



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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(Click on Issue above for previous Wrap-Ups)

STATE OF THE JUDICIARY

Chief Judge Robert M. Bell addressed members of the General Assembly in joint session on Tuesday, February 1. Judge Bell enumerated the accomplishments of the Maryland Judiciary and requested that the General Assembly approve the judicial salary increases as recently recommended by the Judicial Compensation Commission. The Chief Judge of the Maryland Court of Appeals also asked that the legislature approve an increase in the number of judgeships to seven new judges at the circuit court level and six at the District Court level.

required address suffix is guilty of a misdemeanor punishable by a fine of up to \$1,000 per violation and may be sued by a receiver of the email.

According to a report released this week by the Federal Trade Commission (FTC), the number of identity theft complaints received by the FTC rose for the third straight year, and the Washington D.C. area ranked 18th in the country in the number of complaints received in 2004 per 100,000 population. [SB 43](#), which passed the Senate this week, establishes a Task Force to Study Identity Theft that must report its findings and recommendations by December 31, 2006.

NEW LEGISLATOR

On Tuesday, February 1, Wm. Daniel Mayer was sworn in as the new Delegate from District 28, Charles County. Delegate Mayer, a native of La Plata, was appointed to the House Judiciary Committee. He replaces former member W. Louis Hennessy.

ECONOMIC AND BUSINESS ISSUES

In an effort to attract more commercial movie and video industry productions to the State, [SB 215/ HB 253](#) provide for a rebate to qualified film production companies on the first \$2,500 of wages paid to production employees for work in Maryland. The bill establishes what type of film productions may qualify for the rebate grant, limits the total amount of the grant per production, and places the program in the Department of Business and Economic Development.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Enhanced public safety is the goal of [HB 402](#), a bill that requires distributors of ammonium nitrate fertilizer to maintain for at least two years a record of all sales or distributions of the fertilizer and allows a distributor to refuse to sell the fertilizer to a person who wants to buy it out of season, in unusual quantities, or under suspect purchase patterns. Ammonium nitrate fertilizer was the main ingredient in the bomb that destroyed the Alfred P. Murrah Federal Building in Oklahoma City in 1995 and killed 168 people. A committee will hear testimony on the bill on February 10.

A commercial electronic mail (email) message with pornographic content or links to pornographic content that originates or terminates in Maryland must include the suffix ".sex" in its address under the provisions of [HB 337](#). A person (including an electronic mail service provider or internet service provider) who knowingly sends such an email message that does not include the

EDUCATION

Recently introduced:

[SB 59](#) establishes a Task Force to Study the Maryland Teachers' Pension System and Teachers' Retirement System. The Task Force is to study accessibility of post retirement benefits for members of the System, especially those who have been employed by more than one local school system in the State throughout their careers. In addition, the Task Force will compare the benefit levels of the Maryland members with the retirement benefit levels of teachers in Delaware, Pennsylvania, Virginia, and West Virginia.

[HB 296](#), which will be before a committee next week, exempts a student from paying tuition at a public institution of higher education in the State if the student

is an Eagle Scout or is a recipient of the Girl Scout Gold Award. The student must meet State residency requirements.

Maryland has 4,000 to 5,000 people annually on waiting lists for adult education and literacy services. To help alleviate this problem, [SB 169](#) establishes the Adult Education and Literacy Waiting List Reduction Fund in the Maryland State Department of Education (MSDE). The bill charges the department to actively seek donations from the private sector for the fund.

[SB 233/HB 525](#) require public schools to have physical education programs that meet minimum national standards for physical education as established by the National Association for Sport and Physical Education. The bill also requires the State Department of Education to employ a full-time director of physical education to assist county school boards in developing plans to implement the minimum national standards.

[HB 407](#) requires MSDE to require each local board of education to report incidents of harassment or intimidation against public school students that occur on public school property, at school activities or events, or on school buses. An incident of harassment may be reported by a student or the parent, guardian, or close relative of a student. MSDE must develop a standard Victim of Harassment or Intimidation Form and distribute copies to each public school. After deleting information identifying specific individuals the local boards must submit summaries of the forms annually to the State Board. Similar legislation passed last session but was vetoed.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Five more bills have been introduced to regulate methyl tertiary butyl ether (MTBE), an additive used in reformulated gasoline required by federal regulation. A House committee will take testimony on this topic on February 16:

- [HB 355](#) requires nontransient noncommunity water systems to test the water provided by the system for the presence of MTBE, report the findings to the Department of the Environment (MDE), and provide those regularly served by the system with a notice if the level of MTBE in the testing sample meets or exceeds 20 parts per billion;

- [HB 373](#) requires MDE to request that the United States Environmental Protection Agency waive federal requirements that specified reformulated gasoline be sold in the State, and on or before December 1, 2006, to develop a plan regarding the phasing-out of the use of MTBE in gasoline sold in the State;
- [HB 374](#) requires MDE to notify property owners located within one-half mile of a site found to be contaminated with MTBE at a level of 20 parts per billion or higher of the actions being taken to address the contamination, and actions property owners should take to protect themselves. (The bill also requires a person responsible for an oil spillage to be liable for the costs to MDE of providing the notice);
- [HB 388](#) calls for the gradual implementation, to be completed by January 1, 2015, of a ban on marketing gasoline that contains more than 0.5% of MBTE by volume; and
- [HB 496](#) prohibits, on or after January 1, 2010, a person from selling, offering for sale, supplying, or offering for supply gasoline that contains more than 0.5% of MTBE by volume, and adds ethanol and other oxygenates to the definition of "oil" subject to regulation by the MDE.

This week two emergency bill introductions ([SB 405](#), [HB 430](#)) prohibit the Department of Natural Resources (DNR) from introducing nonnative oysters into State waters unless the recommendations set forth under the most current report by the National Research Council on the nonnative oyster in the Chesapeake Bay have been satisfied to the extent feasible for the State and the specific research priorities identified by the Scientific and Technical Advisory Committee of the Chesapeake Bay Program have been fully satisfied.

[SB 405](#), with a committee hearing on February 15, requires DNR to report to the General Assembly and hold public hearings. The bill makes it a misdemeanor for anyone, except for the department, to introduce a nonnative oyster into State waters unless the person has a permit issued by the department. [HB 430](#) requires that introduction of nonnative oysters be approved by the General Assembly through passage of legislation. The bill is up for a hearing on February 23.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

At midweek, a Senate committee took public commentary on [SB 8](#) that prohibits a person, with exceptions, from selling a gift card that contains a service fee including one for dormancy or an expiration date unless it is clearly printed on the certificate and is at least five years after the issue date. The companion bill is [HB 551](#). Another measure ([SB 301](#)), requiring disclosure of expiration dates and associated fees with gift cards and gift certificates, will be heard next week.

FISCAL MATTERS

[SB 217/HB 247](#), Administration legislation, extend, with modifications, the State's research and development tax credit to 2011. Under the bills, the State grants an individual or a corporation a tax credit for qualified research and development expenses in an amount equal to 3% of their research and development expenses up to a base amount and 10% of these expenses over that base amount. The Department of Business and Economic Development (DBED) may approve up to \$6 million total tax credits per year statewide for each category; the previous limit was \$3 million. Credits in excess of the State tax liability may be applied to future tax liability until the seventh taxable year (formerly it was the fifteenth) after the year in which the credits are earned.

Other Administration proposals ([SB 218/HB 249](#)) establish an Entrepreneurial Investment Technology Tax Credit to encourage the creation of and investment in bioscience and advanced technology businesses. Investors, meeting minimum net worth and other requirements, who make investments in Maryland life sciences or other advanced technology businesses which meet size, revenue, and length of operation requirements, may receive a State income tax credit of 45% of the funds invested. The Secretary of DBED certifies that the investor and the company meet State requirements, but may not certify eligibility for tax credits exceeding \$8 million per year.

Two bills re-establish the lapsed credit against the motor vehicle excise tax for purchasing an electric or hybrid vehicle. [SB 12](#) re-establishes the excise tax credit of 100% for qualified electric vehicles up to a maximum of \$2,000. For hybrid vehicles the bill re-establishes the system of graduated increases in the credits based on the percentage of the vehicle's power coming from a rechargeable energy storage system (a maximum of

\$1,000) or from the regenerative braking system generated (a maximum of \$500). [SB 12](#) applies to vehicles titled on or after July 1, 2005, and before July 1, 2009.

[HB 368](#) lowers the previous credit from 100% to 50% of the tax up to a maximum of \$1,000 for an electric and \$500 for a hybrid vehicle. In order to qualify, [HB 368](#) requires the hybrid vehicle to have a fuel economy rating or 45 mph if weighing 3,700 pounds or less or 30 mph if weighing more than 3,700 pounds. The credit applies to vehicles titled after June 30, 2005, and before July 1, 2008.

GAMING, RACING, AND SPORTS

[SB 93/HB 169](#) triple the fines by the Department of Natural Resources (DNR) for anyone who illegally takes, purchases, offers to sell, barter, or exchanges game birds or mammals in excess of the bag limits. Fines for the first offense are raised from \$1,550 to \$4,500 and for the second or subsequent offenses from \$4,000 to \$12,000. All revenues collected are to go to the State Wildlife Management Protection Fund.

Scheduled for a hearing next week, [HB 372](#) extends to the entire State an existing prohibition on the use of steel-jaw leghold traps in Anne Arundel, Baltimore, Montgomery, and Prince George's counties. The bill establishes exceptions to the prohibition and allows DNR to issue permits for the use of the traps under specified conditions.

Also to be heard next week, [HB 371](#) classifies black bears as nongame animals and prohibits DNR from reducing the black bear population in any area of the State except in defense of a person, a person's property, or domesticated animals on a person's property.

Although not a hunting bill, [HB 463](#), reflecting concern with efforts to prohibit black bear hunting or otherwise reduce black bear populations, requires DNR to introduce black bears throughout the State.

Already heard in committee, [HB 181](#) requires a hunter to submit to an alcohol and/or drug test, if a police officer has reasonable grounds to believe the hunter shot and killed or injured someone else while carrying a firearm to hunt while intoxicated or under the influence of alcohol or any narcotic. A person who refuses such a test is subject to a civil penalty of up to \$2,500. Under current law a person may not carry a firearm to hunt

while intoxicated or under the influence of alcohol or narcotic drugs.

HEALTH CARE AND HEALTH INSURANCE

Introduced this week, the Clear Indoor Act of 2005 ([SB 332/](#)[HB 428](#)) expands to bars and restaurants the prohibition on workplace smoking. Similar legislation has been before the legislature in previous sessions. The Senate bill has a hearing scheduled for late February.

Under the Hospital Infections Disclosure Act ([SB 355](#)), hospital-acquired infections are to be reported to the Department of Health and Mental Hygiene (DHMH). The department will be required to issue an annual report summarizing the data provided by the hospitals including a comparison of risk-adjusted hospital-acquired infection rates for each hospital in the State.

[SB 342](#) addresses HMO premium rate increases submitted to the Insurance Commissioner. The bill establishes specific factors to be considered by the Commissioner in reviewing rate increases, as well as the requirement for a public hearing on the proposed rate increases. Recently, insurers were authorized to pass along to consumers costs associated with the legislative repeal of the HMO exemption from the State's premium tax with no public hearing.

REAL PROPERTY, ESTATES, AND TRUSTS

Real property was the topic of committee testimony recently. On the subject of the sale or purchase of a condominium, [HB 198](#) requires, five days prior to the closing on the purchase of a unit, that the owner provide the purchaser with specific documents: (1) a copy of the declaration; (2) the bylaws; (3) a statement by the owner of his expenses during the preceding 12 months relating to the common elements of the condominium; (4) the condominium's rules or regulations; and (5) a statement by the owner about his knowledge of any alterations to the unit or common areas, of violations of health or building codes and of whether the unit is subject to an extended lease under the State or local set-aside provisions. Previously these documents were to be provided 15 days prior to closing.

The bill also requires, in a condominium with seven or more units, that this information be supplied to the purchaser ten calendar days before closing (previously 20 days). Further, the bill shortens the time from seven

to five calendar days within which a purchaser may rescind the contract of sale without incurring liability.

Another proposal, [HB 204](#), streamlines the recordation process in a transfer of ownership of real property. The bill repeals the requirement that deeds be presented at the local assessment office prior to recordation and allows a circuit court clerk to record the change of ownership without a completed intake sheet.

[SB 339](#) affects landlord-tenant relationships. Under the bill, a tenant would be liable for no more than 60 days of rent if he vacates the leased premises because of a medical condition. However, prior to vacating the premises, the tenant must provide the landlord with written certification of the medical condition from a physician and written notice of his desire to terminate the lease by a specific date.

STATE GOVERNMENT

Women

Over 80 Delegates are sponsoring a bill calling for a Task Force on the Establishment of a Maryland Women Veterans Memorial ([HB 523](#)). Another measure ([SB 257](#)) restructures the membership of the Maryland Commission for Women, first established in 1965. Formerly, the 24 members served by gubernatorial appointment, but under the bill the appointments are divided among the Governor, the President of the Senate, and the Speaker of the House with the requirement that some of the appointees come from applicants who have been nominated by organizations with interests related to the status of women and that others be appointed from applicants applying on their own behalf.

The Commission's mandate is to study and review the status of women in the State. Among its duties are recommending ways to overcome discrimination in public and private employment, promoting ways for women to develop skills, continue education, and secure retraining, and maintaining a clearinghouse of information. The bill adds the duty to offer testimony on issues concerning women before legislative and administrative bodies.

Procurement and International Trade

[SB 402/](#)[HB 510](#) generally prohibit a unit of State government from awarding a procurement contract if

more than 5% of the services provided by a contractor or subcontractor will be rendered from a site that is outside the United States. The bills also require that services that are to be rendered from a site that is located outside the United States be merely incidental to the main purpose of the contract.

Under two other measures, [SB 401/HB 514](#), the Governor may bind the State or give consent to the federal government to bind the State to the government procurement rules of an international trade agreement only if the General Assembly enacts legislation that explicitly authorizes either of those actions related to a specific international trade agreement.

Notaries

The approximately 81,000 registered notaries public in Maryland are the subject of [SB 400/HB 51](#). The proposals increase the maximum fee the Secretary of State may approve by regulation for performance of an original notarial act from \$2 to \$5. The charges, which have not been increased since 1982, will then be in line with surrounding jurisdictions.

[HB 395](#) requires at least 60 hours of driving practice. The measures also differ in setting the required conditions.

Bills on a Senate committee's hearing schedule for next week prohibit minors as passengers in vehicles driven by a minor with a provisional license ([SB 57](#), [SB 240](#)), restrict the use of wireless communication devices while driving ([SB 50](#)), and offer discounts for seniors on registration fees ([SB 201](#), [SB 235](#)). [SB 201](#) also includes a discount for individuals with disabilities. Also on the schedule are proposals to provide an exemption from license renewal fees for military personnel under certain circumstances ([SB 318](#)), and to create "Fear the Turtle" special license plates to benefit college scholarship students ([SB 88](#)).

TRANSPORTATION

Legislation that creates a "Driver Responsibility and First Responders Fund" ([SB 275/HB 383](#)) provides grants to local governments to pay for equipment and personnel for fire, rescue, or emergency medical services entities and local law enforcement agencies. Money from the fund, collected in part from fees assessed on drivers with certain convictions, may not take the place of funding that otherwise would be appropriated for expenses of the local governments.

The First Responder Fund House bill, along with other measures related to motor vehicles, will be before a House committee next week. The committee will hear testimony on requirements for learner's instructional permits and eligibility for provisional driver's licenses ([HB 242](#), [HB 244](#)), restrictions on the use by minors of wireless communication devices while driving ([HB 394](#)), and restrictions on drivers who are minors with passengers who are minors ([HB 393](#)).

Two other bills require an individual who holds a learner's instructional driving permit and seeks to take a driver skills or driver road examination to first complete additional hours of driving practice under certain conditions. [HB 362](#) requires completion of 40 hours and