



SYNOPSIS

Senate Bills and Joint Resolutions
2012 Maryland General Assembly Session

January 23, 2012
Schedule 9

PLEASE NOTE: January 24 – Bill request deadline.
February 3 – Bill introduction deadline.
All bills should be given to the Secretary of the Senate's office by 5:00 P.M. on Monday, February 6.
As required by Senate Rule 32(b), bills introduced after this date will be referred to the Senate Rules Committee.

SENATE BILLS INTRODUCED *January 20, 2012*

SB 197 **Senator McFadden**

SALES AND USE TAX – DISTRIBUTION OF REVENUES – PUBLIC SCHOOL CONSTRUCTION

Requiring the Comptroller to pay \$47,500,000 of the revenues from the sales and use tax to the Public School Construction Financing Fund to be used for specified public school construction projects; establishing the Public School Construction Financing Fund as a special, nonlapsing fund; specifying the amount of funding that the Board of Public Works may approve for public school construction in each county or region in the State; etc.

This bill requires a mandated appropriation in the annual budget bill.

EFFECTIVE JUNE 1, 2012

TG, § 2-1303 - amended and ED, § 5-313 - added

Assigned to: Budget and Taxation

Department of Legislative Services

90 State Circle, Annapolis, Maryland 21401-1991

Baltimore Area: 410-946-5400 — Washington Area: 301-970-5400

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SB 198 **Chair, Anne Arundel County Senators****COURTS AND JUDICIAL PROCEEDINGS – CIRCUIT COURT FOR ANNE ARUNDEL COUNTY – FEES FOR APPEARANCE OF COUNSEL**

Increasing to \$20 from \$10 specified appearance of counsel fees collected or charged by the Clerk of the Circuit Court for Anne Arundel County.

EFFECTIVE OCTOBER 1, 2012

CJ, § 7-204(a) - amended

Assigned to: Judicial Proceedings

SB 199 **Senator Astle****CREATION OF A STATE DEBT – ANNE ARUNDEL COUNTY – SAMARITAN HOUSE ADDITION**

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 Samaritan House, Inc. for the design, construction, and capital equipping of the Samaritan House, located in Annapolis; 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; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 200 **Senator Astle****CREATION OF A STATE DEBT – ANNE ARUNDEL COUNTY – YWCA COUNSELING AND COMMUNITY SERVICE BUILDING RENOVATION**

Authorizing the creation of a State Debt in the amount of \$325,000, the proceeds to be used as a grant to the Board of Directors of the Young Women's Christian Association of Annapolis and Anne Arundel County Maryland, Inc. for the planning, design, repair, renovation, and capital equipping of the YWCA Counseling and Community Service Building, located in Arnold; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 201 **Senator Kasemeyer**CREATION OF A STATE DEBT – BALTIMORE COUNTY –
LANSDOWNE VOLUNTEER FIRE DEPARTMENT

Authorizing the creation of a State Debt not to exceed \$20,000, the proceeds to be used as a grant to the Lansdowne Volunteer Fire Department for the acquisition, planning, design, site development, and construction of a facility for the Lansdowne Volunteer Fire Company, located in Lansdowne; 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; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 202 **Senator Kelley, et al**REAL PROPERTY – CONDOMINIUMS AND HOMEOWNERS
ASSOCIATIONS – GOVERNING BODIES

Requiring the governing body of a condominium to convene at least two meetings each year; requiring the developer of a condominium to appoint a unit owner to the governing body within 30 days from the date 25 percent of units are conveyed under specified circumstances; requiring a developer to deliver specified notices regarding a bond provided by the developer to a governmental unit to each officer or member of the board of directors within 15 days of the meeting of the council of unit owners to elect a board of directors; etc.

EFFECTIVE OCTOBER 1, 2012

RP, §§ 11-109(c), 11-114.1(d), 11-116, 11-132, 11B-106.1, 11B-111, 11B-111.6(d), and 11B-112(a) - amended

Assigned to: Judicial Proceedings

SB 203 **Senator Zirkin, et al**

CRIMINAL LAW – ANIMAL CRUELTY – PAYMENT OF COSTS

Authorizing a court to order a defendant convicted of a specified charge of animal cruelty, as a condition of sentencing, to 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.

EFFECTIVE OCTOBER 1, 2012

CR, §§ 10-606, 10-607, and 10-608 - amended

Assigned to: Judicial Proceedings

SB 204 **Senator Peters**CREATION OF A STATE DEBT – PRINCE GEORGE’S COUNTY –
DINOSAUR PARK IMPROVEMENTS

Authorizing the creation of a State Debt in the amount of \$25,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for planning, design, and construction of Dinosaur Park Improvements, located in Riverdale; 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; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 205 **Senator Edwards**

GARRETT COUNTY – CORRECTIONAL OFFICERS’ BILL OF RIGHTS

Adding Garrett County to specified provisions of law relating to the Cecil County and St. Mary’s County Correctional Officers’ Bill of Rights.

EFFECTIVE OCTOBER 1, 2012

CS, § 11-1002 - amended

Assigned to: Judicial Proceedings

SB 206 **Senator Pinsky, et al**

MARYLAND HEALTH SECURITY ACT OF 2012

Establishing the Maryland Health System; requiring the Health System to provide health care services to all residents of the State under a single system that is not dependent on employment; authorizing a member of the Health System to choose any participating health care provider; requiring the Health System to reimburse a member who receives health care services from an out–of–state health care provider under specified circumstances; etc.

VARIOUS EFFECTIVE DATES

HG, §§ 25-101 through 25-1001 - added

Assigned to: Finance

SB 207 **Senator Pinsky, et al**

AGRICULTURE – COMMERCIAL FEED – ARSENIC PROHIBITION

Prohibiting a person from using, selling, or distributing specified commercial feed intended for use as poultry feed that contains roxarsone or any other additive that contains arsenic.

EFFECTIVE OCTOBER 1, 2012

AG, § 6-107.3 - added

Assigned to: Education, Health, and Environmental Affairs

SB 208 **Senator Pinsky, et al**

ENVIRONMENT – RECYCLING – APARTMENT BUILDINGS AND CONDOMINIUMS

Requiring owners or managers of apartment buildings or condominiums that contain 10 or more units to provide residents with the opportunity for recycling or before October 1, 2013; requiring specified owners or managers, beginning on March 1, 2014, to report annually on recycling activities to the county in which the property is located; requiring that the recycling required under the Act be done in accordance with specified recycling plans; specifying a civil penalty for a violation of the Act; etc.

VARIOUS EFFECTIVE DATES

EN, § 9-1703(b) - amended and § 9-1711 - added

Assigned to: Education, Health, and Environmental Affairs

SB 209 **Senator Kelley**

REAL ESTATE SETTLEMENTS – PAYING OR RECEIVING CONSIDERATION – PENALTIES

Providing that persons who violate a specified provision of law prohibiting paying or receiving consideration in connection with real estate settlements may be subject to disciplinary action; authorizing specified licensing authorities to take disciplinary action against specified licensees; etc.

EFFECTIVE OCTOBER 1, 2012

RP, BOP, FI, and IN, Various Sections - amended and added

Assigned to: Finance

SB 210 **Senator Stone, et al**

INCOME TAX – SUBTRACTION MODIFICATION – QUALIFIED MARYLAND TOLL EXPENSES

Allowing a subtraction modification of \$500 for individuals under the Maryland income tax for specified tolls paid through the use of the E-ZPass Maryland program; defining terms; providing for the application of the Act to taxable years beginning after December 31, 2011; etc.

EFFECTIVE JULY 1, 2012

TG, § 10-208(r) - added

Assigned to: Budget and Taxation

SB 211 **Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)**

COURTS – SENTENCE REVIEW – REVIEW PANEL

Altering the number of judges on a criminal sentence review panel; altering a definition to require review panel judges to be of a specified 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 specified sentencing judge to sit with a review panel in an advisory capacity; etc.

EFFECTIVE OCTOBER 1, 2012

CP, §§ 8-101, 8-102, 8-105, and 8-106 - amended

Assigned to: Judicial Proceedings

SB 212 **Senator Raskin, et al**

HUMAN RELATIONS – SEXUAL ORIENTATION AND GENDER IDENTITY – ANTIDISCRIMINATION

Prohibiting discrimination based on gender identity with regard to public accommodations, housing, and employment and by specified licensed or regulated persons; prohibiting discrimination based on sexual orientation or gender identity with regard to commercial leasing; altering an exception for employers relating to standards concerning dress and grooming; providing specified immunity; requiring State personnel actions to be made without regard to gender identity or sexual orientation; defining the term “gender identity”; etc.

EFFECTIVE OCTOBER 1, 2012

SG, Various Sections - amended and added and SP, § 2-302 - amended

Assigned to: Judicial Proceedings

SB 213 **Senator Raskin, et al**

TANNING DEVICES – USE BY MINORS – PROHIBITION

Prohibiting owners, employees, and operators of tanning facilities from allowing minors to use tanning devices.

EFFECTIVE OCTOBER 1, 2012

HG, § 20-106 - amended

Assigned to: Finance

SB 214 **Senator Raskin**

CRIMINAL LAW – POSSESSION OF MARIJUANA – DE MINIMUS QUANTITY

Establishing that a person convicted of the use or possession of less than 14 grams of marijuana is subject to imprisonment not exceeding 90 days; and providing that, unless specifically charged by the State, the use or possession of less than 14 grams of marijuana may not be considered a lesser included crime of any other crime.

EFFECTIVE OCTOBER 1, 2012

CR, § 5-601 - amended

Assigned to: Judicial Proceedings

SB 215 **Senator Glassman**

PROPERTY TAX ASSESSMENT APPEALS – COMPARABLE PROPERTIES – INTERNET ACCESS TO WORKSHEETS

Requiring the State Department of Assessments and Taxation to maintain a database, available to the public on the Department's Web site, of information on any property that may be used as a comparable during the property tax assessment appeal process; repealing an authorization for the Department to charge a specified fee for copies of information on properties used for comparables for property tax appeals; etc.

EFFECTIVE OCTOBER 1, 2012

TP, § 14-511(a) - amended

Assigned to: Budget and Taxation

SB 216 Senator Kelley**FAMILY LAW – MARRIAGE LICENSES AND CEREMONIES**

Repealing the requirement that a marriage license be issued by the clerk for the county in which the marriage is performed; authorizing a clerk of any county of the State to issue a marriage license; etc.

EFFECTIVE OCTOBER 1, 2012

FL, §§ 2-401, 2-403(a), and 2-405(a) - amended

Assigned to: Judicial Proceedings

SB 217 Senator Robey, et al**MOTOR VEHICLES – USE OF WIRELESS COMMUNICATION DEVICE
– PROHIBITED ACTS, ENFORCEMENT, AND PENALTIES**

Repealing provisions of law that require enforcement as a secondary offense of specified violations involving the use of a wireless communication device while operating a motor vehicle; repealing provisions of law that apply prohibitions involving the use of a wireless communication device to specified operators of motor vehicles only if the motor vehicle is in motion; providing that specified prohibitions apply only if the motor vehicle is in the travel portion of a roadway; altering a specified penalty; etc.

EFFECTIVE OCTOBER 1, 2012

TR, §§ 21-1124 and 21-1124.2 - amended

Assigned to: Judicial Proceedings

SB 218 Senator Manno**COUNTY INCOME TAX – MAXIMUM RATE AND AUTHORITY TO
IMPOSE ON A BRACKET BASIS**

Increasing to 3.5% the maximum rate a county may impose on an individual's Maryland taxable income; authorizing a county to impose the increase to the county income tax rate on a bracket basis; etc.

EFFECTIVE JULY 1, 2012

TG, § 10-106 - amended

Assigned to: Budget and Taxation

SB 219 **Senator Manno**

PROCUREMENT – PUBLIC WORK CONTRACTS – PROJECT LABOR AGREEMENTS

Requiring public bodies to include project labor agreements in public work contracts over \$500,000; providing for the content of a project labor agreement; requiring a public body to disclose the findings that justify the inclusion of project labor agreements in a public work contract; requiring a public body to develop a written project labor agreement, subject to specified conditions; requiring the Commissioner of Labor and Industry to adopt specified regulations; etc.

EFFECTIVE OCTOBER 1, 2012

SF, §§ 17-701 through 17-704 - added

Assigned to: Finance

SB 220 **Senator Frosh, et al**

CREATION OF A STATE DEBT – MONTGOMERY COUNTY – NATIONAL CENTER FOR CHILDREN AND FAMILIES YOUTH ACTIVITIES CENTER

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 Trustees of the National Center for Children and Families for the capital equipping of the Children and Families Youth Activities Center, located in Bethesda; 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; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 221 **Senator Frosh****COURTS AND JUDICIAL PROCEEDINGS – STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION**

Establishing specified burdens of proof in an alleged strategic lawsuit against public participation (SLAPP) suit; requiring a court to consider specified evidence in ruling on a motion to dismiss or to stay an alleged SLAPP suit; authorizing specified government bodies to intervene to defend or support a party in an alleged SLAPP suit; requiring a court to stay specified proceedings in an alleged SLAPP suit; requiring the court to award attorney's fees under specified circumstances; altering the definition of a SLAPP suit; etc.

EFFECTIVE OCTOBER 1, 2012

CJ, § 5-807 - amended

Assigned to: Judicial Proceedings

SB 222 **Senator Frosh, et al****HIGH PERFORMANCE BUILDINGS ACT – APPLICABILITY TO RECIPIENTS OF STATE AID**

Making the High Performance Buildings Act applicable to specified capital projects that are funded or financed, to a specified extent, by a grant of State aid to specified grantees; requiring the Department of Housing and Community Development to require specified recipients of State funds to employ specified standards under specified circumstances; defining terms; etc.

EFFECTIVE OCTOBER 1, 2012

SF, §§ 3-602.1 and 7-406(a)(5) - amended

Assigned to: Budget and Taxation

SB 223 **Senator Gladden**

CRIMES – ELDER ABUSE OR NEGLECT – INCREASED PENALTIES AND RESTRICTIONS ON PRETRIAL RELEASE (THE JOHN H. TAYLOR ACT)

Altering the penalties for the crime of causing abuse or neglect of a vulnerable adult in the first or second degree; prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with causing abuse or neglect of a vulnerable adult in the first or second degree; providing that a judge may authorize the pretrial release of the defendant on specified conditions; etc.

EFFECTIVE OCTOBER 1, 2012

CR, §§ 3-604(c) and 3-605(c) - amended and CP, § 5-202(j) - added

Assigned to: Judicial Proceedings

SB 224 **Senator Gladden**

REAL PROPERTY – CONDOMINIUMS – RESCISSION OF SALES CONTRACTS

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 specified 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 specified amended material in a vendor's public offering statement; stating the intent of the General Assembly; etc.

EFFECTIVE OCTOBER 1, 2012

RP, § 11-126(e) - amended

Assigned to: Judicial Proceedings

SB 225 **Senator Miller**

CREATION OF A STATE DEBT – CALVERT COUNTY – NORTH BEACH SKATE PARK

Authorizing the creation of a State Debt not to exceed \$150,000, the proceeds to be used as a grant to the Mayor and Town Council of the Town of North Beach for the planning, design, construction, and capital equipping of a skate park, located in North Beach; 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; etc.

EFFECTIVE JUNE 1, 2012

Assigned to: Budget and Taxation

SB 226 Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

COMMISSIONER OF LABOR AND INDUSTRY – INFLATABLE AMUSEMENT ATTRACTIONS – INSPECTION

Altering the application of a provision of law relating to inspections of inflatable amusement attractions to require annual inspections only of inflatable amusement attractions in which an individual, while in contact with the attraction, is 4 feet or more above the ground; and establishing that a specified provision relating to the expiration of a certificate of inspection for an amusement attraction applies only to specified inflatable amusement attractions.

EFFECTIVE OCTOBER 1, 2012

BR, § 3-402 - amended

Assigned to: Finance

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

MARYLAND HEALTH CARE COMMISSION – ASSESSMENT OF FEES AND MARYLAND TRAUMA PHYSICIAN SERVICES FUND – REVISIONS

Repealing a requirement that the Maryland Insurance Commissioner notify the Maryland Health Care Commission of specified health insurance premiums on or before May 30 of each year; altering the manner in which the Commission calculates specified fees assessed on specified payors; and altering the maximum amount that may be expended from the Maryland Trauma Physician Services Fund for costs incurred in a fiscal year.

EFFECTIVE JULY 1, 2012

HG, §§ 19-111(h) through (j) and 19-130(e)(1) - amended and § 19-111(g) - repealed

Assigned to: Finance

SB 228 Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)

STATE APPRENTICESHIP TRAINING FUND – USE

Expanding the purposes for which the State Apprenticeship Training Fund shall be used by the Secretary of Labor, Licensing, and Regulation.

EFFECTIVE OCTOBER 1, 2012

SF, § 17-602 - amended

Assigned to: Finance

SB 229 **Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)**

HEALTH INSURANCE – INDIVIDUAL AND GROUP COVERAGE – APPLICATION OF FEDERAL AFFORDABLE CARE ACT

Providing that specified provisions of the federal Affordable Care Act regarding preventive services apply to individual health insurance coverage and health insurance coverage offered in the small group and large group markets issued or delivered in the State by an authorized insurer, nonprofit health service plan, or health maintenance organization; repealing a provision of law applying specified provisions of the Affordable Care Act regarding bona fide wellness programs to specified health insurance coverage; etc.

EMERGENCY BILL

IN, § 15-137.1 - amended

Assigned to: Finance

SB 230 **Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)**

INSURANCE – MARYLAND HEALTH CARE PROVIDER RATE STABILIZATION FUND

Altering the time at which specified professional liability insurers seeking reimbursement from the Rate Stabilization Account of the Maryland Health Care Provider Rate Stabilization Fund on behalf of specified health care providers are required to make a specified determination, send a specified notice, and apply to the Account for reimbursement; repealing a specified audit requirement; altering reporting requirements; etc.

EFFECTIVE JULY 1, 2012

IN, §§ 19-805 and 19-808 - amended

Assigned to: Finance

SB 231 **Chair, Finance Committee (By Request – Departmental – Disabilities)**

INDIVIDUALS WITH DISABILITIES – ATTENDANT CARE PROGRAM

Altering the method used by the Attendant Care Program in the Department of Disabilities to determine sliding payment scales for specified eligible individuals; altering the description of a specified category of eligible individuals at risk of nursing facility placement; authorizing the Secretary of Disabilities to waive specified proportional requirements under specified circumstances; authorizing the Secretary to adopt specified regulations; etc.

EFFECTIVE JULY 1, 2012

HU, §§ 7-401(d), 7-402(b), and 7-404 - amended

Assigned to: Finance

SB 232 **Chair, Finance Committee (By Request – Departmental – Labor, Licensing and Regulation)**

ELEVATOR SAFETY REVIEW BOARD – LICENSING

Requiring the Elevator Safety Review Board to provide a certification of licensure on request of any person and on payment of a specified fee set by the Board; providing for specified information to be contained in the certification of licensure; requiring the Board to reinstate an expired license under specified circumstances; etc.

EFFECTIVE OCTOBER 1, 2012

PS, §§ 12-822.1, 12-833.1, and 12-837 - added and § 12-837 - repealed

Assigned to: Finance