



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 13-10

March 11-15, 2013

## BILL COUNT AND DEADLINES

The bill count for 2013 is up to 1,534 in the House of Delegates along with 3 joint resolutions. Senate bills have topped 1,063. There are also four Senate joint resolutions. As the 2013 session enters its last full month, deadlines that govern the flow of legislation will begin to come into play. The deadline for committees to report their bills is Tuesday, March 19, the 70th day. The opposite chamber bill crossover date is Monday, March 25, the 78th day. The crossover date is the day by which each chamber is to send to the other chamber those bills it intends to pass favorably. Opposite chamber bills received after this date are subject to referral to the Rules Committees. *Sine die* for the 2013 session is Monday, April 8.

## FIRST CITIZEN AWARDS

For the twentieth year, the Senate of Maryland presented its annual First Citizen Awards. Recipients of the 2013 awards, which are given to Marylanders who have been dedicated and effective participants in the process of making government work for the benefit of all, are:

- Helen Delich Bentley. Former Maryland Congresswoman Bentley served as a member of the U.S. House of Representatives from 1985 to 1995. She has been a longstanding and tireless advocate for Maryland and the maritime industry. The Port of Baltimore was renamed in 2006 as the "Helen Delich Bentley Port of Baltimore";
- Stephanie Rawlings Blake. Baltimore's Mayor Rawlings Blake, formerly a member and President of the Baltimore City Council, has served in the current office since being appointed in 2010 and elected in her own right in 2011. Mayor Rawlings Blake, the 49th mayor of the city and only the second woman to hold the office, earned a J.D. from the University of Maryland School of Law and currently serves as Secretary of the Democratic National Committee. She is the daughter of former Delegate Howard "Pete" Rawlings, a member of the Maryland General Assembly from 1979 to 2003, who received the First Citizen Award posthumously in 2004; and

- Victoria L. Gruber. Chief of Staff for the Senate President, Gruber is a former President of the Student Body of the University of Maryland and recipient of a J.D. from the University of Maryland School of Law as first in her class. She has worked for the Maryland General Assembly and the Senate of Maryland for a number of years and is a recognized budget expert. As noted by Senate President Miller, Vicki Gruber "makes the Senate go."

First Citizen was the name that Charles Carroll of Carrollton signed to a series of articles that formed a strong defense of an independent legislature and were among the earliest arguments for a concept of government based upon traditional community rights and liberties that protected its citizens from arbitrary rule.

## COURTS AND CIVIL PROCEEDINGS

### *Personal Injury or Death Caused by Dog*

The Senate unanimously passed their "pit bull" bill (SB 160) this week. As amended, to escape liability for damages for personal injury or death caused by a dog, the dog owner must provide clear and convincing evidence that the owner's dog did not have vicious or dangerous propensities. The House unanimously passed their bill, HB 78, which creates a rebuttable presumption of liability for dog owners. Clear and convincing evidence, as specified in the Senate bill, is a higher level of proof. The bills are intended to reverse a recent court decision that declared that pit bulls were inherently dangerous.

### *Maryland Legal Services Corporation*

With Senate final approval, SB 640 moves to the House. The bill repeals the sunset date for an increased surcharge on fees, charges, and costs in civil cases, thereby continuing increased financing for the Maryland Legal Services Corporation Fund used to finance civil legal services for indigent clients. The companion is HB 838.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

### *Death Penalty – Repeal*

After lengthy debate and numerous rejected floor amendments, the House passed the Administration's death penalty repeal bill ([SB 276](#), passed). The legislation awaits the Governor's signature.

### *DNA Sample Collection on Arrest – Repeal of Sunset*

[HB 292](#), as passed by the House, repeals the December 31, 2013, termination date for the law passed in 2008 (Chapter 337 of 2008, [SB 211](#)), which requires a DNA sample to be taken from any individual charged with certain crimes of violence, felony burglary, or attempts to commit those offenses, and establishes requirements for the collection, testing, use, and disposal of DNA samples taken from an individual. The bill also contains criteria for expunging a criminal record.

Last November, the U.S. Supreme Court agreed to review Maryland's Court of Appeals decision that struck down the State's DNA collection statute as applied to arrestees as an unconstitutional search. Oral arguments are expected to be heard soon by the Court.

### *Pregnant Inmates*

[HB 829](#) prohibits the use of a physical restraint on a correctional facility inmate who is in the second or third trimester of pregnancy, with exceptions. A restraint may never be used on an inmate who is in labor or giving birth, and leg or waist restraints may not be used. However, a restraint may be used on a pregnant inmate if the inmate is a flight or security risk.

### *Criminal Records – Shielding – Nonviolent Convictions*

Under [SB 701](#), a person who has been convicted of a nonviolent misdemeanor may request that the court and police records relating to the conviction be shielded from public view, starting three years after completion of the person's sentence. Felonies, misdemeanors that require registration as a sex offender, and certain domestic crimes are not included.

Employers, educational institutions, and governmental entities cannot require a person to disclose information about shielded criminal charges, nor can they take punitive actions for refusal to disclose shielded information. Employers or facilities that are required by law to perform criminal background checks, criminal justice units, the person whose record is shielded, and the person's attorney all retain access to the shielded record.

### *Sexual Contact with a Minor*

[SB 657/HB 1075](#) alter prohibitions against sexual contact between a person in a position of authority and a minor. The bill reclassifies certain sexual behavior between such individuals from a misdemeanor fourth degree sexual offense to a felony third degree sexual offense. It also expands the definition of "person in a position of authority" to include any person at least 21 years old who works as an employee, volunteer, or intern at a preschool, elementary school, or high school, a child care facility, an instructional program for the arts, tutoring, martial arts or similar pursuits, a sports and recreational program, a day or overnight camp, a religious institution, or a unit of the government.

The penalty for violating the prohibition includes imprisonment for up to ten years, and the statute of limitations on bringing a charge is removed.

A similar bill, but narrower in scope, prohibits a coach from engaging in a sexual act, sexual contact, or intercourse with a minor while the minor is on a sports team or in an activity that the coach supervises. The bill, [SB 810](#), retains the misdemeanor fourth degree sexual offense status for a violation, as well as the three year statute of limitations for bringing a charge.

### *Animal Cruelty*

The Senate passed [SB 37](#), which requires a person convicted of abuse of or cruelty to an animal to pay the costs of removal, housing, treatment, and/or euthanasia of the animal as a condition of sentencing. The companion bill, [HB 865](#), had a House hearing this week.

Companion bills [SB 360/HB 542](#), both heard before committees this week, forbid a person to:

- use a dog or to allow a dog to be used for baiting;
- possess, own, sell, transport, or train a dog for the purpose of using the dog for baiting; or
- knowingly allow property the person owns or controls to be used for dog baiting.

"Baiting" means using a dog to train a fighting dog or to test the fighting or killing instinct of another dog. Violation is a felony of aggravated animal cruelty and subject to up to three years' imprisonment, a \$5,000 maximum fine, or both.

### *Handguns in Crime of Violence or Felony*

The Senate passed [SB 228](#), which builds upon the State's prohibition against using a handgun while committing a crime of violence by providing that the violation is not subject to the standard one-year statute of limitations for prosecution of a misdemeanor. As a

result, the State may initiate a prosecution for the offense at any time. [HB 575](#) is the companion bill.

#### *Possession of Marijuana – De Minimus Quantity*

Receiving Senate preliminary approval, [SB 297](#) changes the possession of less than 10 grams of marijuana from a criminal offense to a civil offense, and changes the penalty to a fine of up to \$100. Under current law, in general, a defendant in possession of marijuana is guilty of a misdemeanor and subject to imprisonment for up to one year and/or a fine of up to \$1,000. However, pursuant to a 2012 law, a person in possession of less than 10 grams of marijuana is subject to the reduced penalty of imprisonment for up to 90 days and/or a maximum fine of \$500.

[SB 394](#) (failed) was withdrawn by its sponsor. The bill would have made possession of marijuana a civil offense, punishable by a maximum fine of \$100.

#### *Crimes – Threat of Mass Violence*

Under current Maryland law, crimes of violence include abduction, arson in the first degree, kidnapping, murder, rape, robbery, use of a handgun in the commission of a felony or other crime of violence, and child abuse in the first degree, among other offenses. [SB 988/HB 1250](#) add the offense of knowingly threatening to commit a crime of violence or causing a crime to be committed that would place others at a substantial risk of death or serious physical injury if the natural and probable consequence of the threat, regardless of whether the consequence occurs, is that five or more people are:

- placed in reasonable fear that the crime will be committed;
- evacuated from a dwelling, storehouse, or public place;
- moved to a designated area within a dwelling, storehouse, or public place; or
- required to remain in a designated safe area within a dwelling, storehouse, or public place.

The prohibition applies to a threat made by oral or written communication or electronic mail. Violators are guilty of a felony, punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000. Violators may also be required to reimburse expenses incurred in responding to the threat.

#### *No-knock Search Warrants*

Two unsuccessful bills would have required outside law enforcement officers to notify a county's law enforcement of a search warrant to be executed in the county ([SB 259/HB 219](#), both failed).

## ECONOMIC AND BUSINESS ISSUES

### *Maryland Employment Advancement Right Now (EARN)*

On its way to Governor O'Malley's desk, [SB 278](#) (passed) provides an avenue for targeted workforce training through the EARN program, within the Department of Labor, Licensing and Regulation (DLLR), which will receive \$2.5 million to provide grants to industry-led partnerships. Under the partnerships, regional groups of businesses, education institutions, and government agencies are to identify high demand occupations and strategies to meet workforce needs in targeted industries.

DLLR must develop and implement a State employment advancement strategy to identify State government positions in need of skilled employees and mechanisms to provide State employees skills training programs that result in employment advancement. The crossfiled measure, [HB 227](#), has passed the House.

### *Utilities – Smart Meters*

A committee received testimony this week on bills concerning smart meters. [HB 1038](#) requires an electric company to give written notice of the installation of smart meters to each customer affected, and the notice must state that the customer has an opportunity to refuse the installation and provide the means for doing so. Also, on written request from a customer at any time, an electric company must exchange an analog meter for a smart meter or vice versa.

Additionally this measure, as well as [HB 1066](#), prohibit an electric company from disclosing usage data from a smart meter, except for billing purposes, without the customer's written consent. If the Public Service Commission (PSC) finds that a company has violated the disclosure provisions, the company is liable to the customer for a \$1,000 penalty for each violation.

### *Gas Companies*

Earlier in the session, [SB 8](#) (passed) received legislative approval in both chambers and moved to the Governor's desk. The companion bill, [HB 89](#), has been approved by the House. The bills establish a process for a gas company to file a plan with the PSC requesting authorization to accelerate infrastructure replacement and finance the reasonable and prudent costs of the work through a surcharge on customers' bills. Surcharges are capped at \$2 per month for each residential customer and are also capped for nonresidential customers.

A number of bills are in various stages of the legislative process related to gas pipeline construction and safety. The measures are:

- [SB 985](#), [SB 986](#), and [SB 604/HB 984](#) concerning civil actions;
- [SB 603/HB 1028](#), [SB 605/HB 1224](#), [SB 863/HB 1124](#), and [SB 864/HB 1118](#) regarding safety guidelines and emergency response planning; and
- [SB 862/HB 979](#) concerning easements for the construction, operation, or maintenance of gas pipelines.

#### *Telephones – Directory Assistance*

Bills advanced that require the PSC to authorize telephone companies to charge customers for directory assistance calls made after the first two calls per month. Both bills make exceptions for customers who have a visual or physical disability that prevents them from using a print telephone directory. [SB 142](#) (passed) has passed both the Senate and the House. An identical bill, [HB 124](#), has House approval.

#### *Pipe Tobacco/Premium Cigars – Sale and Shipment*

A committee heard testimony on a measure that establishes a direct tobacco shipper's permit and a common carrier permit to be issued by the Comptroller ([SB 823](#)). A direct tobacco shipper's permit, at a cost of \$200 a year, allows the holder to sell and ship pipe tobacco or premium cigars through a holder of a common carrier permit to consumers in the State. These purchases can be made via the Internet or through other means. A common carrier permit allows the holder to deliver tobacco from a location inside or outside the State to a consumer in the State for the consumer's personal use. To receive deliveries of tobacco, the common carrier must require that the person receiving the shipment sign and produce photo identification showing that they are age 18 or older. The companion measure is [HB 1365](#).

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## EDUCATION

#### *Public Education – Certification of Net Taxable Income*

[HB 229](#) won House approval this week. The bill requires State education aid formulas that include a local wealth component to be calculated twice, once using a net taxable income (NTI) amount for each county based on tax returns filed by September 1 and once using a NTI amount based on tax returns filed by November 1 to account for late filers. [SB 277](#) is the companion bill.

#### *School Start Times*

[HB 1462](#) establishes a Task Force to Study a Later Starting Time for Maryland Public Schools.

[SB 963/HB 1502](#) establish a Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools.

#### *Maryland College Sports Fans/Athletes Bill of Rights*

The University System of Maryland Board of Regents announced last November that the University of Maryland, College Park Terrapins will be leaving the Atlantic Coast Conference for the Big Ten Conference starting with the 2014-2015 season. [HB 1272](#) establishes that the final decision regarding a public four-year institution's membership or association with the National Collegiate Athletic Association or in an athletic conference rests solely with its respective governing board.

Additionally, the bill establishes the *Student Athlete Bill of Rights*, which specifies rights for certain student athletes at institutions of higher education in the State and specifies responsibilities for those institutions. The companion bill is [SB 964](#).

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## ELECTIONS AND ETHICS

#### *Violations of Election Law*

After much discussion, the House passed and sent to the Senate [HB 220](#), which gives the Attorney General the authority to institute an action in circuit court for injunctive relief to prohibit a person from committing an imminent violation or continuing to commit a violation of provisions of law that prohibit voting-related offenses. Injunctive relief may only be granted in order to prevent a violation from affecting a pending election.

#### *Access to Voting*

The House will be considering the Administration bill, [SB 279](#), which increases the number of early voting centers in some jurisdictions, increases the number of days and operating hours for the centers, and makes changes to absentee voting provisions. [HB 224](#) is the companion bill.

#### *Electioneering*

Legislation advancing to the opposite chamber ([SB 542/HB 730](#)) adds provisions related to requirements for electioneering on the premises of public buildings used for polling places and prohibits polling places from being located in privately owned buildings, unless the requirements for electioneering meet the same standards as those required for public buildings.

#### *Referendum Petitions*

During the 2012 presidential elections, there were three statewide ballot questions in Maryland regarding laws that had been petitioned to referendum. The referendum

(also called a popular referendum, as opposed to a legislative referendum where a legislature refers a law to the voters for approval) is a lesser-used tool nationwide than citizen initiatives, in which a law originates from a citizen petition. Maryland law does not permit citizen initiatives.

**SB 706** is a proposed constitutional amendment that makes a number of changes in the referendum process including increasing the signature requirements for referendum petitions to 5% of the number of qualified voters of the State, calculated on the date the law or part of a law is passed, rather than the current requirement of a number of qualified voters equal to 3% of the number of votes cast for Governor at the last preceding gubernatorial election. Based on the number of registered voters in the State as of December 2012 and the number of votes for Governor in the 2010 gubernatorial election, the bill's change to the signature requirement for statewide referendum petitions more than triples the number of signatures required to be collected (increasing the number of signatures from 55,700 to 188,000), and, on average, almost doubles the number of signatures required for a referendum on a public local law.

Other provisions modify the time frame for submission of petitions and require laws passed on or after June 1 in an election year, but on or before the day of the general election, to be submitted to referendum at the second election after the passage of the law.

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## **ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE**

### *Hydraulic Fracturing*

Bills that would have prohibited the process for exploration or production of natural gas known as hydraulic fracturing in the State have failed. **SB 514** (failed) would have prohibited a person from engaging in the hydraulic fracturing of a well for the exploration or production of natural gas. The crossfiled bill, **HB 337** (failed), was withdrawn. **SB 601** (failed) would have prohibited the Maryland Department of the Environment (MDE) from issuing a permit for the hydraulic fracturing of a well until MDE and the Department of Natural Resources issue a risk assessment of public health and environmental hazards relating to hydraulic fracturing activities. **HB 1274** (failed), which would have established a fracking moratorium, was withdrawn.

**SB 513/HB 341**, which prohibit a person from storing, treating, discharging, or disposing of wastewater resulting from hydraulic fracturing, remain in committee.

### *Commercial Feed and Drinking Water*

**SB 520** (failed) would have prohibited, beginning October 1, 2016, the use, sale, or distribution within the State of any commercial feed or drinking water that contains a "critical antimicrobial animal drug" as a feed ingredient and is intended for "nontherapeutic use," meaning use without the diagnosis of disease.

### *Pesticides*

**SB 675/HB 775** require the Maryland Department of Agriculture to adopt regulations that establish reporting requirements for distributors, certified applicators, and pest control applicators concerning the use and release of pesticides, and the purchase and sale of restricted use pesticides.

### *Spay/Neuter Fund*

With amendments and a favorable preliminary House floor vote, **HB 767** establishes a Spay/Neuter Fund to finance grants to local governments and animal welfare organizations for programs that facilitate spay and neuter services for cats and dogs in the State. The grants will be financed by a fee paid by the distributor on each brand name or product name of commercial feed that is prepared and distributed for consumption by a dog or cat. The fee moves from \$50 beginning this October to \$100 after September 30, 2015. The bill terminates in 2022. The companion bill is **SB 820**.

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## **FINANCIAL INSTITUTIONS AND COMMERCIAL LAW**

### *Public Banking Institutions – Authorization and Task Force*

**HB 1306** authorizes a political subdivision to establish a public banking institution within its jurisdiction. The political subdivision may act as an incorporator to establish the institution. The bill also establishes the Maryland State Banking Task Force to review and evaluate the creation of a Maryland State Bank. A final report by the task force is due by December 1, 2013.

Currently, there is no State-owned bank in Maryland. North Dakota is the only state that currently owns and operates a bank. Established in 1919, the Bank of North Dakota operates with more than \$270 million in capital. It administers several lending programs, including farm and ranch financing programs; business financing programs; government guaranteed loans for lenders; and community, rural, and regional development loan funds, as well as several banking services for North Dakota's financial institutions. North Dakota has been using

profits transferred from the bank into the state's general fund since 1945.

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## FISCAL MATTERS

### *Operating Budget and the BRFA*

At the end of the week, the House passed the Budget Bill (HB 100) with 147 amendments, reducing the Governor's allowance by \$494.3 million, including \$61.9 million in reductions to fiscal 2013 deficiency appropriations and eliminating 35 positions. The action brings the State closer to eliminating its structural deficit, reducing it to \$132 million. Under the bill, State spending increases by 2%.

The House rejected a floor amendment that would have reduced the fiscal 2014 budget by \$333 million and authorized the Governor to allocate this amount to the counties, municipalities, and Baltimore City for transportation purposes. The amendment also requested the Governor to provide this amount for local transportation aid in the fiscal 2015 and fiscal 2016 budgets. The House also rejected another floor amendment to reduce the budget by \$555.1 million.

Following are the major approved House amendments to the Budget Bill:

- Public elementary and secondary education aid of \$6.9 billion is funded, except for \$4.8 million in reductions to private student transportation aid and the Digital Learning Innovation Fund;
- Public higher education is reduced by a net \$5.1 million;
- Medical assistance is reduced by \$101.9 million in combined appropriations for fiscal 2014 and the deficiency appropriation for fiscal 2013;
- The Revenue Stabilization Account, the "Rainy Day Fund" appropriation is reduced by \$165 million;
- The Local Income Tax Reserve Fund repayment of \$50 million is eliminated;
- The Transfer Tax repayment of \$50 million in fiscal 2014 is eliminated, while the Budget Reconciliation and Financing Act of 2013 (HB 102) postpones the repayment requirement to fiscal 2016; and
- State employees keep their January 1, 2014, 3% cost-of-living-adjustment and April 2014 merit increases.

On Friday, the House also passed an amended Budget Reconciliation and Financing Act of 2013 (HB 102). Addressed among the amendments are:

- Abandoned property advertisements—The requirement that abandoned property notices be published in newspapers is continued;
- Maryland-mined coal—The requirement that public utilities use Maryland-mined coal is continued. The original bill had proposed this for deletion;
- Traffic fines—The \$7.50 surcharge is made a mandatory surcharge to the fine, rather than to court costs which may be waived;
- Medicaid—The Health Services Cost Review Commission and the Department of Health and Mental Hygiene are required to adopt policies providing at least \$389.8 million from a combination of special fund revenues and general fund savings from reduced hospital or other payments made by the Medicaid program for fiscal 2013 and fiscal 2014. The agencies are required to adopt policies to preserve the State's Medicare waiver;
- The Sustainable Communities Tax Credit—Certain credits authorized prior to fiscal 2006 are repealed, and the transfer is authorized of \$430,000 from the tax credit reserve fund to the general fund for three unexpired fiscal 2007 projects;
- Mental Health Community Services for Medicaid Recipients—\$2.1 million is restricted in unexpended and unencumbered fiscal 2013 general funds to be used only to increase specialty physician rates for evaluation and management activities effective January 1, 2013, and an additional \$4.2 million is restricted in unexpended and unencumbered fiscal 2013 general funds to be used only to eliminate the fiscal 2012 unprovided for payables that had been carried into fiscal 2013; and
- The Quality Teacher Incentive Program—Any unexpended and unencumbered fiscal 2013 general funds are restricted in the Nonpublic Placement and the Out of County Living Arrangements Programs to be used only to cover an anticipated deficiency in the Quality Teacher Incentive Program.

### *Public-Private Partnerships*

HB 560 passed the House with amendments. One amendment alters one of the purposes of discussions with qualified bidders before a public-private partnership agreement to be the "best value for the State." Another amendment requires that payment security for construction contracts apply to the construction portion

of public-private partnerships. The companion bill is [SB 538](#).

#### *Hotel Rental Tax – Exemption*

[SB 631](#), which generated extended floor discussion, provides an exemption from county hotel rental taxes for the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that is operated solely in support of the headquarters, a training, conference, or awards facility or the campus of a corporation or other organization; provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and does not offer lodging services to the general public. The bill takes effect June 1, 2013. The Senate approved the bill with a preliminary floor vote. The companion bill is [HB 815](#).

#### *Tobacco Taxes – Healthy Maryland Initiative*

[SB 700/HB 683](#) increase the tobacco tax rate from \$2.00 to \$3.00 per pack and the other tobacco product (OTP) tax rate from 30% to 95% of the wholesale price with the exception of certain high-priced cigars. OTP tax revenue is redistributed from the general fund to a special fund to ensure that tobacco cessation programs receive at least \$21 million in annual funding beginning in fiscal 2015. Any additional money in the special fund is to be used to support specified health care programs. The bill takes effect July 1, 2013, except for provisions related to an OTP tax fund that take effect July 1, 2014.

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## **GAMING, RACING, AND SPORTS**

#### *Casino Licenses – Prohibition*

Moving to opposite chambers, emergency bills ([SB 282/HB 1053](#)) limit the prohibition on licensing a video lottery employee for a conviction of certain crimes. Previously, a person who has been convicted of a crime of “moral turpitude” or a crime involving gambling would be prohibited from receiving a license to work in a casino for life. The bills require that only a person convicted, on active parole, or on probation within the past seven years will be prohibited from receiving a license.

#### *Video Lottery Operation Licensees – Employee Data Collection*

The House passed [HB 1059](#), which requires a video lottery operation licensee to submit data on the age, sex, race, and county of residence of its employees in the previous year by March 31 every year to the State Lottery and Gaming Control Commission (SLGCC). Within three months of receiving the data, SLGCC must

submit a report containing the data to the Governor, the Governor’s Office of Minority Affairs, the President of the Senate, and the Speaker of the House of Delegates. Currently, video lottery operation licensees are not required to submit diversity data on its employees to SLGCC, nor is SLGCC required to submit a diversity report on employees of video operation licensees.

#### *Video Lottery Facilities (VLTs) – Table Game Proceeds*

Promotional play cash is used as a marketing tool to increase the number of patrons who play. Maryland VLT facilities gave out \$26.7 million in promotional free play in 2012, but not to table game players. With House approval this week, [HB 1155](#) allows money given away by a video lottery operation licensee as free promotional play and used by players to bet at a table game to be excluded from the definition of proceeds.

An offering of free table game promotional plays is not considered proceeds in Pennsylvania and West Virginia. Delaware also excludes free table game promotional plays for the licensee but with limitations. New Jersey counts offerings of gaming vouchers or coupons by the licensee as proceeds.

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## **HEALTH CARE AND HEALTH INSURANCE**

#### *State Employee and Retiree Health and Welfare Benefits Program – Wellness Program*

The Senate passed an amended [SB 224](#), requiring the State to include a wellness program in the State Employee and Retiree Health and Welfare Benefits Program. The crossfiled bill, [HB 391](#), passed the House.

#### *Dental Radiation Machines*

[SB 614](#) (failed), which would have modified requirements for the inspection and maintenance of dental radiation machines, has failed a committee vote in the Senate. The crossfiled measure, [HB 625](#), remains in a House committee.

#### *Virginia I. Jones Alzheimer's Disease and Related Disorders Council*

[SB 679/HB 690](#) establish the Virginia I. Jones Alzheimer’s Disease and Related Disorders Council to continue the work of the Virginia I. Jones Commission, which was established by executive order in 2011 and was tasked with making recommendations for a State plan to address the needs of individuals with Alzheimer’s disease and related disorders, as well as their families and caregivers. The Senate bill has passed that chamber. The House bill is poised to pass the House.

## REAL PROPERTY, ESTATES, AND TRUSTS

### *Jonathan's Law*

**SB 18** (failed) would have required a political subdivision to require an inspection by a professional inspector of every multifamily dwelling with a balcony at least once every 10 years in order to ensure that each balcony met the requirements of the applicable local housing code of the Minimum Livability Code. The bill failed a third reading Senate floor vote.

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## TRANSPORTATION

### *Driver's Licenses – Lawful Status Requirement – Repeal*

Heard by a committee this week, **HB 789** reestablishes several sections of the Maryland Vehicle Law with the language in effect prior to the enactment of Chapter 390 (HB 387) of 2009. The authority of the Motor Vehicle Administration (MVA) to issue or renew a driver's license, identification card, or moped operator's permit to an individual who does not have a Social Security number or lawful status is expanded through the repeal of a current requirement that the individual must have held one of these documents on April 18, 2009. The termination date of July 1, 2015, as it applies to the authority of the MVA to issue or renew one of these documents to an applicant without lawful status or a Social Security number, is also repealed. The companion bill is **SB 715**. The repeal could result in an increase of as much as \$7.3 million for the Transportation Trust Fund in fiscal 2014 from additional drivers' licenses and identification cards.

Testimony was also heard this week on a similar bill, **HB 911**, which extends from July 1, 2015, to July 1, 2023, the expiration of the authority of the MVA to issue or renew an identification card, moped operator's permit, or driver's license for an individual who held one of these documents prior to April 19, 2009, but does not have lawful status or a valid Social Security number.

### *Smoking in Motor Vehicles*

With a favorable committee vote, **SB 30** has moved to the Senate floor for consideration. The bill prohibits a driver of a motor vehicle from smoking, or from allowing passengers to smoke, in a vehicle in which a child younger than age eight is riding. "Smoking" is defined as the burning of a lighted cigarette, cigar, pipe, or other device or substance that contains tobacco. A violation of this provision, while not a moving violation for which points may be assessed, carries a maximum fine of \$50. The companion bill is **HB 528**.

### *Mopeds – Valid Driver's Licenses*

**HB 3** (failed), which would have required the operator of a moped or motor scooter to possess a *valid* driver's license or moped operator's permit, received an unfavorable committee vote. Current law requires that an individual operating a moped or motor scooter possess a driver's license or moped operator's permit, but because mopeds and scooters are not classed as "motor vehicles," law applying to them does not specify that the license or permit must be valid.