



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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Issue 08-14

April 2008 – *Sine Die*

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(Click on Issue above for previous Wrap-Ups)

## 2008 SINE DIE

When the 2008 session of the General Assembly came to a close at midnight on Monday, April 7, the bill count totaled 747 with final approval, out of 2,641 introductions. Of the 1,014 Senate bills introduced, 295 passed. Of the 1,627 House bills introduced, 452 passed. Ten joint resolutions were considered during the session, but none passed.

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### SINE DIE BILL SIGNING

The traditional *sine die* bill signing was held on Tuesday, April 8. The Governor signed 111 bills, making a total to date of 117 enactments including the six bills relating to reform of Maryland's mortgage laws that were signed on April 3, 2008. At the signing, each bill is given a chapter number (abbreviated as Ch.) in the order in which the bill is signed, denoting that the bill is a part of the 2008 *Laws of Maryland*.

Additional bill signings are scheduled for Thursday, April 24, 2008 at 10:00 a.m., Tuesday, May 13, 2008 at 10:00 a.m., and Thursday, May 22, 2008 at 10:00 a.m.

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### COURTS AND CIVIL PROCEEDINGS

#### *Alcoholic Beverages*

Furnishing or allowing underage consumption or possession of alcohol is a civil offense. [SB 166/](#)[HB 76](#) (both passed) increase the fine for a first violation from \$1,000 to \$2,500 and from \$1,500 to \$5,000 for a subsequent violation.

#### *Marriage and Domestic Partnerships*

Marriage-related legislation failed that would have:

- redefined marriage as between any two people ([SB 290](#) and [HB 351](#), both failed);
- replaced the institution of marriage with the institution of domestic partnership, open to any two people ([SB 689/](#)[HB 848](#), both failed);
- established domestic partnerships, with the same benefits as marriage ([HB 1174](#), failed);

- changed the term “marriage” to “civil marriage” in the law ([HB 631](#), failed);
- established by constitutional amendment that only a marriage between a man and a woman is valid in Maryland and that any relationship between persons of the same sex that confers the benefits of marriage is not valid ([SB 169](#) and [HB 1345](#), both failed); and
- authorized “covenant marriage” in which participants agree to participate in premarital counseling, make all reasonable efforts to preserve the marriage, and accept limited grounds for divorce ([SB 168](#), failed).

#### *Child Support and Welfare*

Under current law, the authority of the Child Support Enforcement Administration to deduct an annual collection fee of \$25 from an individual who has never received temporary cash assistance and for whom the State has collected at least \$500 in child support payments expires at the end of September. [SB 198](#) (passed) authorizes collection of the fee from an individual for whom at least \$3,500 in child support payments was collected and continues the authorization until the federal requirement that the State impose such a fee is repealed.

The House did not act on [SB 632](#) (failed) that would have required a specific collaboration between the Social Services Administration and the Department of Health and Mental Hygiene that would result in the notification of a local social services department of the existence in its jurisdiction of a newborn who is subject to substantial risk of abuse or neglect.

Other failed legislation includes:

- [SB 243](#) (failed) that would have made it a misdemeanor for a health practitioner, police officer, educator, human service worker, medical examiner, or parole and probation agent to fail to report suspected child abuse or neglect, punishable by a fine of up to \$1,000;
- [HB 858](#) (failed) that would have extended the statute of limitations for civil actions relating to sexual child abuse; and

- [SB 516](#) (failed) that would have required a court, on motion of a child's mother, to deny a man the legal status of the child's father for purposes of guardianship or adoption, and deny him custody and visitation, if it finds by clear and convincing evidence that the man committed first or second degree rape, incest, or sexual abuse of a minor against the child's mother and the child was conceived as a result of any of these acts.

#### *Protective Orders*

A court must, at the request of a person who was granted relief under a previous final protective order, issue a new final protective order against a respondent of the previous order who was convicted and served at least five years in jail for attempted first or second degree murder; first degree assault; or first or second degree rape or sexual offense or attempted rape or sexual offense that was the underlying act of abuse under [SB 393/](#)[HB 182](#) (both passed). Unless terminated at the request of the victim, the new final protective order is permanent.

Failed measures would have authorized a court, when issuing a temporary protective order, to order the surrender of any firearm in the possession of a respondent for the duration of the protective order ([SB 42/](#)[HB 640](#) and [HB 659](#), all failed) and to order the respondent to stay away from, or refrain from cruelty toward, the pet or service animal of the person eligible for relief or of a family member ([SB 615](#), failed).

#### *Courts and Arbitration*

[HB 577](#) (passed) makes void and unenforceable any provision in an insurance contract with a consumer that requires arbitration, with a certain exception. The bill takes effect January 1, 2009.

Failed legislation concerning court procedure would have:

- restricted dismissal of a criminal proceeding based on the failure to provide a qualified interpreter for the defendant ([SB 256](#), failed);
- repealed the prohibition against broadcast media coverage of a criminal sentencing hearing ([HB 77](#), failed); and
- amended the Maryland Constitution to allow the legislature to increase the minimum amount in controversy required to take a civil action to a jury trial ([SB 404/](#)[HB 644](#), both failed).

#### *Liability*

[HB 1241](#) (failed) would have made manufacturers of lead pigment liable under any legally recognized theory of liability for damages caused by the presence of lead-based paint in residential buildings in Maryland.

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

#### *DNA*

The General Assembly passed an Administration proposal that was amended to expand the collection of DNA samples to include persons charged with committing or attempting to commit a crime of violence or first, second, or third degree burglary ([SB 211](#), passed). A DNA sample may not be tested or placed in the statewide DNA database system prior to the person's arraignment unless requested or consented to by the person tested. As well, a DNA sample or record must be automatically expunged from every local, State, and federal data base in which it was entered if the person tested is not convicted, is granted an unconditional pardon, or the conviction is finally reversed or vacated, with some exceptions. Effective January 1, 2009, the measure automatically expires on December 31, 2013.

#### *Junk Dealers and Scrap Metal Processors*

The House adjourned *sine die* before it could adopt the conference committee report for [SB 521](#) (failed) that would have expanded recordkeeping requirements for junk dealers and scrap metal processors. When conducting an investigation, law enforcement would have been authorized to request information from the records and issue a hold notice to a junk dealer or scrap metal processor that identifies items alleged to be stolen and subjects them to a 10 day hold, during which time they may not be processed or removed from the place of business. A violation would have been a misdemeanor, with a maximum penalty of a \$500 fine for a first offense and a \$5,000 fine and a year in jail for a subsequent offense.

#### *Custodial Interrogations*

[SB 76/](#)[HB 6](#) (both passed) require a law enforcement unit to make reasonable efforts to create an audio or audiovisual recording of custodial interrogations of persons suspected of committing murder, rape, or a sexual offense, whenever possible, and to promote establishment of interrogation rooms capable of creating audiovisual recordings.

### *Death Penalty*

A Maryland Commission on Capital Punishment is established under [SB 614/](#)[HB 1111](#) (both passed) to make recommendations on the fair and accurate application and administration of capital punishment and compare the costs associated with death sentences as opposed to sentences of life imprisonment without the possibility of parole. A final report, and minority report if applicable, are due by December 15, 2008.

Defeated legislation would have repealed the death penalty ([SB 645/](#)[HB 1328](#), both failed) and exempted the protocols governing the administration of the death penalty from the requirements of the Administrative Procedure Act ([HB 1250](#), failed).

### *Attendance at Cockfights/Dogfights and Destruction of Funerary Objects*

The penalty for the misdemeanor crime of attending a cockfight or dogfight increases from a maximum of 90 days in jail and a \$1,000 fine to a year in jail and a \$2,500 fine under [SB 44/](#)[HB 719](#) (both passed).

[HB 353](#) (passed) requires a person who commits the misdemeanor crime of destroying a funerary object or plant in a cemetery to pay for the restoration of the damaged or defaced property to the property's owner or the cemetery's owner.

### *Hate Crimes – Failed Legislation*

Defeated legislation includes:

- [HB 41](#) (failed) that would have expanded hate crime prohibitions to make it a misdemeanor to place a noose or swastika on public or private property without the express permission of the owner or occupant, with the intent to threaten or intimidate any person or group; and
- [SB 111](#) (failed) that would have expanded the protected classes under existing hate crimes laws to include the homeless.

### *Child Pornography and Child Endangerment*

A bill that failed would have expanded child pornography prohibitions, increased the maximum penalties, and made a subsequent violation a felony while retaining a first violation as a misdemeanor ([HB 436](#), failed) and companion bills would have made a first violation a felony as well ([SB 75/](#)[HB 574](#), both failed). Another proposal would have established the misdemeanor crime of child endangerment ([HB 410](#), failed).

### *Sex Offenders*

[SB 56](#) and [HB 18](#) (both passed) require that, in addition to any aliases, the registration statement of a person required to register with the State's sexual offender registry include the registrant's former names, electronic mail addresses, computer log-in or screen names or identities, instant-messaging identities, and electronic chat room identities. In addition, a registration statement must contain a copy of the registrant's valid driver's license or identification card and the license plate number and description of any vehicle owned or regularly operated by the registrant.

[SB 441](#) (failed) would have required a person 18 or older who has been adjudicated delinquent for committing what would be first or second degree rape or sexual offense if committed by an adult to register for the State's sex offender registry. The requirement would have applied if the person was a minor and at least 13 when the delinquent act was committed and the person is determined by the court, after a hearing held at the time juvenile court jurisdiction is terminated, to be at significant risk of committing another sexually violent offense or child sexual offense.

### *Victims*

The Senate took no action on [HB 1060](#) (failed) that would have provided a person immunity from civil liability for damages for a personal injury or death of an individual who enters the person's dwelling or place of business with the intent to commit a crime of violence or a burglary in the first, second, or third degree.

### *Weapons – Failed Legislation*

There was no Senate action on [HB 900](#) (failed) that would have prohibited a District Court commissioner from authorizing the pretrial release of a defendant charged with one of nine specified firearms offenses if the defendant has been previously convicted of one of those crimes.

Also unsuccessful, [HB 108](#) (failed) would have required a law enforcement officer or agency to report any incident involving the discharge of an electronic weapon such as a stun gun or taser by an officer or anyone else if an officer reports to the scene. Compilation of the reports would have been required and public inspection of them allowed. In addition, a law enforcement agency would have been required to follow the same procedures followed when an officer discharges a firearm.

### *Juvenile Causes – Failed Legislation*

[HB 622](#) (failed) would have established a Redirection Pilot Program in the Department of Juvenile Services to

reduce by 50% the number of children placed by the department in per diem residential placements by diverting eligible children to evidence-based therapeutic programs, such as multisystemic therapy or functional family therapy.

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## **ECONOMIC AND BUSINESS ISSUES**

### *Utility Regulation*

The General Assembly reached accord on legislation (SB 1013, passed) that codifies the settlement agreement that will resolve pending litigation and other disputed matters between the State of Maryland, certain State officials and various Constellation Energy Group, Inc. companies, including BGE. In the settlement agreement, all parties acknowledged and agreed that the terms of the settlement agreement would be subject to enactment of this legislation. The parties agreed on specified issues, including: Calvert Cliffs decommissioning, a \$187 million BGE electric rate credit to residential customers, the terms of collection of the return component of BGE's residential SOS, resolution of ongoing Public Service Commission (PSC) proceedings, and elimination of the PSC's obligation to prepare certain final reports to the General Assembly.

### *Utilities - Notice to Customers*

Other utility-related bills (SB 417/HB 608, both passed) require electric and gas companies annually to notify affected customers of energy efficiency and conservation charges imposed and benefits conferred by including the information on the company's website and with the customers' bills.

### *Base Realignment and Closure (BRAC) Initiatives*

The BRAC decisions made in 2005 will have a major impact on Maryland's federal military installations and on the State's economic and business climate. An estimated 40,000 to 60,000 new jobs in the State places Maryland among the largest beneficiaries of BRAC nationally.

The Administration's "BRAC Community Enhancement Act" (SB 206, passed) authorizes BRAC Revitalization and Incentive Zones and establishes eligibility criteria, the factors the State is to consider when approving BRAC Zones, and the procedures that local subdivisions must follow to apply for the zones. The Act authorizes tax-related financial incentives for Zones and payment in lieu of taxes for facilities on federal land.

### *Immigration Commission*

HB 1602 (passed) establishes a Commission to Study the Impact of Immigrants in Maryland. The Commission, led by a research team staffed by the University of Maryland, College Park, is to study the immigrant population's demographic and socioeconomic profiles, as well as the economic and fiscal impact of documented and undocumented immigrants on the State.

### *Coastal Property Insurance Reforms*

HB 1353 (passed) makes several changes in the law governing property insurance in coastal areas of the State. Provisions mandate that insurers meet a number of requirements. These include obtaining the approval of the Insurance Commissioner to adopt an underwriting standard that requires a deductible that exceeds 5% of policy limits in the case of a hurricane or other storm. Insurers must also provide premium discounts to homeowners who make home improvements that mitigate loss from hurricanes or other storms. As well, insurers must obtain approval of the Commissioner under certain circumstances if the insurer intends on implementing a plan to reduce the number of their insureds in the State. Additionally, the State must develop enhanced building codes for coastal areas.

### *Property and Casualty Insurance Policies - Coverage for Additional Living Expenses*

HB 859 (Ch. 95) prohibits clauses in homeowner's, fire, farmowner's, or dwelling insurance policies that purport to limit coverage for additional living expenses incurred by an insured as a result of a covered loss to a period of time that is less than 12 months. Any such clause is void and unenforceable. The bill authorizes the Maryland Insurance Commissioner to require that an insurer provide coverage for additional living expenses under a policy for up to 24 months, if the Commissioner finds that the covered property remains uninhabitable due to delay in repair or replacement caused by the insurer or factors beyond the control of the insured.

### *Coordinating Emerging Nanobiotechnology Research*

Maryland currently supports a bioscience industry of 370 firms with \$450 million in State investment in addition to \$12.2 billion in federal funds. As a part of that industry, the emerging field of nanobiotechnology combines life sciences and engineering and is of interest to the pharmaceutical industry and computer chip manufacturers. A new program will support advanced research in this field and a fund is to provide capital and operating grants for higher educational institutions and private-sector entities (SB 735/HB 1409, both passed).

### *Military Spouses - Unemployment Insurance*

Successful legislation ([HB 749](#), passed) allows an individual who voluntarily leaves employment to follow a spouse - whose employer requires a transfer to a new location - to receive unemployment insurance benefits. The spouse has to be a member of the U.S. military or a civilian employee of the military or a related federal agency. The bill takes effect June 1, 2008.

### *Flexible Leave*

After conference committee deliberations, legislators approved [HB 40](#) (passed) that requires a private-sector employer, with 15 or more employees, who provides a paid leave benefit to an employee to allow the employee to use the leave to care for the illness of the employee's immediate family.

### *Definition of Beer*

Legislation passed to clarify the definition of "beer" to include specified flavored beverages ([SB 745](#), passed).

### *Slaveholder Insurance Policies – Failed Legislation*

This session the legislature did not reach consensus on a measure that would have that required insurers who do business in the State to report to the Insurance Commissioner information in their records about slaveholder insurance policies issued by the insurer, or predecessor of the insurer, during the slavery era - the years prior to 1865 ([SB 553](#), failed).

### *Part-Time Workers*

The General Assembly also did not agree on a bill that would have allowed part-time workers to collect unemployment benefits ([SB 328](#), failed).

### *Tree Care Activities -- Failed Legislation*

Several bills were not successful concerning public utilities and their responsibilities related to tree-care activities including the removal and clearing of trees and notification of customers ([SB 727/HB 839](#), both failed and [SB 746](#), failed). Also unsuccessful, [SB 654](#) (failed) would have required public utilities to develop tree management plans to include measures to minimize tree removal and adverse environmental impacts.

combat physical, verbal, written, or electronic bullying, harassment, and intimidation. The State model will serve as a guide to the school districts, who must each implement their own local policy. School staff members may not be held civilly liable for reporting or failing to report incidents.

[HB 1158](#) (passed) amends the Safe Schools Reporting Act of 2005. The original Act allowed students, parents, or guardians to report bullying, intimidation, or harassment of a student. [HB 1158](#) will add school staff members to those who are eligible to report acts of intimidation.

### *Truancy and Drop Out Rates*

[SB 96/HB 285](#) (both passed) lead the way for schools to implement Positive Behavioral Intervention and Support (PBIS) programs to help combat unexcused absences in schools with a habitually truant rate that rises above 8% of enrollment during the 2008-2009 school year. Each school year thereafter, the maximum allowable habitual truancy rate drops to a lower percentage, until a truancy rate of only 1% will trigger the need for a school district to train staff to implement a unified, system-wide PBIS program.

[SB 264/HB 953](#) (both passed) mandate that local school boards should reach out with information about alternative education programs and GED testing locations to young adults who have dropped out of high school.

### *Physical Fitness*

[SB 955](#) (passed) requires a task force to look into students' physical fitness in public schools. Originally, the bill required a minimum level of physical activity each week for students in grades K-8, but had an estimated price tag of \$26.5 million.

[SB 849/HB 1411](#) (both passed) will have the Maryland State Board of Education create a system of best practices to ensure equal opportunity in athletic programs for disabled students. Local county school boards will be responsible for implementation of their own plans based on the model.

### *Financial Literacy*

[SB 533/HB 1242](#) (both passed) will create a task force to study how to improve financial literacy in the State. One facet of study for the task force will be to determine the utility of teaching financial literacy as part of primary and secondary education courses.

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## **EDUCATION**

### *Bullying and School Safety*

A number of bills regarding school bullying, cyber-bullying, harassment, and intimidation were introduced this session. [HB 199](#) (passed) instructs the Maryland State Board of Education to develop a model policy to

### *Educational Issues - Military Children*

In an effort to identify educational issues that affect the children of military families and ongoing efforts in Maryland school systems to address these issues, a task force is to make recommendations for improving the transition of military children into Maryland schools (SB 457/HB 784, both passed). The task force will also study the feasibility of joining the Interstate Compact on Educational Opportunities for Military Children that was developed to minimize the barriers faced by these students including the disadvantages that affect their academic performance.

#### *Military Recruiters – Student Contact Information*

SB 428 (passed) standardizes the process that allows students to opt-out of providing their personal contact information to career opportunity organizations, which includes military recruiters.

#### *Age of Compulsory Attendance – Failed Legislation*

SB 436, HB 1040, and HB 21 (all failed). This trio of failed bills would have addressed raising the age range of compulsory attendance from five years and older to under 18 (rather than 16) in order to encourage student attendance in school through graduation.

#### *High School Assessments – Failed Legislation*

High School Assessment (HSA) testing was the subject of several bills that failed. Students currently must pass subject tests mandated by the Maryland State Department of Education to complete graduation requirements. There are four tests, one each in algebra, biology, government, and English. HB 519, SB 933, SB 787/HB 520 (all failed) aimed to eliminate or reduce the weight of the HSA test as a graduation requirement. HB 49 (failed) would have set an earlier reporting date for the results of the HSA.

#### *BRAC Initiatives*

HB 704 (passed) includes BRAC-related initiatives as an allowable use of the Higher Education Investment Fund (HEIF). The BRAC-related initiatives expected to be funded by HEIF include:

- the expansion of campus capacity through the design and use of multimedia instruction and Internet-based course offerings;
- the enhancement of science-technology-engineering math programs;
- expansion of adult learning initiatives; and
- the development of curricula and programs directly related to BRAC educational needs.

### *Nursing Service Obligation – Failed Legislation*

SB 146 (failed) would have reduced the service out-of-state nursing students receiving in-state tuition are obligated to give back to Maryland. Currently the obligation is to work in Maryland for four years after graduation. SB 146 looked to redefine this as one year of service for each year of reduced tuition received.

#### *Four-Year Tuition Plans – Failed Legislation*

The Maryland Truth in Tuition Act, HB 1388 (failed), would have required four-year public institutions of higher education to annually develop and publish four-year tuition plans. The published rates would have had the ability to reflect annual tuition increases, should necessary adjustments be needed to maintain appropriate levels of service. However, once a tuition rate was published it could not be increased.

#### *Review of Duplicative Academic Programs*

SB 49 (failed) would have required the Maryland Higher Education Commission (MHEC) to review determinations it made regarding unreasonable duplication of programs approved or implemented between July 1, 2005, and December 1, 2005, if an objection to the determination was filed by a Historically Black Institution (HBI). Upon request from an HBI, MHEC would also have been required to make a determination about unreasonable or unnecessary duplication of programs approved or implemented after July 1, 2007. The bill also would have authorized circuit court review of unnecessary program duplication determinations made by MHEC.

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## **ELECTIONS AND ETHICS**

### *Special Election*

Administration bills were approved (SB 1014/HB 1627 both passed) to address filling a recently vacated seat in the U.S. House of Representatives from Prince George's County and Montgomery County. The legislation specifies the circumstances under which a special general election to fill the seat may be held without first holding a special primary election.

### *Voter Registration and Age of Voting*

Legislation was unsuccessful that sought to clarify Maryland law or to establish in the Maryland Constitution the practice in the past that had allowed an individual who would be age 18 by the time of the next general election to register prior to and vote in the preceding primary election as a 17 year old. Two bills

went through various iterations, but neither met the *sine die* deadline ([SB 201](#), [HB 310](#), both failed).

## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

### *Chesapeake Bay and Atlantic Coastal Bays*

The General Assembly considered and passed a number of bills to protect the Chesapeake Bay and Atlantic coastal bays:

- [SB 213/HB 369](#) (both passed), Administration bills, rename the Chesapeake Bay 2010 Trust Fund to be the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and direct money from the fund to a newly created Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund to be used to provide financial assistance for the implementation of stormwater management practices and stream and wetland restoration. The bills codify the BayStat Program created by executive order in 2007, and establish a BayStat Program Scientific Advisory Panel to provide annual recommendations on the use of funds for the following fiscal year;
- [HB 1253](#) (passed), an Administration bill, increases the authority of the Critical Area Commission and extends the protective buffer from 100 feet to 200 feet;
- [SB 831/HB 581](#) (both passed) allows new community sewerage systems that are replacing individual septic systems to qualify for grants or loans from the Bay Restoration Fund;
- [HB 973](#) (passed) requires the use of nonstructural shoreline stabilization methods in tidal wetlands except in areas where such measures are not feasible; and
- [SB 710](#) (passed) delays by six months – from January 1, 2010, to July 1, 2010 – the effective date of the prohibition, which was enacted in 2007, on using, selling, manufacturing, or distributing detergent for use in a household dishwashing machine that contains more than 0.5% phosphorus by weight.

### *Government Vehicles – Flexible Fuels*

Bills that would have led to an increase in the use of flexible fuel vehicles by State and/or local governments failed. They included [SB 342](#), [SB 343](#), and [SB 474](#) (all failed).

### *Global Warming and Alternative Energy Sources*

In considering the need to increase the use of alternative forms of energy, the following won approval:

- [HB 374](#) (passed), the EmPOWER Maryland Energy Efficiency Act proposed by the Governor, sets a goal to reduce per capita electricity consumption and per capita peak demand by 15% by the end of 2015;
- [SB 209/HB 375](#) (both passed), additional Administration bills, increase the renewable energy portfolio standard percentage requirements and the fee charged to electric suppliers for shortfalls beginning in 2011;
- [SB 348/HB 1166](#) (both passed) encourage the use of poultry litter as a source of energy by making it a Tier 1 renewable source within the Renewable Energy Portfolio Standard;
- [HB 1337](#) (passed) establishes the Maryland Clean Energy Center to promote and assist the development of the clean energy industry in the State and the Maryland Clean Energy Technology Incubator Program, and also requires coordination with the Maryland Energy Administration;
- [SB 268/HB 368](#) (both passed) create the Administration's Maryland Strategic Energy Investment Program and Fund to invest in the promotion, development, and implementation of energy efficiency and conservation programs; renewable and clean energy resources; and climate change research and other related programs; as well as provide targeted programs to reduce electricity consumption by low-income and moderate-income residential customers; and
- [HB 117](#) (passed) prohibits the imposition of unreasonable restrictions to the use of solar collection systems and provides for the creation of solar easements.

[SB 590/HB 1193](#) (both passed) expand the statute of limitations for violations of the Environment Article to three years from the time that the Secretary of the Department knew or should have known about the violation, amended to apply prospectively only.

Unsuccessful measures, [SB 309/HB 712](#) (both failed), would have required the Department of the Environment to take specified actions to reduce greenhouse gas emissions by 25% from 2006 levels by 2020.

### *Energy Conservation*

[SB 885/HB 1301](#) (both passed) consolidate the existing Community Energy Loan Program (CELP) and Energy

Efficiency and Economic Development Loan Program (EEEDLP) into the Jane E. Lawton Loan Program to provide financial assistance in the form of low interest loans to nonprofit organizations, local jurisdictions, and eligible businesses for energy conservation projects.

An Administration bill, [SB 208](#) (passed) requires new State buildings and renovations, including state-funded school construction, to use energy efficient techniques.

An unsuccessful bill would have established a Sustainable Energy Task Force to study and make recommendations regarding the creation of a sustainable energy programs ([HB 907](#), failed).

#### *Agriculture and Preservation*

[HB 543](#) (passed) creates the Dairy Farmer Emergency Trust Fund to provide financial assistance to dairy farmers during periods of economic hardship due to depressed milk prices. [SB 920](#) (passed) creates a Task Force to Study Gypsy Moth Infestation in the State.

#### *License to Administer Scheduled Drugs to Animals*

An emergency bill ([HB 1481](#), passed) changes current law to authorize the Board of Veterinary Medical Examiners to issue a license to an animal control facility (a humane society or a county or municipal designated animal shelter) to allow the facility to administer drugs needed to sedate and/or euthanize animals. The annual license fee is \$100. In 2006 the federal Drug Enforcement Agency determined that animal control facilities in the State that do not employ a full-time veterinarian do not have the authority to prescribe sedatives commonly used in the practice of euthanasia that are considered controlled dangerous substances.

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## **FINANCIAL INSTITUTIONS AND COMMERCIAL LAW**

#### *Credit Regulation*

The Governor signed two emergency bills ([SB 347](#), Ch. 34/[HB 852](#), Ch. 35) that permit the additional fees and charges currently in statute with respect to unsecured open- and closed-end credit plans to be imposed, charged, and collected at any time. The new law thus allows state-chartered banks and independent mortgage lenders to continue the practice of recapturing loan closing costs, initially paid for by the lender, in the event that the borrower prepays the loan before a certain time.

#### *Debt Management*

[SB 646/HB 947](#) (both passed) repeal the requirement that a licensed debt management services provider be a nonprofit entity, thus allowing a for-profit entity to

become licensed. The bills require the applicant, in addition to specified individuals associated with the applicant, to meet standards regarding debt management services. The bills also alter requirements for a consumer education program and makes various other changes to the provisions governing debt management businesses.

#### *Credit Cards - Student Applicants*

[HB 1210](#) (passed) relates to credit card marketing on college campuses. The bill originally called for a prohibition of credit card marketing on college campuses but, as amended, requires an institution of higher education to develop policies regarding credit card marketing activities and merchandising conducted on its campus.

#### *Cooperative Agreements and Information Sharing*

[HB 417](#) (passed) authorizes the Commissioner of Financial Regulation to enter into cooperative and information sharing agreements and to exchange specified information with specified federal, State, or municipal regulatory or law enforcement agencies.

#### *Truth in Music Advertising Act*

The Truth in Music Advertising Act ([SB 711](#), passed) prohibits a person from advertising or conducting a live performance using the names of famous groups without paying royalties or acknowledging that the members of these groups are not a part of the official group. The bill's provisions are based on a model law created by the Vocal Group Hall of Fame Foundation, whose aim is to protect musical groups from identity theft by other groups.

#### *Consumer Protection - Fur Labeling, Consumer Cards, and Consumer Contracts*

Several bills relating to various consumer protections failed during the 2008 legislative session:

- [HB 834](#) (failed) would have prohibited a person from displaying for sale, offering for sale, or selling any article of clothing made wholly or partly of "animal fur" unless a specific label or tag was attached to the article of clothing;
- [HB 129](#) (failed), the Plastic Card Security Act, and [HB 1108](#) (failed), the Payment Information Security Act, both of which would have prohibited a person that accepts an access device in connection with a transaction from retaining specified data, code numbers, or the full contents of magnetic stripe or microprocessor chip data after authorization of the transaction; and

- [HB 1178](#) (failed) would have prohibited several specific types of provisions in consumer contracts and would have required consumer contracts to contain a clear and conspicuous statement informing the consumer of the prohibited provisions.

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## FISCAL MATTERS

### *Operating Budget*

[SB 90](#), the Budget Bill, appropriates \$31.5 billion in all funds with General Fund growth of 3.7%. The enacted budget is \$22 million under the spending affordability guidelines and leaves cash balances of almost \$1.1 billion. The Budget Bill becomes law upon passage by the General Assembly. The Governor has no veto over the Budget Bill.

Among the major features of the Budget Bill are:

- Education aid of more than \$5.3 billion, an increase of \$185 million, and for the first time funds are included for the Geographic Cost of Education Index;
- Nonpublic school textbook aid receives \$3.6 million;
- State universities and colleges receive \$4.4 billion with a reduction of \$8.3 million from the Governor's allowance with permission to replace additional reductions of \$30.7 million with Higher Education Investment Fund money;
- Medicaid funding totals \$4.8 billion with a General Assembly reduction of \$20.2 million;
- Small Business Health Insurance Subsidy Program receives \$15 million;
- Chesapeake Bay 2010 Fund receives \$25 million, down \$25 million from the original appropriation of \$50 million;
- Bay restoration funds for enhanced nutrient removal, sewer rehabilitation, and septic system upgrades total \$149 million;
- Program Open Space—\$45.5 million, including \$3 million in federal funds;
- Optical-scanning voting equipment—\$4 million;
- Stem cell research receives \$19 million, a \$4 million reduction from the Governor's allowance;
- Intercounty Connector receives \$53 million in the State Reserve Fund's Dedicated Purpose Account, a \$32 million reduction from the Governor's allowance of \$85 million;
- State employees receive a 2% cost of living adjustment (COLA), merit increases, and a deferred compensation match.

### *Capital Budget*

[SB 150](#), the "Maryland Consolidated Capital Bond Loan of 2008," passed the General Assembly authorizing \$893.9 million in general obligation bonds as part of a total general obligation bond authorization of \$935 million in 2008. Among the major aspects of the bill are:

- Public School Construction—\$333 million;
- State universities and colleges—\$286.7 million including \$81 million for community colleges, and \$17 million for facilities renewal;
- Rockville District Court—\$47.5 million in 2008 with authorization for an additional \$28.8 million to be issued in 2009;
- Habitat Restoration and Aquaculture Program—\$3 million, replacing the Oyster Restoration Program funding;
- University of Maryland Center for Environmental Science—\$1.3 million for an oyster production facility;
- Rural Legacy Program—\$18.5 million including \$13.5 million in Program Open Space funds in SB 90 and \$5 million in SB 150;
- Community Parks and Playgrounds—\$5 million;
- Forensic medical center—\$47.8 million;
- State correctional facilities—\$27.7 million, including \$7.6 million authorized in 2007; and
- Local House and Senate Initiatives—\$25 million.

### *Other Fiscal Action*

[SB 527](#) (passed), the "Spending Mandate and Revenue Dedication Relief Act," diverts a portion of motor fuel tax revenue and short-term vehicle rental sales tax revenue from the Chesapeake Bay 2010 Trust Fund to the General Fund during FY09, reduces public library operating grants, eliminates a mandatory funding level for the Rehab Option Program, and alters the funding of the State police helicopters.

### *Repeal of the Computer Services Tax*

[SB 46](#) (Ch. 10), the "Budget Financing Act," repeals the sales tax on computer services and restores provisions relating to their exemption which were in the law prior to the 2007 special session. The new law imposes a temporary surcharge in tax years 2008 through 2010 of

6.25% on the amount of taxable personal income that exceeds \$1 million, diverts \$50 million of the sales tax revenues that were dedicated to the Transportation Trust Fund to the General Fund for a period of five years, and, directs the Governor to take \$50 million in FY09 ongoing budget reductions to the Board of Public Works by July 1, 2008.

#### *Corporate Reporting Bills*

[SB 444/HB 664](#) (both passed), companion corporate tax reporting bills, alter Chapter 3 of the 2007 special session by simplifying the reporting requirements that individuals and corporations must comply with, while still providing the Comptroller with the necessary information for the Maryland Business Tax Reform Commission to evaluate the State's current business tax structure. The bill also adds two members to the Tax Reform Commission.

#### *Tax Credits, Grants, and Tax Sales*

[HB 140](#) (passed) creates a State income tax credit for cellulosic ethanol technology research and development conducted in the State. The amount of the tax credit is equal to 10% of the eligible expenses incurred and cannot exceed the tax liability for that year. The maximum amount of credits available in each year is limited to \$250,000. The credit is available for research and development expenses incurred before January 1, 2017.

An Administration bill, [HB 377](#) (passed), concerning the Solar and Geothermal Tax Incentive and Grant Program, increases specified grant limits under the Solar Energy and Geothermal Heat Pump grant programs, exempts the sale of specified solar energy and geothermal equipment from the State sales and use tax, and exempts specified solar energy and geothermal property from State and local real property taxes.

[SB 676/HB 612](#) (both passed), concerning a property tax credit for commercial waterfront property, authorize counties and municipal corporations to provide a property tax credit for commercial waterfront property that is adjacent to the tidal waters of the State, is used primarily for certain commercial fish operations, as a commercial marina, or as a commercial marine repair facility, and has produced an average annual gross income of at least \$1,000 in the most recent three-year period.

[SB 854/HB 1211](#) (both passed), concerning property tax sales, increase the amount due on taxes from \$100 to \$250 before a property may be sold at a tax sale. The bills add specific notice requirements that must be provided to the homeowner at various stages of the tax

sale and foreclosure process. The bills also provide for the specific fees and costs that must be paid in order for the owner to redeem the property prior to final foreclosure. Other tax sales bills were unsuccessful ([SB 478/HB 1276](#), [HB 796](#), [SB 406](#), [SB 688](#), all failed).

#### *Recordation and Transfer Taxes- Exemptions- Domestic Partners*

As amended, [SB 597](#) (passed) exempts from recordation tax and State and county transfer taxes the transfers of residential property between domestic partners or former domestic partners. The measure, with an effective date of July 1, 2008, requires the submission of specified documents to qualify for the exemptions and has no affect on the Family Law Article of the Annotated Code of Maryland.

#### *Prince George's County Health Care*

[HB 1039](#) (passed), an emergency bill concerning the Prince George's County Health Care System, establishes the Prince George's County Hospital Authority as a State entity whose mission is to establish and implement a competitive bidding process for the purpose of transferring the Prince George's County health care system to a new owner. The bill expresses the intent of the General Assembly that the State provide \$12 million for each of fiscal years 2009 and 2010. The bill mandates Prince George's County to appropriate \$12 million each year in fiscal years 2009 and 2010, although the county may receive credit towards these amounts for the value of the real property and facilities if the system is sold. The bill requires the authority to select a successful bidder by the beginning of the 2009 General Assembly session with a possible 60 day extension. Failure to do so relieves the State and the county of their obligation to contribute financially to the system.

#### *Fiscal Issues – Failed Legislation*

The following bills were unsuccessful:

- Homeowner's property tax assessment cap--[HB 189](#) (failed);
- Alcoholic beverage tax increase--[SB 232](#), [HB 904](#), [SB 562/HB 1310](#) (all failed);
- Homestead property tax credit application repeal--[SB 239/HB 1256](#) (both failed);
- Special taxing districts--[SB 381](#), [HB 1470](#) (both failed);
- Military retirement pay income tax exemption--[HB 549](#), [SB 315](#), [SB 625](#) (all failed);

- Hometown Heroes Act of 2008, public safety personnel retirement income exemption--[SB 581/HB 1120](#) (both failed);
- Little cigars and moist snuff tax--[SB 383](#) (failed);
- “Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit”--[SB 373](#) (failed);
- Sales tax on tanning services--[HB 250](#) (failed); and
- Sales tax on elective cosmetic surgery--[HB 614](#) (failed).

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## GAMING, RACING, AND SPORTS

### *Electronic Gaming Devices*

A bill solidifying the definition of “slot machine” ([SB 959](#), passed) clarifies that many electronic gaming machines that read a game of chance or that deliver a game of chance are illegal in the State. Included in the definition are exceptions for certain machines that are not considered to be slot machines and, therefore, remain legal. An amendment grandfathered in certain instant bingo games until July 1, 2009.

### *Martial Arts*

Regulation of mixed martial arts contests and licensing of its athletes by the State Athletic Commission is slated for gubernatorial consideration ([SB 649/HB 795](#), both passed). To ensure the safety of all participants, the bills call for the Commission to not only conduct health testing, but also to limit acceptable maneuvers, set time limits for rounds, and create rules for ending a contest. Additional stipulations of the bills include increasing the monetary penalty for failure to pay the requisite boxing and wrestling tax, and exempting certain amateur and exhibition events from licensing requirements of the Act.

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## HEALTH CARE AND HEALTH INSURANCE

### *Children’s Health Insurance*

Two successful children’s health care initiatives require action by the Comptroller in the provision and collection of information:

- [HB 1391](#) (passed), the Kids First Act, requires taxpayers, beginning with tax year 2008, to indicate on their income tax return whether each dependent child for whom an exemption is claimed has health care coverage. The Comptroller must send taxpayers with a dependent child and specified income notice that the dependent child may be eligible for

Medicaid or the Maryland Children’s Health Program (MCHP) and, in specified instances, Medicaid and MCHP applications, with instructions. This legislation sunsets June 30, 2011; and

- [HB 115](#) (passed), concerning Medical Assistance Programs and MCHP, requires the Department of Health and Mental Hygiene to collaborate with the Office of the Comptroller and the Office of the State Treasurer to develop one-sentence statements advising that individuals who cannot afford health insurance may be eligible to enroll in a Medical Assistance (Medicaid) program or MCHP.

An unsuccessful measure, [SB 65](#) (failed), would have extended coverage to child dependents in the Comprehensive Standard Health Benefit Plan (CSHBP), legislation passed in 2007 that requires insurers, nonprofit health service plans, and HMOs allow a child dependent (as defined in federal law) to remain on an insured’s plan until age 25. The 2007 law does not currently apply to CSHBP.

### *Children’s Products – Lead Content*

[HB 62](#) (passed) prohibits a person from manufacturing, selling, offering for sale, importing, or distributing a lead-containing children’s product. The prohibition includes accessories and jewelry, clothing, lunch boxes, toys, and other such items. A manufacturer of a children’s product is required to test a product for lead by using an independent, accredited third-party testing entity.

### *Advance Directives – Electronic Signatures*

The Governor recently signed into law an extension of the existing Maryland Health Care Decisions Act. [HB 510](#) (Ch. 79) allows advance directives to be signed electronically by establishing that an electronic signature has the same effect as the written or oral agreements present in existing law. The new law also authorizes a competent individual to make an electronic advanced directive. Maryland advance directives permit an individual to select a health care agent, give health care instructions, or both.

### *Immunizations*

[SB 304/HB 586](#) (both passed) require the Statewide Advisory Commission on Immunizations to conduct a study on the current and anticipated future availability of single-dose influenza vaccines for use in the State.

### *Tanning Salons and Substance Abuse*

[HB 1358](#) (passed) prohibits the use of artificial tanning devices by minors without the written consent of a parent or guardian on the premises of the facility.

**HB 215** (passed) repeals the requirement for the Alcohol and Drug Abuse Administration to evaluate all substance abuse programs in the State. Rather, the bill establishes a requirement to evaluate only publicly funded programs on an annual basis and changes the requirements for outcome studies to conform to federal standards.

*Trans Fat and Universal Health Care*

**HB 81** (failed) would have established a task force to study the regulation of artificial trans fat in the State.

**HB 1125** (failed) would have established the Maryland Universal Health Care Plan to provide universal health care coverage for all State residents.

*Pregnancy*

**SB 826/HB 991** (both passed) change the informed consent process as it relates to testing an individual for HIV. In addition, the bills require a provider of prenatal care to notify each patient that she will be tested for HIV and that she has the right to refuse without penalty. The bill specifies additional testing requirements and referral requirements for women who test positive, among other provisions.

**SB 690/HB 1146** (failed) would have required that limited service pregnancy centers make specified disclaimers to their clients and that these disclaimers be made by staff at a certain time and manner. The disclaimer would have required that the staff inform the client that the information provided by the center is not intended to be medical advice and that the center is not required to provide factually accurate information.

*Veterans Health Benefits*

With regard to mental health care for veterans of the Afghanistan and Iraq conflicts, several measures were considered by the legislature this year. Administration legislation, **SB 210/HB 372** (both passed), entitled Maryland Veterans Behavioral Health, create behavioral health service coordination among the Department of Health and Mental Hygiene, the United States Department of Veterans Affairs, the Maryland Department of Veterans Affairs, the Maryland National Guard, and the Maryland Defense Force for veterans of the Afghanistan or Iraq conflicts. Other measures, **SB 872/HB 984** (both failed), would have established a Veterans of Afghanistan and Iraq Mental Health Pilot Program at the Montgomery County General Hospital.

*Medicare Part D Coverage Gap*

Administration measures, **SB 906/HB 1492** (both passed), create a subsidy of \$4 million annually for the Medicare Part D coverage gap and provide a sunset

extension for the Senior Prescription Drug Assistance Program (SPDAP) to December 31, 2009.

*Domestic Partners – Medical Decisions*

**SB 566**, (passed) establishes certain health care facility visitation and medical decision-making for domestic partners. This bill defines domestic partnerships and confers rights regarding health care facility visitation and medical decisions involving medical emergencies, health care decisions, tissue and organ donation, and final disposition of a body, provided that the domestic partners have provided specified documents, including a signed affidavit that indicates that they have established a domestic partnership.

*Genetic Testing- Prohibited Acts*

**HB 29** (passed) prohibits a carrier that provides long-term care insurance from requesting or requiring a genetic test, or using a genetic test, the results of a genetic test, genetic information or a request for genetic services to take certain actions with regard to long-term care insurance. **SB 918** (passed), an identically amended measure, also moves to the Governor's desk.

*Pharmacy Benefits Managers*

A number of bills were considered during this session that change or regulate the practices of pharmacy benefits managers (PBMs). PBMs provide pharmacy benefits management services, which include the procurement of prescription drugs at a negotiated rate for dispensation within the State to beneficiaries; the administration or management of prescription drug coverage provided by a purchaser for beneficiaries; and other services provided with regard to the administration of prescription drug coverage.

- **SB 720/HB 580** (both passed) establish requirements for a pharmacy and therapeutics committee of a PBM, including a provision that a PBM is prohibited from requiring a pharmacy to participate on the committee;
- **SB 722/HB 419** (both passed) require a PBM to register with the Maryland Insurance Commissioner before providing pharmacy benefits management services in the State to a "purchaser." A purchaser is defined as the State Employee and Retiree Health and Welfare Benefits Program, an insurer, a nonprofit health service plan, or an HMO that provides prescription drug coverage or benefits and enters into an agreement with a PBM;
- **SB 723/HB 343** (both passed) prohibit a PBM or its agent from requesting a therapeutic interchange

(from one prescription drug to another), unless certain requirements are met;

- [SB 724/HB 120](#) (both passed) establish what a PBM must disclose to a “purchaser” both before and after entering into a contract for pharmacy benefits management services and authorizes the Maryland Insurance Commissioner to assess specified penalties for violations; and
- [SB 725/HB 257](#) (both passed) require specified disclosures by a PBM to pharmacy providers and establish provisions governing audits of pharmacies by a PBM. The bills apply to contracts entered into or renewed between a pharmacist or pharmacy and a PBM and audits conducted by PBMs on or after January 1, 2009.

A PBM bill that did not advance during this session ([SB 726/HB 243](#), both failed) would have required that each health insurance policy or contract issued or delivered in the State that provides benefits for pharmaceutical products and each pharmacy benefits manager that provides services under such policies or contracts to allow an insured or certificate holder a choice of pharmacy or pharmacist within any network established by the policy, contract, or PBM.

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## HUMAN RESOURCES

### *Temporary Cash Assistance (TCA)*

Legislation failed that would have conditioned eligibility for TCA on submitting to drug testing and conditioned receipt of TCA on a negative test result ([HB 1300](#), failed).

### *Individuals with Disabilities and Parents of Minors with Disabilities – Service Animals*

[SB 577](#) (passed) and [HB 767](#) (passed) extend the rights and privileges afforded to blind, visually impaired, deaf, and hard of hearing individuals to all individuals with disabilities as defined by federal law, as well as to the parents of a minor child with a disability. Thus, the bills grant to all individuals with disabilities and the parents of a minor child with a disability the same rights of access to public places, accommodations, and conveyances as well as housing accommodations that are currently afforded to blind, visually impaired, deaf, and hard of hearing individuals. In addition, physical modifications of places or vehicles are not required in order to admit individuals who are authorized to use a service animal. The current law granting rights and privileges to individuals with specified disabilities

excludes individuals with mental impairments, such as epilepsy.

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## REAL PROPERTY, ESTATES, AND TRUSTS

### *Foreclosure and Mortgage Lending Practices*

On April 3, 2008, the following emergency Administration bills were signed by the Governor. Emergency legislation takes effect from the date that the legislation is enacted.

- [SB 216/HB 365](#) (Ch. 1/Ch. 2) change the laws governing recordation and foreclosure of mortgages and deeds of trust. The bills alter the requirements for recordation, notice, service of process, court filings, and cure of defaults. Provisions include lengthening the foreclosure process and providing homeowners with more time and notice before a foreclosure sale and codifying the right to cure, which allows homeowners to stop foreclosure by paying what is owed up until one business day before the sale;
- [SB 217/HB 360](#) (Ch. 3/Ch. 4) create a comprehensive mortgage fraud statute with criminal penalties and authorize the Attorney General, a State’s Attorney, and the Commissioner of Financial Regulation to enforce the statute. The new law also authorizes a private right of action for violations of the statute. Provisions include imposition of fines and imprisonment for violators and authorization for court-ordered restitution and forfeiture and enhanced penalties for cases involving vulnerable adults; and
- [SB 218/HB 361](#) (Ch. 5/Ch. 6) alter several provisions of law including prohibiting foreclosure rescue transactions, broadening the scope of the current law, and expanding the enforcement powers of the Commissioner of Financial Regulation. The changes are aimed at providing additional consumer protection for people who are trying to sell their homes because they are in default.

Administration bills, [SB 270/HB 363](#) (Ch. 7/Ch. 8) make several changes in the law governing mortgage lending, including prohibiting prepayment penalties for mortgages, requiring lenders to verify a borrower’s ability to repay, authorizing the Commissioner of Financial Regulation to set licensing, examination and investigation fees, and expanding the licensing requirements for mortgage lenders and mortgage originators.

Also passing, [HB 645](#) (passed) amends the Maryland Contract Lien Act to extend the time during which any

action to foreclose a lien may be brought, from 3 to 12 years following recordation of the statement of lien.

#### *Failed Legislation*

**SB 389** (failed) would have directed that in an action to foreclose a mortgage or deed of trust on residential property improved by four or fewer single-family dwelling units, a court may only approve a trustee commission and attorney's fees that the court finds reasonable after considering the factors enumerated in Rule 1.5 of the Maryland Rules of Professional Conduct. The bill would have prohibited a court from approving a trustee commission exceeding \$500 or attorney's fees exceeding \$800.

**SB 535/HB 1398** (both failed) would have prohibited creditors from maintaining suit in a court of the State in an action to foreclose a mortgage of a homeowner, unless the creditor shows to the satisfaction of the court that the mortgage is not a "deceptive subprime mortgage."

**SB 688** (failed) would have prohibited the enforcement of a lien or judgment arising from any unpaid water, sewer, or other sanitary system charges, fees, or assessments charged for a property by a tax sale of, an action to foreclose on, or a judicially approved sale of the property.

**HB 778** (failed), the Richard Atta Poku Foreclosure Defense Act, would have provided that the right of a record owner to appeal a final judgment of the circuit court may not be conditioned on the posting of a supersedeas bond exceeding a certain amount.

#### *Loretta's Law – Failed Legislation*

**SB 87** (failed), known as Loretta's Law, would have enacted the Maryland Uniform Power of Attorney Act to establish a clear and comprehensive set of rules governing powers of attorney.

processing equipment and associated services, as well as telecommunication equipment, systems, or services. The new law also transfers from DBM to the new department primary responsibility for coordinating all aspects of the State's telecommunications policy, procurement, and management. This responsibility includes improving and expanding access to telecommunications and computer networks in rural areas and by people with disabilities.

#### *Maryland Funding Accountability and Transparency Act of 2008*

Effective July 1, 2008, **HB 358** (passed) requires the Department of Budget and Management (DBM) to develop a free, public, searchable web site by January 1, 2009, that includes detailed information on State payments of \$25,000 or more. The bill also requires, by June 30, 2010, the completion of a study of the feasibility and cost of expanding the web site to search by different elements and include information on all State awards greater than \$25,000.

#### *Consolidation of Workforce Development Functions*

Approved Administration legislation consolidates adult education, literacy services, and correctional institutions' education programs in the Department of Labor, Licensing, and Regulation and transfers the programs and associated resources on July 1, 2009. The bill also establishes a Workforce and Adult Education Transition Council to make recommendations for the integration of these programs (**SB 203**, passed).

#### *Annual Leave – Carryover and Accrual*

**SB 177** (Ch. 20) increases from 400 (50 days) to 600 (75 days) the number of hours that State employees may carry from one year to the next but does not increase the amount that may be reimbursed at the end of employment.

#### *Permissible Denials of Public Records – Higher Education*

The Governor signed legislation that authorizes a custodian to deny inspection of a part of a record kept by a public institution of higher education that contains "personal information" relating to a student, former student, or applicant if the information is requested for commercial purposes. The new law authorizes the custodian to require that a request to inspect a record containing personal information be made in writing and sent by first-class mail. The law also specifies that personal information means an address, phone number, electronic mail address, or directory information (**HB 689**, Ch. 83).

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## **STATE GOVERNMENT**

### *Department of Information Technology – DOIT*

**HB 362** (Ch. 9), an Administration bill, establishes the Department of Information Technology as a principal department of State government and transfer all duties, responsibilities, budgeted funds, and employees from the Office of Information Technology in the Department of Budget and Management (DBM) to the new department. The law takes effect July 1, 2008. **SB 212** (passed) was also successful.

DOIT will be the primary procurement unit in State government to control procurement of information

*New State Holiday, Symbols, and Commemorative Days*

If the Governor agrees, the Friday after Thanksgiving Day will be named American Indian Heritage Day in Maryland and will become a legal State holiday ([HB 83 passed](#)). Currently the Friday after Thanksgiving Day is a legal paid holiday for State employees. Also, pending gubernatorial consideration, are two new State symbols. Walking may become the State exercise ([SB 437/HB 1311](#), both passed), and Smith Island cake may become the State dessert ([SB 287/HB 315](#), both passed).

Other successful legislation commemorates two dates in Maryland history ([SB 546/HB 957](#), both passed). Maryland Charter Day will be celebrated on June 20 in honor of the date in 1632, when King Charles I granted Cecelius Calvert, the second Lord Baltimore, a charter for the Maryland Colony. 2008 will mark the 376<sup>th</sup> anniversary of the granting of the Maryland charter by King Charles I.

Additionally, Annapolis Charter Day will be celebrated on December 17 to commemorate the date in 1708, when the General Assembly confirmed and codified Annapolis' chartered powers of self government, making Annapolis the first incorporated municipality in Maryland. The 300<sup>th</sup> anniversary of the granting of the city's original charter is 2008.

*Heritage Language Skills*

In recognition that the ability to speak and understand foreign languages has become increasingly important for national security and in the global economy, [SB 506 /HB 610](#) (both passed) establish a task force to study methods for advancing and preserving heritage language skills in Maryland. The task force is also to consider innovative and cost-effective ways to facilitate heritage language learning while encouraging new U.S. citizens to learn and master English. Currently, public school students in Maryland speak at least 150 different languages.

*Divestiture from Iran and Sudan*

An Administration bill, [SB 214](#) (passed), requires the Board of Trustees of the State Retirement and Pension System to notify companies that are doing business in Iran or Sudan that the board will divest its investment holdings with the company unless the company releases a plan to stop doing business in Iran or Sudan within one year.

Administration bills proposed by the Governor codify as State policy transit-oriented development. TOD is a development tool that leverages transit stations as the foundation for communities with a dense mix of commercial, residential, and retail development. By clustering development around transit sites, TOD seeks to maximize the State's investment in transit by promoting increased ridership and pedestrian and bicycle mobility, thereby reducing congestion, greenhouse gas emissions, pollution, and sprawl. The legislation clearly states that the TOD directives do not supercede local land use planning authority ([SB 204/HB 373](#), both passed).

*All-Terrain Vehicle Safety Task Force*

Under current Maryland law, the Department of Natural Resources (DNR) establishes equipment standards and regulates the operation of off-road vehicles, including ATVs, on land under the jurisdiction of the agency (primarily State parks and forests). On DNR land, an ATV operator and passenger must wear helmets, and the operator must wear eye protection or have a windscreen on the vehicle. Otherwise, State law does not mandate the use of helmets or eye protection for ATV use on public or private land. In response, [SB 28](#) (Ch.14) and [HB 114](#) (passed) establish an All-Terrain Vehicle Safety Task Force, staffed by the Maryland Institute for Emergency Medical Services Systems, to study major issues related to ATV safety and make findings and recommendations.

*Gold Star Plates*

Legislation was approved to establish a special registration plate available exclusively for a recipient of a U.S. Department of Defense Gold Star, indicating status as a surviving spouse, parent, or next of kin of a member of the armed forces who lost his/her life in combat. The bill takes effect July 1, 2008. ([HB 1425](#), passed).

*Towing and Towed Vehicles*

Several bills clarify Maryland law associated with towed and towing vehicles. Two proposals respond to a tragic accident on the Chesapeake Bay Bridge caused by a runaway trailer that resulted in three deaths. Passed measures require the driver of a towing vehicle to use one or more defined towing devices to connect to any type of towed vehicle, commercial or otherwise ([SB 174](#) and [HB 1119](#), both passed). Another proposal establishes a Task Force to Study Motor Vehicle Towing Practices ([HB 684](#), passed) related to towing vehicles that are abandoned or improperly parked on private property and other aspects of the towing industry.

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## TRANSPORTATION

*Maryland Transit Administration - Transit-Oriented Development (TOD)*

### *Motor Vehicle Accident Reports – Access*

Successful emergency bills, [SB 796/HB 488](#) (both passed) prohibit a person from accessing a motor vehicle accident report for the purpose of soliciting another person to sue or to retain a lawyer to represent the other person. A violation is subject to maximum penalties of imprisonment for one year and/or a fine of \$1,000. The legislation also repeals current law restricting access to and disclosure of motor vehicle accident reports. According to proponents, the current law, which is repealed by the legislation, was unworkable for those who have a legitimate need to access and disclose information in motor vehicle accident reports.

### *Teen Drivers - Restrictions*

Among the several bills related to restrictions on teen drivers introduced this session, the General Assembly approved the following:

- [HB 1426](#) (passed), as amended, repeals the exception that allows individuals age 15 to drive without a learner's permit if under the supervision of a qualified driver's education instructor. In addition, the bill extends the period that a learner's permit is valid from one year to two years; and
- [SB 460/HB 511](#) (both passed) require the Motor Vehicle Administration (MVA) to notify the cosigner of a minor's driver's license application about every citation issued to the minor for a moving violation, instead of, as currently required, just a speeding violation of at least 20 miles per hour over the maximum speed.

### *Motor Vehicles – Transporting Children*

[SB 789](#) (passed) expands the child safety seat requirement for children being transported in motor vehicles. Specifically, effective June 30, 2008, a person transporting a child under the age of 8 years in a motor vehicle must secure the child in a child safety seat unless the child is 4 feet 9 inches tall or taller or weighs more than 65 pounds. The bill applies the current fine of \$25 for a violation. Under current law, the mandatory use of child safety seats applies to transporting a child who is either younger than age six, regardless of weight, or weighs 40 pounds or less, regardless of the child's age.

### *Transit Service for Disabled Persons*

[HB 505](#) (passed) requires a State and national criminal history records check of all employees providing Maryland Transit Authority mobility services in the State, and requires the employees to receive appropriate training in treating all customers, including those with disabilities.

### *Speed Monitoring Systems – Failed Legislation*

Administration bills that would have authorized the use of speed monitoring systems statewide and in highway work zones were not approved ([SB 269/HB 364](#), both failed). A Prince George's County bill on the same subject passed the Senate but not the House ([SB 963](#), failed).

### *Wireless Communication Devices – Failed Legislation*

An unfavorable House committee vote stopped [SB 2](#) (failed) that would have banned the use of wireless communication devices by drivers of motor vehicles under certain circumstances. The bill would have banned the use of hand-held cell phones with exemptions for emergencies, law enforcement personnel, and first responders.

### *Transporting Pets in Trucks or Trailers*

Current Maryland law does not regulate the transportation of pets in trucks or trailers. [HB 134](#) (failed) would have prohibited a person from transporting a pet in or on a truck or trailer while traveling on a highway unless the truck or trailer is enclosed as specified in the bill, or the pet is safely contained in a cage or other device that prevents the pet from falling, jumping, or otherwise exiting the truck or trailer. A pet was defined as a domesticated animal, but did not include livestock. A violation would have been a misdemeanor and subject to a maximum fine of \$500.

### *Maryland Automobile Insurance Fund (MAIF)*

MAIF is an independent agency that insures Marylanders who cannot obtain automobile liability insurance in the private insurance market. MAIF does not receive State funding, rather its operating funds come from the insurance premiums. Companion bills, [SB 603/HB 32](#) (both failed), would have authorized MAIF to accept premiums on an installment basis.