



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 07-14

April 2007– *Sine Die*

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## 2007 SINE DIE

When the 2007 session of the General Assembly came to a close at midnight on April 9, a total of 798 bills had gained final approval, along with two joint resolutions. The Senate of Maryland passed 346 bills and one joint resolution. The House of Delegates passed 452 bills and one joint resolution. Total bill introductions reached 2,480 and there were 15 joint resolutions introduced.

### **SINE DIE BILL SIGNING**

The traditional *sine die* bill signing was held on Tuesday, April 10. The Governor signed 105 bills, making a total to date of 110 enactments. Five bills were signed earlier during the session. Each bill is given a chapter number (abbreviated as Ch.) in the order in which each bill is signed, denoting that the bill is a part of the 2007 *Laws of Maryland*. Additional bill signings are scheduled to begin at 10:00 a.m. on April 24, May 8, and May 17 in the State House.

### **COURTS AND CIVIL PROCEEDINGS**

Maryland children will benefit from legislation that:

- establishes a statewide Child Support Payment Incentive to encourage payments in cases where the right to child support has been assigned to the Child Support Enforcement Administration (CSEA) in exchange for Temporary Cash Assistance ([SB 154](#), Ch. 15/[HB 263](#), Ch. 16);
- authorizes suspension of an attorney's license or implementation of other action under the Maryland attorney discipline rules when the attorney's child support payments are more than 120 days in arrears ([HB 792](#), passed); and
- allows a proceeding to establish paternity of a child who is dependent on a parent because of a mental or physical infirmity to begin at any time before the child's twenty-first birthday ([HB 536](#), passed).

A tort claim release or a contract of employment with an attorney with reference to recovery of tort damages is voidable at the option of the injured person within 60 days after the document is signed if it was signed by that person without the assistance of an attorney within 30

days (extended from the current 5 days) of sustaining the injury under [SB 368/HB 387](#) (both passed).

[SB 389](#) and [HB 425](#) (both passed) provide that, in a first-party property and casualty insurance claim, an insured who proves in a civil action that an insurer did not act in good faith may recover expenses and litigation costs, including attorney's fees, in addition to actual damages. Review procedures by the Maryland Insurance Administration are altered as well, which may result in a fine and other penalties.

Repeat proposed legislation that once again failed includes:

- The Maryland Comparable Negligence Act that would have allowed a plaintiff in a tort action who is less than 50% responsible for his injury to receive proportional damages ([SB 267/HB 110](#), both failed);
- [SB 46](#) (failed) that would have established new procedures for the nonpartisan nomination and election of circuit court judges; and
- [SB 533](#) (failed) that would have required parties to an action for absolute divorce or annulment to affirm that steps have been taken to remove all religious barriers to remarriage, such as those that involve a writ of divorce or a "get" in the Orthodox Jewish religion.

### **CRIMES, CORRECTIONS, AND PUBLIC SAFETY**

#### *Law Enforcement and Corrections*

Law enforcement and corrections legislation approved this session:

- entitles a person who is arrested or confined by police on or after October 1, 2007, and then released without being charged with a crime, to automatic expungement of all related police records ([HB 10](#), Ch. 63);
- requires each law enforcement agency in the State to write and adopt an eyewitness identification policy that complies with federal standards ([SB 157/HB 103](#), both passed);

- raises the minimum age requirement for correctional officers from 18 to 21, with an exemption for honorably discharged veterans or reserve members of the U.S. armed forces ([HB 910](#), passed); and
- establishes the Task Force to Study Prison Violence in Maryland ([SB 69](#), passed).

#### *Juvenile Law and Child Sexual Offenders*

Successful legislation affecting juveniles ([SB 177/HB 53](#), both passed) strengthens State oversight of residential child care programs by requiring that direct care staff members of a licensed public or private facility be at least 21 years old and complete a State-approved training program. A system must be implemented to measure the effectiveness of residential child care programs.

The General Assembly also passed legislation targeting child sexual offenders:

- [SB 413/HB 930](#) (both passed), known as Jessica’s Law, deny parole eligibility to an adult offender during the mandatory minimum portion of a sentence being served for a first or second degree rape or sexual offense committed against a child under the age of 13;
- [SB 170/HB 213](#) (both passed) designate as crimes of violence sexual abuse of a minor under the age of 13 involving certain acts by a household or family member, parent, or other person with permanent or temporary care, custody, or responsibility for the supervision of the minor, as well as engaging in a continuing course of conduct that includes rape or sexual offense against a child under 14 over a period of 90 days or more; and
- [HB 285](#) (passed) increases the maximum penalty for possession of child pornography that depicts an actual child under the age of 16.

Bills failed that would have made possession of child pornography a felony rather than a misdemeanor ([SB 329/HB 685](#) and [SB 1003](#), all failed). Other unsuccessful legislation ([SB 61](#), failed) would have expanded the ability of prosecutors to present evidence of prior acts of sexual misconduct involving a minor as evidence in the trial of a defendant charged with an act of sexual misconduct involving a minor.

As well, [SB 738/HB 1099](#) (both failed) would have required a juvenile to register at the age of 18 for the sex offender registry if the juvenile was at least 13 at the time the qualifying delinquent act was committed and is

determined by the court to be at significant risk of committing another sexually violent offense or child sexual offense.

#### *Additional Crimes and Penalties*

Approved legislation includes:

- [SB 606](#) and [HB 876](#) (both passed) that create the crimes of human trafficking for the purpose of prostitution, solicitation of a minor for the purpose of prostitution, and extortion to obtain labor or services;
- [HB 992](#) (passed) that allows for the possibility of parole during a 10-year mandatory minimum sentence for a second offense of certain crimes involving controlled dangerous substances if the offender was not also convicted of a crime of violence arising out of the crime; and
- [HB 713](#) (passed) that creates new offenses regarding criminal gangs that allow the prosecution of gangs “as a whole” and across local jurisdictions and authorizes the Attorney General, at the request of a State’s Attorney, to aid in investigations and prosecute violations.

[SB 631](#) (failed) would have defined as a nuisance a property used by a criminal gang as a meeting place or to facilitate criminal offenses, thus making the property subject to a civil nuisance abatement action.

[HB 785](#) (passed) requires all cigarettes manufactured or sold in Maryland after June 30, 2008, to be self-extinguishing, with some exceptions for existing inventories. Also, [SB 696](#) (passed) restricts the circumstances under which a dog may be left outside and unattended by use of a restraint and establishes misdemeanor penalties for violators.

Unsuccessful legislation that received attention this session includes:

- the Maryland Assault Weapons Ban of 2007 ([SB 43](#), failed) that would have banned the sale and possession of 45 semiautomatic weapons (termed “assault long guns”) that can currently be purchased legally in the State, as well as any copycat weapons;
- [SB 211/HB 225](#) (both failed) that would have repealed Maryland’s death penalty; and [SB 239/HB 690](#) (both failed) that would have exempted Maryland’s death penalty protocols from the requirements of the Administrative Procedure Act; and

- [SB 160](#) (failed) that would have expanded existing hate crime laws to include crimes based on the homeless status of a person.

## ECONOMIC AND BUSINESS ISSUES

### *Economic Development*

A Life Sciences Advisory Board (LSAB), in the Department of Business and Economic Development (DBED), will assist DBED in developing a comprehensive State strategic plan for life sciences ([SB 104/](#)[HB 135](#), both passed). Several other bills relating to economic development through biotechnology did not pass:

- [SB 594/](#)[HB 659](#) (both failed) would have established a Maryland Biomedical Product Development Fund to support research and development for the treatment of smoking-related diseases; and
- [SB 976](#) and [HB 1007](#) (both failed) would have made changes to the existing biotechnology tax credit program.

### *Utilities*

Successful bills authorize an electric cooperative's acquisition of energy through a portfolio of blended wholesale supply contracts ([SB 66](#), passed/[HB 60](#), Ch. 2). Other electric utility legislation that did not progress would have:

- permitted counties and municipal corporations to act as electricity aggregators ([HB 5](#) and [SB 34/](#)[HB 676](#), all failed);
- required the Public Service Commission (PSC) to establish regulations ensuring that electric companies offer residential customers advanced electric meters ([HB 126](#), failed); and
- required electric companies to provide cost-effective energy efficiency and conservation measures and services for their residential customers ([SB 562/](#)[HB 631](#), both failed).

Additionally, several bills were introduced to alter the administration of the PSC. [SB 400](#) (passed) requires the PSC to initiate new proceedings to review and evaluate certain requirements of law from the 2006 Special Session. Other proposals were not successful ([SB 539/](#)[HB 1286](#) and [SB 618](#), all failed).

### *Insurance*

Legislation aimed at addressing insurance concerns relates to:

- establishing the Task Force on the Availability and Affordability of Property Insurance in Coastal areas ([HB 1442](#), passed);
- requiring an insurer to provide written notice to a third party claimant under certain circumstances [SB 156](#) (passed);
- authorizing life insurance investment accounts ([SB 236](#), Ch. 22/[HB 248](#), Ch. 23);
- requiring an insurer that provides homeowner's insurance to provide coverage beyond a "coastal area" ([SB 494/](#)[HB 620](#), both failed); and
- prohibiting an insurer that uses territory as a factor in establishing automobile insurance rates from defining a territory by zip code if that territory extends into two or more zip codes ([HB 7](#), failed).

### *Liquefied Natural Gas (LNG)*

Several bills relating to the construction of LNG facilities were introduced this session. Under [SB 307/](#)[HB 724](#) (both failed), the PSC would have charged an impact fee to any new LNG facilities, while under [SB 196/](#)[HB 1312](#) (both failed), the Board of Public Works would have been prohibited from approving a license to dredge on State wetlands under certain conditions, and the PSC would have been prohibited from approving the construction or operation of a facility located within two miles of any residence in Baltimore County.

### *Alcohol & Wineries*

The possession, purchase, transfer, or offer for sale or use of alcohol without liquid (AWOL) machines will now be prohibited ([HB 670](#), passed). However, attempts to increase the number of winery special events permits issued were not successful ([SB 425/](#)[HB 522](#), both failed). Also unsuccessful, was [HB 743](#) (failed), which would have authorized an employer to use an "evidential breath measurement device" in testing employees for alcohol use.

### *Workers' Compensation and Business Legislation*

Several bills addressing workers' compensation were passed, including:

- [HB 271](#) (passed), which provides that a student placed in an unpaid work-based learning experience

by a private school is a covered employee for the purpose of workers' compensation;

- [HB 277](#) (passed), which exempts employers from providing workers' compensation coverage for domestic workers who earn less than \$1,000 per quarter; and
- [SB 625](#) (Ch. 41)/[HB 345](#) (Ch. 42), which require the Workers' Compensation Commission to adopt regulations that establish investment guidelines governing the investment of surplus funds by governmental self-insurance groups.

[HB 1185](#) (Ch. 87) increases the wage rebate subsidy of qualifying film, television, commercial, and video production companies, and places the actual amount disbursed at the discretion of DBED. A license from the State Real Estate Commission will now be required for any individual who sells real estate as a sales agent for a home builder ([HB 1288](#), passed).

Failing to progress, [SB 703](#) (failed) would have enabled family child care providers to designate a provider organization to be the joint negotiating representative of all Purchase of Care (POC) providers and the joint rulemaking representative of all registered providers in Maryland. [HB 1069](#) (failed) would have required proof of network neutrality from broadband Internet service providers in the State.

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## EDUCATION

### *Higher Education*

Successful measures sent to the Governor:

- institute a tuition freeze by prohibiting University System of Maryland institutions and Morgan State University from increasing resident undergraduate tuition for the 2007-2008 academic year beyond the rates charged in the 2005-2006 academic year ([SB 108/HB 134](#), both passed);
- increase the maximum annual award under the Maryland Senatorial Scholarship Program to the equivalent annual tuition and mandatory fees for a full-time resident undergraduate student at the University System of Maryland institution with the highest annual expenses, thus repealing the \$8,000 limit on the amount a student may receive over multiple years ([SB 604](#), passed); and
- require a study and report on the costs associated with textbooks for higher education ([HB 204](#), passed).

After considerable debate, the General Assembly did not pass [HB 6](#) (failed) that would have exempted certain individuals who attended and graduated from Maryland high schools from paying nonresident tuition at public institutions of higher education in Maryland. Documented immigrants who are in the country on student visas did not qualify for the exemption, but otherwise, the exemption applies regardless of residency status.

Another unsuccessful controversial measure would have required the Maryland Higher Education Commission (MHEC) to make a determination whether unnecessary academic program duplication exists after receipt of a request from one of the State's public historically black institutions. The bill also would have authorized judicial review of specified program duplication determinations made by MHEC ([SB 29/HB 81](#), both failed).

### *Elementary and Secondary Education*

A measure signed by the Governor authorizes a local board of education to establish a program of education to be held annually on "Constitution Day and Citizenship Day" (September 17) to teach students about the U.S. Constitution and the Maryland Constitution ([SB 128](#), Ch. 12).

Other successful measures not yet signed:

- establish an Instructional Materials Access Guidelines Committee to assist the Maryland Library for the Blind and Physically Handicapped in developing guidelines for distribution of material to blind and print disabled students ([SB 268/HB 1056](#), both passed);
- require the Board of Public Works to adopt regulations to establish criteria designed to enhance indoor air quality in relocatable classrooms ([SB 552/HB 164](#), both passed); and
- require a county superintendent of schools to notify the county board of education in writing of any criminal charges that are punishable by a period of incarceration that are brought against the superintendent. ([HB 619](#), passed).

Unsuccessful measures included bills that would have established a task force to evaluate the use of the Maryland high school assessments as a diploma requirement ([SB 475/HB 994](#), both failed) and other legislation that would have:

- required law enforcement agencies to notify either nonpublic school superintendents or principals when

a student enrolled in one of their schools is arrested for a violent crime or for certain gang, weapons or drug-related charges (SB 495/HB 1050, both failed) or for a gang activity or a reportable offense (HB 88, failed);

- allowed the interception of oral communications on a school vehicle or passenger bus used to transport children, students, or teachers for educational purposes or in connection with a school activity (SB 698/HB 1094, both failed); and
- required that any excess State funds committed to a public school construction project completed at a cost less than the approved total cost revert to the county school board to fund other approved school construction or improvement projects in that county (HB 1132, failed).

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## ELECTIONS AND ETHICS

The General Assembly considered nearly 70 proposals related to Maryland's election laws. Successful measures include bills that directly address national elections by:

- changing the State's 2008 presidential primary election date from the first Tuesday in March (March 4) to the second Tuesday in February (February 12) (SB 1025/HB 1434, both passed); and
- entering Maryland into the Agreement among the States to Elect the President by National Popular Vote with the State's commitment to the agreement to take effect when the agreement is enacted by states cumulatively possessing a majority of the electoral votes (SB 634, Ch. 43/HB 148, Ch. 44).

At the State level, the General Assembly passed legislation that proposes an amendment to the Maryland Constitution to allow the legislature to provide for early voting and to clarify its authority to provide for absentee voting. The proposed amendment will be submitted to the voters at the general election in November 2008 (SB 1, passed). The legislature also approved bills to require incorporating voter-verifiable paper records into the State's voting systems by 2010, contingent on the availability of funding (SB 392 and HB 18, both passed).

Effective July 1, 2007, the General Assembly agreed to allow felons to register to vote. Specifically, an individual convicted of any crime, with the exception of buying or selling votes, may register to vote if not actually serving a court-ordered sentence of imprisonment, including any term of parole or probation, for a felony conviction (SB 488, passed).

Among the unsuccessful proposals this session were bills that would have required public financing for campaigns for candidates for the General Assembly (HB 362 and SB 546/HB 731, all failed) and proposals that would have restricted or eliminated prerecorded phone messages or automated calls (HB 589, SB 523/HB 652, SB 598, all failed).

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

### *Air Quality and Alternative Energy Uses*

The General Assembly considered a number of measures that address air quality and encourage the use of alternative energy:

- SB 103/HB 131 (passed), the Maryland Clean Car Act of 2007, require the creation of a low emission vehicle program in the State applicable to vehicle model years 2011;
- SB 566 (passed) allows, with some restrictions, a wind-powered energy generating facility to be built without the usually required certificate of public convenience and necessity;
- SB 595/HB 1016 (passed) require electricity suppliers to increase their use of solar energy over time; and
- SB 261 (passed) creates the Task Force on Renewable Alternative Fuels to study ways to integrate biodiesel and other renewable resources in motor fuel, and evaluate the economic and environmental impact of that.

Attempts to encourage the use of solar energy and other alternative sources of energy that failed were SB 186/HB 328, SB 187/HB 253, SB 261/HB 660, SB 333, SB 829/HB 1262, HB 74, HB 703, HB 727, HB 737, HB 960, and HB 1045 (all failed).

More products were added to the list of those for which the Maryland Energy Administration must set energy efficiency standards with the passage of SB 674 (passed).

### *Water Quality, Wildlife, and Conservation*

Legislation to protect the quality of the waters of the State by reducing contaminants and preserving the oyster population include:

- SB 766/HB 1131 (both passed) to prohibit the sale or use of household dishwashing machine detergent

containing more than 0.5% of phosphorus as of July 1, 2010, and require the Department of the Environment (MDE) to report on the prospective availability of such detergent for commercial dishwashing machines by December 2008;

- [SB 784/HB 786](#) (both passed) to require MDE to draft regulations and a model ordinance that require the implementation of environmental site design to the maximum extent practical, and to evaluate options for a stormwater management fee system;
- [SB 148/HB 133](#) (both passed) to create the Oyster Advisory Commission within the Department of Natural Resources (DNR) to recommend strategies for rebuilding and managing the oyster population in the Chesapeake Bay under the Chesapeake Bay Oyster Management Plan;
- [HB 964](#) (passed) to extend the prohibition from using hydraulic or mechanical dredges to catch oysters and clams in parts of the Chesapeake Bay to the State's Atlantic Coastal Bays, effective 2008; and
- [HB 412](#) (passed) to extend some restrictions on using oyster dredge devices until September 30, 2009.

Successful legislation related to Maryland wildlife includes [SB 532/HB 760](#) (both passed) that prohibit the possession of diamondback terrapins for commercial purposes and possession of more than three for non commercial purposes as of July 1, 2007, but allow for exceptions related to aquaculture or captive breeding; and [HB 473](#) (passed) that requires DNR to adopt regulations governing a permissible bycatch of soft crabs.

The Statewide Computer Recycling Program was expanded to include video display devices larger than four inches with the passage of [HB 488](#) (passed).

The proposed Chesapeake and Atlantic Coastal Bays Green Fund didn't make it ([SB 901/HB 1220](#), both failed). The legislation would have required the collection of a fee from developers who create impervious surfaces such as buildings, roads, driveway, or parking lots which disrupt the natural absorption water into the soil. Also failing to pass, were [SB 996/HB 1403](#) (both failed) which would have prohibited construction of liquid natural gas (LNG) facility within critical areas in Anne Arundel County, Baltimore City, or Baltimore County, unless it is in accordance with the federally approved Coastal Zone Management Program.

[SB 352/HB 417](#) (both failed) would have required environmental testing before land previously used as a golf course could be redeveloped.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

### *Identity Theft Protection and Security Freezes*

Emergency legislation ([SB 70/Ch. 9/HB 26/Ch. 10](#)) extends the activities of the Identity Theft Task Force through January 31, 2008. Consumers will be allowed to place a "security freeze" on their credit reports to combat identity fraud ([SB 52](#) and [HB 117](#), both passed). Businesses will be required to protect an individual's personal information and to provide consumer notification of a security breach of that information ([SB 194/HB 208](#), both passed).

### *Other legislation*

[SB 640/HB 747](#) (both passed) establishes requirements for a motor vehicle manufacturer's warranty "adjustment program" with violation of the legislation an unfair or deceptive trade practice under the State's Consumer Protection Act. Reintroduced legislation ([SB 367](#) and [HB 374](#), both failed) allowing for-profit entities to provide debt management services did not pass.

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## FISCAL MATTERS

### *Operating Budget*

[HB 50](#), the \$30.3 billion Budget Bill, passed with \$228.6 million in reductions. As enacted, State spending from the General Fund increases 1.5%. The Governor does not sign and may not veto the Budget Bill, as the bill takes effect on passage.

Among the major features of the Budget Bill:

- public schools receive \$5.2 billion, including a \$691 million increase, a 15.4% increase; nonpublic school textbook aid receives \$3.9 million, restoring the amount originally in the Governor's allowance; and the Maryland Department of Education assessment test funds are reduced by \$14.5 million;
- higher education receives \$4.6 billion, including \$1.6 billion in General Funds;
- Medical Assistance receives \$4.7 billion with a \$28.5 million reduction;

- land preservation programs, including Program Open Space, receive \$273 million;
- Stem Cell Research receives \$23 million, \$2 million reduction from the Governor's allowance;
- the Film Production Wage Credit Program receives \$4 million, a \$2.9 million reduction; and the Heritage Structure Rehabilitation Tax Credit receives \$15 million, a \$15 million reduction from the Governor's allowance;
- the Intercounty Connector allowance of \$53 million in the Dedicated Purpose Account in the State Reserve Fund is eliminated;
- State employees receive a 2% cost-of-living-adjustment and \$600 in deferred compensation; and State employee hiring freeze savings of \$10 million are included in the Budget Bill.

#### Capital Budget

**HB 51**, the "Maryland Consolidated Bond Loan of 2007," authorizes \$826.8 million in general obligation debt. Major features are:

- public school construction receives \$385.8 million;
- public higher educational institutions receive \$208.6 million including \$56.4 million for community colleges, \$28.8 million for the Tawes Building at the University of Maryland, College Park, \$64.2 million for the New Physical Education Complex at Coppin State University, and \$9.2 million for an oyster production facility at the University of Maryland's Horn Point Laboratory;
- environmental projects receive \$29.7 million, including \$3 million for the Community Parks and Playgrounds Program; the various Chesapeake Bay Water Quality Programs receive \$14.1 million, but the \$3 million for the oyster restoration program was deleted; and the Artificial Reef Initiative receives \$250,000; and
- State and local correctional facilities receive \$50 million.

#### Taxes and Other Measures

A number of failed bills addressed taxes, tax credits, and tax exemptions. **HB 448** and **HB 1022** (both failed) would have imposed the sales tax on additional services; **HB 393** and **HB 846** (both failed) would have increased the sales tax rate; and **HB 821** and **SB 949** (both failed) would have increased the motor fuel tax. **SB 395** (failed)

would have taxed excess compensation of corporate officers or directors. **HB 517** (failed) would have established an oyster restoration tax credit.

Additionally, **SB 67** (failed) would have provided a tax credit for businesses which ban smoking; **HB 73** and **SB 182** (both failed) would have increased the estate tax exclusion; and **HB 621** and **SB 230** (both failed) would have exempted agricultural tourism from the admissions and amusement tax. **HB 399** (failed) would have authorized county councils to exceed county charter property tax or revenue limitations.

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### GAMING, RACING, AND SPORTS

Successful legislation includes **SB 817** (passed), which repeals certain restrictions on holding live thoroughbred racing at night and on Sundays by mile thoroughbred racing licensees and repeals a restriction on holding Sunday racing by the Maryland State Fair and Agricultural Society.

Also approved, **SB 271** (passed) expands the exemption from the hunting license and stamp requirement for hunting on farmland to include specified spouses and persons who live on, work on, or manage the farmland under certain circumstances.

Legislation to expand gambling in Maryland to include video lottery terminals (slot machines) all failed. These include **HB 17** (failed) that would have authorized up to 12,500 slot machines at up to 5 horse racetracks; **SB 541** (failed) that would have authorized up to 15,500 slot machines at up to 16 licensed gaming vessels; and **SB 950** (failed) that would have authorized up to 15,500 slot machines at 7 locations. **HB 166** (failed), a Constitutional amendment, would have authorized slot machines only if a majority of votes cast in the proposed county were in favor; and **SB 216** (failed) would have required a straw ballot question on the 2008 general election ballot to ask voters if they support locating slot machines at up to 3 racetracks and 3 nonracetrack locations. **SB 98** (failed) would have authorized all counties to license slot machines that are owned and operated by nonprofit organizations.

Other measures were **SB 536** (failed) that would have required \$250,000 of State Lottery net revenues be distributed annually to provide grants for compulsive gambling treatment; **SB 537** (failed) that would have created a Commission on Gambling Addiction within the Department of Health and Mental Hygiene; and **HB 125** (failed) that would have established a Task Force to Study Charitable and Commercial Gaming Activities.

**HB 260** (failed) would have established a Maryland Gaming Commission as an independent unit of State Government.

**SB 822** (failed) would have prohibited anyone from using, setting, placing, or maintaining any steel-jaw leghold trap to trap an animal.

Referred to interim study, **SB 584** (the companion bill, **HB 1083**, received an unfavorable vote) would have required the State Board of Physicians to license and regulate athletic trainers and establish an Athletic Trainer Advisory Committee within the Board of Physicians.

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## HEALTH CARE AND HEALTH INSURANCE

### *Smoking Ban*

The legislature gave its approval to the Clean Indoor Air Act of 2007 expanding the State's indoor smoking ban to include restaurants and bars. No exemptions are authorized under the amended legislation. Financial "hardship" waivers may be granted issued by the local health departments based on regulations adopted by the Department of Health and Mental Hygiene (DHMH). However, no waiver may be approved after January 31, 2011, and all waivers terminate as of that date (**SB 91/HB 359**, both passed).

### *Health Care Access and Health Insurance*

*Sine die* saw the chambers' differing health care access bills, an amended Administration **SB 149** (failed) and **HB 754** (failed), which included a \$1 increase in the cigarette tax, still in committee. **HB 1057** (passed) includes a provision of those bills which allows continuation of dependents up to age 25 to be covered under health insurance policies.

**SB 427/HB 579** (both passed) offer a limited benefit plan under small group market health insurance to seasonal, temporary and part-time workers. Under a revised **HB 572** (passed), a study will be conducted on the issue of personal responsibility for obtaining health care coverage.

### *Administration Bills*

Administration bills passed by the General Assembly include:

- extension of the termination date of the Statewide Advisory Commission on Immunization (**SB 105/HB 140**, both passed) and expansion of Commission duties to consider the development of a

universal vaccine purchasing program and update the status of the use of thimerosal in vaccines;

- creation of a Task Force on Health Care Access and Reimbursement (**SB 107**, passed) to look at issues such as reimbursement rates paid to physicians and health care providers, uncompensated care and health care provider shortages; and
- imposition of a quality assessment on nursing facilities with 45 or more beds with continuing care facilities exempted (**SB 101**, passed).

Other passed bills address:

- Rosewood Center plan for services to residents and recommendations for permanent State employee staff (**HB 970**, passed);
- Oral Health Safety Net Program for the underserved (**SB 181/HB 30**, both passed);
- regulation of forensic laboratories by DHMH (**SB 351/HB 879**, both passed);
- Maryland Service Animal Reform Act - "Gretchen's Law" conforming State law to Americans with Disabilities Act's reference to service animals (**HB 505**, passed);
- funeral director licensure requirements to be linked with mortician licensure requirements, allows for an apprentice funeral director license. A funeral director and an apprentice funeral director are not required to meet mortician requirements related to embalming (**SB 756/HB 457**, both passed);
- HPV Vaccine Subcommittee created to report findings and recommendations to Cervical Cancer Committee of the State's Comprehensive Cancer Control Plan (**SB 774/HB 1049**, both passed);
- Expedited Partner Therapy Pilot Program in the Baltimore City Health Department to provide antibiotic therapy to the partner of a patient diagnosed with a specified sexually transmitted infection in order to contain the infection (**SB 349/HB 769**, both passed); and
- Charles County Prostate Cancer Pilot Program to fund prostate cancer screening (**SB 283**, passed).

Legislation failed that would have transferred the Maryland Institute of Emergency Services System to DHMH (**HB 1048**, failed); established the Compassionate Use Registry Program within DHMH to allow patients suffering from a debilitating medical

condition to use marijuana for medical purposes ([SB 757/HB 1040](#), both failed); prohibited interspecies hybridization ([HB 871](#), failed); and placed a priority on State funding for embryonic stem cell research ([SB 59](#), failed). Other legislation related to donated oocytes ([SB 578/HB 873](#), failed) and prohibitions on the use of artificial trans fat ([HB 91](#), failed).

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## REAL PROPERTY, ESTATES, AND TRUSTS

A number of bills passed related to issues surrounding the use of ground rents, a form of property holding in Maryland since colonial times. In 2003, the General Assembly established limits on the amounts that ground rent holders could receive as reimbursement for expenses to collect past due rent and for ejection. This session, the General Assembly effectively dismantled the ground rent system through the passage of the following bills: [SB 396/HB 463](#), [SB 397/HB 452](#), [SB 398/HB 502](#), [SB 622/HB 580](#), [SB 623/HB 489](#), [SB 755/HB 458](#), and [SB 883/HB 1284](#), all passed). The Governor signed [SB 106](#) as Chapter 1 of the 2007 *Laws of Maryland*; its companion bill, [HB 172](#), also passed.

Among the eminent domain proposals, only an amended version of [SB 3](#) (passed) gained final passage. The primary purpose of the bill is to increase compensation for homeowners, tenants, and business or farm owners who are displaced as a part of a condemnation action.

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## STATE GOVERNMENT

Successful Administration bills that were signed by the Governor create:

- a StateStat management and accountability tool modeled after Baltimore City's CityStat system ([HB 137](#), Ch. 7/[SB 102](#), also passed); and
- a new BRAC Subcabinet to plan for and coordinate services needed for the influx of personnel into Maryland related to the federal Base Realignment and Closure process ([SB 110](#), Ch. 6/[HB 136](#), also passed).

In other action, the Governor signed the two bills ([SB 543](#), Ch. 39 and [HB 1336](#), Ch. 40) related to divestiture from the Republic of Sudan under certain circumstances by the Board of Trustees of the State Retirement and Pension System.

A gubernatorial initiative, approved by the legislature on the last day of the session, sets a statewide "living wage" applicable to State procurement contracts. The bill

requires contractors and subcontractors to pay a minimum wage rate of \$11.50 per hour in urban areas. In any other areas of the State, the rate is set at \$8.50 per hour. The legislation provides for exemptions and adjustments under specified circumstances ([HB 430](#), passed).

Other passed measures relate to the role in the Executive Branch of the Governor's Appointments Office ([SB 50/HB 161](#), both passed) and to special appointments and criteria for personnel action based on political party affiliation in the Executive Branch ([SB 2/HB 162](#), both passed). These measures resulted from recommendations issued by a special interim committee on State Employee Rights and Protections.

Legislative agreement was also reached to direct the Governor to proclaim the month of February as Black History Month in Maryland ([SB 240](#), passed). Additionally, the General Assembly passed joint resolutions expressing regret for the role that Maryland played in instituting and maintaining slavery and for the discrimination that was slavery's legacy ([SJ 6](#) and [HJ 4](#), both passed).

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## TRANSPORTATION

As amended, companion bills ([SB 165/HB 305](#), both passed) establish a Task Force to Study the Boating Industry in Maryland. Another task force will be established by [SB 198/HB 758](#) (both passed) to combat driving under the influence of drugs and alcohol. Other successful companion bills ([SB 587/HB 459](#), both passed) authorize a police officer to use a single document for the issuance of multiple traffic citations.

Settled by a conference committee, [SB 519](#) (passed) prohibits the Motor Vehicle Administration (MVA) from issuing a learner's permit to an applicant under the age of 16 if the applicant has more than 10 unexcused absences during the prior school semester. As amended, [HB 571](#) (passed) is identical.

Measures that would have put Maryland in compliance with the federal REAL ID Act of 2005 that failed included [SB 184](#), [HB 537](#), and [HB 11](#) (all failed) that would have prohibited the MVA from issuing a new driver's license to an individual who could not provide specified documentation certifying that the individual was lawfully present in the United States in accordance with federal law.

Other legislation related to the REAL ID Act also died:

- [SJ 5/HJ 3](#) (both failed) would have protested the implementation of the REAL ID Act by requesting Congress to repeal it;
- [SB 799](#) (failed) would have prohibited the Maryland Department of Transportation and the MVA from adopting any regulation or policy to implement the federal REAL ID Act, unless specifically authorized by the General Assembly; and
- [HB 1381](#) (failed) would have required the MVA to report to the General Assembly on the implementation of the federal Act.

Legislation banning drivers from activities that are distracting has been a major concern for many years. This session unfavorable votes went to:

- [HB 174](#) and [HB 1127](#) (both failed) that would have established the offense of “distracted driving”; and
- [SB 44](#), [SB 30](#), and [HB 86](#) (all failed) that would have prohibited the driver of a motor vehicle that is in motion from using a “hand-held” wireless communication device. The measures also would have banned any use of a wireless communication device for school bus drivers who are in motion with passengers, or use by a person 18 years or older who has a learner’s instructional permit or provisional driver’s license.