



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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(Click on Issue above for previous Wrap-Ups)

SINE DIE IS COMING

The General Assembly has passed a total of 56 bills with 10 days remaining in the 2005 session. *Sine Die* is at midnight on April 11. The 2005 session is the third in the four-year term that began with the 2003 session.

COURTS AND CIVIL PROCEEDINGS

[SB 642/](#)[HB 25](#) each passed with identical amendments to the opposite chamber this week to allow a court to decide whether to allow a homicide case to proceed when prosecutors unsuccessfully appeal a pretrial ruling suppressing evidence. Current law requires such a case to be dropped.

The Senate passed [SB 204](#) to increase the number of judgeships in the circuit courts and District Courts of several counties and Baltimore City. An identical bill, [HB 236](#), passed earlier in the House.

Also passed in the Senate, [SB 413](#) allows the Maryland Attorney General to bring an antitrust action against the manufacturer or distributor of medicine or a medical device, cosmetics, food or food additive, or commercial feed on behalf of a consumer, even when the consumer did not purchase the product directly from the manufacturer or distributor. An identical bill, [HB 829](#), passed earlier in the House.

Kinship care is foster care provided by a relative of the child within the fifth degree of consanguinity or affinity. Bills passed by the House addressing kinship care include:

- [HB 935](#) to require a local social services department to consider whether there is a relative able to provide supervision of a child alleged to be a Child in Need of Assistance (CINA) prior to placing the child in emergency shelter care before a shelter care hearing and to give notice of a shelter care hearing to relatives of the child; and to require a court to give priority to a child's relatives over nonrelatives when ordering shelter care, when committing the child to the custody of someone other than a parent, or when determining the child's permanency plan; and

- [HB 936](#) to establish a Task Force on Kinship Caregivers to address the challenges faced by grandparents and other relative caregivers in obtaining custody or adoption of a child and to help them obtain federal and State assistance regarding their kinship care role. A report is due by the end of next year.

Legislation to expand protections for domestic violence victims passed to the opposite chamber:

- [SB 259](#) increases the maximum effective period of a protective order from 12 to 24 months;
- [HB 328](#) increases the maximum period of extension of a protective order from 6 to 12 months; and
- [SB 263](#) and [HB 327](#) expand the types of abuse for which relief may be sought under a protective order to include harassment and stalking.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

The General Assembly agreed to pass:

- [HB 240](#), to expand the provisions concerning when and where DNA samples can be taken from a person convicted of a felony or a breaking and entering misdemeanor to include a suitable location in a circuit court following sentencing; and
- [HB 241](#), to enact and ratify the National Crime Prevention and Privacy Compact that organizes an electronic information sharing system among the federal government and the states to exchange criminal history records for noncriminal justice purposes.

The Senate passed [SB 488](#), establishing misdemeanor criminal gang offenses, after amending it to be identical to the companion bill ([HB 849](#)) that passed the House last week.

Following additional revision in committee, [HB 398](#) passed the House to allow the prosecution of murder or manslaughter of a viable fetus. The bill's scope excludes abortion, liability of a health professional for fetal death that occurs in the course of administering lawful medical

care, and an act or failure to act of a pregnant woman with regard to her fetus. First degree murder of a viable fetus committed in conjunction with another first degree murder during the same incident may not be considered an aggravating circumstance in death penalty considerations.

A person convicted of committing or attempting to commit robbery faces a maximum penalty of 15 years in jail. Identical bills [SB 579](#) and [HB 663](#) increase the maximum penalty to 20 years, if the crime is committed by displaying a note claiming the robber has a dangerous weapon. Each bill passed its house of origin.

[SB 91](#) and [HB 283](#) double the length of time a court can order probation for a time longer than a defendant's sentence for a defendant convicted of sexual abuse of a minor or, when the victim was a minor, of rape or first, second, or third degree sexual offense. [HB 283](#) requires the written consent of the defendant. Both bills await action in the opposite chamber.

The Senate passed [SB 827](#) to allow a car theft victim to submit an affidavit to be used as evidence in the trial of the alleged thief, instead of appearing in person, when the affidavit was earlier sworn to in open court by the victim.

ECONOMIC AND BUSINESS ISSUES

Immigration Issues

Delegates adopted amendments and sent to the Senate a consumer protection measure that regulates and limits the activities of immigration consulting services, grants a private right of action to individuals injured by violations of the bill, and makes a violation of the bill a misdemeanor. However, [HB 691](#) does not apply to an attorney licensed to practice in Maryland, a clinic affiliated with a Maryland law school, anyone authorized to represent clients in immigration matters under federal regulations, or a federally recognized nonprofit organization or recognized representative.

Another immigration-related proposal failed to gain committee approval. [HB 1174](#) would have established a task force to study the impact of illegal immigrants on the job market in the State and the feasibility of adapting migrant agricultural laborer laws to restaurants, hotels, and related industries.

Economic Development

Changes in tax benefits in arts and entertainment districts are under consideration in opposite chambers. [HB 1006](#) alters the definition of a qualifying resident

artist by expanding eligibility to artists that own or rent real property in the county where an arts and entertainment district is located. Under current law, eligibility is restricted to owning or renting residential property in the arts and entertainment district.

[SB 794](#) makes the same change to the definition of qualifying resident artist, but as amended also requires that the artistic work be produced, not only sold, in the arts and entertainment district. Provisions in the Senate bill, but deleted from the House version, expand the types of buildings in arts and entertainment districts for which a property tax credit may be granted and establish a method for calculating property tax credits granted in arts and entertainment districts. Amendments to [SB 794](#) include a provision that limits the current income tax benefit for a qualifying resident artist to income derived from the publication, production, or sale of an artistic work that the artist wrote, composed, or executed in the arts and entertainment district.

Given final approval by the legislature, [HB 674](#) alters several programs of the Maryland Small Business Development Financing Authority (MSBDFA) that support small and minority-owned businesses in Maryland. The bill increases the maximum amount of loan guarantees from the Contract Financing Fund to \$1 million, increases the maximum amounts of a bid, performance, or payment bond to \$1.35 million and direct issue bonds to \$1 million under the Small Business Surety Bond Program, increases to \$1 million the equity participation financing by MSBDFA, and expands the scope of businesses eligible for assistance under the Equity Participation Investment Program. The crossfile, [SB 148](#), remains in a House committee.

The legislature also passed [HB 286](#) extending the work of the Task Force to Study the Dynamics of Elderly and Retiree Migration Into and Out of Maryland to May 31, 2006.

Other bills extending the work of special study groups are on their way to the Governor with General Assembly approval:

- [HB 963](#) extends to June 30, 2006, efforts of the Task Force on Broadband Communications Deployment in Underserved Rural Areas, crossfile [SB 454](#) remains in House committee; and
- [HB 797](#) extends until December 31, 2007, the Maryland Military Installation Strategic Planning Council, which is charged with examining issues related to the expansion of military installations and

preparing for the U.S. Department of Defense Facilities Initiative that begins this year.

House legislation before a Senate committee next week revives the Live Near Your Work program in the Department of Housing and Community Development (DHCD). Under [HB 449](#), the homebuyer assistance program assists homebuyers to receive low-interest mortgages with down payment and closing cost assistance for the purchase of new or existing homes near their work place. The program will coordinate with and match where appropriate similar programs offered by private employers and county and municipal governments.

The Live Near Your Work program established by regulation in 1997 was a cooperative effort by the State, participating local jurisdictions, and participating employers to provide an incentive for employees to purchase homes near the workplace or in targeted neighborhoods.

Energy and Utilities

The House sent the Senate [HB 1346](#) establishing a Renewable Fuels Incentive Board within the Maryland Department of Agriculture. The board will oversee a program, limited to ten years with payments beginning on or after December 31, 2007, that authorizes the payment of credits for the production of ethanol and biodiesel fuels. To be eligible for credits, a producer must be approved and certified by the board. Amendments reduced the number of gallons eligible for credits. The Senate has yet to move its version, [SB 740](#).

Legislation ([SB 708](#)), as amended and passed by the Senate this week, prohibits a cellular telephone service provider from including the cellular number of a subscriber in a telephone directory without consent of the subscriber. The other bill on the same subject, [HB 1260](#), was voted down by a House committee last week.

Insurance

Two House measures received a final vote of passage this week:

- [HB 617](#) prohibits a life insurer from refusing to insure or continue to insure someone solely for reasons associated with the individual's past lawful travel experiences. It also prohibits limiting the amount, extent, or kind of coverage available or charging an individual a different rate for the same coverage. (The companion bill, [SB 507](#), was before a House committee this week); and

- [HB 160](#) requires continuing education on flood insurance for an insurance agent licensed to sell property and casualty insurance and who sells homeowner's insurance.

Labor

Bills increasing the minimum wage were before committees of the opposite chambers this week. [SB 89](#) and [HB 391](#) increase the minimum wage in the State to \$6.15 per hour for employees subject to the federal or State minimum wage requirements and set the tip wage at 50% of the minimum wage. However, [SB 89](#) also includes provisions that allow employers who provide employee health insurance to reduce the hourly wage by all or part of the employer's share of the premium for an employee, but not below the \$5.15 per hour federal minimum wage. The insurance provision is in effect for two years.

Companion legislative proposals ([SB 712/HB 751](#)) before committees in the second chamber this week permit an employer to pay an employee's wages by crediting the wage to a debit card or "payroll card." Just as with direct deposit, the employee must authorize this method of payment. The debit or payroll card allows the employee to access the money through ATMs or direct purchase of goods and services.

Legislation resulting from recommendations of the Unemployment Insurance Funding Task Force received final legislative approval at the end of the week. The task force studied the current charging and taxation system, eligibility and benefit provisions, and the need to alter the current system to maintain the trust fund level to meet benefit needs. Under federal law, each state must maintain an unemployment insurance trust fund from which unemployment benefits are to be paid. Provisions of [HB 798](#) include:

- replacing the current single schedule of experienced tax rates and the flat-rated surcharge system with an overall experienced rated system;
- increasing the maximum weekly benefit amount from \$310 to \$340, and from \$90 to \$100 the amount an individual may earn and still receive the full weekly benefit amount; and
- establishing an oversight committee for two years to review the effect of the implemented changes and make further recommendations.

A House committee held a hearing on [SB 983](#) that exempts military disability severance payments from current provisions that require a reduction in

unemployment insurance benefits, if the individual receives or is eligible to receive dismissal payment or wages in lieu of notice.

Senators will hear testimony next week on [HB 1567](#) that alters the way unemployment insurance experience rates are determined for successor employers following a transfer of a business. The measure also imposes penalties if the Secretary of Labor, Licensing, and Regulation determines that the transfer of trade or business occurred primarily or solely to obtain a reduced unemployment insurance contribution rate.

EDUCATION

Primary and Secondary

The House sent more bills to the Senate that require the Maryland State Department of Education to:

- employ a full-time director of physical education, [HB 525](#). (The Senate companion [SB 233](#), now in the House, requires the full-time director of physical education to assist local boards in making long-range plans to meet the minimum national standards for physical education as established by the National Association for Sport and Physical Education);
- seek federal funds for the youth suicide prevention school programs under the Garret Lee Smith Memorial Act. Mental health programs such as Teenscreen and Active Minds, Inc. that promote mental health awareness and encourage students to seek help as soon as it is needed are added to the suicide prevention programs that are eligible for State funding ([HB 930](#)); and
- develop a plan for the accreditation of all existing early learning programs and child care programs that are planning to provide full-day kindergarten classes or publicly-funded pre-kindergarten programs for low-income four-year old children ([HB 1491](#)).

Heard this week by a Senate committee, [HB 1](#), the Public School Construction Assistance Act of 2005, imposes recordation and transfer taxes on the transfer of real property with a value of \$1 million or more when the transfer is achieved through the sale of a “controlling interest” in a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. Controlling interest is defined as more than 80% of the total value of the stock or the interest in capital and profits. The bill requires Baltimore City and county governments to dedicate specified amounts of local recordation and transfer taxes

to school construction for fiscal 2006 through 2009. As amended, the legislation no longer requires that part of the State portion of the taxes be used for public school construction, thus retaining those funds for Program Open Space.

Bills that received an unfavorable committee vote include:

- [HB 739](#) that would have required a local board of education to determine its capacity to provide the required kindergarten and pre-kindergarten programs each year and if insufficient, to contract with alternative early learning and child care providers; and
- [SJ 10](#) that would have urged the Maryland Congressional Delegation to seek either full funding for the federal No Child Left Behind Act or a waiver from its requirements.

Higher Education

Companion bills, [SB 360/HB 1142](#) passed their houses of origin this week. Amended to match, the bills require the governing bodies of the University System of Maryland, St. Mary’s College, and the Board of Community College Trustees for each community college by January 1, 2007, and develop a nonvisual access clause for use in the procurement of computer-based instructional technology.

Failing to gain support in a House committee:

- [HB 296](#) would have granted an exemption from tuition and mandatory fees at public institutions of higher education for Eagle Scouts and recipients of the Girl Scout Gold Award; and
- [HB 964](#) would have prohibited the governing board of a public institution of higher education from hiring, firing, or excluding a faculty member from tenure on the basis of the faculty member’s political or religious beliefs. In addition, faculty members would not have been permitted to use their courses or positions for the purpose of political, ideological, religious, or antireligious indoctrination.

ELECTIONS AND ETHICS

Legislation ([HB 1031](#)) that would have established a comprehensive system of public financing for candidates for the General Assembly was sent back to committee from the House floor this week, effectively ending its chances of passage. The Senate bill ([SB 725](#)) has not moved.

Late this week, the legislature passed [SB 444](#) that requires the Governor to appoint as a member of the State Board of Elections (SBE) an individual whose name is submitted by the central committee of the principal party entitled to the appointment. The bill retains current law that requires each appointee to be a member of one of the principal political parties and that the board may not have more than three or fewer than two members of the same party. The bill also retains the current advice and consent role of the Senate with regard to appointees and the current authority of the board to hire the State Administrator of Elections, but adds the advice and consent role of the Senate in the hiring process. The removal of the administrator, which has been so controversial, is still to be determined by the board. The House also passed and sent the Senate its companion SBE bill, [HB 675](#), with the same amendments.

A committee voted down a late introduction measure that would have altered the appointment and removal process for members of the SBE, with three members to be appointed by the chair of the majority party and two members by the chair of the principal minority party. Appointments would have remained subject to the advice and consent of the Senate ([HB 1458](#)).

Both chambers have approved and sent to the other, bills that require the State Administrator of Elections to implement a study of verification systems used in Maryland, including at least one system that includes a voter verified paper audit trail and to report by this December ([SB 849/HB 479](#)).

Within this context, following an extended discussion, House members defeated [HB 80](#) on a third reading vote. The bill would have required a voter verification process to preserve within the polling place a record of the ballot choices cast by a voter and to have the capability of auditing each ballot. The bill also would have required the Governor to allocate the resources necessary to implement the process by fiscal 2007.

The Senate passed [HB 381](#), but with amendments that now require the SBE to make available a report of election results for each candidate or question voted on by precinct, by State legislative districts and subdistricts, county legislative districts, and for each county. The report is to be in an electronic format for a fee. The House version of [HB 381](#), as agreed to by that chamber, requires election results to be published by the State Board of Canvassers for each candidate or question by precinct, State legislative districts and subdistricts, and for the county as a whole.

Under [SB 465](#), which had a House committee hearing this week, campaign contributions made by an “officer” of a not-for-profit organization are exempt from the requirement that an officer, director, or partner of a business entity doing public business be attributed to the business entity and be reported to that entity’s chief executive officer. The original companion bill, [HB 178](#), as amended and passed by the House, differs in the definition of officer.

A measure that would have allowed a campaign finance entity to make a disbursement using a check card or debit card that is issued to the entity was killed by a Senate committee this week ([HB 357](#)). Another bill, [HB 457](#), on the same subject, was withdrawn earlier. Legislation that would have established a one-stop absentee ballot voting process died in a House committee ([HB 746](#)).

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Several departmental bills concerned with preserving agricultural land in the State through the Maryland Agricultural Land Preservation Foundation (MALPF) passed the General Assembly this week:

- [HB 74](#) extends the time period from 30 days to 90 days within which a county is required to notify MALPF of approval of an easement termination request;
- [HB 75](#) designates the Secretary of Planning or the Secretary’s designee as an *ex officio* member of the board of trustees of MALPF;
- [HB 78](#) clarifies the authority of a county to deny certain applications under local land use regulations for land subject to an agriculture land preservation easement; and
- [HB 79](#) establishes a deadline for requesting arbitration of disputes over the value of easements under MALPF.

Legislation aimed at preventing the spread of avian flu passed the Senate with amendments. As amended, [HB 709](#) creates a poultry registration program in the Department of Agriculture. Provisions added in committee require the department to protect the identity of registrants unless disclosure is necessary to protect public health or to prevent the spread of disease.

[HB 575](#), a bill that establishes a statewide computer recycling pilot program, is scheduled for an April 8

hearing in a Senate committee. The bill also creates a Statewide Computer Recycling Fund and a plan for the “take back” by manufacturers of used personal computers. Under the bill, the Department of the Environment is to study and compare the environmental and public health impacts of disposing of, and recycling, cathode ray tubes and review the effectiveness of the pilot program, and report the findings on or before December 1, 2008.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

The Senate’s legislation ([SB 8](#)) regulating gift cards and gift certificates was considered by the House. Under provisions of the bill, a person may not sell a gift card that is subject to expiration unless the date is clearly printed on the certificate and is at least five years after the issue date, or a post sale fee, including a service fee and other specified fees. A gift certificate sold in violation of the bill is valid, but it may not be subject to expiration or a service fee. A gift certificate issued as a store credit may not be subject to expiration or a service fee. The bill does not apply to gift certificates or gift cards issued before July 1, 2005.

Two bills introduced late in the session were reviewed in a House committee:

- [HB 1569](#), authorizing a consumer, with specified exceptions, to elect to place a security freeze on the consumer’s credit report by written request sent by certified mail, telephone, or electronic mail under specified circumstances; and
- [HB 1588](#) imposes duties on a “business” to protect an individual’s “personal information” and to provide notice of a security breach relating to an individual’s personal information. The companion bill, [SB 1002](#), was withdrawn.

Before a Senate committee this week, [HB 753](#) makes changes to the application and licensing requirements for debt management services businesses under the Maryland Debt Management Services Act, including authorizing individuals and for-profit entities to become licensed to offer debt management services.

FISCAL MATTERS

The Budget Bill, [HB 150](#), and the reconciliation and financing bill, [HB 147](#), passed both houses and are in

conference committees. The Budget Bill must pass by midnight Monday, the 83rd day.

The “Maryland Consolidated Capital Bond Loan of 2005,” [HB 340](#), passed the House authorizing \$665.4 million in State bond issuances as part of its \$947.1 million capital budget plan. The rest of the plan consists of \$5 million in general obligation bond funds for tobacco transition authorized by Chapter 103 of 2001, and \$348.1 million in special funds, federal funds, and revenue bonds in the Budget Bill ([HB 150](#)). The Senate will take up the bill next week. Final passage of this bill cannot occur until the Budget Bill has passed.

The two houses made a policy decision to increase the Governor’s proposed funding for public school construction while remaining fiscally prudent. The House reduced or eliminated the funding for other projects based on the need for the project, the readiness of the project to proceed with construction, and the project’s priority, in order to provide more money for public school construction projects.

The House also moved some projects from the capital bond bill to the Budget Bill in order to increase the amount of bonds available for public school construction projects. The House added language to the Revenue Stabilization Account of the State Reserve Fund in the Budget Bill restricting specific sums of money in this account to specific purposes. Generally, projects tagged for transfer to the Budget Bill are those that in previous years were funded with general funds and, if funded with bonds, may require the use of higher cost taxable bonds. The projects placed in the Budget Bill include the Maryland Economic Development Assistance Fund (\$7 million), the Partnership Rental Housing Program (\$6 million), and the Maryland Water Quality Revolving Loan Fund (\$7.6 million). The House restricted \$5 million for the Community Legacy Program, but the Senate removed this project from the Budget Bill.

Among the House’s major amendments to [HB 340](#) are:

- Public school construction—adds \$79.2 million bringing the total there to \$234.2 million and increasing total funding for public school construction to \$250 million with the difference coming from a special fund and the school construction contingency fund;
- Higher Education—reduces bond authorizations for the Shady Grove Educational Center III by \$1.8 million to \$46.9 million and the Morgan State University campus-wide facilities upgrade by \$5.8 million to \$510,000, eliminates the \$1.1 million

authorization for the St. Mary's College Anne Arundel Hall, and adds a \$500,000 authorization for University of Maryland Baltimore County Fine Arts and Humanities Building;

- Land Preservation Programs—reduces Community Parks and Playgrounds from \$5 million to \$3 million and the Rural Legacy Program from \$5 million to \$2 million;
- Housing and Community and Economic Development Programs—eliminates, except for historic preservation and homeless shelters, all bond authorizations and restricts funds in the Budget Bill for the programs, although sometimes at a lower level, e.g. the Community Legacy program is reduced from \$8 million to \$5 million and the Maryland Economic Development Assistance Fund from \$14 million to \$7 million;
- Environment—reduces the Water Quality Project funds by \$4 million leaving \$20.2 million and eliminates other bond authorizations for several program and moves those projects to the Budget Bill for funding;
- Public Safety—eliminates the \$10.2 million authorization for the new State Police barracks at Hagerstown;
- Hospitals—adds \$5 million in grant authorizations for hospitals as recommended by the Maryland Hospital Association; and
- Local Projects—adds \$25 million for local projects introduced as separate bond bills and now part of [HB 340](#). The House listed \$12.5 million in projects and allotted \$12.5 million for projects to be added by the Senate.

The House sent two tax-related proposals to the Senate:

- [HB 37](#) designates a sales tax-free week for clothing priced under \$100. As amended by the House, the bill now applies statewide and is from August 23, 2006, through August 27, 2006. Two other sales tax-free period bills ([SB 374](#) and [SB 599](#)) are still in the Senate committee; and
- [HB 245](#) phases in over a five-year period a 50% exemption of the military retirement income from State income tax. Amendments limit the exemption to enlisted personnel starting in calendar year 2007. Three other military retirement income bills, [SB 211](#), [HB 270](#), and [HB 1247](#), remain in their original committees.

The bills altering the calculation of the Homeowner's Property Tax Credit Program, the "circuit breaker," are all either still in committee ([SB 181](#), [SB 631](#), and [HB 786](#)), have received an unfavorable report ([HB 9](#), [HB 745](#), and [HB 1195](#)), or have been withdrawn ([HB 1101](#)).

[HB 136](#), which would have recoupled the Maryland estate tax to the federal estate tax, effectively repealing the Maryland estate tax, received an unfavorable report from the House committee. Similar bills, [SB 99/HB 321](#), remain in committee.

GAMING, RACING, AND SPORTS

Recently passing the House and receiving a hearing this week in the Senate, [HB 1086](#), the Maryland Hunting Heritage Protection Act, requires the Department of Natural Resources (DNR) to keep land managed by it open for hunting except under specified conditions. DNR must manage land under its authority to support, promote, and enhance hunting opportunities to the extent authorized under State law, and manage land under its authority to prevent, to the greatest practical extent, any net loss of acreage available for hunting opportunities.

HEALTH CARE AND HEALTH INSURANCE

In accordance with the Maryland Constitution, the Maryland Patients' Access to Quality Health Care Act of 2004-Implementation and Corrective Provisions ([SB 836](#)/Chapter 1), became law without the Governor's signature. The emergency bill makes changes to legislation enacted during the 2004 Special Session on medical malpractice and patient safety issues.

The House passed the Quality Health Care Act of 2005 ([HB 114](#)) incorporating medical malpractice tort reform components, as well as establishing a Joint Legislative-Executive Task Force on Health Care Malpractice to meet during the 2005 interim and report to the Governor and General Assembly. A failed floor amendment would have added components of the Administration's medical malpractice tort reform legislation still pending in committee ([SB 221/HB 301](#)).

Passed in the House, a revised [HB 1183](#) proposes appropriating annually \$23 million in funds from the State's Cigarette Restitution Fund for defined State supported stem cell research. Additionally, each year \$2 million is to be allocated for prostate cancer screening and treatment programs. Human cloning is banned by the legislation.

Both the House and Senate passed their versions of [SB 728/HB 1143](#) making eligible for the Maryland Pharmacy Discount Program individuals who are not Medicare beneficiaries, lack other public or private prescription drug coverage, and who have an annual household income below 200% of the federal poverty level guidelines. Federal approval will be required. The bill has a Senate hearing next week. A similar provision is incorporated into [SB 716](#), Community Health Access and Safety Net Act of 2005, as passed by the Senate.

Both chambers passed legislation addressing Lyme disease. Under [SB 596](#), the State Board of Physicians is annually to prepare and disseminate to its licensees an information document regarding the most recent diagnosis and treatment information for the disease and other related tick-borne illnesses. A task force to study Lyme disease in the State is proposed by [HB 1323](#).

The House passed an amended version of the Administration's lead paint bill ([HB 251](#)). Provisions of the bill include reduction of the elevated blood level that triggers lead hazard reduction requirements from 15 µg to 10 µg and compensation to children for medical care and relocation as well eliminating the 20 day grace period for violations. The bill is now assigned to a Senate committee. No action has been taken on companion [SB 212](#). Another bill related to inspections of defective conditions by landlords did not meet committee approval ([HB 1403](#)).

This week, the Senate passed on a preliminary vote [HB 565](#), allowing bone marrow transplant donations from individuals under age 18. Senate committees also looked at a number of House bills:

- [HB 20](#), requiring an assisted living facility that serves 50 or more individuals to have an emergency electrical power generator on the premises;
- [HB 21](#), requiring nursing homes and assisted living facilities to have and maintain an automated external defibrillator (AED) and have a trained operator on-site 24 hours each day;
- [HB 267](#), extending the termination date for the Statewide Advisory Commission on Immunizations which makes recommendations on vaccine shortages until May 31, 2008;
- [HB 324](#), making a variety of changes to State drug assistance programs in relation to the new Medicare Part D prescription drug benefit. Medicare Part D beneficiaries with household incomes at or below 300% of the federal poverty level guidelines are

eligible for State subsidies for their cost-sharing requirements under Medicare; and

- [HB 627](#), the Community Health Care Access and Safety Net Act of 2005, establishing the Maryland Community Health Resources Commission (CHRC) to increase access to health care for lower-income individuals and provide resources to community health resource centers around the State. The bill also implements a variety of programs, grants, federal waivers for Medicaid expansion, and studies, and establishes a task force to help facilitate access to health care.

On the House side, committee review of Senate legislation includes legislation regarding:

- conduct of clinical trials in the State ([SB 681](#));
- task forces to look at electronic health records ([SB 251](#)) and the creation of a prescription drug repository ([SB 441](#));
- issuance of life partnership certificates to qualifying couples for the purpose of conferring rights to make medical determinations in certain circumstances ([SB 796](#)); and
- clarification, under Maryland's Health Care Directives law and in accordance with the Health Insurance Portability and Accountability Act (HIPPA), that a health care agent is a personal representative entitled to request and receive protected health information and that each individual named as a health care agent is a personal representative, in accordance with HIPPA, for all purposes related to any assessment of my capacity to make an informed decision regarding health care ([SB 247](#)).

HUMAN RESOURCES

The Senate passed [SB 463](#) to make eligible for food stamps all State residents who have been convicted of a drug-related felony and who otherwise qualify to receive food stamps, subject to substance abuse testing for two years. An identical bill, [HB 1024](#), passed the House last week.

REAL PROPERTY, ESTATES AND TRUSTS

Three property bills are scheduled for hearings in the Senate next week. They are:

- [HB 282](#) that authorizes a homeowners' association in a development of at least 10,000 people to charge a fee to anyone who pays the association fee with a credit card;
- [HB 1188](#) that authorizes landscape architects, engineers, or surveyors to place a mechanic's lien against a property; and
- [HB 1421](#) that repeals the requirement that the clerk of a circuit court hold a deed of trust or mortgage for 25 years after a release has been endorsed.

Passing third reading is [SB 339](#). Under its terms, a tenant who vacates leased premises because of a medical condition would be liable for no more than 60 days of rent.

Two bills received unfavorable reports. They are [HB 1274](#), protecting a security deposit held by a landlord from attachment by creditors, and [SB 267](#), governing a "ground lease" by a community land trust formed to provide affordable and decent housing to low and moderate income tenants. Its companion bill, [HB 853](#), remains in a House committee.

In the estates and trusts area, [SB 44](#) will be heard in a House committee next week. The bill authorizes a circuit court to assume jurisdiction of an estate and direct its administration, if petitioned by an interested party or by the Orphans' Court in an effort to avoid undue delay or expense.

Receiving an unfavorable report this week, [SB 4](#) would have allowed a photographic copy of a will to be accepted by the registrar of wills, if the original cannot be found and the heirs attest to that fact.

STATE GOVERNMENT

Both chambers have acted on legislation concerning the Office of Children, Youth, and Families (OCYF) that was to sunset on June 30, 2005. The bills, originally introduced on behalf of the Governor, have been reworked. The Administration formula would have reauthorized OCYF as a permanent entity, created a new State 3-Year Plan for services, renamed the Subcabinet for Children, Youth, and Families the Children's Cabinet, and elevated the Special Secretary for Children, Youth and Families to a cabinet-level position.

The House measure, [HB 293](#), as amended and passed by that chamber, transfers the duties of OCYF to the Departments of Health and Mental Hygiene, Human Resources, and Education. Programs and services are to

be under the umbrella of a Subcabinet for Children, Youth, and Families, a statewide Advisory Council, and county coordinating councils.

The Senate bill ([SB 222](#)), as amended and passed by that body, extends the sunset of OCYF from July 1 of this year to July 1, 2006 and sets up a task force to study the programs of the current office to determine the appropriate structure and function. Both the Senate and House in their operating budgets eliminated funding for OCYF, but the Senate elimination is contingent on the failure of [SB 222](#).

Two additional measures address the Office of the Independent Juvenile Justice Monitor, (OIJJM), presently in the Office of Children, Youth, and Families. OIJJM duties include evaluating the child advocacy grievance process, the Department of Juvenile Services (DJS) monitoring process, the treatment of and services to youth, and the staffing and physical condition of each DJS facility. The measures, as amended and passed by the House, are scheduled to be heard by a Senate committee next week:

- [HB 1342](#) transfers OIJJM to the Office of the Attorney General (OAG) and establishes the Juvenile Justice Monitoring Unit (JJMU) of OAG with the function of JJMU to investigate and determine whether the needs of the children under the Department of Juvenile Services (DJS) jurisdiction are being met in compliance with State law, that their rights are being upheld, and that they are not being abused; and
- [HB 1343](#) continues OIJJM with additional required funding for new positions and with expanded jurisdiction to monitor a group home or child care institution exercising care, custody, or control over a child receiving services from the department, as well as its current duties to monitor a residential facility operated by the DJS and a residential facility owned by DJS but privately operated.

A Senate committee killed one of the bills that would have required electronic submission of certain documents to the General Assembly ([SB 449](#)). The same committee has not acted on the House-passed version ([HB 403](#)), which differs somewhat from the original companion.

The General Assembly passed both bills ([SB 401/HB 514](#)) that alter procurement rules related to international trade agreements by specifically requiring General Assembly agreement through legislation in some circumstances.

TRANSPORTATION

Commercial Driver's Licenses

By September 30, 2005, states must implement changes to commercial driver licensing and sanctioning procedures or risk losing federal funds. The General Assembly passed [HB 789](#) that complies with federal law by establishing new and stricter sanctions for those who operate commercial motor vehicles (CMVs) and the holders of commercial driver's licenses (CDLs), and require uniform reporting procedures, as well. The companion bill, [SB 640](#), is in the House.

Alcohol and Drug Abuse

Two measures aimed at taking the licenses of young drivers are waiting for hearings in the opposite chambers. [SB 207](#), just passed by that body, and [HB 252](#), passed by the House last week, now differ in the sanctions for individuals under 21 who drive drunk or while drugged. Both bills continue to tighten the penalties for those who are judged delinquent or judged to have committed a delinquent act, or are actually convicted for violation of drunk and drugged driving offenses.

Another bill, [HB 1401](#), that did not make it out of a House committee, would have suspended or revoked the driver's license of an individual for furnishing alcohol to a minor or allowing consumption of alcohol by a minor, under certain circumstances. The companion bill, [SB 905](#), has not moved out of a Senate committee.

[SB 329](#) has moved to the House. The bill addresses drunk and drugged driving from the perspective of prior convictions and penalties and probation before judgment. Now in a Senate committee, [HB 1455](#) provides that a person who requests a hearing on a suspension for a refusal to take an alcohol or drug test, or for test results that indicate an alcohol concentration of .08 or more, may elect on the record that any other hearing on another license suspension or revocation that arises out of the same circumstances, be consolidated with the requested administrative hearing for certain cases.

Wireless Communication Devices and Minors as Passengers

Most of the bills dealing with teen driving are waiting for hearings in the opposite chamber. However, [HB 394](#), now passed by the Senate with amendments, prohibits a holder of a learner's permit or a provisional license who is under 18 years from using a wireless communication device while operating a motor vehicle. The

amendments clarify that the vehicle must be in motion and add that the license may be suspended for a violation but not for more than 90 days with the proviso that the violator may be issued a restricted license for employment purposes or for driving to and from school. [SB 50](#), which also prohibits use of cell phones and the like by minor drivers, will get its hearing on the House side next week. [SB 57](#) that prohibits, except for specified relatives, a provisional licensee who is a minor from driving with passengers who are minors was before a House committee this week, and received a favorable with amendments report.

Registration Plates and Exemptions for the Military

A House committee will take testimony next week on [SB 630](#) that alters the eligibility requirements for special disability registration plates and parking placards and addresses other issues pertaining to disability registration and parking. Additionally, as of October 1, 2006, all signs designating a parking space or zone for individuals with disabilities must state the maximum fine for illegal parking, and, as of October 1, 2010, each parking lot in the State must be compliant with the applicable codes.

Senate legislation that distinguishes between "historic" and "antique" motor vehicles by date of manufacture and creates a new registration class for antique cars was before a House committee this week. Under [SB 13](#), antique vehicles, those made before 1946 and that meet other criteria, are to be exempt from periodic inspection and emissions controls, including the Vehicle Emissions Inspection Program (VEIP), but are subject to a one-time registration fee of \$50.

The proposal, [SB 684](#), that establishes a new procedure for civic and nonprofit organizations to obtain vehicle registration plates for their organizations also had a committee airing in the second chamber and received an unfavorable report. [SB 88](#) that creates a "Fear the Turtle" scholarship registration plate had a House hearing this week. The bill, [HB 1332](#), that would have created a plate honoring Maryland African American history and culture did not advance this session beyond a House committee.

Veterans and members of the National Guard or U.S. Armed Forces will not get an exemption from driver's license fees. Companion bills, [SB 318/HB 39](#), were voted down in committee.

VEIP Exemptions

Senators heard testimony this week and reported favorably on the bill that extends the exemption from September 30, 2006, to September 30, 2009, for

qualified hybrid vehicles from VEIP ([HB 367](#)). Delegates did not agree to [HB 872](#) or [HB 1482](#) that would have expanded the exemption for individuals with special disability registration plates from VEIP to include individuals with special disability parking placards.

Clean Cars, HOV Lanes, Low Speed Vehicles, and Off-Highway Vehicles

The Maryland Clean Cars Act ([SB 366/HB 564](#)) did not advance beyond the committee level. The legislation would have required the Maryland Department of the Environment, in conjunction with the Motor Vehicle Administration, to establish a Low Emissions Vehicle (LEV) Program applicable to vehicles of the 2009 model year and after.

Bills, [HB 34](#) and [HB 142](#), that would have altered the criteria for the use of High Occupancy Vehicle (HOV) lanes to allow inherently low emission vehicles and qualified hybrid vehicles to use the lanes died in committee, as did bills, [SB 709/HB 1255](#), that would have opened HOV lanes to all vehicles when a serious accident causes traffic in the lanes adjacent to the HOV lane to slow more than a specified rate of speed.

Low speed vehicles are four-wheeled electric vehicles that have a maximum speed that exceeds 20 miles per hour, but not more than 25 miles per hour. [HB 316](#), as passed by the House, addresses standards and restrictions for the titling, registration, and driving of these vehicles.

An amended bill passed by the House creates a task force to study and report by December 2005 the titling and registration of off-highway vehicles such as all-terrain vehicles, dirt bikes, and snow mobiles ([HB 1290](#)).

Driver Responsibility and First Responders Fund Act

After lengthy debates and amended language, the Senate passed [SB 275](#) that establishes the First Responders Fund to provide grants to political subdivisions to pay for equipment and personnel for fire, rescue, and emergency medical services entities and local law enforcement agencies. The bill also sets up a State Assistance for Police Protection Fund. Support for the funds is to come from fees assessed on driver licensees who accumulate violations of vehicle and drunk or drugged driving laws. The House version, [HB 383](#), remains in committee.

Maryland Transportation Authority

This week the Senate amended and sent to the House [SB 255](#) that alters Maryland Transportation Authority (MdTA) bonding authority and makes provisions for funding the InterCounty Connector (ICC). This bill repeals bonding restrictions enacted last session that would have required legislation approving the issuance of any bonds to finance a transportation project and the maximum principal amount of bonds to be issued. Instead, the bill permits MdTA to issue revenue bonds secured by toll revenues in any amount, as long as the outstanding principal on all bond issues does not exceed a cap of \$1.9 billion on June 30 of any year or a more restrictive cap imposed by the General Assembly for the next fiscal year. This imposes annual reporting requirements on MdTA.

Senate amendments also expand the definition of tax supported debt to include debt issued by MDOT or MdTA that is secured by a pledge of future federal aid from any source and limit this type of debt to \$750 million in principal for 12 years.

As amended, the bill provides that the State and MdTA shall finance the ICC by the:

- transfer of \$22 million in fiscal 2005 and \$38 million in fiscal 2006 from the Transportation Trust Fund to MdTA;
- appropriation in the budget of at least \$30 million from the Transportation Trust Fund for fiscal 2007 through 2010;
- appropriation from the general fund of at least \$53 million for fiscal 2007 through 2009 and of \$105.9 million for fiscal 2010;
- appropriation of federal aid as deemed prudent;
- issuance by MdTA of bonds secured by a pledge of future federal aid not to exceed \$750 million; and
- issuance by MdTA revenue bonds not secured by future federal aid.

Late last week the House sent an amended version of [HB 1352](#) to the Senate. Amendments deleted the provisions that would have increased the maximum percentage, from 13% to 20%, of the State's average annual federal highway aid authorization that may be used for annual debt service on the use of Grant Anticipation Revenue Vehicle (GARVEE) bonds issued by MDOT and the MdTA. The bill retains provisions lifting restrictions on MdTA's ability to issue bonds. Other amendments to the bill make it nearly identical to the amended [SB 255](#).