendment No. 2, strike "5–104, 5–202(d),," and substitute "5–202(d)".

On pages 3 through 5 of the Budget and Taxation Committee Amendments, strike Amendment No. 3 in its entirety.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 27 (See Roll Call No. 519)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Reilly 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 1097 – Senator Reilly

AN ACT concerning

Water Pollution Control and Abatement – Coal Combustion By–Products and Water Pollutants

FOR the purpose of expanding the water pollution control and abatement program to apply to coal combustion by–products and other water pollutants as deemed necessary by the Department of the Environment; authorizing the Department to identify water pollutants to be regulated under this Act; requiring the Department to adopt certain regulations relating to water pollutants; authorizing the Department to adopt certain regulations relating to coal combustion by–products; making a certain person personally responsible, severally responsible, or both, for the cleanup and abatement of certain effects of water pollutants; requiring the person responsible for discharging a water pollutant to provide an uncontaminated water supply to a certain person; requiring a person that has knowledge of a water pollutant discharge to notify the Department of the discharge; requiring the Department to notify a certain health department of certain contaminants found in samples from a private well that is within a certain distance of a certain site within a certain period of time; adding to the list of contaminants that requires notification by the Department; altering the distance that a property is located from a sample site that requires notification from the Department; requiring a person responsible for groundwater contamination to provide certain samples to the Department under certain circumstances; authorizing a certain person to obtain judicial review; requiring that certain money be used for certain coal combustion by–product purposes; requiring the Department to adopt regulations for the use of certain money to be used for coal combustion by–product purposes; stating that the acceleration of coal combustion by–product migration in groundwater due to certain circumstances is not a defense to a certain action; adding to the list of factors that are taken into consideration when assessing certain penalties; defining certain terms; making stylistic changes; and generally relating to the control and abatement of coal combustion by–products and water pollutants.

BY repealing and reenacting, without amendments,
Article – Environment
Section 4–401(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–401(b), (c), (d), (g), (j), and (k), 4–402, 4–405, 4–406, 4–408, 4–409(a), 4–410(a) and (b), 4–411.2, 4–412(b), 4–415.1, 4–417, and 4–418
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY adding to
Article – Environment
Section 4–401(b–1) and (m)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 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. 520)

RECESS

At 7:59 P.M. on motion of Senator Garagiola, seconded, the Senate recessed until 9:00 A.M. on Legislative Day, March 14, 2012, Calendar Day, Thursday, March 15, 2012.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 14, 2012
Calendar Day: Thursday, March 15, 2012

At 9:07 A.M. the Senate resumed its session.

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

QUORUM CALL

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

(See Roll Call No. 523)

LETTERS OF REASSIGNMENT

House Bill 570 – Delegates Davis, Haddaway–Riccio, Howard, Love, McHale, Schulz, Stifler, Vaughn, ~~and Walker~~ Walker, Burns, Hershey, Impallaria, W. Miller, Olszewski, and Schuh

AN ACT concerning

Other Tobacco Products ~~Licenses – Repeal~~ – Restrictions on Sale, Distribution, and Shipment – Exemptions

Reassigned to the Committee on Finance and the Committee on Budget and Taxation under Rule 33(d).

Read and ordered journalized.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SJ 3	Ch., Budget & Tax	Judicial Compensation Commission – Recommendations

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 226 – Delegate Cardin

AN ACT concerning

Election Law – Citizens Who Have Not Lived in the United States – Right to Vote

FOR the purpose of providing that a citizen who has not lived in the United States but has a parent who is a registered voter in the State is a resident of the State for purposes of voter registration; prohibiting an individual from being considered a resident of the State if the individual has established a domicile outside the State; authorizing an individual to register to vote and vote only in elections for federal office in the county in the State where a parent resides if the individual meets certain requirements; and generally relating to enfranchising certain citizens who have not lived in the United States.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–102
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 349 – Delegates Clippinger, Wilson, Anderson, Arora, Dumais, Glenn, Guzzone, Hough, A. Kelly, Lee, Luedtke, McComas, McDermott, A. Miller, Parrott, Simmons, Smigiel, Valentino–Smith, and Waldstreicher

AN ACT concerning

Criminal Law – Misdemeanor Possession of Child Pornography – Statute of Limitations

FOR the purpose of altering the period of time within which a prosecution for misdemeanor possession of child pornography must be instituted after the offense was committed; and generally relating to the statute of limitations for misdemeanor possession of child pornography.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–106(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 5–106(bb)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–208
Annotated Code of Maryland
(2002 Volume and 2011 Supplement)

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

House Bill 366 – Delegate Malone

AN ACT concerning

Public Safety – Building Performance Standards – ~~Fire and Life Safety~~ Automatic Fire Sprinkler Systems

FOR the purpose of prohibiting a local jurisdiction, with a certain exception, from adopting local amendments to the Maryland Building Performance Standards if the local amendments weaken ~~fire and life safety~~ certain automatic fire sprinkler systems provisions contained in the Standards; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; providing for the application of this Act; and generally relating to the authority of local jurisdictions to amend the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–504
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–504
Annotated Code of Maryland

(2011 Replacement Volume)
(As enacted by Chapter 369 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 396 – Delegates Serafini, Afzali, Aumann, Donoghue, Eckardt, Glass, McComas, Norman, Smigiel, and Stocksdale

AN ACT concerning

Public Safety – Law Enforcement Handgun Disposal – Deceased Officers

FOR the purpose of authorizing a law enforcement agency to transfer the handgun of a law enforcement officer who is killed or dies in the performance of duty to ~~certain members of the deceased officer's family or to the deceased officer's estate; authorizing a law enforcement agency to render the handgun of a deceased officer inoperable before transfer~~ the next of kin of the deceased officer under certain circumstances; and generally relating to the disposal of handguns by law enforcement agencies.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–501
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 398 – Delegates Niemann, Afzali, Barnes, Clippinger, Dumais, Frush, Hough, Lee, McDermott, Parrott, Ready, Simmons, Smigiel, Sophocleus, Valderrama, Valentino–Smith, Vallario, and Wilson

AN ACT concerning

Wiretapping and Electronic Surveillance – Investigation of Felony Theft Scheme

FOR the purpose of adding ~~theft offenses committed under one~~ a theft scheme or continuing course of conduct under a certain provision of law involving an aggregate value of property or services of at least a certain value to those crimes for which evidence may be gathered by, and a judge may grant an order authorizing, interception of oral, wire, or electronic communications; and generally relating to wiretap and electronic surveillance and theft schemes.

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 2011 Supplement)

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

House Bill 551 – 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 2011 Supplement)

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

House Bill 631 – Delegates Wilson, Anderson, Arora, Bohanan, Clippinger, Conaway, DeBoy, Fisher, Haynes, Holmes, Jameson, Oaks, S. Robinson, Tarrant, V. Turner, Valentino–Smith, Vallario, Vaughn, Washington, and Wood

AN ACT concerning

Public Safety – Impersonating a Police Officer – WMATA Metro Transit Police

FOR the purpose of prohibiting a person from falsely representing that the person is a member of the Washington Metropolitan Area Transit Authority (WMATA) Metro Transit Police under certain circumstances; prohibiting a person from having, using, wearing, or displaying a certain identification or simulation or imitation of a certain identification of a member of the WMATA Metro Transit Police except under certain circumstances; authorizing a person to have a certain identification with the appropriate authority of the WMATA Metro

Transit Police; altering a certain definition; and generally relating to impersonating a member of the WMATA Metro Transit Police.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–502
Annotated Code of Maryland
(2011 Replacement Volume)

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

House Bill 657 – Delegates Kramer, Arora, Cullison, Dumais, Hucker, A. Kelly, K. Kelly, Malone, Reznik, Simmons, Stein, and Valderrama

AN ACT concerning

Election Law – Subsequent Election Absentee Ballot List

FOR the purpose of requiring a court to report certain information to the State Board of Elections when the court makes a certain finding that an individual under guardianship for mental disability cannot communicate a desire to participate in the voting process; requiring the State Board ~~of Elections~~ to establish guidelines for a subsequent election absentee ballot list; requiring certain forms for making an application for an absentee ballot to include certain information and require the voter to make a certain acknowledgement; requiring that a voter who receives an absentee ballot be provided the opportunity to request an absentee ballot for the next subsequent election in certain materials accompanying the absentee ballot; requiring that a voter who requests an absentee ballot for the next subsequent election be placed on the subsequent election absentee ballot list; requiring that an absentee ballot be sent to a voter on the subsequent election absentee ballot list for certain elections; requiring that a voter be removed from the subsequent election absentee ballot list under certain circumstances; requiring a voter who requests an absentee ballot for the next subsequent election to notify the local board with certain information under certain circumstances; and generally relating to the subsequent election absentee ballot list.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–102(b), 3–501, and 9–304
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–504(a) and 9–303 and 9–305
Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Election Law~~
~~Section 9–304~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2011 Supplement)~~

BY adding to
Article – Election Law
Section 9–305.1
Annotated Code of Maryland
(2010 Replacement Volume and 2011 Supplement)

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

House Bill 852 – Delegate Conaway

AN ACT concerning

Correctional Services – Division of Correction – Length of Sentence

FOR the purpose of altering a certain provision of law so as to prohibit a judge from sentencing an individual to the jurisdiction of the Division of Correction for 12 months or less unless the individual is an inmate under the jurisdiction of the Division of Correction; and generally relating to criminal sentencing.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 9–104
Annotated Code of Maryland
(2008 Replacement Volume and 2011 Supplement)

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

House Bill 1160 – Charles County Delegation

AN ACT concerning

Family Law – Interim and Temporary Peace and Protective Orders – Duration

FOR the purpose of extending the duration of ~~a~~ an interim or temporary peace or protective order ~~or a temporary protective order~~ under certain circumstances; requiring a court to hold a temporary or final peace or protective order hearing

by a certain time under certain circumstances; and generally relating to peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1503.1(d)(1) and (g), 3–1504(c), and 3–1505(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–504.1(e)(1) and (h), 4–505(c), and 4–506(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

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

LAID OVER BILLS

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

Senate Bill 314 – Senators Pugh, Benson, Forehand, Garagiola, Gladden, Jones–Rodwell, King, Klausmeier, Manno, Muse, Peters, Rosapepe, and Stone

AN ACT concerning

State Personnel – Traumatic Events – Mental Health Support Services

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

SB0314/387476/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "make available" and substitute "obtain"; in line 4, strike "to" and substitute "for"; in line 7, strike "for a certain purpose and"; in line 8, strike "a certain term" and substitute "certain terms"; and after line 9, insert:

"BY repealing and reenacting, without amendments,

Article – State Government
Section 8–306(a)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"Article – State Government

8–306.

(a) (4) "State facility" means a facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.".

AMENDMENT NO. 3

On page 1, in line 21, after "**(A)**" insert "**(1)**"; and in the same line, strike beginning with the comma through "**MEANS**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "STATE FACILITY" HAS THE MEANING STATED IN § 8–306(A) OF THE STATE GOVERNMENT ARTICLE.

(3) "UNIT" MEANS".

On page 2, strike beginning with "**A**" in line 1 down through "**BY**" in line 2 and substitute "**IF**"; in line 3, strike "**THAT**"; in the same line, after "**A**" insert "**STATE**"; in the same line, strike "**THE**" and substitute "**A**"; in line 4, strike "**INDIVIDUAL**" and substitute "**INDIVIDUAL, THE UNIT SHALL OBTAIN MENTAL HEALTH SUPPORT SERVICES FOR ANY EMPLOYEE OF THE UNIT AFFECTED BY THE TRAUMATIC EVENT**"; in line 5, strike "**MENTAL HEALTH SUPPORT**"; in the same line, strike "**PROVIDED**" and substitute "**REQUIRED**"; and strike beginning with "**MADE**" in line 6 down through "**(2)**" in line 10 and substitute "**PROVIDED**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 745 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Conversion to Chesapeake Employers' Insurance Company

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0745/457678/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 745
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Kelley, and Klausmeier"; in line 9, after "insurers;" insert "requiring the Company to be authorized, examined, and regulated by the Maryland Insurance Commissioner in a certain matter and to a certain extent and to be subject to certain provisions of law;"; in line 12, after "and" insert ", on and after a certain date, a"; in the same line, after "resort;" insert "requiring the Fund, before a certain date, to serve as the workers' compensation insurer of last resort and as a competitive workers' compensation insurer under certain terms and conditions;"; and in line 15, after "Company;" insert "requiring the Board to adopt a certain schedule of premium rates; requiring the Commissioner to review certain rates for a certain purpose; requiring the Board to manage the business and affairs of the Company as a private, nonprofit corporation;".

On page 2, in line 1, after "time;" insert "requiring the Fund to retain certain assets;"; in line 2, after "company" insert ", being sold,"; in the same line, after "dissolved;" insert "providing that the Fund is an instrumentality of the State;"; in line 3, after "requiring" insert ", on and after a certain date, the Company, and not"; in the same line, after "Fund" insert a comma; strike beginning with "in" in line 3 down through "date" in line 4; in line 6, strike "except through the Company"; in line 9, strike "authorizing" and substitute "requiring"; in the same line, after the second "employees;" insert "requiring the Fund to maintain a certain payroll and human resources system and be responsible for paying certain taxes and contributions and

paying for certain benefits; providing that employees of the Fund may be assigned to perform certain functions of the Company;"; in line 15, after "election;" insert "requiring the Board for the Fund to manage the business and affairs of the Fund in a certain manner;"; in line 18, strike "authorizing" and substitute "requiring"; in line 22, after "Company;" insert "requiring the Fund to pay, on and after a certain date, certain amounts to the Employees' Retirement System or the Employees' Pension System on behalf of certain employees; requiring the Fund to pay a certain withdrawal liability contribution beginning on or before a certain date and each year thereafter; defining certain terms; stating certain findings of the General Assembly;"; strike beginning with "providing" in line 28 down through "time" in line 30 and substitute "requiring the Maryland Insurance Administration to study, in consultation with certain persons and entities, whether the Company should be subject to a certain rating law; requiring the Administration to report on or before a certain date on certain findings and recommendations"; strike line 31 in its entirety; in line 33, after "Code;" insert "requiring the Administration to contract with a certain firm to conduct a certain study; requiring the study to consider the fair value of certain financial contributions and benefits; specifying the items that the study is required to consider in determining a certain fair value; requiring a certain firm, in conducting a certain study, to consult with certain persons; requiring the Administration to require a certain firm to report certain findings and conclusions to the Administration before a certain date; requiring the Administration to report the firm's findings and conclusions to certain legislative committees on or before a certain date; requiring the Administration to contract with certain consultants to conduct a certain assessment under certain circumstances; providing that the Company shall owe a certain debt to the General Fund under certain circumstances; specifying the manner in which the Company must pay the debt; requiring the Fund to be responsible for the payment of the costs of a certain study and a certain assessment; requiring the Fund and the Board of Trustees for the State Retirement and Pension System to enter into a certain agreement on or before a certain date; requiring the Fund to be responsible for the payment of certain costs incurred in calculating a certain liability; making this Act an emergency measure; providing for the effective dates of certain provisions of this Act;"; and in line 38, strike "24–311" and substitute "24–312".

On page 3, after line 19, insert:

"BY adding to
Article – State Personnel and Pensions
Section 21–307(p)
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 5, in lines 19, 22, and 27, in each instance, strike "**COMPANY**" and substitute "**CORPORATION**"; and in lines 23 and 29, in each instance, strike "**MARCH**" and substitute "**OCTOBER**".

On page 6, in line 2, after "**ARTICLE**" insert "**AND A STATEMENT OF THE RISK–BASED CAPITAL LEVELS OF THE COMPANY AS OF THE DATE OF THE APPLICATION PREPARED IN ACCORDANCE WITH § 4–303 OF THIS ARTICLE**"; after line 12, insert:

"**(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE COMPANY SHALL BE:**

(1) AUTHORIZED, EXAMINED, AND REGULATED BY THE COMMISSIONER IN THE SAME MANNER AND TO THE SAME EXTENT AS OTHER AUTHORIZED PROPERTY AND CASUALTY INSURERS; AND

(2) SUBJECT TO EACH PROVISION OF THIS ARTICLE THAT IS APPLICABLE TO OTHER AUTHORIZED PROPERTY AND CASUALTY INSURERS.";

in line 13, strike "**(D)**" and substitute "**(E)**"; after line 15, insert:

"**(A) THE COMPANY IS NOT SUBJECT TO TITLE 11 OF THIS ARTICLE.**

(B) THE BOARD SHALL:

(1) ADOPT A SCHEDULE OF PREMIUM RATES IN ACCORDANCE WITH SOUND ACTUARIAL PRACTICES; AND

(2) ENSURE THAT THE RATES ARE NOT EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

(C) (1) THE BOARD SHALL DETERMINE THE SCHEDULE OF PREMIUM RATES BY:

(I) CLASSIFYING ALL OF THE POLICYHOLDERS OF THE COMPANY ON THE BASIS OF THE RESPECTIVE LEVEL OF HAZARD OF THEIR ENTERPRISES; AND

(II) SETTING A PREMIUM RATE FOR EACH CLASS ON THE BASIS OF:

1. ITS LEVEL OF HAZARD; AND

2. INCENTIVES TO PREVENT INJURIES TO EMPLOYEES.

(2) TO DETERMINE THE SCHEDULE OF PREMIUM RATES, THE BOARD SHALL USE THE RATING SYSTEM THAT, IN THE OPINION OF THE BOARD:

(I) MOST ACCURATELY MEASURES THE LEVEL OF HAZARD FOR EACH POLICYHOLDER ON THE BASIS OF THE NUMBER OF INJURIES THAT OCCUR IN THE ENTERPRISES OF THE POLICYHOLDER;

(II) ENCOURAGES THE PREVENTION OF INJURIES; AND

(III) ENSURES THE SOLVENCY OF THE COMPANY FROM YEAR TO YEAR.

(3) THE BOARD MAY SET MINIMUM PREMIUM RATES FOR POLICIES ISSUED BY THE COMPANY.

(D) THE COMMISSIONER SHALL REVIEW THE COMPANY'S RATES AS PART OF AN EXAMINATION UNDER § 2–205 OF THIS ARTICLE TO DETERMINE WHETHER THE COMPANY'S RATE MAKING PRACTICES PRODUCE ACTUARIALLY SOUND RATES.

24–306.";

in line 16, strike "**SHALL BE**"; in line 17, after "**(1)**" insert "**SHALL BE**"; in line 18, after "**(2)**" insert "**ON AND AFTER OCTOBER 1,** 2013**, SHALL BE**"; after line 20, insert:

"**(B) BEFORE OCTOBER 1, 2013, THE FUND SHALL SERVE AS THE WORKERS' COMPENSATION INSURER OF LAST RESORT FOR WORKERS' COMPENSATION INSURANCE AND AS A COMPETITIVE WORKERS' COMPENSATION INSURER UNDER THE SAME TERMS AND CONDITIONS AS THE FUND SERVED BEFORE OCTOBER 1, 2012.**";

and in lines 21 and 29, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

AMENDMENT NO. 3

On page 7, in lines 1 and 25, strike "**24–306.**" and "**24–307.**", respectively, and substitute "**24–307.**" and "**24–308.**", respectively; in line 2, after "**(A)**" insert "**(1)**"; after line 3, insert:

"**(2) THE BOARD SHALL MANAGE THE BUSINESS AND AFFAIRS OF THE COMPANY AS A PRIVATE, NONPROFIT CORPORATION IN ACCORDANCE WITH STATE LAW.**";

and in line 6, strike "**CITIZEN**" and substitute "**RESIDENT**".

On page 8, in line 10, strike "**(A)**" and substitute "**(A)(2)**"; and in line 22, strike "**24–308.**" and substitute "**24–309.**".

On page 9, in line 13, strike "**24–309.**" and substitute "**24–310.**".

On page 10, in line 7, strike "**SUBJECT TO**" and substitute "**IN ACCORDANCE WITH**"; in lines 19 and 30, strike "**24–310.**" and "**24–311.**", respectively, and substitute "**24–311.**" and "**24–312.**", respectively; in line 20, strike "**SUBSECTION (B)**" and substitute "**SUBSECTIONS (B) AND (C)**"; in line 21, strike "**MARCH**" and substitute "**OCTOBER**"; after line 29, insert:

"**(C) THE FUND SHALL RETAIN THOSE ASSETS NECESSARY TO PERFORM ITS DUTIES UNDER TITLE 10 OF THE LABOR AND EMPLOYMENT ARTICLE.**";

in line 32, strike the second "**OR**"; and after line 32, insert:

"**(2)** **BE SOLD; OR**".

On page 11, in line 1, strike "**(2)**" and substitute "**(3)**"; after line 1, insert:

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

in line 25, after "**(A)**" insert "**(1)**"; and after line 25, insert:

"**(2)** **THE FUND IS AN INSTRUMENTALITY OF THE STATE.**".

On page 12, in line 1, strike "**BEFORE MARCH 1, 2013**" and substitute "**ON AND AFTER OCTOBER 1, 2013**"; in the same line, after the first "**THE**" insert "**COMPANY, AND NOT THE**"; in the same line, after "**FUND**" insert a comma; strike beginning with "**AND**" in line 3 down through "**2012**" in line 5; in lines 6 and 10, in each instance, strike "**MARCH**" and substitute "**OCTOBER**"; in line 9, strike "**EXCEPT THROUGH THE COMPANY**"; in line 14, strike "**IN**" and substitute "**SUBJECT TO SUBSECTION (F) OF THIS SECTION, IN**"; in line 15, strike "**THE FUND AND**"; in line 16, strike "**MAY**" and substitute "**SHALL**"; in line 17, strike "**OR THE COMPANY**"; after line 17, insert:

"**(3)** **THE FUND SHALL:**

(I) **MAINTAIN A PAYROLL AND HUMAN RESOURCES SYSTEM; AND**

(II) **BE RESPONSIBLE FOR PAYING:**

1. **THE EMPLOYER PORTION OF ANY PAYROLL OR OTHER TAXES AND RETIREMENT OR PENSION CONTRIBUTIONS FOR EMPLOYEES OF THE FUND; AND**

2. **FOR ANY HEALTH OR OTHER EMPLOYEE BENEFITS THAT ARE AVAILABLE TO EMPLOYEES OF THE FUND.**";

in line 18, after "**(1)**" insert "**EMPLOYEES OF THE FUND MAY BE ASSIGNED TO PERFORM FUNCTIONS OF THE COMPANY UNDER A CONTRACT BETWEEN THE FUND AND THE COMPANY.**

(2)";

in lines 19 and 20, strike "**AND THE EMPLOYEES OF THE COMPANY**" and substitute "**WHO HAVE BEEN ASSIGNED TO PERFORM DUTIES ON BEHALF OF THE COMPANY**"; in line 21, strike "**(2)**" and substitute "**(3)**"; in line 22, strike "**THAT**" and substitute "**WHO**"; strike beginning with "**STATE**" in line 24 down through "**(III)**" in line 26; in line 26, after "**THAT**" insert "**, EXCEPT WITH RESPECT TO ASSETS NECESSARY FOR THE FUND TO PERFORM ITS DUTIES UNDER THIS SUBTITLE,**"; and in line 28, strike "**(IV)**" and substitute "**(III)**".

On page 13, in lines 1, 10, 12, and 19, in each instance, strike "**MARCH**" and substitute "**OCTOBER**".

On page 15, in line 19, after "**(A)**" insert "**(1)**"; after line 19, insert:

"**(2) THE BOARD SHALL MANAGE THE BUSINESS AND AFFAIRS OF THE FUND AS AN INSTRUMENTALITY OF THE STATE IN ACCORDANCE WITH STATE LAW.**";

and in line 24, strike "**THE CURRENT TERM**" and substitute "**THEIR CURRENT TERMS**".

On page 17, in line 19, strike "**MAY**" and substitute "**SHALL**".

On page 18, in line 13, strike "**THE**" and substitute "**NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE**"; in the same line, after "**FUND**" insert "**SHALL REMAIN IN EXISTENCE UNTIL IT**"; strike beginning with "**SHALL**" in line 14 down through "**HAVE**" in line 15 and substitute "**NO LONGER HAS ANY**"; in line 16, strike "**MAY BE**" and substitute "**IS**"; and in the same line, strike "**ONLY**".

AMENDMENT NO. 4

On page 26, after line 21, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – State Personnel and Pensions

21–307.

(P) (1) ON AND AFTER OCTOBER 1, 2013, ON BEHALF OF ITS EMPLOYEES WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM, THE INJURED WORKERS' INSURANCE FUND SHALL:

(I) PAY AN AMOUNT EQUAL TO THE PRODUCT OF MULTIPLYING:

1. THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF THOSE MEMBERS; AND

2. THE NORMAL CONTRIBUTION RATE OTHERWISE PAID BY THE STATE FOR MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM;

(II) PAY AN ADDITIONAL AMOUNT EQUAL TO 5% OF THE AGGREGATE ANNUAL EARNABLE COMPENSATION OF ITS EMPLOYEES WHO ARE MEMBERS OF THE EMPLOYEES' RETIREMENT SYSTEM; AND

(III) REMIT TO THE EMPLOYEES' RETIREMENT SYSTEM OR THE EMPLOYEES' PENSION SYSTEM THE CONTRIBUTIONS REQUIRED TO BE PAID BY ITS EMPLOYEES.

(2) BEGINNING ON OR BEFORE DECEMBER 31, 2013, AND EACH YEAR THEREAFTER, IN ADDITION TO THE AMOUNTS REQUIRED TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INJURED WORKERS' INSURANCE FUND SHALL PAY A WITHDRAWAL LIABILITY CONTRIBUTION:

(I) AS CALCULATED BY THE ACTUARY OF THE STATE RETIREMENT AND PENSION SYSTEM; AND

(II) IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.

(3) THE PARTICIPANT FUNDING RATIO FOR THE INJURED WORKERS' INSURANCE FUND SHALL BE A FRACTION THAT HAS:

(I) AS ITS NUMERATOR, THE MARKET VALUE OF ASSETS FOR THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM REPORTED IN THE JUNE 30, 2013, ANNUAL ACTUARIAL VALUATION FOR THE STATE; AND

(II) AS ITS DENOMINATOR, THE ENTRY AGE ACTUARIAL ACCRUED LIABILITY FOR THE EMPLOYEES' RETIREMENT SYSTEM AND THE EMPLOYEES' PENSION SYSTEM REPORTED IN THE JUNE 30, 2013, ANNUAL ACTUARIAL VALUATION FOR THE STATE.

(4) THE WITHDRAWAL LIABILITY CONTRIBUTION OF THE INJURED WORKERS' INSURANCE FUND SHALL BE THE COMPLEMENT OF THE PARTICIPANT FUNDING RATIO FOR THE FUND MULTIPLIED BY THE ENTRY AGE ACTUARIAL ACCRUED LIABILITY FOR THE FUND BASED ON DATA SUBMITTED AS OF OCTOBER 1, 2013, FOR THE FUND.".

AMENDMENT NO. 5

On page 26, in line 22, strike "2." and substitute "4.".

On page 27, in line 4, strike "March" and substitute "October"; strike in their entirety lines 9 through 12, inclusive; in lines 13 and 20, strike "4." and "5.", respectively, and substitute "5." and "6.", respectively; after line 13, insert:

"(a) The Maryland Insurance Administration shall study, in consultation with the Injured Workers' Insurance Fund and the National Council on Compensation Insurance, Inc., whether the Chesapeake Employers' Insurance Company should be subject to Title 11 of the Insurance Article, including whether the Company should be a member of the rating organization.

(b) In conducting the study, the Administration:

(1) may consult with any other person or entity that the Administration considers appropriate;

(2) shall consider the impact on the Company and its policyholders if the Company is made subject to Title 11 of the Insurance Article, including the impact of the membership and transaction fees payable to the rating organization and additional administrative and system costs associated with complying with Title 11 of the Insurance Article; and

(3) if the Administration determines that the Company should be subject to Title 11 of the Insurance Article, shall consider:

(i) the extent to which the Company should be in compliance with the rating plan requirements under Title 11 of the Insurance Article; and

(ii) an appropriate timeline for the Company to phase in participation in the rating plan requirements to avoid disruption to its policyholders.

(c) On or before October 1, 2012, the Administration shall report, in accordance with § 2–1246 of the State Government Article, its findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee.";

strike in their entirety lines 14 through 19, inclusive; after line 26, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall contract with an independent financial, accounting, or valuation consulting firm to conduct a study to determine, since the enactment of Chapter 800 of 1914, the fair value of:

(1) any financial contribution made by the State to the Injured Workers' Insurance Fund; and

(2) any financial benefit the Fund received from the State.

(b) (1) The study shall consider the fair value of:

(i) funds, including start–up funding, provided by the State to the Fund at any time;

(ii) real estate or other assets transferred or otherwise provided to the Fund, net of any amounts paid for the real estate or other asset by the Fund out of Fund revenues;

(iii) property taxes or transfer taxes on Fund–owned real property that would have been paid if the Fund had not been a State agency;

(iv) sales and excise taxes that would have been paid to the State if the Fund had not been a State agency;

(v) premium taxes not paid to the State by the Fund due to its tax exempt status prior to June 1, 2011, but only to the extent that the benefit of the tax exemption was not passed on to policyholders of the Fund through the rate making process; and

(vi) any other direct financial contribution made by the State to the Fund and any other financial benefit the Fund received from the State.

(2) The study also shall consider:

(i) additional costs the Fund incurred from the Fund's status as the insurer of last resort which required the Fund to provide workers' compensation insurance to businesses regardless of the degree of risk;

(ii) that while the Fund was part of the former State Department of Personnel, the State purchased four parcels of land with Fund revenues, but the State held the title to the land until it was transferred to the Fund;

(iii) that the Fund is required to transfer $6,000,000 to the General Fund on or before June 30, 2012, as provided in Section 20 of Chapter 397 of the Acts of the General Assembly of 2011, less the amount received by the State on or before June 30, 2012, as a result of the imposition of a premium tax on the Fund under § 6–101 of the Insurance Article;

(iv) that the Fund is a nonprofit entity with profits passed on to its policyholders; and

(v) the estimated cost of any subsidy provided by the State to cover the future costs of retiree health benefits for retired Fund employees and their dependents.

(c) In conducting the study, the firm:

(1) shall consult with the Fund, the Maryland Insurance Commissioner, and the Secretary of Budget and Management;

(2) may consult with any other person or entity that the firm considers appropriate; and

(3) shall consider any studies conducted by the Administration or the Department of Budget and Management on the Fund, including the study on the Fund's role as the third party administrator for the State.

(d) (1) The Administration shall require the firm to report the findings and conclusions of its study of the fair value to the Administration before October 1, 2012.

(2) On or before October 1, 2012, the Administration shall report, in accordance with § 2–1246 of the State Government Article, the firm's findings and conclusions of its study of the fair value to the Legislative Policy Committee, the Fund, the Governor, the Senate Budget and Taxation Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Economic Matters Committee.

(e) If the study concludes that the fair value is $50,000,000 or more:

(1) the Administration shall contract with consultants to conduct a comprehensive assessment of the long–term effect of transferring the fair value to the State on the adequacy of the Fund's surplus;

(2) the Chesapeake Employers' Insurance Company shall owe a debt to the General Fund in an amount equal to:

(i) the fair value; less

(ii) 1. the $50,000,000 which is required to be transferred from the Fund to the General Fund under Chapter__(S.B. 152 / H.B. 87) of the Acts of the General Assembly of 2012; and

2. the cost of the study and the assessment paid by the Fund, as provided under subsection (g) of this section.

(f) (1) Subject to paragraph (2) of this subsection, the Company shall pay the debt calculated under subsection (e) of this section, without interest, to the State in 10 equal annual installments beginning in fiscal year 2014 or, as agreed by the Fund and the Secretary of Budget and Management, in payments over an alternative period of time.

(2) (i) An installment or other payment shall be suspended or delayed, and may not be paid, in any year in which the Maryland Insurance Commissioner determines that the Company's surplus is not adequate to make a payment or that the Company's ability to meet its financial obligations would be impaired if a payment is made.

(ii) The Company shall pay any suspended or delayed installment or other payment in a subsequent year until the debt is fully satisfied.

(g) The Fund shall be responsible for the payment of the costs of the study required under subsection (a) of this section and the assessment required under subsection (e) of this section, including any costs incurred by the Administration in contracting with consultants to perform the study and the assessment.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2013, the Injured Workers' Insurance Fund and the Board of Trustees for the State Retirement and Pension System shall enter into an agreement specifying the terms and conditions of payment for the withdrawal of the Fund from the State Retirement and Pension System in accordance with § 21–307(p) of the State Personnel and Pensions Article, as enacted by Section 3 of this Act.

(b) The Fund shall be responsible for the payment of any costs incurred in calculating the Fund's liability for withdrawing from the State Retirement and Pension System.";

in line 27, strike "6." and substitute "9."; in the same line, after "That" insert "Sections 1 and 3 of"; and after line 28, insert:

"SECTION 10. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this Act shall take effect October 1, 2013.

SECTION 11. 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, except as provided in Sections 9 and 10 of this Act, shall take effect from the date it is enacted.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 820 – Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Klausmeier, Shank, and Stone

AN ACT concerning

Transportation – Toll, Fee, or Other Charge Increases – Notice and Public Comment

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

SB0820/577071/1
BY: Finance Committee

AMENDMENTS TO SENATE BILL 820
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Notice" in line 2 down through "Comment" in line 3 and substitute "Required Procedures"; in line 4, strike "certain staff of"; strike

beginning with "provide" in line 5 down through "proposal" in line 9 and substitute "provide an opportunity for public review and comment on a proposal to increase tolls, fees, or other charges on any part of a transportation facilities project in a certain manner before the Authority adopts the proposal; requiring the Authority to provide to the public certain information and studies in a certain manner; requiring the Authority to provide the public with an opportunity to submit certain written comments for a certain period of time; requiring the Authority to provide to the public in a certain manner a summary and analysis of certain public comments; requiring the Authority, before voting on a certain proposal, to provide certain information to the public and to each member of the Authority, provide an opportunity for public review and comment on the recommendation of the Authority, and provide and make available to the public a certain summary and analysis of certain public comments; requiring the Authority, at a certain meeting, to provide the public a reasonable amount of time to comment on a certain recommendation before the Authority votes on the recommendation; requiring the Authority to follow certain procedures required by regulations in effect as of a certain date"; strike beginning with "notice" in line 9 down through "by" in line 11; and in line 11, after "Authority" insert "and required procedures regarding proposals to increase tolls, fees, or other charges".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with "**(I)**" in line 27 on page 2 down through "**PROPOSAL**" in line 8 on page 3 and substitute:

"**(I) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH JURISDICTION IN WHICH THE INCREASE IS PROPOSED TO BE IMPLEMENTED.**

(II) AT LEAST 10 WORKING DAYS BEFORE THE START OF THE FIRST MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL WEB SITE INFORMATION AND STUDIES USED IN ITS ANALYSIS TO JUSTIFY THE PROPOSED INCREASE IN TOLLS, FEES, OR OTHER CHARGES.

(III) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS ON THE PROPOSAL.

(IV) WITHIN 10 DAYS AFTER THE CLOSE OF THE WRITTEN COMMENT PERIOD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE AND TO THE MEMBERS OF THE AUTHORITY A SUMMARY AND ANALYSIS OF THE COMMENTS RECEIVED FROM THE PUBLIC ON THE PROPOSAL.

(4) BEFORE THE AUTHORITY VOTES ON ANY PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL:

(I) PROVIDE IN WRITING TO ALL OF THE MEMBERS OF THE AUTHORITY AND, ON REQUEST, TO THE PUBLIC ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL;

(II) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER MAKING ANY RECOMMENDATION ON THE PROPOSAL, PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE RECOMMENDATION;

(III) PROVIDE ON ITS OFFICIAL WEB SITE AND IN ANY INFORMATION PROVIDED TO THE PUBLIC RELATING TO THE PROPOSAL:

1. ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL; AND

2. THE TIME, PLACE, AND DATE OF THE MEETING AT WHICH THE AUTHORITY WILL VOTE ON THE PROPOSAL; AND

(IV) PROVIDE TO EACH MEMBER OF THE AUTHORITY AND MAKE AVAILABLE TO THE PUBLIC A SUMMARY AND ANALYSIS OF ANY PUBLIC

COMMENTS RECEIVED UNDER ITEM (II) OF THIS PARAGRAPH BY THE AUTHORITY REGARDING THE AUTHORITY'S RECOMMENDATION.

(5) AT ANY MEETING IN WHICH A RECOMMENDATION TO INCREASE TOLLS, FEES, OR OTHER CHARGES IS SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE RECOMMENDATION.

(6) SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION, THE AUTHORITY SHALL FOLLOW ANY PROCEDURES REQUIRED BY REGULATION IN EFFECT AS OF JANUARY 1, 2012, FOR A PROPOSAL TO CHANGE ANY TOLLS, FEES, OR OTHER CHARGES ON A TRANSPORTATION FACILITIES PROJECT".

The preceding 2 amendments were withdrawn.

SB0820/797975/1

BY: Finance Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 820
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Notice" in line 2 down through "Comment" in line 3 and substitute "Required Procedures"; in line 4, strike "certain staff of"; strike beginning with "provide" in line 5 down through "proposal" in line 9 and substitute "provide an opportunity for public review and comment on a proposal to increase tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on any part of certain transportation facilities projects in a certain manner before the Authority adopts the proposal; requiring the Authority to provide to the public certain information and studies in a certain manner; requiring the Authority to provide the public with an opportunity to submit certain written comments for a certain period of time; requiring the Authority to provide to the public in a certain manner a summary and analysis of certain public comments; requiring the Authority, before voting on a certain proposal, to provide certain information to the public in a certain manner and to each member of the Authority, provide an opportunity for public review and comment on the recommendation of the Authority, provide certain information on its official Web site, and provide to certain members of the Authority and to the public in

a certain manner a certain summary and analysis of certain public comments; requiring the Authority, at a certain meeting, to provide the public a reasonable amount of time to comment on a certain recommendation before the Authority votes on the recommendation; providing that the Authority is not required to provide a certain opportunity for public comment under a certain circumstance; requiring the Authority to adopt certain temporary adjustments to certain tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on certain transportation facilities under certain circumstances; establishing certain limitations and certain procedural requirements for certain temporary adjustments"; strike beginning with "notice" in line 9 down through "by" in line 11; and in line 11, after "Authority" insert "and required procedures regarding proposals to increase tolls, fees, or other charges".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with "**(I)**" in line 27 on page 2 down through "**PROPOSAL**" in line 8 on page 3 and substitute:

"**(I) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR ADOPTS AN INCREASE IN MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH COUNTY IN WHICH THE INCREASE IS PROPOSED TO BE IMPLEMENTED.**

(II) AT LEAST 10 WORKING DAYS BEFORE THE START OF THE FIRST MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL WEB SITE THE PROPOSED INCREASE IN TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLLS ZONES, OR OTHER CHARGES AND INFORMATION AND STUDIES USED IN ITS ANALYSIS TO JUSTIFY THE PROPOSED INCREASE.

(III) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE

PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS ON THE PROPOSAL.

(IV) WITHIN 10 DAYS AFTER THE CLOSE OF THE WRITTEN COMMENT PERIOD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE AND TO THE MEMBERS OF THE AUTHORITY A SUMMARY AND ANALYSIS OF THE COMMENTS RECEIVED FROM THE PUBLIC ON THE PROPOSAL.

(4) BEFORE THE AUTHORITY VOTES ON ANY PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR VOTES ON AN INCREASE IN MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON ANY PART OF A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL:

(I) PROVIDE IN WRITING TO ALL OF THE MEMBERS OF THE AUTHORITY AND, ON REQUEST, TO THE PUBLIC ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL;

(II) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER MAKING ANY RECOMMENDATION ON THE PROPOSAL, PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND WRITTEN COMMENT ON THE RECOMMENDATION;

(III) PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE:

1. ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL; AND

2. THE TIME, PLACE, AND DATE OF THE MEETING AT WHICH THE AUTHORITY WILL VOTE ON THE PROPOSAL; AND

(IV) PROVIDE TO EACH MEMBER OF THE AUTHORITY AND PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE A SUMMARY AND ANALYSIS

OF ANY PUBLIC COMMENTS RECEIVED UNDER ITEM (II) OF THIS PARAGRAPH BY THE AUTHORITY REGARDING THE AUTHORITY'S RECOMMENDATION.

(5) (I) AT ANY MEETING IN WHICH A RECOMMENDATION TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR A RECOMMENDATION TO INCREASE MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY PRICED TRANSPORTATION FACILITIES PROJECT IS SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE RECOMMENDATION.

(II) IF THE AUTHORITY AMENDS ITS RECOMMENDATION AFTER RECEIVING PUBLIC COMMENT AT THE MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THEN VOTES ON THE AMENDED RECOMMENDATION AT THAT MEETING, THE AUTHORITY IS NOT REQUIRED TO PROVIDE AN ADDITIONAL OPPORTUNITY FOR PUBLIC COMMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(6) (I) IF THE AUTHORITY DETERMINES THAT IT MUST INCREASE TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLLS ZONES, OR OTHER CHARGES WITHIN A TIME PERIOD OR IN A MANNER THAT WILL NOT PERMIT COMPLIANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION TO REMAIN IN COMPLIANCE WITH THE PROVISIONS OF ANY TRUST AGREEMENT, ESCROW DEPOSIT AGREEMENT, OR RESOLUTION THAT PROVIDES FOR THE PAYMENT OF BONDS ISSUED BY THE AUTHORITY, OR TO ENSURE THAT UNFORESEEN CIRCUMSTANCES DO NOT ADVERSELY AFFECT THE CONTINUITY OF OPERATIONS AT ONE OR MORE TRANSPORTATION FACILITIES PROJECTS, THE AUTHORITY SHALL DETERMINE THAT AN EMERGENCY STATUS EXISTS.

(II) IF THE AUTHORITY DETERMINES THAT AN EMERGENCY STATUS EXISTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL ADOPT TEMPORARY ADJUSTMENTS TO TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES

THAT SHALL TAKE EFFECT IMMEDIATELY ON ADOPTION BY THE AUTHORITY OR ON THE EFFECTIVE DATE ESTABLISHED BY THE AUTHORITY.

(III) IF THE AUTHORITY ADOPTS ANY TEMPORARY ADJUSTMENTS TO TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AUTHORITY SHALL:

1. PROVIDE NOTICE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL WEB SITE OF ANY TEMPORARY ADJUSTMENT ADOPTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. COMMENCE THE PUBLIC NOTICE AND COMMENT PROCEDURES UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION IMMEDIATELY.

(IV) AN EMERGENCY STATUS DETERMINATION MAY NOT EXCEED 180 DAYS AND MAY BE SUBJECT TO ONE OR MORE ADDITIONAL CONDITIONS IMPOSED BY THE AUTHORITY.

(V) WHEN THE EMERGENCY STATUS EXPIRES, THE TEMPORARY ADJUSTMENTS ADOPTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL END".

The preceding 2 substitute committee amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 127 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Marine Gathering Permit – Establishment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0127/304830/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 127
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "within" in line 6 down through "period" in line 7; in the same line, after the semicolon insert "prohibiting the Department from requiring a certain permit application to be submitted within a certain time period;"; in line 8, after "permits;" insert "requiring the Department to issue a certain permit under certain circumstances and in accordance with certain requirements; authorizing the Department to require certain terms in a certain permit; authorizing the Department to recommend certain actions to a certain applicant for a certain purpose; prohibiting the Department from requiring any additional terms or conditions in a certain permit;"; in line 10, after "occur" insert "and certain public safety organizations"; in the same line, after "permit;" insert "authorizing a police officer to terminate and disband a marine gathering for failure to obtain a certain permit or to comply with the terms of a certain permit;"; in line 11, strike the second "a"; in the same line, strike "term" and substitute "terms"; and in line 12, strike "the" and substitute "a".

AMENDMENT NO. 2

On page 1, strike line 22 in its entirety and substitute:

"**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**".

On page 2, in line 1, strike "**(1) MEANS**" and substitute:

"**(2) (I) "MARINE GATHERING" MEANS**"; in line 4, strike "**; AND**" and substitute a period; in line 5, strike "**(2) DOES**" and substitute "**(II) "MARINE GATHERING" DOES**"; in lines 6, 9, and 10, respectively, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; after line 10, insert:

"**(3) "PERMIT" MEANS A MARINE GATHERING PERMIT ISSUED IN ACCORDANCE WITH THIS SECTION.**".

AMENDMENT NO. 3

On page 2, in line 1, strike "**50**" and substitute "**100**"; strike beginning with "**AT**" in line 13 down through the third "**THE**" in line 14 and substitute "**THE**"; in line 19, strike "**AND ENFORCING**"; after line 19, insert:

"**(3) THE DEPARTMENT MAY NOT REQUIRE THE APPLICATION TO BE SUBMITTED MORE THAN 45 DAYS BEFORE THE MARINE GATHERING.**";

in line 21, strike "**FOR,**" and substitute "**AND**"; and in the same line, strike "**, AND TERMS AND CONDITIONS FOR**".

On pages 2 and 3, strike beginning with "**THE**" in line 23 on page 2 down through "**SAFETY.**" in line 2 on page 3 and substitute "**IF A PERMIT IS NEEDED TO ENSURE PUBLIC SAFETY, THE DEPARTMENT SHALL ISSUE A PERMIT IN ACCORDANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.**

(3) THE DEPARTMENT MAY REQUIRE IN THE TERMS OF A PERMIT ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

(I) THE PRESENCE OF SECURITY OFFICERS AT THE MARINE GATHERING;

(II) THE PRESENCE OF RESCUE PERSONNEL OR LIFEGUARDS AT THE MARINE GATHERING;

(III) THE PLACEMENT OF BUOYS AT THE MARINE GATHERING; AND

(IV) LIMITATIONS ON THE DURATION OF THE MARINE GATHERING.

(4) THE DEPARTMENT MAY:

(I) RECOMMEND ADDITIONAL ACTIONS TO AN APPLICANT TO FURTHER SAFEGUARD THE PARTICIPANTS OF THE MARINE GATHERING; BUT

(II) NOT REQUIRE ANY ADDITIONAL TERMS OR CONDITIONS IN A PERMIT BEYOND WHAT MAY BE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION.".

AMENDMENT NO. 4

On page 3, in line 5, after "**OCCUR**" insert "**AND PUBLIC SAFETY ORGANIZATIONS THAT THE DEPARTMENT CONSIDERS NECESSARY**"; after line 5, insert:

"**(F) A POLICE OFFICER MAY TERMINATE AND DISBAND A MARINE GATHERING:**

(1) HELD WITHOUT THE NECESSARY PERMIT; OR

(2) IN VIOLATION OF THE TERMS OF A PERMIT.";

and in line 6, strike "**(F)**" and substitute "**(G)**"; strike beginning with "**A**" in line 6 down through "**(2)**" in line 10; in line 13, strike "**(3)**" and substitute "**(2)**"; and in line 15, strike "**IS GUILTY**" and substitute "**IS:**

(I) GUILTY";

in line 16, strike "**IMPRISONMENT NOT EXCEEDING 6 MONTHS OR**"; strike beginning with "**$2,000**" in line 16 down through "**OR BOTH**" in line 17 and substitute "**$5,000; AND**

(II) LIABLE TO THE STATE FOR THE COST OF DISBANDING THE MARINE GATHERING".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 465 – Senators Frosh, Benson, Conway, Forehand, King, Madaleno, Manno, Montgomery, Pinsky, Raskin, Rosapepe, Stone, and Young

AN ACT concerning

Natural Resources – Shark or Elasmobranch Fins – Prohibition on Possession or Distribution

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0465/524836/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 465
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Prohibition" and substitute "Restriction"; in line 5, after "fin;" insert "exempting a certain person from the prohibition against possessing a shark fin under certain circumstances; authorizing a certain person to use a ray or skate as bait under certain circumstances;"; in lines 5 and 6, strike "establishing certain civil penalties for violations of this Act;"; and in line 8, strike "prohibition against" and substitute "restriction on".

AMENDMENT NO. 2

On page 1, in line 22, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SECTION, A**";

and after line 23, insert:

"**(2) A PERSON MAY POSSESS A SHARK FIN IF:**

(I) THE PERSON HOLDS THE APPROPRIATE STATE OR FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A SHARK OR ELASMOBRANCH FOR RECREATIONAL OR COMMERCIAL PURPOSES;

(II) THE SHARK FIN IS TAKEN FROM A SHARK OR ELASMOBRANCH THAT THE PERSON HAS TAKEN OR LANDED FOR PERSONAL USE; AND

(III) THE SHARK FIN IS TAKEN IN A MANNER CONSISTENT WITH THE PERSON'S LICENSE.

(3) A PERSON MAY USE AN UNPROCESSED RAY OR SKATE AS BAIT IF:

(I) THE PERSON HOLDS THE APPROPRIATE STATE OR FEDERAL LICENSE OR PERMIT AUTHORIZING THE TAKING OR LANDING OF A RAY OR SKATE;

(II) THE PERSON USES THE UNPROCESSED RAY OR SKATE AS BAIT IN A COASTAL AREA; AND

(III) THE NATIONAL MARINE FISHERIES SERVICE HAS NOT FOUND THAT THE SPECIES OF RAY OR SKATE BEING USED AS BAIT IS OVERFISHED.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 6, inclusive; and in line 7, strike "**(D)**" and substitute "**(C)**".

AMENDMENT NO. 4

On page 2, in line 10, strike "June" and substitute "October".

The preceding 4 amendments were read and adopted.

Senator Colburn moved, duly seconded, to make the Bill and Report a Special Order for March 20, 2012.

The motion was adopted.

Senate Bill 479 – Senator Ferguson

AN ACT concerning

Health Occupations – Physician Assistants – Patient's Access to Supervising Physician

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

SB0479/534237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 479
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "circumstances;" in line 5 and substitute "repealing a requirement that certain patients be seen by certain physicians who supervise certain physician assistants under certain circumstances; requiring certain delegation agreements to contain a certain statement;"; in line 10, after "15–301" insert "and 15–302(b)"; and after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 15–302(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 26 through 32, inclusive; and after line 32, insert:

"15–302.

(a) A physician may delegate medical acts to a physician assistant only after:

(1) A delegation agreement has been executed and filed with the Board; and

(2) Any advanced duties have been authorized as required under subsection (c) of this section.

(b) The delegation agreement shall contain:

(1) A description of the qualifications of the primary supervising physician and physician assistant;

(2) A description of the settings in which the physician assistant will practice;

(3) A description of the continuous physician supervision mechanisms that are reasonable and appropriate to the practice setting;

(4) A description of the delegated medical acts that are within the primary or alternate supervising physician's scope of practice and require specialized education or training that is consistent with accepted medical practice;

(5) An attestation that all medical acts to be delegated to the physician assistant are within the scope of practice of the primary or alternate supervising physician and appropriate to the physician assistant's education, training, and level of competence;

(6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement;

(7) An attestation by the primary supervising physician of the physician's acceptance of responsibility for any care given by the physician assistant;

(8) A description prepared by the primary supervising physician of the process by which the physician assistant's practice is reviewed appropriate to the practice setting and consistent with current standards of acceptable medical practice;

(9) An attestation by the primary supervising physician that the physician will respond in a timely manner when contacted by the physician assistant; **[**and**]**

(10) THE FOLLOWING STATEMENT: "THE PRIMARY SUPERVISING PHYSICIAN AND THE PHYSICIAN ASSISTANT ATTEST THAT:

(I) THEY WILL ESTABLISH A PLAN FOR THE TYPES OF CASES THAT REQUIRE A PHYSICIAN PLAN OF CARE OR REQUIRE THAT THE PATIENT INITIALLY OR PERIODICALLY BE SEEN BY THE SUPERVISING PHYSICIAN; AND

(II) THE PATIENT WILL BE PROVIDED ACCESS TO THE SUPERVISING PHYSICIAN ON REQUEST"; AND

[(10)**]** **(11)** Any other information deemed necessary by the Board to carry out the provisions of this subtitle.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 635 – Senators Frosh, Madaleno, Manno, Montgomery, and Pinsky

AN ACT concerning

Environment – Water Appropriation or Use Permits – Fees

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

SB0635/774838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 635
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Permits – Fees" and substitute "Permit Fees – Workgroup"; strike beginning with "a" in line 3 down through "requiring" in line 7; in line 8, after "structure" insert "in a certain manner"; in line 9, after "Department" insert "of the Environment"; in line 11, strike "defining certain terms;" and substitute "providing for the termination of this Act;"; strike in their entirety lines 13 through 22, inclusive; in line 24, strike "the Laws of Maryland read as follows"; and strike line 25 in its entirety.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 1 on page 2 down through line 13 on page 5.

AMENDMENT NO. 3

On page 5, strike beginning with "Prior" in line 14 down through the first "the" in line 15 and substitute "The"; in line 16, strike "the" and substitute ":

(1) The";

in line 17, strike ", the" and substitute ";

(2) The";

in the same line, strike ", agriculture" and substitute ";

(3) Agriculture";

in the same line, strike ", public" and substitute ";

(4) Public";

in line 18, strike ", the golf" and substitute ";

(5) The golf";

in the same line, strike ", the power" and substitute ";

(6) The power";

in the same line, strike ", and the" and substitute "; and

(7) The";

strike beginning with "to" in line 19 down through "Act" in line 21; after line 21 insert:

"(b) (1) The workgroup shall develop a structure of fees related to the issuance and renewal of a water appropriation and use permit issued by the Department of the Environment under § 5–502 of the Environment Article.

(2) The structure of fees shall be set in the manner necessary to:

(i) Fund the cost to the Department of regulating or monitoring the activity for which the permit is issued; and

(ii) Support the needs of the Department for program development activities, including:

1. Conducting watershed and aquifer studies;

2. Monitoring and assessing the cumulative impacts associated with regulated activities on the State's groundwater and surface water;

3. Developing and implementing a statewide water supply plan; and

4. Providing technical assistance to local governments.";

in line 22, strike "(b)" and substitute "(c)"; in the same line, strike "of the Environment"; in line 25, strike "findings and recommendations of" and substitute "structure of fees developed by"; in line 27, strike "3." and substitute "2."; in line 28, strike "July" and substitute "June"; in the same line, after "2012." insert "It shall remain effective for a period of 1 year and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 602 – Senator Dyson

AN ACT concerning

Public Safety – Building Performance Standards – Fire and Life Safety

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0602/604039/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 602

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Fire and Life Safety" and substitute "Automatic Fire Sprinkler Systems"; in line 3, after "jurisdiction" insert ", with a certain exception,"; in line 5, strike "fire and life safety" and substitute "certain automatic fire sprinkler systems"; and in line 7, after "Act;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 1, in line 24, after "(a)" insert "**(1)**".

On page 2, in lines 1 and 3, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 5, strike "**(3)**" and substitute "**(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**"; after line 6, insert:

"**(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.**";

and in line 28, after "**(III)**" insert "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**".

On page 3, after line 5, insert:

"**(3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY TO STANDARDS GOVERNING ISSUANCE OF A BUILDING PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY.**".

AMENDMENT NO. 3

On page 2, in lines 5 and 28, in each instance, strike "**FIRE AND LIFE SAFETY**" and substitute "**THE AUTOMATIC FIRE SPRINKLER SYSTEMS**"; and in the same lines, in each instance, after "**PROVISIONS**" insert "**FOR TOWNHOUSES AND ONE– AND TWO–FAMILY DWELLINGS**".

AMENDMENT NO. 4

On page 3, in line 21, after "4." insert "AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or

interpreted to have any effect on or application to any building permit for which an application is submitted before the effective date of this Act.

SECTION 5.".

The preceding 4 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2012.

The motion was adopted.

Senate Bill 659 – Senators Pinsky, Klausmeier, Manno, and Rosapepe

AN ACT concerning

State Procurement – Disclosure of the Relocation of Jobs to a Foreign Country

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

SB0659/234635/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 659
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Procurement –" insert "Preference and"; in lines 2 and 3, strike "of the Relocation of Jobs to a Foreign Country" and substitute "– Location of the Performance of Services"; strike beginning with "requiring" in line 4 down through "period;" in line 11 and substitute "requiring, under certain circumstances, a bidder to disclose certain information regarding whether services required under a procurement contract will be performed outside the State or the United States; prohibiting a public employer from knowingly contracting for certain services unless the services are to be provided in the United States, except under certain circumstances; requiring the Board of Public Works to adopt certain regulations;"; in line 12, after "right;" insert "defining a certain term;"; strike beginning with "the" in line 13 down through "countries" in line 14 and substitute "preferences and disclosures regarding the location of the performance of services

required under procurement contracts"; and strike beginning with "11–401" in line 17 down through "Country"" in line 18 and substitute "14–413".

AMENDMENT NO. 2

On page 2, after line 13, insert:

"**14–413.**

(A) IN THIS SECTION, "PUBLIC EMPLOYER" MEANS:

(1) A UNIT;

(2) A COUNTY;

(3) A MUNICIPALITY;

(4) A COUNTY BOARD OF EDUCATION; OR

(5) A SPECIAL TAXING DISTRICT.

(B) THIS SECTION APPLIES TO A PROCUREMENT CONTRACT WITH AN ESTIMATED VALUE OF $2,000,000 OR MORE.

(C) IN RESPONSE TO A SOLICITATION FOR A PROCUREMENT CONTRACT ISSUED BY A PUBLIC EMPLOYER, A BIDDER SHALL DISCLOSE TO THE PUBLIC EMPLOYER THE FOLLOWING:

(1) WHETHER THE BIDDER ANTICIPATES THAT THE BIDDER OR ANY CONTRACTOR THE BIDDER WILL SUBCONTRACT WITH TO PERFORM THE CONTRACT WILL PERFORM ANY SERVICES REQUIRED UNDER THE CONTRACT OUTSIDE THE STATE OR THE UNITED STATES; AND

(2) IF SERVICES REQUIRED UNDER THE CONTRACT ARE ANTICIPATED TO BE PERFORMED OUTSIDE THE STATE OR THE UNITED STATES:

(I) WHERE THE SERVICES WILL BE PERFORMED; AND

(II) THE REASONS WHY IT IS NECESSARY OR ADVANTAGEOUS TO PERFORM THE SERVICES OUTSIDE THE STATE OR THE UNITED STATES.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC EMPLOYER MAY NOT KNOWINGLY CONTRACT FOR THE FOLLOWING SERVICES UNLESS THE SERVICES ARE TO BE PROVIDED IN THE UNITED STATES:

(I) ARCHITECTURAL SERVICES;

(II) CONSTRUCTION SERVICES;

(III) ENGINEERING SERVICES; OR

(IV) ENERGY PERFORMANCE CONTRACT SERVICES.

(2) A PUBLIC EMPLOYER MAY CONTRACT FOR SERVICES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION THAT ARE PROVIDED OUTSIDE THE UNITED STATES, IF:

(I) THE SERVICES ARE NOT AVAILABLE IN THE UNITED STATES;

(II) THE PRICE OF THE SERVICES IN THE UNITED STATES EXCEEDS BY AN UNREASONABLE AMOUNT THE PRICE OF SERVICES PROVIDED OUTSIDE THE UNITED STATES; OR

(III) THE QUALITY OF THE SERVICES IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE QUALITY OF COMPARABLY PRICED SERVICES PROVIDED OUTSIDE THE UNITED STATES.

(3) THE BOARD SHALL ADOPT REGULATIONS DEFINING THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SUBSECTION:

(I) "UNREASONABLE AMOUNT"; AND

(II) "SUBSTANTIALLY LESS".".

On pages 2 and 3, strike in their entirety the lines beginning with line 14 on page 2 through line 21 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.

Senate Bill 175 – Senators Raskin, Forehand, Getty, Jacobs, Shank, and Stone

AN ACT concerning

Crimes – Electronic Communication – Harassment

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0175/168979/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 175
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Ramirez, and Zirkin".

AMENDMENT NO. 2

On page 1, strike beginning with "engaging" in line 4 down through "harass" in line 5 and substitute "maliciously engaging in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another under certain circumstances"; and strike beginning with "establishing" in line 5 down through "Act;" in line 6.

AMENDMENT NO. 3

On page 1, in line 21, before "**ENGAGE**" insert "**MALICIOUSLY**"; in the same line, after "**IN**" insert "**A COURSE OF CONDUCT, THROUGH THE USE OF**"; in line 22,

strike "with the intent to harass:" and substitute "**, THAT ALARMS OR SERIOUSLY ANNOYS ANOTHER:**

(1) WITH THE INTENT TO HARASS, ALARM, OR ANNOY THE OTHER;

(2) AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF THE OTHER; AND

(3) WITHOUT A LEGAL PURPOSE.";

and strike line 23 in its entirety.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 4

On page 2, strike beginning with the colon in line 17 down through "**OFFENSE,**" in line 18; and strike beginning with the semicolon in line 19 down through "**BOTH**" in line 21.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0175/583326/1
BY: Senator Simonaire

AMENDMENT TO SENATE BILL 175
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Simonaire".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 496 – Senator Gladden

AN ACT concerning

Criminal Procedure – Unexecuted Warrant, Summons, or Other Criminal Process – Invalidation and Destruction

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

SB0496/298776/1
BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 2, in lines 5 and 20, in each instance, after "**WARRANT**" insert "**FOR A MISDEMEANOR OFFENSE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0496/883828/1
BY: Senator Middleton

AMENDMENT TO SENATE BILL 496
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden and Middleton".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 512 – Senators Frosh, Conway, Forehand, Gladden, Kelley, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Regulated Firearms – Database – Applications for Dealer's License – Record Keeping and Reporting Requirements

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

SB0512/418670/1
BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 512
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "firearm;" in line 9.

On page 2, strike in their entirety lines 1 through 10, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 28 on page 2 through line 5 on page 3, inclusive.

AMENDMENT NO. 3

On page 5, in line 12, strike "**(1)**"; and strike in their entirety lines 16 through 19, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Reilly moved, duly seconded, to make the Bill a Special Order for March 19, 2012.

The motion was adopted.

Senate Bill 691 – Senator Shank

AN ACT concerning

Earned Compliance Credit and Reinvestment Act of 2012

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0691/618474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 691
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Shank" and substitute "Senators Shank, Frosh, Getty, and Gladden"; in line 7, strike "requiring" and substitute "authorizing"; and in line 18, after "terms;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 15, strike "**OR SUBSTANTIAL**"; and in line 25, strike "**SERVICE**" and substitute "**SUPERVISION**".

AMENDMENT NO. 3

On page 3, in line 3, strike "**CURRENTLY BEING SUPERVISED**" and substitute "**CONVICTED**"; strike beginning with "**CURRENTLY**" in line 4 down through "**SUPERVISED**" in line 5 and substitute "**CONVICTED**"; and strike beginning with "**CURRENTLY**" in line 7 down through "**SUPERVISED**" in line 8 and substitute "**CONVICTED**".

AMENDMENT NO. 4

On page 3, in line 24, strike "**SHALL**" and substitute "**MAY**".

On page 4, in line 1, strike "**INITIAL PERIOD OF ACTIVE SUPERVISION**" and substitute "**SENTENCE**".

AMENDMENT NO. 5

On page 4, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to the conviction or supervision of any individual before the effective date of this Act.";

in line 21, strike "2." and substitute "3."; and in line 22, strike "October 1, 2014" and substitute "January 1, 2013".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 413 – Senators Brochin, Madaleno, and Raskin

AN ACT concerning

Courts – Service of Process – Increase in Sheriff's Fees – Distribution to Rental Allowance Program Fund

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0413/968070/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 413
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "purposes;" insert "adding the Fund to a certain list of funds the interest earnings of which are exempt from accruing to the General Fund of the State;".

On page 2, after line 9, insert:

"BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)62 and 63
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)64
Annotated Code of Maryland

(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On page 3, in line 13, after "fee" insert "**REMAINING AFTER DISTRIBUTION TO THE FUND IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION**".

AMENDMENT NO. 3

On page 5, in line 18, strike "**THIS SUBTITLE**" and substitute "**THE RENTAL ALLOWANCE PROGRAM**".

AMENDMENT NO. 4

On page 5, after line 20, insert:

"Article – State Finance and Procurement

6–226.

(a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

62. Veterans Trust Fund; **[**and**]**

63. Transportation Trust Fund**; AND**

64. RENTAL ALLOWANCE PROGRAM FUND.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 797 – Senators Frosh and Gladden

AN ACT concerning

Courts and Judicial Proceedings – Witnesses – Privileged Communications Between Labor Organization and Member

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

SB0797/498677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Gladden" and substitute "Gladden, Forehand, Ramirez, Raskin, Stone, and Zirkin"; and in line 6, strike "acquired from a member" and substitute "received or acquired while acting in a representative capacity".

AMENDMENT NO. 2

On page 2, strike beginning with "**AN**" in line 1 down through "**CAPACITY**" in line 4 and substitute "**THE LABOR ORGANIZATION OR AGENT RECEIVED OR ACQUIRED FROM A MEMBER OF THE LABOR ORGANIZATION WHILE THE LABOR ORGANIZATION OR AGENT WAS ACTING IN A REPRESENTATIVE CAPACITY**".

AMENDMENT NO. 3

On page 2, after line 10, insert:

"**(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE LABOR ORGANIZATION MEMBER HAS COMMITTED A CRIME;**";

in lines 11, 18, 20, and 25, strike "**(2)**", "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 29, strike "**(C)(2)**" and substitute "**(C)(3)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0797/313722/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 797, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike line 3 in its entirety and substitute "Involving Labor Organizations"; and in line 9, after "circumstances;" insert "defining certain terms;".

AMENDMENT NO. 2

On page 1 of the bill, in line 19, after "**(A)**" insert "**(1)**"; and in the same line, strike "**, "LABOR**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "EMPLOYEE" MEANS AN INDIVIDUAL REPRESENTED BY A LABOR ORGANIZATION REGARDLESS OF WHETHER THE INDIVIDUAL IS A MEMBER OF THE LABOR ORGANIZATION.

(3) "LABOR".

In the Judicial Proceedings Committee Amendments (SB0797/498677/1), in line 3 of Amendment No. 2, strike "**A MEMBER OF THE LABOR ORGANIZATION**" and substitute "**AN EMPLOYEE**"; and in line 3 of Amendment No. 3, strike "**LABOR ORGANIZATION MEMBER**" and substitute "**EMPLOYEE**".

On page 2 of the bill, in lines 19 and 20, in each instance, strike "**LABOR ORGANIZATION MEMBER**" and substitute "**EMPLOYEE**"; and in lines 23 and 24, in each instance, strike "**MEMBER'S**" and substitute "**EMPLOYEE'S**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0797/283623/1
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 3; in line 6, before "providing" insert "prohibiting a certain business owner from being compelled to disclose in certain proceedings certain communications or information received or acquired from a certain employee;"; and in line 12, after "9–124" insert "and 9–125".

AMENDMENT NO. 2

On page 2, after line 32, insert:

"**9–125.**

(A) A BUSINESS OWNER MAY NOT BE COMPELLED TO DISCLOSE, IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING, ANY COMMUNICATION OR INFORMATION THE BUSINESS OWNER RECEIVED OR ACQUIRED FROM AN EMPLOYEE OF THE BUSINESS OWNER WHILE THE BUSINESS OWNER WAS ACTING IN A PROFESSIONAL CAPACITY.

(B) A BUSINESS OWNER MAY DISCLOSE A COMMUNICATION OR INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION:

(1) TO THE EXTENT NECESSARY TO PREVENT THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR, IMMINENT RISK OF SERIOUS PHYSICAL INJURY TO OR DEATH OF ANOTHER INDIVIDUAL;

(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE EMPLOYEE HAS COMMITTED A CRIME;

(3) IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING AGAINST THE BUSINESS OWNER IN THE BUSINESS OWNER'S PERSONAL OR PROFESSIONAL CAPACITY;

(4) IF THE BUSINESS OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE EMPLOYEE;

(5) IF THE EMPLOYEE IS DECEASED OR HAS BEEN ADJUDICATED INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND THE BUSINESS OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE PERSONAL

REPRESENTATIVE OF THE EMPLOYEE'S ESTATE OR OF THE EMPLOYEE'S GUARDIAN; OR

(6) WHEN REQUIRED BY A COURT ORDER.

(C) AN ADVERSE INFERENCE MAY NOT BE DRAWN BASED ON THE REFUSAL OF A BUSINESS OWNER TO DISCLOSE A COMMUNICATION OR ANY INFORMATION UNDER SUBSECTION (B)(3) OF THIS SECTION.".

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

Affirmative – 7 Negative – 39 (See Roll Call No. 524)

FLOOR AMENDMENT

SB0797/553826/6
BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 797
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 3; in line 6, before "providing" insert "prohibiting a certain septic installation or management company owner from being compelled to disclose in certain proceedings certain communications or information received or acquired from a certain customer;"; and in line 12, after "9–124" insert "and 9–125".

AMENDMENT NO. 2

On page 2, after line 32, insert:

"**9–125.**

(A) AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY MAY NOT BE COMPELLED TO DISCLOSE, IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING, ANY COMMUNICATION OR INFORMATION THE OWNER RECEIVED OR ACQUIRED FROM A CUSTOMER OF THE OWNER WHILE THE OWNER WAS ACTING IN A PROFESSIONAL CAPACITY.

(B) AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY MAY DISCLOSE A COMMUNICATION OR INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION:

(1) TO THE EXTENT NECESSARY TO PREVENT THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR, IMMINENT RISK OF SERIOUS PHYSICAL INJURY TO OR DEATH OF ANOTHER INDIVIDUAL;

(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE CUSTOMER HAS COMMITTED A CRIME;

(3) IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING AGAINST THE OWNER IN THE OWNER'S PERSONAL OR PROFESSIONAL CAPACITY;

(4) IF THE OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE CUSTOMER;

(5) IF THE CUSTOMER IS DECEASED OR HAS BEEN ADJUDICATED INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND THE OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE PERSONAL REPRESENTATIVE OF THE CUSTOMER'S ESTATE OR OF THE CUSTOMER'S GUARDIAN; OR

(6) WHEN REQUIRED BY A COURT ORDER.

(C) AN ADVERSE INFERENCE MAY NOT BE DRAWN BASED ON THE REFUSAL OF AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY TO DISCLOSE A COMMUNICATION OR ANY INFORMATION UNDER SUBSECTION (B)(3) OF THIS SECTION.".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Senate Bill 643 – Senators Ramirez, Colburn, Kelley, Montgomery, and Muse

AN ACT concerning

Vehicle Laws – Abandoned Vehicles – Notice

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

SB0643/198270/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 643
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Abandoned" and substitute "Stolen"; strike beginning with "altering" in line 3 down through "vehicles" in line 6 and substitute "requiring a police department that takes into custody a vehicle that has been reported stolen to provide, within a certain period of time, a certain notice to the last known registered owner of the vehicle; and generally relating to reporting requirements and stolen vehicles"; and strike in their entirety lines 7 through 16, inclusive, and substitute:

"BY adding to
Article – Transportation
Section 14–105.2
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 20 on page 1 through line 8 on page 3, inclusive, and substitute:

"**14–105.2.**

WITHIN 3 DAYS AFTER TAKING A VEHICLE THAT HAS BEEN REPORTED STOLEN INTO CUSTODY, A POLICE DEPARTMENT SHALL:

(1) SEND NOTICE TO THE LAST KNOWN OWNER OF THE VEHICLE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED; AND

(2) PROVIDE NOTICE BY TELEPHONE TO THE LAST KNOWN REGISTERED OWNER OF THE VEHICLE IF A TELEPHONE NUMBER FOR THE OWNER IS AVAILABLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

Senate Resolution No. 490 – Senator John C. Astle:

Be it hereby known to all that
The Senate of Maryland
offers its sincerest congratulations to
Auxiliary of Anne Arundel Medical Center
"The Clothes Box"
in recognition of
60 years of service by the volunteers of the Auxiliary supporting "The Clothes Box"
which provides funds
for hospital projects and goods to families.
The entire membership extends best wishes on
this memorable occasion and directs this resolution
be presented on this 15th day of March 2012.

Read and adopted by a roll call vote as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 525)

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 442 – Senator Colburn

AN ACT concerning

Program Open Space – Local Projects – Funding for Development

SB0442/864930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 442
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 5 down through "land;" in line 8; and in line 9, after "limits" insert "if the Department of Natural Resources makes a certain determination".

AMENDMENT NO. 2

On page 3, in lines 11, 12, 22, and 26, in each instance, strike the bracket; in line 12, strike "**IF**"; in line 16, strike "**3**" and substitute "**4**"; in line 27, strike "**3.**" and substitute "**4.**"; strike beginning with "**INDOOR**" in line 29 down through "**AGENCY**" in line 32 and substitute "**DEPARTMENT DETERMINES THAT:**

A. THE INDOOR RECREATIONAL FACILITY IS DESIGNED TO SERVE MULTIPLE PRIORITY FUNDING AREAS, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR MULTIPLE CENSUS DESIGNATED PLACES WITHIN A PRIORITY FUNDING AREA;

B. THE INDOOR RECREATIONAL FACILITY CONTAINS EQUIPMENT OR FACILITIES, INCLUDING A SWIMMING POOL, THAT CANNOT BE SUPPORTED IN MULTIPLE LOCATIONS; AND

C. THE APPLICABLE LOCAL GOVERNMENT PLANNING AND ZONING AGENCY HAS VERIFIED THAT THE LOCATION OF THE INDOOR RECREATIONAL FACILITY IS CONSISTENT WITH THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN".

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 524 – Senators King, Conway, Ferguson, Forehand, Garagiola, Jones–Rodwell, Madaleno, Manno, McFadden, Montgomery, Peters, Pinsky, Pugh, Ramirez, Robey, Rosapepe, and Zirkin

AN ACT concerning

Maryland After–School and Summer Opportunity Fund Program

SB0524/904134/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 524
(First Reading File Bill)

On page 3, in line 30, strike "**PROGRAM**" and substitute "**PROGRAM**".

On page 4, in line 21, strike "**SIXTEEN**" and substitute "**SEVENTEEN**".

On page 5, in line 14, strike "**AND**"; and in line 16, after "**EDUCATION**" insert "**; AND**

(XIII) ONE MEMBER WHO REPRESENTS THE DEPARTMENT OF DISABILITIES".

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 571 – Senators Montgomery, Forehand, Manno, Ramirez, Raskin, and Rosapepe

AN ACT concerning

Libraries – Maryland Deaf Culture Digital Library

SB0571/524139/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 571
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Libraries – Maryland" and substitute "Task Force to Study the Establishment of a"; strike beginning with "requiring" in line 3 down through the second "library" in line 7 and substitute "creating the Task Force to Study the Establishment of a Deaf Culture Digital Library; 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"; in line 8, strike "the establishment of"; in the same line, strike "Maryland" and substitute "Task Force to Study the Establishment of a"; and strike in their entirety lines 10 through 14, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 17 on page 1 through line 13 on page 3, inclusive, and substitute:

"(a) There is a Task Force to Study the Establishment of a Deaf Culture Library.

(b) The Task Force consists of the following 11 members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the State Superintendent of Education, or the State Superintendent's designee; and

(4) the following six members, appointed by the Governor:

(i) one representative of the Division of Library Development and Services in the State Department of Education;

(ii) one representative of the Governor's Office of the Deaf and Hard of Hearing;

(iii) one representative of the Maryland Library Association; and

(iv) three representatives of the deaf community or of deaf organizations in the State.

(c) The Governor shall designate the chair of the Task Force.

(d) The State Department of Education 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:

(1) study the establishment of a Deaf Culture Digital Library, including potential funding sources for the library through a public–private partnership or the establishment of a friends of the library organization; and

(2) make recommendations regarding the coordination of a Deaf Culture Digital Library to educate individuals about deaf cultures in the United States and other countries, including reference material and links to other resources.

(g) On or before December 1, 2012, 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.".

AMENDMENT NO. 3

On page 3, in line 15, strike "October" and substitute "July"; and in the same line, after "2012." insert "It shall remain effective for a period of 1 year and, at the end

of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

Senate Bill 605 – Senator Kelley

AN ACT concerning

Education – Children in State–Supervised Care – Geographical Attendance Area

SB0605/734834/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 605
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Children" in line 2 down through "Area" in line 3 and substitute "Domicile Requirements for Attendance – Exception"; strike beginning with "authorizing" in line 4 down through "factors;" in line 8; in line 9, after "a" insert "certain"; strike beginning with the first "the" in line 9 down through "agency" in line 10; strike beginning with the comma in line 11 down through the comma in line 12 and substitute "and the Secretary of Juvenile Services each"; strike beginning with "prohibiting" in line 13 down through "term;" in line 18 and substitute "requiring the State Department of Education to adopt certain regulations to implement a certain Act;"; in line 19, strike "in State–supervised care"; strike beginning with "whether" in line 20 down through "school" in line 21 and substitute "the domicile requirements for attendance at that school"; in line 24, strike "4–109,"; and in the same line, strike ", and 8–501".

On pages 1 and 2, strike beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 6 through 27, inclusive.

On page 3, strike in their entirety lines 5 through 31, inclusive; after line 31, insert:

"**(II) REGARDLESS OF WHERE THE CHILD IS CURRENTLY DOMICILED, A COUNTY SUPERINTENDENT SHALL ALLOW A CHILD TO REMAIN AT THE SCHOOL THAT THE CHILD IS ATTENDING, IF:**

1. THE CHILD IS A CHILD WHO IS:

A. IN THE CUSTODY OF, COMMITTED TO, OR OTHERWISE PLACED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES; AND

B. SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008;

2. THE CHILD IS NOT SUBJECT TO THE EDUCATIONAL STABILITY PROVISIONS OF THE FEDERAL MCKINNEY–VENTO HOMELESS ASSISTANCE ACT, AS AMENDED, AS A CHILD AWAITING FOSTER CARE PLACEMENT AS DEFINED BY THE DEPARTMENT IN REGULATION; AND

3. THE CHILD IS NOT IN ANY OF THE FOLLOWING PLACEMENTS:

A. A DETENTION FACILITY;

B. A FORESTRY CAMP;

C. A TRAINING SCHOOL;

D. A STATE–OWNED AND STATE–OPERATED FACILITY THAT ACCOMMODATES MORE THAN 25 CHILDREN; OR

E. ANY OTHER FACILITY OPERATED PRIMARILY FOR THE DETENTION OF CHILDREN WHO ARE DETERMINED TO BE DELINQUENT;

4. THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES DETERMINES, IN CONSULTATION WITH THE LOCAL SCHOOL SYSTEM, THAT IT IS IN THE BEST INTERESTS OF THE CHILD TO CONTINUE AT THAT SCHOOL; AND

5. THE LOCAL DEPARTMENT OF SOCIAL SERVICES OR THE DEPARTMENT OF JUVENILE SERVICES PAYS FOR THE COST OF TRANSPORTING THE CHILD TO AND FROM SCHOOL.

(III) 1. THE DEPARTMENT OF HUMAN RESOURCES AND THE DEPARTMENT OF JUVENILE SERVICES EACH SHALL ADOPT REGULATIONS ESTABLISHING FACTORS THAT SHALL BE CONSIDERED IN DETERMINING THE BEST INTERESTS OF A CHILD UNDER THIS SECTION.

2. THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE EDUCATIONAL STABILITY PROVISIONS OF THE FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008.".

On pages 4 and 5, strike beginning with line 8 on page 4 through line 27 on page 5, inclusive.

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 656 – Senators Manno, Ramirez, Benson, Colburn, Ferguson, Forehand, King, Klausmeier, Madaleno, Montgomery, and Raskin

AN ACT concerning

Community Colleges – Tuition Waivers – Inclusion of Fees

SB0656/754831/1
BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Community" insert "Higher Education – "; in the same line, strike "Waivers – Inclusion of Fees" and substitute "Waiver for Disabled Individuals"; strike beginning with the second "the" in line 3 down through "change;" in line 6 and substitute "a certain requirement for obtaining an exemption from the payment of tuition at community colleges for certain disabled individuals who are enrolled in classes for certain continuing education instruction;"; in line 7, strike "senior citizens attending" and substitute "disabled individuals at"; in line 8, strike "college" and substitute "colleges"; and in line 11, strike "(a), (b), and".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 26 on page 2, inclusive.

On page 2, strike beginning with "**(1)**" in line 27 down through "**SECTION.**" in line 28.

On page 2 in line 29, and on page 3 in lines 6, 7, 15, 18, 19, and 20, in each instance, strike the brackets.

On page 2 in line 29, and on page 3 in lines 6, 7, 15, 18, 19, and 20, strike "**(2)**", "**(3)**", "**(2)**", "**(4)**", "**(3)(II)**", "**(5)**", and "**(2)**", respectively.

AMENDMENT NO. 3

On page 3, in line 1, strike "for" and substitute "**:**

1. FOR";

and in line 3, after the semicolon insert "**OR**

2. FOR CONTINUING EDUCATION INSTRUCTION DESIGNED TO LEAD TO EMPLOYMENT, INCLUDING LIFE SKILLS INSTRUCTION;".

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 687 – Senator Madaleno

AN ACT concerning

Higher Education – Academic Program Action – Repeal of Application Fees

SB0687/574434/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 687
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Madaleno" and substitute "Senators Madaleno and Simonaire".

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 867 – Senator Conway

AN ACT concerning

State Department of Education – Oral Health Education – Certification and Monitoring

SB0867/784739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 867
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Conway" and substitute "Senators Conway, Dyson, Montgomery, Rosapepe, and Simonaire"; in lines 2 and 3, strike "– Certification and Monitoring"; strike beginning with "requiring" in line 4 down through "year;" in line 6; in line 7, after the first "certain" insert "oral health"; in the same line, strike "and" and substitute a comma; in line 8, after "education" insert ", and submit a certain summary to the Governor and General Assembly on or before a certain date; requiring the State Board of Education to encourage certain county boards of education to incorporate certain lessons into certain curriculum"; strike beginning with "requiring" in line 8 down through "year;" in line 9; and in line 18, strike "7–401(a)" and substitute "7–411.1".

AMENDMENT NO. 2

On page 2, strike beginning with "**(A)**" in line 7 down through "**(B)**" in line 12; in line 13, after "**EDUCATION**" insert "**, INCLUDING ORAL DISEASE PREVENTION AND DENTAL HEALTH PROMOTION,**"; in line 14, strike "**AND**"; strike beginning with "**AS**" in line 16 down through "**SECTION**" in line 17 and substitute "**; AND**

(3) ON OR BEFORE DECEMBER 1, 2012, AND EVERY 5 YEARS THEREAFTER, SUBMIT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A SUMMARY OF THE INFORMATION REPORTED BY THE DEPARTMENT TO THE STATE SUPERINTENDENT DURING THE CERTIFICATION OF THE HEALTH EDUCATION STATE CURRICULUM";

strike in their entirety lines 18 through 30, inclusive; and after line 30, insert:

"7–411.1.

The State Board shall encourage the county boards to incorporate age–appropriate lessons on dating violence**, ORAL DISEASE PREVENTION, AND DENTAL HEALTH PROMOTION** into the county boards' health education curriculum.".

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 168 – Senators Brochin, Forehand, Frosh, Jacobs, Ramirez, Raskin, and Stone

AN ACT concerning

Criminal Procedure – Victim's Compensation – Temporary Lodging for Domestic Violence Victims

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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 15, 2012

District Court, Howard County (District 10)

1. Pamila Junette Brown District 12

Judge of the District Court of Maryland, District 10, Howard County; reappointed to serve a term of ten years from May 6, 2012

Arts Council, Maryland State

2. Kathy O'Dell, Ph.D. District 12
3 N. Beaumont Avenue
Catonsville, MD 21228

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2012

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. Caroline D. Gabel District 36
113 Hoffman Lane
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

4. Christopher J. Trumbauer District 30
44 Calvert Street
Annapolis, MD 21401

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve remainder of a term of four years from July 1, 2008 and a term of four years from July 1, 2012

Chiropractic and Massage Therapy Examiners, State Board of

5. Gloria W. Boddie–Epps District 47
914 Cox Avenue
Hyattsville, MD 20783

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

6. Robert G. Frieman, D.C. District 11
2602 Chestnut Woods Court
Reisterstown, MD 21136

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

7. Michael N. Moskowitz, D.C. District 15
14115 Forest Ridge Drive
Potomac, MD 20878

Member of the State Board of Chiropractic and Massage Therapy Examiners; appointed to serve a term of four years from July 1, 2012

Civil Rights, Commission on

8. Norman I. Gelman District 15
7904 Turncrest Drive
Potomac, MD 20854

Member of the Commission on Civil Rights; reappointed to serve a term of six years from July 1, 2009

Clean Energy Center, Board of Directors for Maryland

9. Michele N. Peterson District 30
616 Admiral Court
Annapolis, MD 21401

Member of the Board of Directors for the Maryland Clean Energy Center; appointed to serve remainder of a term to expire June 30, 2011 and for a term of four years from July 1, 2011

Community Services Reimbursement Rate Commission

10. Patsy Baker Blackshear, Ph.D. District 33
2705 Riva Road
Annapolis, MD 21401

Member of the Community Services Reimbursement Rate Commission; appointed to serve a term of three years from October 1, 2011

11. Rebecca L. M. Fuller, Ph.D. District 31
175 Southwood Road
Pasadena, MD 21122

Member of the Community Services Reimbursement Rate Commission; appointed to serve remainder of a term of three years from October 1, 2011

Consumer Council

12. Kenneth Furlough District 12
1102 Sulphur Spring Road
Baltimore, MD 21227

Member of the Consumer Council; appointed to serve remainder of a term of six years from July 1, 2006 and a term of six years from July 1, 2012

Contract Appeals, Maryland State Board of

13. Michael J. Collins District 6
608 Seena Road
Baltimore, MD 21221

Member of the Maryland State Board of Contract Appeals; reappointed to serve a term of five years from February 1, 2012

Correctional Training Commission

14. LaMonte E. Cooke District 36
24837 Langford Road
Chestertown, MD 21620

Member of the Correctional Training Commission; reappointed to serve a term of three years from July 1, 2012

Dental Examiners, State Board of

15. Issie L. Jenkins District 9
12826 Forest Creek Court
Sykesville, MD 21784

Member of the State Board of Dental Examiners; appointed to serve remainder of a term of four years from June 1, 2009

16. Irma S. Simon District 9
2071 Mt. Hebron Drive
Ellicott City, MD 21042

Member of the State Board of Dental Examiners; appointed to serve a term of four years from June 1, 2012

Dietetic Practice, State Board of

17. Concepcion Placiente District 8
9107 Kilbride Road
Nottingham, MD 21236

Member of the State Board of Dietetic Practice; appointed to serve a term of four years from July 1, 2012

Economic Development Commission, Maryland

18. Dheeraj (Raj) Khera District 15
9805 Juniper Hill Road
Rockville, MD 20850

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2011

19. Landon S. King District 11
8502 Huntspring Drive
Lutherville, MD 21093

Member of the Maryland Economic Development Commission; appointed to serve a term of three years from July 1, 2012

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

20. Yolanda Marie Martinez District 42
10370 Pot Spring Road
Lutherville, MD 21093

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, 2009

Higher Education Commission, Maryland

21. Brandon Bell District 12
5900 Watch Chain Way, #703
Columbia, MD 21044

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

22. Ian D. MacFarlane District 41
206 Edgevale Road
Baltimore, MD 21210

Member of the Maryland Higher Education Commission; appointed to serve remainder of a term of five years from July 1, 2008

23. Edith J. Patterson, Ed.D. District 28
5001 Preston Lane, P.O. Box 115
Pomfret, MD 20675

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2011

24. John W. Yaeger, Ed.D. District 30
53 College Avenue
Annapolis, MD 21401

Member of the Maryland Higher Education Commission; appointed to serve a term of five years from July 1, 2011

Historical Trust, Board of Trustees of the Maryland

25. Margo Goggin Bailey District 36
116 Washington Avenue
Chestertown, MD 21620

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve a term of four years from July 1, 2011

26. Charles L. Edson, Esq. District 16
5802 Surrey Street
Chevy Chase, MD 20815

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2011

27. Brien J. Poffenberger District 2
P.O. Box 633
Sharpsburg, MD 21782

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2011

Morgan State University Board of Regents

28. Charles W. Griffin, Ed.D. District 41
4314 Elderon Avenue
Baltimore, MD 21215

Member of the Morgan State University Board of Regents; reappointed to serve a term of six years from July 1, 2011

Venture Fund Authority, Maryland

29. Andrew E. Jones District 5
8 Hunt Club Court
Phoenix, MD 21131

Member of the Maryland Venture Fund Authority; appointed to serve a term to expire June 30, 2014

Waterworks and Waste Systems Operators, State Board of

30. Joseph L. Haxton District 37
32031 Tuckahoe Avenue
Cordova, MD 21625

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2011

Women, Maryland Commission for

31. Deborah A. Risper District 10
8405 Maymeadow Court
Baltimore, MD 21244

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2011

32. Roseanna Vogt District 27
8400 G Street
Chesapeake Beach, MD 20732

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2010

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.

Apprenticeship and Training Council

S–1. George Patrick Maloney District 33
7 Beach Road
Severna Park, MD 21146

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2012

S–2. Robert F. Yeatman, Jr. District 33
5872 Swamp Circle Road, P.O. Box 232
Deale, MD 20751

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2012

Archaeology, Advisory Committee on

S–3. William S. Dudley, Ph.D. District 37
9949 Eagle Drive
Easton, MD 21601

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2012

S–4. Thomas Frederick Forhan District 20
7001 Westmoreland Avenue
Takoma Park, MD 20912

Member of the Advisory Committee on Archaeology; reappointed to serve a term of three years from July 1, 2012

Arts Council, Maryland State

S–5. Eric A. Conway District 7
2 Timberpark Court
Lutherville, MD 21903

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2012

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–6. Matthew R. Holloway District 37
125 North Division Street
Salisbury, MD 21803

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

S–7. Donald J. Syndor District 37
307 Gay Street
Cambridge, MD 21613

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2012

Civil Rights, Commission on

S–8. Gary C. Norman, Esq. District 40
4145 Falls Road
Baltimore, MD 21211

Member of the Commission on Civil Rights; reappointed to serve a term of six years from July 1, 2011

Clean Energy Center, Board of Directors for Maryland

S–9. George Earl Ashton, III District 17
530 Anderson Avenue
Rockville, MD 20850

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term of four years from July 1, 2012

S–10. Jeffrey W. Eckel District 33
481 Old Orchard Circle
Millersville, MD 21108

Member of the Board of Directors for the Maryland Clean Energy Center; reappointed to serve a term of four years from July 1, 2012

Correctional Standards, Commission on

S–11. Robert L. Green District 2
10905 Honeyfield Road
Williamsport, MD 21795

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

S–12. Sheree Sample–Hughes District 37
125 North Division Street
Salisbury, MD 21803

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

S–13. Jeffrey Washington District 24
10503 Vista Grande Drive
Mitchellville, MD 20721

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2012

Economic Development Commission, Maryland

S–14. Timothy J. Adams District 23
14302 Dunwood Valley Drive
Bowie, MD 20721

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

S–15. Kevin M. Johnson District 9
3109 Fox Valley Drive
West Friendship, MD 21794

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

S–16. William E. Kirwan, Ph.D. District 11
3112 Old Court Road
Baltimore, MD 21208

Member of the Maryland Economic Development Commission; reappointed to serve a term of three years from July 1, 2012

Emergency Number Systems Board

S–17. Bryan C. Ebling District 37
403 Sunrise Avenue, P.O. Box 44
Ridgely, MD 21660

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–18. Roderick W. Hart District 10
9841 Branchleigh Road
Randallstown, MD 21133

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–19. Brian Josef District 16
2 Magic Mountain Court
North Bethesda, MD 20852

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–20. John E. Markey District 4
7113 Flint Court
Middletown, MD 21769

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–21. Kenneth M. Miller District 30
1414 Harmoney Lane
Annapolis, MD 21409

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

S–22. Anthony Myers District 42
603 Sadler Road
Towson, MD 21286

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2012

Environmental Sanitarian Registration, State Board of

S–23. Yvonne S. DeLoatch District 44
200 Presstman Street
Baltimore, MD 21217

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2012

Handgun Permit Review Board

S–24. Seymour R. Goldstein, Esq. District 11
3404 Woodvalley Drive
Baltimore, MD 21208

Member of the Handgun Permit Review Board; reappointed to serve a term of three years from March 27, 2012

Heritage Areas Authority, Maryland

S–25. Robert David Campbell District 20
9510 Garwood Street
Silver Spring, MD 20901

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

S–26. Wayne E. Clark District 27
3649 5th Street
North Beach, MD 20714

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

S–27. Amy Owsley District 37
304 Elm Avenue
Easton, MD 21601

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

S–28. Donna Marie Ware District 30
16 Eastern Avenue
Annapolis, MD 21403

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

Historical Trust, Board of Trustees of the Maryland

S–29. O. James Lighthizer, Esq. District 33
1547 Eton Way
Crofton, MD 21114

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

Professional Standards and Teacher Education Board

S–30. Lorraine E. Cornish–Harrison District 43
1812 Hillenwood Road
Baltimore, MD 21239

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2012

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 16, 2012.

The motion was adopted.

MESSAGE FROM THE EXECUTIVE

March 14, 2012

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

WASHINGTON COUNTY BOARD OF ELECTIONS	
William G. Blazes, Jr. 11901 Beaverdale Road Smithsburg, Maryland 21783 Washington/02	Appointment Majority Party – Member Remainder of a term of 4 years from June 6, 2011
WORCESTER COUNTY BOARD OF ELECTIONS	
Mark S. Frostrom, Sr. 940 Bishop Road Pocomoke City, Maryland 21851 Worcester/38	Appointment Minority Party – Member Remainder of a term of 4 years from June 6, 2011

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

QUORUM CALL

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

(See Roll Call No. 526)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 378 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Department of Legislative Services)

AN ACT concerning

Maryland Program Evaluation Act – Revisions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the House of Delegates.

Senate Bill 391 – Cecil County Senators

AN ACT concerning

Cecil County – Alcoholic Beverages – Class BLX Licenses

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 434 – Senators Young, Kelley, King, Montgomery, and Shank

AN ACT concerning

Institutions of Postsecondary Education – Electronic Account, Service, and Communications Device Privacy Protection

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 472 – Senator Edwards

AN ACT concerning

Environment – Dormant Mineral Interests – Termination by Court Order Requirements

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 474 – Senator Pinsky

AN ACT concerning

State Board of Professional Counselors and Therapists – Certified Professional Counselor–Alcohol and Drug – Repeal

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 534 – Senators Pugh, Currie, Gladden, and Jones–Rodwell

AN ACT concerning

Baltimore City – Alcoholic Beverages License – Repeal of Voter Registration Requirement for Licensees

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

Affirmative – 45 Negative – 0 (See Roll Call No. 532)

The Bill was then sent to the House of Delegates.

Senate Bill 581 – Senators Stone, Brochin, Klausmeier, ~~and Zirkin~~ Zirkin, and Jennings

AN ACT concerning

Maryland Historical Trust – National Register of Historic ~~Property Designation~~ Places – Essex Skypark

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

Affirmative – 45 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the House of Delegates.

Senate Bill 609 – Senator Benson (Chair, Task Force on the Establishment of a Statewide Spay/Neuter Fund)

AN ACT concerning

Task Force on the Establishment of a Statewide Spay/Neuter Fund – Sunset Extension

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 673 – ~~Senator Getty~~ Senators Getty, Forehand, and Gladden

AN ACT concerning

Courts and Judicial Proceedings – Prohibition Against Testimony by Convicted Perjurer – Repeal

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 756 – Senators Young, Colburn, Klausmeier, Mathias, and Montgomery

AN ACT concerning

Governor's Advisory Commission on Maryland Wine and Grape Growing – Membership

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 776 – Senator Young

AN ACT concerning

Polysomnographic Technologists – Education and Examination Requirements

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 816 – Harford County Senators

AN ACT concerning

Harford County Board of Education – Student Member~~– Voting Rights~~

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 840 – Senator Rosapepe

AN ACT concerning

Alcoholic Beverages – City of Laurel – Sales by License Holders

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 858 – Senators Raskin, Colburn, Middleton, and Peters

AN ACT concerning

Public Library – Essential Community Service – Designation

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.

Senate Bill 951 – Senator Dyson

AN ACT concerning

General Assembly – Ethics Counseling

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

Affirmative – 46 Negative – 0 (See Roll Call No. 541)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 18 – Senators Peters, Astle, Klausmeier, Garagiola, DeGrange, Rosapepe, King, Ramirez, Montgomery, Kelley, Madaleno, Stone, Manno, Kittleman, Colburn, Edwards, and Brochin

AN ACT concerning

Task Force on Military Service Members, Veterans, and the Courts

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

Affirmative – 46 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the House of Delegates.

Senate Bill 123 – Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Real Property – ~~Purchase~~ Foreclosure Sale of Residential Property ~~by Secured Party~~ – Notice to Local Supervisor of Assessments

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

Affirmative – 46 Negative – 0 (See Roll Call No. 543)

The Bill was then sent to the House of Delegates.

Senate Bill 185 – Senators Forehand, Conway, King, Madaleno, Manno, Montgomery, Ramirez, Raskin, and Stone

AN ACT concerning

Motor Vehicles – Child ~~Seating and~~ Safety Seats – Requirements ~~and Prohibition~~

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

Affirmative – 45 Negative – 1 (See Roll Call No. 544)

The Bill was then sent to the House of Delegates.

Senate Bill 276 – Senators Mathias, Colburn, Currie, DeGrange, Edwards, Garagiola, Jennings, Middleton, Peters, ~~and Robey~~ Robey, Forehand, Getty, Jacobs, Stone, and Zirkin

AN ACT concerning

Drivers' Licenses and Identification Cards – Notation of Veteran Status

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

Affirmative – 46 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the House of Delegates.

Senate Bill 283 – Senators Stone, Forehand, Jacobs, Klausmeier, and Simonaire

AN ACT concerning

Vehicle Laws – Accidents Resulting in Death – Appearance in Court for Traffic Citations

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

Affirmative – 46 Negative – 0 (See Roll Call No. 546)

The Bill was then sent to the House of Delegates.

Senate Bill 302 – Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation) and Senators Muse, Kelley, and Pugh

AN ACT concerning

Financial Institutions – Commissioner of Financial Regulation – Investigative and Enforcement Powers and Regulation of Mortgage Lenders

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

Affirmative – 46 Negative – 0 (See Roll Call No. 547)

The Bill was then sent to the House of Delegates.

Senate Bill 347 – 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 – 45 Negative – 0 (See Roll Call No. 548)

The Bill was then sent to the House of Delegates.

Senate Bill 453 – ~~Senator Stone~~ Senators Stone and Jacobs

AN ACT concerning

Wrongful Death and Survival Causes of Action – Criminal Homicide – Time Limits for Bringing Civil Action

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

Affirmative – 46 Negative – 0 (See Roll Call No. 549)

The Bill was then sent to the House of Delegates.

Senate Bill 487 – Senators Raskin and Reilly

AN ACT concerning

Vehicle Laws – Salvage – Defective, Lost, or Destroyed Certificates of Title

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

Affirmative – 46 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the House of Delegates.

Senate Bill 506 – Senators Raskin, Gladden, Ramirez, ~~and Stone~~ Stone, and Brochin

AN ACT concerning

Vehicle Laws – Provisional Driver's Licenses – Driver Education Requirements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 551)

The Bill was then sent to the House of Delegates.

Senate Bill 560 – Senators Forehand, Frosh, Manno, Ramirez, and Stone

AN ACT concerning

Vehicle Laws – Title and Registration – Transfer to Surviving Spouse

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

Affirmative – 46 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

Senate Bill 575 – Senator Astle

AN ACT concerning

Maryland Medical Assistance Program – Subrogation – Reduction

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

Affirmative – 46 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

Senate Bill 577 – ~~Senator Reilly~~ Senators Reilly, Middleton, Astle, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Muse, and Pugh

AN ACT concerning

State Traumatic Brain Injury Trust Fund

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

Affirmative – 46 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 741 – Senators Forehand ~~and Rosapepe~~, Rosapepe, Gladden, Jacobs, and Raskin

AN ACT concerning

Vehicle Laws – U.S. Foreign Service Members Absent from State – Effective Period of Driver's License

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

Affirmative – 46 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the House of Delegates.

ADJOURNMENT

At 10:19 A.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 10:20 A.M. on Thursday, March 15, 2012.

Annapolis, Maryland
Thursday, March 15, 2012
10:20 A.M. Session

The Senate met at 10:19 A.M.

QUORUM CALL

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

(See Roll Call No. 556)

The Journal of March 14, 2012 was read and approved.

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 150 – The President (By Request – Administration)

Budget Bill

(Fiscal Year 2013)

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

Affirmative – 37 Negative – 9 (See Roll Call No. 557)

The Bill was then sent to the House of Delegates.

Senate Bill 152 – The President (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2012

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

Affirmative – 34 Negative – 12 (See Roll Call No. 558)

The Bill was then sent to the House of Delegates.

Senate Bill 523 – Senator Manno

AN ACT concerning

~~Income Tax – Repeal of the 1997 Income Tax Reduction~~
State and Local Revenue and Financing Act of 2012

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

Affirmative – 26 Negative – 20 (See Roll Call No. 559)

The Bill was then sent to the House of Delegates.

Senate Bill 848 – Senator King

EMERGENCY BILL

AN ACT concerning

Education – Maintenance of Effort ~~– Waivers~~

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

Affirmative – 32 Negative – 14 (See Roll Call No. 560)

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. 561)

ADJOURNMENT

At 12:17 P.M. on motion of Senator Garagiola, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 16, 2012.