



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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COURTS AND CIVIL PROCEEDINGS

Domestic Violence

Legislation on this topic that originated in the House passed preliminary floor votes in the Senate with no amendments:

- [HB 464](#) authorizes a District Court commissioner or judge, when awarding temporary custody of a child to the petitioner under an interim or temporary protective order, to order a law enforcement officer to use all reasonable and necessary force to return a minor child to the custodial parent after the protective order is served;
- [HB 971](#) extends from one to two years the maximum duration of a final protective order that is issued for abuse committed within one year after the expiration of a prior final protective order issued against the same respondent on behalf of the same victim, and the prior order was for a period of at least six months;
- [HB 98](#) increases the maximum extension of a temporary protective order from 30 days to six months;
- [HB 296](#) requires a final protective order to order the respondent to surrender any firearm in the respondent's possession for the duration of the order; and
- [HB 302](#) allows a judge, when issuing a temporary protective order, to order the surrender of a respondent's firearm for the duration of the order if the abuse by the respondent consisted of the use or a threat to use a firearm against the petitioner or serious bodily harm or a threat to cause serious bodily harm to the petitioner.

Additionally, [HB 296](#) and [HB 302](#) require the police to transport and store surrendered firearms in a certain manner and provide information to respondents on how to retake possession of their firearms. All of the companion bills ([SB 714](#), [SB 811](#), [SB 601](#), [SB 267](#) and [SB 268](#), respectively) are under House committee consideration.

Withdrawn by its sponsor, [HB 1247](#) (failed) would have required a person charged with violating a protective order to undergo a lethality assessment evaluation and possible tracking by global positioning satellite as a condition of pretrial release or probation in jurisdictions that implement a global positioning satellite tracking system program.

Employment Discrimination

After receiving House approval, the Lilly Ledbetter Civil Rights Restoration Act of 2009 ([HB 288](#)) passed a preliminary Senate floor vote unamended to authorize an employee to recover back pay for up to two years preceding the filing of a complaint for employment discrimination based on an unlawful employment practice that occurred outside the statute of limitations for filing, but was similar or related to an unlawful pay discrimination practice that occurred during the complaint filing period. The companion bill, [SB 368](#), had a hearing in a House committee.

Courts and the Legislature

The House passed [HB 1115](#), to expand the requirement that legal proceedings scheduled for specified times be postponed when a member or desk officer of the General Assembly is an attorney of record in the proceeding to include any member or desk officer of the General Assembly who is a party to the proceeding.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Substance Abuse

The hallucinogen *Salvia divinorum* is currently not listed on a federal or State drug schedule, and its use, possession, or sale is not prohibited in Maryland. The House passed [HB 1261](#) to create the misdemeanor crime of distributing *Salvia divinorum* to an individual under the age of 21. The bill also prohibits an individual under 21 from possessing the substance, and violators are issued a civil citation. A report from the Attorney General detailing a recommended scheme for the regulation of sales of *Salvia divinorum*, including requirements for sellers and the placement of products in stores, is due by December 1.

HB 8 (failed), which would have established a product that contains *Salvia divinorum* as a Schedule I controlled dangerous substance, including it in criminal provisions that prohibit the manufacture, sale, possession, use, or distribution of such substances, failed a House committee vote.

The House amended and passed **HB 1273** to specify that the act of seeking medical assistance for another person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

Financial Exploitation of Elderly

Companion bills **SB 304/HB 583** expand the prohibition against financial exploitation of vulnerable adults by prohibiting a person from knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual's property. A violator is subject to existing criminal penalties applicable when the victim is a vulnerable adult. The identical bills are now in opposite chamber committees.

Sex Offenders and Gun Offenders

The Senate passed **SB 425** that alters requirements for the retroactive application of the law requiring the names of certain offenders to be entered into the State's sex offender registry. The bill is similar, but no longer identical, to **HB 1030**, which passed the House late last week.

The Senate also gave preliminary approval, with no amendments, to a House measure that exerts tighter control over gun offenders by prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with certain firearms offenses if the defendant has been previously convicted of one of those crimes (**HB 88**).

The House passed **HB 87** to increase the maximum jail time for a subsequent conviction of illegal possession of a regulated firearm.

Law Enforcement

Granted preliminary approval in the Senate with no changes, **HB 1267** requires law enforcement agencies that maintain a SWAT team to report every six months to the Governor's Office of Crime Control and Prevention (GOCCP) the number of deployments and each deployment's location, reason, legal authority, and result. The GOCCP must prepare an annual analysis and

summary of these reports. The bill includes a five-year sunset provision.

Silver Alert

HB 317 passed a preliminary Senate floor vote with no amendments to require the State Police to establish a statewide Silver Alert Program to provide a system for rapid dissemination of information to assist in locating a missing person with a cognitive impairment, such as Alzheimer's disease or dementia.

ECONOMIC AND BUSINESS ISSUES

Labor and Employment

Bills concerning the misclassification of employees as independent contractors have passed their respective chambers with amendments (**SB 909/HB 819**). The bills establish penalties for employers who knowingly fail to properly classify employees, and further establish investigative procedures to follow when noncompliance occurs.

Two measures related to unemployment benefits for part-time workers appear to be moving further in the legislative process. **SB 270** passed second reading in the House, and testimony has been given on the companion bill, **HB 310**, in a Senate committee.

Utility Regulation

SB 844, as amended and passed by the Senate this week, allows the State to return to a regulated electric market, under which the Public Service Commission (PSC) has oversight of a re-established integrated resource planning process, a process in which electric companies develop and submit to the PSC long-range plans regarding their electricity needs. Furthermore, the bill restricts the construction of new electric generation facilities under certain circumstances and requires the PSC to develop a plan for certain customers to transition from a program of customer choice for electricity supply. A status report from the PSC is also required. The companion bill, **HB 1530**, remains in a House committee. Another utility regulation measure, **HB 1312** (failed), was withdrawn. The companion bill is **SB 795**.

Utility Assistance

Energy assistance bills received action this week:

- **SB 703/HB 736** alter the State's electric universal service program by removing restrictions on how benefits may be provided for low-income energy bill assistance. Both measures passed their respective chambers;

- [SB 1057/HB 453](#) add restrictions on when a public service company can terminate gas or electric service for nonpayment, based on certain low temperature or high heat index readings. Both bills passed their respective chambers;
- [HB 1423](#) (failed) would have added funds to the Fuel Fund of Maryland to aid individuals in need of energy assistance. The crossfiled bill is [SB 1046](#); and
- [HB 1285](#) (failed) would have prohibited gas or electric companies from imposing surcharges or additional fees as part of cost recovery for implementing energy programs.

Alcoholic Beverage Licensing

A number of bills concerning alcoholic beverage licensing have received unfavorable committee reports, including:

- [HB 1180](#) (failed), which would have required that enhanced beer, or “alcopops,” be sold only by holders of a beer, wine or liquor license, and would have specified that for alcoholic beverage tax purposes, enhanced beer is taxed as beer. The companion bill is [SB 786](#);
- [HB 1262](#) (failed), which would have allowed shipping of wine directly to consumers through issuance of a direct wine shipper’s license. The crossfiled bill is [SB 338](#); and
- [HB 351](#), [HB 436](#), [HB 519](#), [HB 586](#), [HB 688](#), [HB 772](#), [HB 1351](#) (all failed), which would have authorized the Board of License Commissioners in several counties to extend Class W winery licenses.

Commercial Law

A measure that would have placed restrictions on refiners of gasoline products when selling, transferring, or assigning a fee simple or leasehold interest in a “marketing premises” (such as a retail filling station) that is leased to a dealer received an unfavorable committee report ([HB 1100](#), failed). The companion bill is [SB 858](#).

ELECTIONS AND ETHICS

Early Voting

With approval of a constitutional amendment last November, voters authorized the enactment of a process to allow early voting. [HB 1179](#), as amended and passed by the House, permits early voting beginning the second Friday before a regularly scheduled primary or general

election through the Thursday before the election, but excluding Sunday, between 10 a.m. and 8 p.m. each day. Also, the State Board may expend no more than \$2.5 million from the Fair Campaign Financing Fund, a fund established for gubernatorial candidates, to finance the cost to the State of implementing early voting for the 2010 primary and general elections.

Voting Systems – Requirements

In 2007 the State’s election law was changed to require that Maryland use a voting system that provides a voter-verifiable paper record beginning January 1, 2010. [HB 893](#) allows the State to proceed with procurement of a paper ballot voting system for the 2010 election, but, as amended and passed by the House, the State would be permitted to temporarily implement a hybrid voting system. Under a hybrid system, voters would have the option of casting a paper ballot, but one of the State’s current touchscreen voting machines would also be available in each precinct. The touchscreen machine would provide access to voters with disabilities and also be available for use by all voters. When a voting machine becomes available that meets federal guidelines and allows voters with disabilities to cast a paper ballot, the State is required to purchase that machine and stop using the remaining touchscreen machines.

Voter’s Rights Protection Act of 2009

The House passed [HB 391](#), a broadly based bill that makes various changes to State election law relating to provisional voting, election judge training and conduct, campaign material, polling place procedures, election challengers and watchers, and distribution of false campaign material. One of the bill’s provisions requires that if a polling place is closed for more than one hour between 7 a.m. and 8 p.m. on an election day, the local board must keep the polling place open for an additional period of time equal to the period that the polling place was closed, but not to exceed two hours. The companion bill is [SB 320](#).

Minors in the Voting Booth

This week a Senate committee took testimony on [HB 3](#) to allow an individual younger than age 18 who accompanies a voter to have access to the voting room at a polling place, subject to specified requirements, including that the individual is not eligible to vote in that election. The bill also provides that an individual older than age 17 may not accompany a voter into a voting booth unless the individual is providing specified assistance to a voter. Current law only permits the presence of individuals younger than age 13 in both the voting room and the voting booth.

Employment and Compensation of Election Judges

[HB 1394](#) passed in the House and has an early April committee hearing date in the Senate. The bill makes various changes with respect to election judge requirements under State election law, including the requirement that each local board hire one chief judge from each of the two principal political parties but would otherwise allow the hiring of election judges without regard to party affiliation.

Lobbying by Executive Branch Officials

The House passed a measure ([HB 475](#)) that prohibits a former State official or public official of the Executive Branch from assisting or representing another party for compensation in a matter that is the subject of legislative action for one year after the official leaves employment. The prohibition does not apply to a former official's representation of a governmental entity. The companion measure ([SB 695](#)) remains in a Senate committee.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Water Quality

[HB 1105](#) received preliminary approval in the Senate. The bill prohibits the installation of an individual sewerage system for residential use, defined as a privately owned system of sewers, piping, and treatment tanks, or other facilities, that serves only a single lot for the disposal of sewage and discharges to the surface waters of the State, unless an existing septic system fails and cannot be repaired or replaced by any means and the installation is approved by the Maryland Department of the Environment (MDE). Testimony was heard in the opposite chamber on the crossfiled measure, [SB 721](#).

Other bills addressing water pollution that advanced to the opposite chamber include:

- [SB 554](#), which requires a septic system for a newly constructed building, or one installed as a replacement system, within the State's Critical Area to use the best available technology for nitrogen removal. MDE must assist homeowners in paying the cost difference between that system and a conventional system with money from the Bay Restoration Fund (BRF), if sufficient funds are available. An income tax subtraction is allowed for the amount of the cost difference that exceeds the amount of MDE assistance. The crossfiled measure is [HB 176](#);

- [SB 967](#), which expands the uses of the Septics Account of the BRF to include grants or loans for the cost of connecting a property using a septic system to an existing municipal wastewater facility that achieves enhanced nutrient removal level treatment. The grants or loans would be up to 100% of the cost authorized under current law for repairing or replacing a failing septic system with one that uses the best available technology for nitrogen removal. As amended, the provisions will remain in effect for five years. The crossfiled measure is [HB 1362](#);
- [HB 609](#), which prohibits the sale of lawn fertilizer that contains more than 5% of available phosphoric acid and establishes labeling and reporting requirements. The companion bill is [SB 553](#); and
- [HB 1368](#), which, as amended, creates a task force to study existing laws, regulations and policies related to residential pier construction and how the laws, regulations, and policies balance the needs of riparian property owners, the general public, and the environment.

Coal Combustion Byproducts and Sludge

[HB 1305](#) is now in the Senate. As amended, the bill requires MDE to submit to the legislature's regulatory committee by December 2009, regulations regarding the fugitive air emissions from the transportation of coal combustion byproducts in the State and the permissible beneficial uses of coal combustion byproducts. Also in the Senate, [HB 135](#) authorizes MDE to consider all county and municipal zoning and land use requirements before issuing a permit for the application of sewage sludge on land, and requires MDE to adopt regulations to establish a buffer from a site where sewage sludge will be applied on land adjacent to a boundary of a municipality.

Program Open Space

Emergency legislation permitting local governments to use Program Open Space (POS) Funds for indoor recreational facilities has moved to the opposite chambers. [SB 163/HB 1564](#) require the use of green building standards if the facility is at least 7,500 square feet and the incorporation of, to the maximum extent practicable, specific nonstructural site design practices. The bills modify State reimbursement provisions concerning local POS funds.

Standing

Withdrawn by its sponsor, [SB 824](#) (failed) would have made extensive changes to standing requirements in

environmental cases and authorized private citizens to bring legal action in response to violations of environmental laws. The companion measure, [HB 1053](#) (failed), received an unfavorable committee report.

Planning

A bill that would have amended the State's planning visions for land use, established performance standards to measure implementation of the visions, and required local jurisdictions to integrate these visions and performance standards into their planning documents ([HB 1116](#), failed), has been withdrawn. The companion measure is [SB 878](#).

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

The Senate passed [SB 342](#), which as amended prohibits a merchant from selling, displaying, or offering for sale an article of clothing made of animal fur unless an identifying label or tag is attached to the clothing. A merchant is exempt from the bill's labeling requirements if the merchant sells used clothing made of animal fur or receives written assurance from a manufacturer or supplier that the clothing does not contain animal fur. The companion bill is [HB 208](#).

FISCAL MATTERS

The Budget Bill and BRFA

The Senate passed the Budget Bill ([HB 100](#)), and the Budget Reconciliation and Financing Act, also known as BRFA ([HB 101](#)). Eighty-five committee and four floor amendments were adopted, reducing the originally submitted Budget Bill by \$895 million. The fiscal 2010 budget of \$31.5 billion is a 1.6% increase for fiscal 2010 over the fiscal 2009 appropriation. A number of the reductions are contingent upon statutory changes made in BRFA, as well as by the transfer into the General Fund of \$779.4 million for fiscal 2009 and \$236.3 million for fiscal 2010 for total transfers of \$1 billion.

The Budget Bill, as passed by the Senate, maintains full funding for the Bridge to Excellence education (Thornton) formulas, including full funding of the Geographic Cost of Education Index (GCEI). The Senate does restrict \$50.6 million in education aid for public school construction. The Senate also provides funding for the State's public universities and colleges to keep an in-state tuition freeze for the fourth straight year. Community college assistance increases by \$8.1 million. There are no reductions to medical assistance services or

eligibility for medical assistance. Among the Senate's actions are:

- Sellinger grants for aid to non-public institutions of higher education reduction of \$10 million, instead of the \$20.6 million House reduction;
- Community colleges reduction of \$33.6 million, instead of the \$35.1 million House reduction;
- State universities and colleges aid reduction of \$6.5 million, while preserving the in-state tuition freeze. The House makes an \$11.9 million reduction;
- Medical assistance reduction of \$50 million contingent upon language in BRFA permitting the use of an equal amount of special funds from the Health Care Coverage Fund for medical assistance. The House has a \$53.5 million contingent reduction;
- Local Highway User Revenue reduction of \$161.9 million (instead of the \$101.9 million House reduction), with the money being transferred to the General Fund in BRFA. The additional \$60 million reduction replaces the House's diversion of \$60 million in local income tax revenue to the State;
- Stem cell research reduction of \$13 million to \$5.4 million. The House funds the program with \$18.4 million;
- Department of Assessments and Taxation budget reduction of \$20.8 million, contingent upon language in BRFA requiring the counties and Baltimore City to pay 50% of real and business personal property valuation for two years;
- The Maryland Biotechnology Investment Tax Credit Reserve Fund has the \$2 million House reduction restored, but the language making a reduction contingent upon reauthorizing the program as a non-budgeted tax credit remains.

As noted, BRFA helps balance the Budget Bill by transferring special funds to the General Fund, including transferring \$65 million in Program Open Space balances in fiscal 2009, which the House does not make. The Senate continues the freeze on the per capita amount of the basic education foundation grant formula through fiscal 2012, but permits an increase in the supplemental grant in fiscal 2011. Added language to BRFA freezes mandated appropriations for fiscal 2011 and 2012 at the fiscal 2010 level, with certain exceptions.

Capital Budget Deliberations

The House passed [HB 102](#), the Maryland Consolidated Capital Bond Loan of 2009, in a net amount of \$1.1 billion. Among the House actions are:

- Public school construction receives \$266.4 million in bond authorizations;
- Salisbury University New Purdue School of Business project authorization is reduced by \$14.3 million, leaving \$28 million;
- Land preservation programs including Program Open Space, Rural Legacy, Community Parks and Playgrounds, and agricultural land preservation receive \$127.8 million in bond authorizations in [HB 102](#), plus an additional \$12.6 million in the Budget Bill ([HB 100](#));
- Chesapeake Bay Water Quality Project authorizations are reduced by \$27 million, as the projects are eligible for federal stimulus funding through the Clean Water State Revolving Fund. The House action leaves \$130 million for enhanced nutrient removal, and there is over \$145 million in additional federal authorizations for the water quality and drinking water loan authorizations;
- R. Adams Cowley Shock Trauma Center addition is included in the capital budget bill for \$15 million, while an equal amount in prior authorizations is eliminated;
- Community Legacy Program is reduced by \$2.3 million;
- Helicopter replacement receives an additional \$12.5 million for a total of \$52.5 million in bond authorizations; and
- The Intercounty Connector funding is reduced from \$146.9 million to \$88.9 million.

Under the Maryland Constitution, a bond bill may not pass until the Budget Bill has passed. The General Assembly may increase the authorization for a project or add a project in a bond bill, as well as delete or reduce authorization for projects.

In addition to the bond authorizations in [HB 102](#), there is an additional \$18 million for the Rockville District Court and \$15 million for the Hagerstown Barrack and Garage for the State Police in bond authorizations from 2008 to be issued this year. The tobacco transition program receives a \$5 million authorization enacted in 2006, which amended a 2001 law, the “Southern Maryland Regional Strategy-Action Plan for Agriculture.”

Tax Credits

Several bills are moving through the legislative process:

- [SB 800](#), the Biotechnology Investment Incentive Tax Credit, passed the House. The companion bill, [HB 493](#), passed second reading in the Senate;
- [HB 309](#), the Maryland Heritage Structure Rehabilitation Tax Credit Program, passed the House with amendments providing tax credits for rehabilitating high-performance commercial buildings if certain conditions are met and for multi-family residential housing, provided that a certain percentage of the residential units are reserved for low-and moderate-income households. The companion bill is [SB 258](#);
- [HB 1171](#), the Alternative Energy Tax Incentive Act of 2009, passed the House with amendments to exempt residential wind energy equipment used to generate electricity for a residential structure from the State sales and use tax. The bill also exempts residential wind energy equipment used to generate electricity for a residential structure from State and local real property taxes. Additionally, the bill clarifies that solar energy equipment, for property tax exemption purposes, includes equipment that uses solar thermal electric energy; and
- [SB 644](#), Property Tax Credit - Marine Trade Waterfront Property, passed the Senate. The bill, as amended, authorizes a local government to provide a property tax credit for marine trade waterfront property, which is adjacent to the tidal waters of the State, used primarily for activity or business that requires it to be next to the water, and has produced an average annual gross income of at least \$1,000 over the past three years. Local government is authorized to set the amount and duration of the credit.

HEALTH CARE AND HEALTH INSURANCE

Health Insurance Reform

The Senate passed [SB 79](#), which, as amended, prohibits certain application forms from containing inquiries about certain conditions, illnesses, diseases, or medical procedures. Additionally, the amended legislation prohibits an insurer or nonprofit health service plan from attaching an exclusionary rider to an individual health benefit plan unless the insurer or nonprofit health service plan obtains written permission from the policyholder. The bill also contains requirements concerning the imposition of preexisting condition exclusions or

limitations on an individual, based on certain circumstances. A House hearing is next week.

Financial Assistance and Debt Collection Policies - Hospitals

Two measures have passed their respective chambers related to the Health Services Cost Review Commission (HSCRC) and the financial assistance and debt collection policies of hospitals in the State:

- [SB 776](#), as amended and passed by the Senate, calls for the HSCRC to require that each acute care hospital in the State develop a financial assistance policy for providing free and reduced-cost care to patients who lack health care coverage or whose health care coverage does not pay the full cost of the bill. Prior to amendment, the bill would have required each hospital in the State to develop a policy. Under the bill, free medically necessary care is provided to individuals with an income at or below 150% of the federal poverty level. Reduced-cost care is provided to individuals with incomes above the 150% level, in accordance with terms set out by the HSCRC related to specific conditions experienced in each individual hospital. The HSCRC must study the issue of providing free or reduced-cost care and report to the Governor and General Assembly by October 2009.
- [HB 1069](#), as amended, includes similar requirements as [SB 776](#) but does not include specific requirements for the HSCRC to determine the income thresholds to be established for patients who may qualify for reduced-cost care. The bill passed the House and had a Senate hearing on April 1.

Loan Assistance Repayment and Practice Assistance

[SB 627](#) and [HB 714](#) passed their respective chambers, amended with substantially similar language. The bills alter the eligibility for the Janet L. Hoffman Loan Assistance Program, removing primary care physicians from that program and establishing a separate Maryland Loan Assistance Repayment Program for Physicians and a related Fund.

Certificate of Need Requirements

[SB 71](#), as amended, alters the certificate of need requirements related to the closure or partial closure of a hospital to include other health care facilities. The Maryland Health Care Commission may require a health care facility to hold a public informational hearing when the facility intends to close or partially close. The hearing must be held within the county where the facility is located at least 15 days before the closing or partial

closing of the facility. The bill passed the Senate and was heard by a House committee April 2.

Prosthetic Parity Act

[SB 341/HB 579](#) each passed their respective chambers. The measures require insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for prosthetic devices and components and repair of prosthetic devices. The bills apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2009. Each of the bills was before a committee of the opposite chamber this week.

Bisphenol-A

The House passed [HB 15](#) to prohibit the manufacture of certain children's products containing bisphenol-A. The bill was amended to include within the prohibition empty bottles or cups to be filled with food or liquid that are designed for use by a child under the age of 3 years, which are defined in the bill as "child care articles." Originally, the prohibitions included children's products intended for feeding, sleep aid, and teething and the manufacture of children's toys intended for use by children under the age of 13 years. The legislation has a Senate committee hearing next week.

Failed Measures

Several bills were reported unfavorably in their respective committees this week:

- [HB 273](#) (failed) would have allowed health insurance coverage of autism spectrum disorders. The crossfiled measure is [SB 394](#);
- [HB 567](#) (failed) would have prohibited a food service facility from using food containing trans fat, with certain exceptions. The legislation was previously introduced in 2007;
- [HB 601](#) (failed) would have required chain restaurants to provide specified nutrition information for standard menu items. The crossfiled measure is [SB 142](#);
- [HB 1166](#) (failed) would have established a Medical Education Loan Assistance Program to provide loan assistance repayment to licensed physicians and nurses who agree to practice in a State, federal, or nonprofit hospital in Maryland for a specified period of time; and
- [HB 1280](#) (failed), the Gender Equity Health Coverage Act, would have provided an exception to a provision of law allowing the consideration by insurers of actuarial justification with respect to sex.

The legislation also would have prohibited insurers, nonprofit health service plans, and health maintenance organizations from considering sex in determining whether to underwrite a particular risk or class of risks with respect to health insurance offered to individuals.

STATE GOVERNMENT

Collective Bargaining

The Senate passed an amended “Fair Share Act” that changes State law to make it permissible for State collective bargaining negotiations, with the exception of those related to higher education, to include the right of an employee organization to receive service fees (SB 264). Current law provides that service fees from nonmembers may not be collectively bargained. A service fee is a non-member’s financial contribution to an employee organization to offset costs attributable to the collective bargaining process such as negotiating contracts and representing employees in grievances. An amendment exempts an employee from paying a service fee, if the employee is a member of a bona fide religion that historically has held conscientious objections to joining or financially supporting an employee organization. The exempt employee may be required to make an alternative payment to a nonreligious, nonlabor charitable organization. The companion bill is HB 298.

Accountability in Government

As amended, HB 1192 requires most grantees that receive \$50,000 or more from the State to report specified information to the State. That information must then be posted on the web. A grantee is a for-profit or nonprofit entity or association that receives State aid during a fiscal year and is not a unit of State or local government. The companion bill, SB 556, passed the Senate with identical amendments. This week, both bills had committee hearings in their opposite chambers.

Open Meetings Law

HB 1194 passed the House and had a committee hearing this week in the Senate. As amended, the proposal alters the definition of “public body” under the Open Meetings Act to include multimember boards, commissions, or committees that are appointed by an entity in the Executive Branch.

State Commemorative Days

SB 248, now an emergency bill, establishes the second Saturday in May as Negro Baseball League Day. The bill passed the Senate and was before a House

committee this week. HB 84 is the companion bill and is in the Senate.

As amended and passed by the Senate, SB 216 establishes the first Monday of October as Young Heroes Day. A young hero is a minor who is recognized by the residents of the State for the positive contribution the minor has made to society. A House bill was defeated in a House committee (HB 600).

TRANSPORTATION

Drunk and Drugged Driving

As the 2009 session nears the end of the allotted 90 days, several bills related to drunk and drugged driving are moving forward in opposite chambers:

- SB 259/HB 301, Administration legislation, expand the period in which a prior conviction for alcohol or drug-related offenses disqualifies a person from eligibility to be placed on probation before judgment (PBJ). The legislation also expands the period in which a court is prohibited from striking or staying the entry of judgment and placing the defendant on probation if the defendant has been convicted or was placed on PBJ after being charged with an alcohol or drug-related driving offense;
- SB 262 requires the Motor Vehicle Administration (MVA) to impose a one-year driver’s license suspension on a person who is convicted of any alcohol or drug-related driving offense more than once within a five-year period. A person may request a hearing regarding the suspension, and a restrictive license may be issued during the mandatory period of suspension; and
- SB 263 makes the conviction for an MVA-imposed violation of an alcohol restriction on a driver’s license a misdemeanor. The bill also establishes that the violation of any restriction imposed on a driver’s license or the violation of any rule or regulation under the Maryland Vehicle Law may subject the violator to imprisonment and fines, or, if greater, the same penalties authorized by the law or regulation that was violated. The companion bill, HB 305, is moving through the Senate with amendments.

Driver’s Licenses and REAL ID Compliance

This week, the emergency House bill (HB 387) that addresses legal presence as a requirement for driver’s licenses and the related issue of compliance with federal identification requirements was before a Senate committee. The bill defines “lawful status” as it applies

to the issuance of identification cards, driver's licenses, and moped operator permits, and establishes a two-tiered approach to the issuance of these documents by MVA. Individuals who verify citizenship or lawful status may be eligible to receive one of these documents for a period of up to eight years or for as long as the lawful status remains valid.

MVA may issue documents that are not valid for official purposes by federal agencies to an individual: (1) whose identity does not match records checked by MVA in its verification process but who resolves the "non-match" by meeting certain federal regulatory standards and is otherwise eligible; (2) who held the document sought for renewal on April 18, 2009, but does not possess satisfactory evidence of lawful status or a Social Security number; or (3) who elects not to satisfy the citizenship or lawful status verification check but is otherwise eligible. The bill also requires the MVA to develop a plan to address physical security requirements for MVA locations and other information and privacy safeguards for MVA document issuance processes.

The Senate's REAL ID compliance bill, [SB 369](#), does not have a House hearing date as yet. The legislation prohibits the MVA from issuing an identification card, driver's license, or moped operator's permit to an individual who cannot provide acceptable documentation verifying citizenship or lawful presence in the U. S. For an individual who is lawfully present but who is not a citizen, the identification card, driver's license, or moped operators permit is effective only for as long as the individual is authorized to remain in the U.S. under federal law. An applicant for a driver's license who is not eligible for a social security number must provide documentation acceptable to the MVA verifying that the applicant is not eligible.

Texting and Driving

A House committee took testimony on [SB 98](#), which prohibits a driver from using a text messaging device to write, send, or read a text message while operating a motor vehicle in motion or in the travel portion of the roadway. A House proposal ([HB 72](#)), as amended and passed by that body, prohibits a driver from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway. This bill does not specifically prohibit reading a text message.

Rules of the Road

Two bills that provide changes to current roadway laws have undergone hearings in their respective opposite chambers:

- [HB 67](#) prohibits a person from moving a vehicle right or left on a roadway to change lanes unless the person gives an appropriate signal, if any vehicle would be affected by such movement. The offense is punishable by fines and is not a moving violation for the purpose of assessing points on a driver's license; and
- [SB 428](#) requires a driver of a vehicle to safely overtake a bicycle, electronic personal assistive mobility device (EPAMD), or a motor scooter at a distance of at least three feet. The bill also requires the driver to yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or motor scooter in a designated bicycle lane or shoulder when the driver is crossing it under specified circumstances.

Speed Cameras

After an initial failed third reading and subsequent reconsideration, [SB 277](#), permitting the statewide use of speed cameras in the vicinity of work and school zones, passed the Senate. The legislation also provides that jurisdictions that adopt the use of speed cameras are required to issue a report on their effectiveness to the Governor and General Assembly by 2013.