



The Legislative Wrap-Up

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FIRST CITIZEN AWARD

The First Citizen Award, named in honor of Charles Carroll of Carrollton, is given annually to Marylanders who have been dedicated and effective participants in the process of making government work for the benefit of all. This week the Senate of Maryland bestowed the First Citizen Award to two outstanding Maryland educators: Dr. C.D. (Dan) Mote, Jr., who has been the President of the University of Maryland College Park since 1998, and to Dr. Freeman A. Hrabowski, III, who has served as the President of the University of Maryland Baltimore County since 1992. The Senate also honored Dr. William E. Kirwan, a former First Citizen Award recipient, who became the Chancellor of the University System of Maryland in 2002 after having served as the President at College Park from 1988 to 1998.

SPEAKERS MEDALLION AND FOUNDERS AWARD

Several awards are bestowed to outstanding Marylanders by the House of Delegates. The ceremony took place this week.

The Speaker's Medallion is given in memory of Thomas Kennedy, a former member of the House who is recognized for his courageous stand on principle. It was through Kennedy's efforts that the General Assembly passed the law in 1826 that extended the same rights and privileges enjoyed by Christians to people of the Jewish religion.

The 2010 Medallion went to the Honorable Helen Delich Bentley, former U.S. Representative from Maryland's Second District, 1985-1994 (Republican).

The 2010 Thomas Kennedy Award, also named to honor Kennedy, went to Lorraine M. Sheehan (1937-2009), who was a member of the House, Prince George's County, from 1974 to 1983, and served as Secretary of State from 1983 to 1987. This award honors a former member of the House for personal courage and dedication to the principles of liberty and freedom.

The 2010 Casper R. Taylor Founder's Award honors a sitting member of the House for steadfast commitment to public service and the integrity of the House. This year's recipient is Delegate Carolyn J. Krysiak of Baltimore City.

The Charles McC. Mathias, Jr. Award, new this year, honors former U.S. Senator Mathias who died in January 2010. Senator Mathias, a native Marylander and a distinguished public servant, was a member of the Maryland House of Delegates and then served in the House of Representatives from 1961 to 1969, when he won election to the U.S. Senate. He retired in 1987. Among his many accomplishments, Senator Mathias was noted as a champion of civil rights and as an advocate for ending the Vietnam War, preserving the Chesapeake Bay, and constructing the Vietnam Memorial on the Mall in Washington D.C. The 2010 Mathias Awards were given to Delegate James E. Proctor, Jr. (D - Calvert and Prince George's Counties) and to Delegate Donald B. Elliott (R - Carroll and Frederick Counties) to honor a member of each party who best demonstrates the spirit of bipartisanship.

COURTS AND CIVIL PROCEEDINGS

Same-Sex Marriage

House and Senate committees heard testimony this week on marriage legislation:

- [HB 808](#) and [SB 582](#) (Religious Freedom and Civil Marriage Protection Act) repeal current law that only a marriage between a man and a woman is valid in Maryland and specify that only a marriage between two individuals who are not otherwise prohibited from marrying is valid in the State. Under the bills, religious leaders may not be required to perform a marriage ceremony inconsistent with their faith;
- [HB 1279](#) establishes that a marriage between consenting adults is valid in the State; the bill is contingent on the passage and ratification of a constitutional amendment proposed in [HB 1176](#);

- [HB 1079](#) (Maryland's Marriage Protection Act) establishes by constitutional amendment that a marriage between one man and one woman is the only domestic legal union valid or recognized in Maryland. If passed, voters must approve the measure in a referendum vote; and
- [SB 852](#) provides that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in Maryland and marriages between individuals of the same sex are against the public policy of this State. The measure would override the Maryland Attorney General opinion issued last week that allows recognition of same-sex marriages legally performed in other states. The companion bill, [HB 90](#), was defeated by a House committee last month.

Divorce

Heard this week by a House committee, [HB 336](#) authorizes a court to grant a limited or an absolute divorce on the grounds of voluntary separation if the parties are not engaging in sexual relations and there is no reasonable expectation of reconciliation. The bill repeals the requirement that the parties live separate and apart without cohabitation. Last week a Senate committee heard testimony on the companion bill ([SB 578](#)) and other legislation that:

- reduces the period of time the parties in an action for divorce based on the grounds of separation must have lived separate and apart without cohabitation and without interruption before filing for absolute divorce from 2 years to 12 months and also alters the grounds for an absolute divorce based on *voluntary* separation by reducing the separation time period from 12 months to 6 months ([SB 577](#)); and
- authorizes a court to grant an absolute divorce on the grounds of separation if (1) either party has filed an application for divorce; (2) 12 months have passed since the application was filed; and (3) there is no reasonable expectation of reconciliation ([SB 714](#)).

Domestic Violence

The Senate passed [SB 123](#), making victims of domestic violence eligible to receive an award from the Criminal Injuries Compensation Fund for the reasonable costs of up to 14 days of temporary lodging to avoid further injury.

[SB 823](#) eases the standard of proof for issuing a final protective order from clear and convincing evidence to a preponderance of the evidence, the standard applicable in most civil cases. If a judge finds by a preponderance

of the evidence that the alleged abuse has occurred, the judge may grant a final protective order for relief from abuse to any eligible person. The bill received a hearing this week; the companion measure, [HB 700](#), was heard last week.

Defeated in committee, [SB 329](#) (failed) would have required that, before a respondent in a protective order proceeding may consent to waive a temporary protective order hearing or consent to the entry of a final protective order, a judge must advise the respondent of specified consequences that result from the issuance of a final protective order. No committee action has been taken on the companion bill, [HB 48](#).

Child Support Guidelines - Revision

After several days of discussion on the floor, on Friday the Senate gave a preliminary okay to [SB 252](#) that revises the schedule of basic child support obligations used to calculate child support amounts under the State's child support guidelines. The current schedule is expanded to include monthly incomes of up to \$30,000, and the minimum order of child support of \$20 to \$150 is altered to apply to incomes from \$100 to \$1,200.

Maryland is one of nine states that has not updated its child support schedule since the adoption of guidelines in 1989 in response to federal child support mandates. Although Maryland ranks first in the nation for median income, the amounts recommended for child support rank Maryland forty-first among all states and the District of Columbia. The companion bill is [HB 500](#).

Civil Legal Services

The Senate passed [SB 248](#) increasing the surcharge on civil cases filed in circuit court and District Court that is deposited into the Maryland Legal Services Corporation Fund, in an effort to ensure that the Fund is adequate to provide access to civil justice for the indigent. The companion bill, [HB 106](#), remains in a House committee.

Judges' Compensation

[SJ 4/HJ 4](#) both gained final passage and establish that the judges of the Court of Appeals, Court of Special Appeals, circuit courts, and District Courts will receive no salary increases.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Gangs

This week a House committee focused on criminal gang legislation:

- [HB 756](#) alters the definition of “criminal gang” and “criminal gang member,” expands the list of underlying crimes that serve to prove criminal gang activity, and requires a sentence for gang participation to run consecutively to any sentence for an underlying crime on which the conviction was based (the companion bill, [SB 517](#), has a hearing in two weeks);
- [HB 1181](#) provides that all real or personal property, including money, used in connection with conduct in violation of the Criminal Gang Law is subject to forfeiture;
- [HB 609](#) and [HB 1260](#) remove from the jurisdiction of the juvenile court a child at least 16 years old who is alleged to have committed certain gang-related crimes ([SB 365](#), cross-filed with [HB 609](#), has a hearing in two weeks);
- [HB 1229](#) prohibits the earning of diminution credits by an inmate serving time for participation in criminal gang activity if the time includes a consecutive or concurrent sentence for certain gun crimes;
- [HB 1237](#) prohibits a District Court commissioner from authorizing the pretrial release of a defendant charged with a criminal gang offense if the defendant has previously been convicted of a criminal gang offense. A judge may, however, authorize the pretrial release of such a defendant on suitable bail and/or specified conditions;
- [HB 1211](#) makes it a misdemeanor for a person to solicit, invite, recruit, encourage, or otherwise cause or attempt to cause an individual to participate in a criminal gang;
- [HB 1259](#) alters the definition of “criminal gang”;
- [HB 1307](#) requires all law enforcement agencies in the State to use the same specified definition of “criminal gang member”; and
- [HB 1235](#), [HB 1265](#), and [HB 1269](#) alter provisions relating to underlying crimes or sentences.

Parole

[HB 940](#), heard by a committee this week, repeals the requirement that an inmate serving a term of life imprisonment and otherwise eligible for parole may be paroled only with the approval of the Governor. The bill allows an inmate serving a term of life imprisonment with the possibility of parole to have a judgment or determination of any point or question relating to the inmate’s conviction or sentence reviewed by a three-judge panel sitting in banc, when in banc review is

authorized by the Maryland Constitution. The inmate may file a notice for in banc review any time after having served at least 20 continuous years in prison without being released on parole. When a court is sitting in banc, it means that a meeting or session of all the judges of a court is taking place. The companion bill, [SB 901](#), is set for a hearing later this month.

Human Trafficking

The House amended and passed [HB 283](#) that expands the crime of human trafficking by:

- subjecting persons who knowingly aid, abet, or conspire in the violation of, or knowingly benefit financially from ventures or activities in violation of, human trafficking laws to the same penalties imposed on a person who violated the applicable statute;
- changing from a misdemeanor to a felony the prohibition on knowingly taking or detaining another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform specific sexual acts; and
- including prohibitions on forced participation in a “sexually explicit performance” and interference with another’s possession of various types of identification documents while violating or attempting to violate State human trafficking laws.

A Senate committee has not acted on the companion bill, [SB 261](#).

ECONOMIC AND BUSINESS ISSUES

Utility Regulation

Several bills before a House committee this week support enhanced customer education about competitive rates and suppliers as a way to encourage Maryland residents to shop for electricity. [HB 697](#) mandates that the Public Service Commission (PSC) develop a customer referral program and operate a telephone call center to inform customers about the program, among other provisions. The companion measure is [SB 661](#). Another bill, [HB 744](#), also requires the PSC to set up a consumer education program to inform customers of changes in the electric industry and of the availability of a competitive supply of electricity in each service territory. The PSC must develop the program with the advice of a workgroup established by the bill.

Other proposals with hearings in coming weeks and aimed at boosting electricity customer education and choice include [SB 942/HB 1372](#), [SB 799](#), [HB 1340](#), and [HB 1231](#). [SB 837](#) prohibits an electric company from

passing on to customers costs associated with outreach, marketing, or otherwise publicizing customer choice in electric supply. Re-regulation of the industry is the aim of [SB 807](#) that states that on and after July 1, 2010, the General Assembly finds and declares that it is the goal of the State to return as soon as possible to a regulated electricity market for the residential and small commercial customer classes that results in a reliable electricity system at the best possible price for those ratepayers.

Unemployment Insurance Trust Fund

Compromises reached among the stakeholders concerning the Administration's Modernization and Tax Relief Act ([SB 107](#)) will make the State eligible for \$126 million in federal funds. As amended and passed by the Senate on Friday, the bill makes changes that provide savings to the trust fund to offset the costs of the modernization efforts necessary to be eligible for the federal money. The net fiscal gain to the trust fund is \$126 million, since the changes under the bill are cost-neutral. The bill provides accommodations to businesses through payment plan options and a reduced late penalty plan. Also the Joint Committee on Unemployment Insurance Oversight must study and make recommendations concerning future actions by the end of the year. The companion bill is [HB 91](#).

Direct Wine Shipper's License

At a hearing on Friday afternoon, the public testified on [HB 716](#) that repeals the State's direct wine seller's permit and instead establishes a direct wine shipper's license to be issued by the Comptroller's Office. A person licensed as a direct wine shipper may engage in shipping wine directly to a resident in the State. To receive a direct shipment of wine, a personal consumer in the State must be at least 21 years old. The bill stipulates that a wine shipment may be ordered or purchased through a computer network. A person who receives a wine shipment can only use it for personal consumption and not resell it.

A shipment must be made by a common carrier and be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and address of the recipient. To complete delivery of a shipment, the common carrier must require the signature of the individual and photo identification demonstrating that the individual is at least 21 years old. The companion measure is [SB 566](#).

Maryland Winery Modernization Act

[SB 858](#) establishes a farmer's market permit that allows the holder to offer and sell sealed containers of wine to consumers for consumption off the licensed premises of

the farmer's market. The permit holder may also provide at no charge samples of wine not to exceed one ounce per brand to consumers for consumption on the licensed premises of the farmer's market. The Comptroller may issue only one permit for use at each farmer's market.

All wine offered for sale or samplings by the permit holder must be the product of a Class 4 limited winery. The bill also expands the scope of operations and activities of a Class 4 limited winery licensee. The companion proposal, [HB 921](#), was heard in February.

EDUCATION

Education Reform Act of 2010

Race to the Top (RTTT) is a federal \$4 billion competitive grant program authorized under the American Recovery and Reinvestment Act of 2009. The program seeks to encourage and reward states that are implementing significant reforms in specific areas, two of which are:

- recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and
- improving the lowest-achieving schools.

The Administration's Education Reform Act of 2010, [SB 899/HB 1263](#), helps strengthen Maryland's potential competitiveness for RTTT grants by encouraging highly effective teachers and principals to work in Maryland's lowest achieving schools through pay incentives, and by redefining the employee tenure policy. Currently, a certificated public school teacher or principal may be tenured after two years of probationary employment (with an option for a one-year extension). This Act extends this probationary employment period to three years. If the employee is not on track to qualify for tenure at the end of the first or second year, a mentor must be assigned and professional development must be provided, as appropriate. The legislation, before a committee this week, also mandates that student growth data be used in teacher and principal performance evaluations.

Public Schools – Physical Education Facilities

A recent survey conducted by the federal Centers for Disease Control and Prevention found that the percentage of children who are overweight has significantly increased. Experts recommend that all children from prekindergarten through grade 12 receive daily physical education in appropriate facilities.

In Maryland, currently there are 191 elementary schools without gymnasiums. Under [SB 256](#), passed by the

Senate this week, all public school buildings that are newly constructed or completely renovated and occupied on or after January 1, 2013, must include a gymnasium and support spaces for physical education instruction. The companion bill, [HB 334](#), was heard by a committee this week.

Maintenance of Effort

To be eligible for increases in State education aid under Section 5-202 of the Education Article, a local jurisdiction must provide at least as much funding per pupil to the local school system as it provided in the previous fiscal year or face a penalty of withheld funds from State appropriations. This is known as “maintenance of effort” (MOE).

The Senate passed [SB 476](#), which waives the fiscal 2010 county MOE penalty for public education. The bill requires two legislative committees to study the appropriate calculation of the penalty for failing to meet the MOE requirement and the appropriate party against whom the penalty should be applied.

Financial Literacy Graduation Requirement

Four bills, [SB 264/HB 764](#) and the similar [SB 1030/HB 335](#), require the State Board of Education to develop curriculum content for a semester-long course in financial literacy as a high school graduation requirement. Each local board of education must implement the curriculum in every high school under the board’s jurisdiction. This course would be in addition to the financial literacy curriculum standards recently developed, but not yet adopted, by the Maryland State Department of Education (MSDE). The MSDE curriculum was developed after recommendations were made by the Task Force to Study How to Improve Financial Literacy in the State, created by Chapter 186 of 2008.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Smart, Green, and Growing

The House passed [HB 474](#), and the Senate gave a preliminary okay to [SB 278](#). Amended similarly, these Administration bills repeal the Task Force on the Future for Growth and Development in Maryland and establish the Maryland Sustainable Growth Commission. The bills also require the Commission to submit an annual report on its activities and recommendations to the Governor, the Presiding Officers, and specific committees of the General Assembly.

Stormwater Management

Several bills have been introduced that delay the implementation of stormwater management regulations adopted by the Department of the Environment (MDE) for new development projects. Testimony was heard this week on [SB 420](#), an emergency bill which delays the applicability of the regulations by 10 years, from May 4, 2010 to May 4, 2020. A hearing is scheduled for the crossfiled [HB 964](#) on March 10. [HB 1125](#), another related bill, allows counties to accept a fee-in-lieu payment under certain circumstances and exempts projects that have received preliminary plan approval by May 4, 2010, from the new regulations. No hearings are scheduled yet for:

- [SB 1082](#), which is similar to [HB 1125](#);
- [HB 1408](#), an emergency measure that delays the implementation of the regulations until May 4, 2012, and requires MDE to replace the regulations with new stormwater management regulations developed in consultation with stakeholder groups by January 1, 2011; and
- [HB 1409](#), an emergency measure which allows for the acceptance of a stormwater management plan that complies with laws and regulations in effect on May 3, 2009, if the development project is located within a special taxing district that meets specific requirements.

Also heard this week, [SB 686](#) requires counties and municipalities to adopt laws or ordinances to establish a stormwater remediation fee and a local watershed protection fund on or before July 1, 2011, to improve local stormwater management. The bill requires counties and municipalities to report annually the amount of impervious surface located within the county or municipality to MDE. The companion bill, [HB 999](#), will be heard on March 10.

Road Salt

Testimony was heard this week on [SB 775](#), requiring the State Highway Administration and each local jurisdiction that is responsible for highway maintenance to establish and implement a best practices road salt management program by October 31, 2011, and establishing standards and requirements for a road salt management program. A hearing is scheduled for the crossfiled [HB 903](#) on March 10.

Puritan Tiger Beetle

A bill authorizing the Department of Natural Resources to allow for capturing the endangered puritan tiger beetle, which is threatening the homes and land on cliffs along the Chesapeake Bay, has moved to the opposite

chamber, amended to be an emergency measure ([HB 295](#)). The crossfiled bill, [SB 1020](#), remains in committee. A hearing is scheduled for March 23 on [SB 975](#), which creates a task force to study erosion in areas of puritan tiger beetle habitat and make recommendations by December 31, 2010.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Automated Teller Machines - Video Camera Placement

Heard last month by a House committee, [HB 180](#) requires an operator of an automated teller machine (ATM) to both install and maintain a video camera in each ATM that views and records all activity occurring within at least three feet from the front of the ATM and preserve the recordings for at least 45 days. The camera is not required to record ATM banking transactions. The bill applies prospectively to an ATM installed on or after October 1, 2010. An ATM installed before October 1, 2010, must be retrofitted with a video camera by January 1, 2011.

Debt Settlement Services

A Senate committee this week heard a bill concerning the regulation of debt settlement service companies. [SB 701](#) prohibits a person from offering, providing, or attempting to provide debt settlement services in Maryland except as allowed under the bill's provisions. The bill also prohibits a debt settlement services provider from receiving specified funds or payments or imposing certain fees or other charges on a consumer under certain conditions, until a debt settlement services agreement is executed and the debt settlement services are completed. The House companion bill, [HB 392](#), was heard last week.

FISCAL MATTERS

Budget Bills

A Senate committee is concluding its hearings on the Budget Bill ([SB 140](#)) this week and will begin making decisions next week. A House committee will conclude its hearings next week with decisions starting the week after. The Budget Bill is scheduled to be reported to the Senate floor on Monday, March 15.

The Administration's Budget Reconciliation and Financing Act of 2010 (BRFA), [SB 141/HB 151](#), has had committee hearings in the Senate and House. The BRFA legislation has a net increase on State revenues of \$1.05 billion during fiscal 2010 and \$977 million for fiscal 2011. The committees also heard testimony on the

Budget Reduction Act, [SB 840/HB 1159](#), which executes a variety of actions to bring the budget closer to structural balance by transferring and redirecting special fund revenues to the general fund and reducing State spending. The bills have a net increase on the general fund by reducing expenditures and increasing revenue of \$562 million, with much of revenue increase occurring through diverting revenue from special funds to the general fund.

Alcoholic Beverage Tax

[SB 717/HB 832](#), the Lorraine Sheehan Health and Community Services Act of 2010, increase the taxes on alcoholic beverages, using the increased revenue to provide additional funding for community-based services for the developmentally disabled, additional addiction treatment and prevention services, additional community-based mental health treatment and prevention, and additional Medicaid services. The tax increases are from \$1.50 to \$10.03 per gallon for distilled spirits; from 40 cents to \$2.96 per gallon for wine; and from 9 cents to \$1.16 per gallon for beer. The Senate and House committee hearings are set for next week.

Corporate Income Taxes

[SB 354](#) and [HB 584](#) concern corporate income taxes for affiliated corporations. The bills require affiliated corporations to compute Maryland taxable income using "combined reporting." The Comptroller is required to distribute the estimated revenues generated as a result of the bill to a special fund established by the bill to offset the State retirement and pension systems costs. [SB 354](#) takes effect July 1, 2010, and applies to tax year 2011 and beyond. [HB 584](#) takes effect July 1, 2010, and applies to tax year 2010 and beyond. Both bills have had committee hearings.

Motor Fuel Tax

[HB 479](#), [HB 969](#), and [SB 827](#) increase motor fuel taxes at varying levels. [HB 479](#) increases the tax rate for all fuels, except aviation gasoline and turbine fuel, by 10 cents per gallon. The increase is phased in annually by two cents per gallon over five years. The bill takes effect July 1, 2010. [HB 969](#) increases the tax rate for all fuels, except aviation gasoline and turbine fuel, by one-half cent. Beginning July 1, 2011, these tax rates will be indexed to the change in the Construction Cost Index (CCI) and would potentially increase once in a fiscal year based on the percentage change in the CCI; however, the increase is limited to one cent per gallon in each fiscal year. The bill takes effect July 1, 2010. [SB 827](#) indexes the motor fuel tax, increasing or decreasing its rate quarterly as the wholesale price fluctuates. The

motor fuel tax would increase or decrease 2 cents per gallon per quarter for every 20 cent per gallon price change per quarter with a maximum increase or decrease of the tax rate of 2 cents.

Another measure, [HB 367](#), requires that all motor fuel tax revenues, motor vehicle excise tax revenues, and vehicle registration fees collected, received by, or paid, appropriated, or credited to the Transportation Trust Fund (TTF), net of statutory deductions and after the payment of debt service, be used only for specified highway purposes. The bill expands the definition of highway purposes to include police services and ferry operations and authorizes the transfer of funds from TTF to the Transportation Authority Fund. No part of TTF may revert or be credited to the general fund or any other special fund.

Unfavorable Committee Reports/Votes

[HB 145](#), concerning county income taxes, received an unfavorable report, as did [HB 174](#), concerning the State providing information concerning State loans on the web. Committee votes are now posted on the Maryland General Assembly website along with other information on each bill.

HEALTH CARE AND HEALTH INSURANCE

Health Care Professions

A bill was heard in the Senate this week that concerns the certification of nurse practitioners and broadens their authority. [SB 484](#) alters requirements for certification as a nurse practitioner and requires the State Board of Nursing to waive certain education requirements. The bill also repeals a requirement that the State Board of Physicians approve the scope of practice of certain nurse practitioners. [HB 319](#) is the crossfiled legislation.

Health Insurance

Several health insurance related measures were reported unfavorably by their respective committees:

- Young adults age 19 through 29 are the largest growing age group in the country at risk of being uninsured, accounting for 13 million of the 47 million Americans living without health insurance. [SB 181](#) (failed) would have increased the age limit for an individual to be considered a child dependent under policies issued by insurers, nonprofit health service plans, and health maintenance organizations from younger than age 25 to younger than age 30; and
- [HB 416](#) (failed) would have expanded the current definition of a “bona fide wellness program” to

include a program that requires membership and routine exercise at a health club or fitness center. This factor would have been taken into consideration by authorized carriers to provide reasonable incentives to an insured, subscriber, or member for participation in a bona fide wellness program. [SB 1071](#), the companion measure, has not been scheduled for a hearing.

Public Health

[SB 539](#) (failed), which would have required certain chain restaurants to provide nutrition information for standard menu items, was reported unfavorably by a Senate committee. The crossfiled legislation, [HB 758](#), was heard by a House committee but no further action has been taken.

Death Reporting Requirements and Proper Burials

Several measures aimed at creating certain requirements related to reporting the discovery of a death to the proper authorities failed in committee. [SB 9/HB 311](#) (failed) would have required specified individuals who had personal knowledge of the death of another or who have discovered the body of another individual to provide notice within 24 hours after acquiring personal knowledge or discovery of the death to the appropriate authorities. A related measure, [HB 12](#) (failed) would have established penalties for burying or disposing of a body in a place other than a family burial plot or other area allowed by local ordinance.

STATE GOVERNMENT

Redistricting - Incarcerated Individuals

With the United States 2010 Census forms being mailed out this month and reapportionment on the horizon, the issue of how Maryland counts prisoners during redistricting is receiving legislative attention this session. [SB 400](#), which was heard this week, requires that population counts used to create legislative districts for the General Assembly and county councils exclude incarcerated individuals who were not State residents prior to their incarceration in either State or federal correctional facilities. The bill requires that incarcerated individuals be counted as residents of their last known address before their incarceration in a State or federal facility, if they were State residents prior to their incarceration. The companion legislation is [HB 496](#).

Public Local Laws

The Senate amended and passed a bill addressing how local governments in Maryland’s charter and code counties provide copies of their laws. Under [SB 174](#), a

charter or code county must make publicly available on the Internet digital copies of all local laws enacted, amended, or repealed by the county during that year, or, as provided by current law, furnish copies to each member of the county's legislative delegation, as well as the State Law Library and the State Archives. The bill also reduces the number of copies of the annual compilation of laws due to the Department of Legislative Services from four printed copies to one printed copy.

TRANSPORTATION

Car Dealership Employee Incentive

[SB 18](#) (passed) received unanimous approval in both the House and Senate. Amended to become an emergency measure, it repeals a prohibition enacted in 2009 against car manufacturers giving incentives directly to employees, and instead allows the manufacturer, distributor, or factory branch to give an incentive payment or gift directly to the employee or to the dealer.

License Plates

The phrase "Home of our National Anthem" is added to State license plates under an amended version of [SB 45](#) passed by the Senate. Commemorative and special license plates are excluded from the Act.

Vehicle Law Violations

[SB 525/](#)[HB 1069](#) give drivers who have violated vehicle laws and received 2-4 points on their drivers' record a chance to remove 2 points if they take approved driver improvement classes. The bills require the Motor Vehicle Administration (MVA) to inform a violator with 3 points or more about the opportunity to have 2 points deducted, and limits the deduction to 2 points every 2 years. Both bills have had committee hearings.

Ignition Interlock

Several bills before a House committee this week concerned the mandatory use of ignition interlock systems:

- [HB 515](#), requires, rather than authorizes, MVA to establish an Ignition Interlock System Program and requires a person who is convicted of, or who receives probation before judgment (PBJ) for, drunken driving to participate in the program. Current law authorizes a judge to order ignition interlocks, but does not require them. Drivers subject to the bill must pay for installing the ignition locks in their cars, and must pay subsequent rental fees;
- [HB 630](#) requires a court to order participation in MVA's Ignition Interlock System Program for an

individual convicted of, or granted probation for, specified alcohol-related driving offenses, but authorizes a court under certain circumstances to choose not to require an individual who is a first time offender or who meets other criteria to participate in the program if the court finds and states on the record that the interests of the defendants and the public do not require participation; and

- [HB 743](#) requires participation in the Ignition Interlock System Program if the person is convicted of, or granted PBJ for, a first or other violation of drunk driving. Under the proposed law, the MVA must require a drunken driver to complete the interlock program or must suspend the driver's license. A person who is convicted of driving with a license that is suspended or revoked as a result of an alcohol-related offense or after a failure to complete the interlock program is subject to a minimum sentence of five days in jail. The companion bill, [SB 564](#), had a hearing last week.

Traffic Court No-Shows

A House bill seeks to save police time and save public tax money by eliminating the automatic scheduling of a court date for traffic citations. [HB 376](#), which was heard recently by a committee, establishes that a person who receives a traffic citation and wants to stand trial with the police officer present must make the request by returning a copy of the citation to the District Court. If the person does not want a trial with the officer present, he or she can pay a fine or request a hearing.

Transportation Planning

[HB 1155](#), heard this week, alters the Maryland Department of Transportation's process for evaluating and selecting capital projects to improve coordination between transportation and environmental considerations. It requires the Smart Growth Subcabinet to review the criteria used to select transportation capital projects. [SB 760](#) is the companion measure.

Protective Headgear

Two House bills requiring helmets for riders or passengers on scooters have been under consideration. [HB 140](#) (failed), which would have required a minor driver or passenger on a bicycle, moped, or scooter, to wear a helmet, received an unfavorable report in committee. [HB 1030](#), which requires everyone who drives or rides on a motor scooter to wear a helmet, is scheduled for a committee hearing next week.