



The Legislative Wrap-Up

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COURTS AND CIVIL PROCEEDINGS

Domestic Violence – Persons Eligible for Relief

As amended and passed by the Senate, [SB 490](#) expands eligibility for a domestic violence protective order by altering the definition of a “person eligible for relief” to include an individual in a consensual or nonconsensual relationship with the respondent.

Currently, individuals in a dating relationship who are victims of domestic violence are only eligible for a peace order. Protective orders have a longer duration, offer more relief, and are subject to stronger law enforcement protocols. The original companion bill, [HB 1230](#), remains in committee.

Maryland Legal Services Corporation (MLSC)

Companion bills supporting funding for the MLSC are moving forward:

- [HB 838](#), now in the Senate, repeals the sunset date, continuing an increased surcharge on fees, charges, and costs in civil cases. The funds are deposited into the MLSC Fund to finance civil legal services for indigent clients. Its companion, [SB 640](#), is now in the House; and
- [SB 809](#), with amendments and preliminary Senate approval, increases through fiscal 2016 the amount of funds that the Comptroller must distribute from abandoned property funds to the MLSC, and repeals provisions that require the Governor to appropriate the funds. The companion bill, [HB 1303](#), slightly amended, received preliminary approval by the House.

Contributory Negligence

The rule of “contributory negligence” in a plaintiff’s claim for damages is the subject of crossfiled bills [SB 819/HB 1156](#), both of which have been considered in committee. The bills retain contributory negligence as a defense of a defendant who is being sued for damages for wrongful death, personal injury, or property damage. Opponents support a switch to the rule of “comparative negligence.”

Maryland, three other states, and the District of Columbia follow the standard of contributory negligence, which stipulates if a plaintiff’s actions contributed to the plaintiff’s injury, the plaintiff can’t be awarded damages. The remaining 46 states follow the doctrine of comparative negligence, which stipulates the plaintiff who was negligent can have his or her monetary recovery reduced but can still be awarded partial damages, even if his or her actions contributed to the injury.

A case currently under appeal has raised the question of whether Maryland should switch to the comparative negligence system. Applying the contributory negligence standard, a lower court denied all damages to a plaintiff who had smoked marijuana and then was seriously injured when he accidentally pulled down an unanchored soccer goal frame onto his head. During the appeal’s oral arguments, those who support a switch to the comparative negligence system argued that the tough standard of contributory negligence allows negligent defendants, like those responsible for the unanchored frame, to avoid liability.

Those who support the current contributory negligence system argue that if the law is changed Maryland businesses would be more vulnerable to lawsuit. They also argue that the General Assembly, not the court, should determine whether the State continues to follow the contributory negligence system or switches to the standard of comparative negligence.

Judgeships

[HB 83](#) increases the number of judges of the Court of Special Appeals from 13 to 15, increases the number of resident judges of the circuit court in Calvert, Carroll, Cecil, Frederick, and Wicomico counties, and increases the number of associate judges of the District Court in Baltimore City, and Charles, Montgomery, and Prince George’s counties. [SB 239](#) is the companion bill. Both bills have passed unamended and have moved to the opposite chamber.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Possession of Marijuana – De Minimis Quantity

[SB 297](#) changes the possession of less than 10 grams of marijuana from a criminal offense to a civil offense and establishes the penalty of a fine of up to \$100. The Senate passed the bill, with the addition of a sponsor, and it has moved to the House.

Marijuana – Regulation, Penalties, and Taxation

This week, a House committee heard testimony on [HB 1453](#), which legalizes the use of marijuana for adults at least 21 years old. The bill removes criminal penalties for the use and possession of marijuana and marijuana paraphernalia, legalizes the use, possession, sale, and cultivation of up to 1 ounce of marijuana under specified circumstances, and authorizes personal cultivation of up to three marijuana plants.

The bill also establishes a regulatory framework for wholesalers, retailers, and safety compliance facilities. Additionally, the Comptroller is required to register marijuana retailers, wholesalers, and safety compliance facilities, and the Maryland Department of Agriculture must regulate the growth, processing, and distribution of industrial hemp. The bill imposes an excise tax of \$50 per ounce on wholesale sales of marijuana, and directs the revenues from excise tax collections to specified programs. Restrictions remain against driving under the influence.

Cannabimimetic Agents – Prohibition

The Senate approved [SB 109](#) that, as rewritten, codifies (or places in State law) as a part of the State’s list of Schedule I controlled dangerous substances, the definition of “cannabimimetic agents” and the list of substances that are considered cannabimimetic agents. The agents are essentially chemical substances that affect the body in a way similar to marijuana. As amended, this bill is identical to [HB 1](#), which the House passed in February.

Under Maryland law, if the federal government places a substance on Schedule I, it is automatically considered a Schedule I substance in the State unless the Department of Health and Mental Hygiene (DHMH) objects to the designation. Since DHMH has not raised an objection, all of the substances encompassed by the bill are illegal in Maryland. The definition of the agents and the list of substances were placed in federal law in July 2012.

DNA Samples and Records

[HB 1523](#), heard this week by a House committee, requires a governmental unit that collects DNA samples

or maintains DNA records for law enforcement purposes to comply with the statutory requirements for the collection, use, and expungement of DNA samples and records. The bill also prohibits a DNA sample from being stored unless it is required to be collected or stored under statutory provisions governing the statewide DNA database system. A DNA sample may not be tested for information that does not relate to the authorized identification of an individual, and a database may not be searched to identify an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

Accessory After the Fact – Murder

Both the Senate and House passed legislation ([SB 444/HB 709](#)) increasing the penalty for conviction of being an accessory after the fact to first- or second-degree murder. Both offenses are felonies and may incur a sentence of up to 10 years in prison. The bill, also known as the Shedly-Bennett Act, was named after two lower Eastern Shore homicide victims.

Animal Cruelty

The Senate passed legislation, [SB 360](#), which forbids a person to use a dog or to allow a dog to be used for baiting, which is using a dog to train a fighting dog. A person may not possess, own, sell, transport, or train a dog for baiting or knowingly allow property the person owns or controls to be used for dog baiting. [HB 542](#), the companion, has passed a preliminary House floor vote.

Sexual Contact with Minors

On the House floor, [HB 14](#) expands the definition of persons in authority as it relates to those who may not have sexual contact with minors who are students in the schools in which persons are employed. [HB 14](#) removes the existing specification of “full time permanent employee,” effectively adding part-time employees, including coaches, to the list of school employees who are barred from sexual contact with students.

Successive Federal and State Prosecutions

[HB 152](#) (failed) reached third reading in the House and failed. As amended, the bill would have barred State prosecution if a defendant was previously convicted or acquitted for the same crime in U.S. District Court.

ECONOMIC AND BUSINESS ISSUES

Maryland Offshore Wind Energy Act of 2013

Governor O’Malley’s legislation ([HB 226](#), passed) to create a market in the State for offshore wind energy

awaits his signature. Under the bill, the State Renewable Energy Portfolio Standard (RPS) requires electricity sales in Maryland to include approximately 2.5% derived from offshore wind beginning in 2017. The bill also requires that qualified offshore wind projects be approved by the Public Service Commission (PSC) and details criteria for the application and approval process. Among the criteria for PSC approval, the project must be beneficial to the State, and the projected rate impact cannot exceed \$1.50 per month for the average residential customer in 2012 dollars or 1.5% of nonresidential customers' total annual electric bill.

Other provisions create a Maryland Offshore Wind Development Fund and a Maryland Offshore Wind Business Development Advisory Committee to provide financial and business development assistance and training opportunities to emerging wind energy businesses in the State including minority-owned businesses. The measure further establishes the Clean Energy Program Task Force and the Clean Energy Technical Education Task Force to study and make recommendations on degrees, certificates, and course offerings in the clean energy field in Maryland universities and community colleges.

Veterans Full Employment Act of 2013

Other Administration measures, [SB 273/HB 225](#), passed their original chambers with identical amendments. The measures facilitate professional licensing for active military personnel, recently-discharged veterans, and military spouses through the expedited issuance of specified licenses, registrations, and certificates. The amended measures expand the definition of "military spouse" to include the surviving spouse of a deceased service member or veteran, and also expand the definition of veteran to include a former service member who was discharged under circumstances other than dishonorable.

The measures require the occupational and professional licensing boards within the Department of Labor, Licensing, and Regulation to issue expedited temporary licenses, registrations, or certificates if specified education, training, and experience conditions are met. The State Superintendent of Schools must also expedite educator certification and may issue temporary educator certificates under certain conditions.

As amended, the bills do not require health occupations boards within the Department of Health and Mental Hygiene to issue temporary licenses, but they must expedite the process for and provide certain assistance to military personnel, veterans, and military spouses applying for a license. A liaison will be assigned to help them through the process, including identifying available

training or education if applicants do not meet the licensure requirements.

The measures further require the Maryland Higher Education Commission to develop and adopt guidelines on awarding academic credit for a student's military training, coursework, and education, which must be adopted by each public institution of higher education in the State.

Maryland Jobs Development Act

[HB 1315](#), which requires data collection and a report on the State's economic development programs, passed the House with amendments. The amended bill reduces the scope of the report, now requiring that the Department of Business and Economic Development (DBED) report solely on the programs administered by DBED, to include the Film Production Activity Tax Credit, Job Creation Tax Credit, One Maryland Economic Development Tax Credit, InvestMaryland Program, Biotechnology Investment Incentive Tax Credit, and Research and Development Tax Credit. DBED must also create a process for assisting recipients of economic program benefits in meeting program requirements if they are not currently doing so.

Maryland Automobile Insurance Fund (MAIF)

Maryland's automobile insurer of last resort, MAIF undergoes operational changes under companion bills that have each passed their original chambers ([SB 749/HB 1132](#)). The bills are a result of the Task Force to Study Maryland Insurance Programs of Last Resort, established in 2012 (Chapter 408 of 2012, [HB 1017](#)), and an effort to align MAIF's operations with those of the Injured Worker's Insurance Fund (IWIF).

Under the bills, MAIF is not subject to certain provisions of law affecting governmental units and is exempt from State procurement law relating to real estate. Changes to MAIF's auditing requirements are instituted. Also, MAIF's legal business is removed from the charge of the Attorney General, and changes are made to the membership provisions of the MAIF Board of Trustees. Additionally, most of MAIF's employees are removed from the State Personnel Management System, although MAIF employees remain State employees, including in the State health and pension systems.

Employment Discrimination – Pregnancy

Bills addressing discrimination against pregnant women in the workplace are advancing. [HB 804](#) has passed the House, while companion measure [SB 784](#) has received a favorable preliminary floor vote. The bills require that an employer, if an employee requests reasonable accommodations for a disability due to pregnancy,

explore all possible means of providing the reasonable accommodations. Reasonable accommodations may include changing the employee's job duties or work hours, relocating the employee's work area, transferring the employee to a less strenuous or hazardous position, or providing leave.

The measures state that an employer may require certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation and outlines the information to be included in the certification.

Under current law, disabilities that are caused or contributed to by pregnancy or childbirth are temporary disabilities for all job-related purposes, and are treated as such under any health and or temporary disability insurance or sick leave plan available with employment.

Wage and Hour Law – Minimum Wage

A Senate committee reported an unfavorable vote on [SB 683](#) (failed), which would have raised the minimum wage to \$10 per hour as of July 1, 2015. If greater, then the federal minimum wage would have applied. Other provisions would have addressed payment to employees who receive tips from their customers. The companion bill, [HB 1204](#), remains in a House committee.

EDUCATION

Education – Model Performance Evaluation Criteria

Maryland's Education Reform Act of 2010 (Chapter 189, HB 1263) made significant changes to Maryland's teacher and principal evaluation process and helped the State to land a \$250 million federal Race to the Top (RTTT) grant. The 2010 law required the State Board of Education to adopt regulations establishing general standards for performance evaluations of certified teachers and principals, known as the Educator Evaluation System, and required student growth to be a significant component in the evaluations. Full implementation of educator evaluation models is expected in the 2013-2014 school year.

This week, a Senate panel heard testimony on [SB 775](#), which prohibits the State Board of Education from requiring the model performance evaluation criteria to take effect in a local jurisdiction unless the statewide assessments used in the criteria are aligned with the Common Core Standards and the State curriculum. The Common Core State Standards are a group of academic standards in English/language arts and mathematics that define both the knowledge and skills all students should have acquired at the end of each grade. The standards, which will be implemented statewide by the 2013-2014

school year, have been adopted by more than 40 states, including Maryland.

Maryland participates in the Partnership for Assessment of Readiness for College and Careers (PARCC), a consortium of 24 states that is designing an assessment system aligned with the Common Core Standards. PARCC will first be administered in the 2014-2015 school year and will be used in lieu of existing State assessments beginning in the 2015-2016 school year.

Prohibiting the State Board of Education from requiring the model performance evaluation criteria for the Educator Evaluation System to take effect until the State assessments are aligned with the Common Core Standards and the State curriculum may jeopardize \$37.9 million in federal RTTT funds. Further, delayed implementation also potentially jeopardizes over \$700 million in federal money in fiscal 2014 and 2015.

The Reasonable School Discipline Act of 2013

On December 14, 2012, a 20-year-old gunman fatally shot 20 children and six adult staff members at Sandy Hook Elementary School in Newtown, Connecticut. This has heightened concern nationwide and affected disciplinary actions concerning gun-related violence on school property.

A Senate committee recently considered [SB 1058](#), which generally prohibits the suspension or expulsion of any student in a school that receives State funds, who possesses at school a picture, computer image, or facsimile of a gun, or any object that resembles a gun but serves a different purpose, or makes a hand shape or gesture resembling a gun.

The bill does not protect a student who, in addition to the offenses described above, performs a direct act of violence against another student on school property. The bill also sets the maximum disciplinary action for a student that possesses objects resembling a gun or makes a gun-like hand shape or gesture. There are specified consequences, including dismissal, for school employees who violate provisions of the bill.

Educational Institutions – Personal Electronic Accounts

The Senate passed [SB 838](#), which prohibits an educational institution from requiring, requesting, suggesting, or causing a student or a prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the individual's personal electronic account.

“Personal electronic account” means an account created via an electronic medium or a service that allows users to create, share, or view user-generated content, including uploading or downloading videos or still

photographs, blogs, video blogs, podcasts, messages, electronic mail, Internet website profiles or locations, or any other electronic information. However, it does not include an account that is opened on behalf of, or owned or provided by, an educational institution.

In addition, an educational institution is prohibited from compelling a student or an applicant, as a condition of acceptance or participation in curricular or extracurricular activities, to add anyone, including specified individuals, to the list of contacts associated with a personal electronic account or change the privacy settings associated with a personal electronic account. An educational institution may not discipline or otherwise penalize a student or refuse to admit an applicant because of refusal to comply.

Academic Credit for Military Training, Education, and Coursework

The Senate passed [SB 153](#), legislation that, as amended, requires the Maryland Higher Education Commission to establish guidelines for the awarding of academic credit for military education, training, and coursework. The governing body of each public institution of higher education must adopt policies for awarding the academic credit.

As amended, this bill is the same as the relevant provisions in [SB 273/HB 225](#), Veteran's Full Employment Act of 2013, discussed under "Economic and Business Issues" on page 3 of this *Wrap-up*. According to the U.S. Department of Defense, 14 states have passed legislation regarding institutions awarding credit for military education, training, and experience. Six other states, including Maryland, are considering such legislation.

Post-Labor Day Start Date

[SB 963](#), creating the Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools, passed the Senate. The House heard testimony on the companion bill, [HB 1502](#), earlier this week.

Dual Enrollment

A House committee recently heard two bills regarding dually enrolled students, defined as students who are enrolled at the same time in a secondary school and a community college in the State:

- [HB 871](#) allows dually enrolled students to qualify for in-state tuition rates at community colleges and at public four-year colleges. Currently, dually enrolled undocumented immigrants are required to pay out-of-state and out-of-county tuition rates. The Dream Act of 2012 extended in-state tuition to

undocumented immigrants who met the requirements, but it is restricted to Maryland high school *graduates*. This bill would include certain undocumented immigrants as being eligible for in-state tuition rates as dually enrolled students. Nonimmigrant aliens within the meaning are specifically excluded; and

- [HB 928](#) exempts a dually enrolled student from paying tuition to attend a community college if the student is eligible for free and reduced-price meals and is enrolled part time at a community college. A community college may establish guidelines concerning the type of courses that will qualify for the tuition waiver.

ELECTIONS AND ETHICS

Campaign Finance Law

The House unanimously passed legislation related to Maryland's State campaign finance laws that regulate various aspects of campaign finance activity in the State, including actions of candidates and campaign finance entities (through which all campaign finance activity generally must be conducted) and the extent to which individuals and entities can contribute to campaigns. The legislation reflects many of the recommendations of the Commission to Study Campaign Finance Law, established by the General Assembly in 2011, which issued a final report in December 2012.

This session's legislation, [HB 1499](#), makes changes relating to campaign contribution limits, contributions by business entities, legislative party caucus committees, administrative accounts, slates, independent expenditures and electioneering communications, enforcement, disclosure of contributions by persons doing public business, local public campaign financing, and other issues.

Amendments added by the House make various technical and clarifying changes related to slates, transfers between campaign finance entities, reporting of small contributions, independent expenditures, and disclosure of contributions by persons doing public business. This week, a Senate committee heard testimony on the companion bill, [SB 1039](#).

Access to Voting

Administration legislation ([SB 279 /HB 224](#)) passed by the Senate and House increases the number of early voting centers in certain jurisdictions, increases the number of days and operating hours for the centers, and makes changes to absentee voting provisions.

However, the House passed [HB 224](#) with amendments that, among other changes, add provisions requiring an individual who registers to vote online, or requests an absentee ballot online, to provide certain identifying information; and prohibiting an online ballot marking tool from being used to store, tabulate, or transmit votes or voted ballots through the Internet. The changes also require verification of ballots that are marked online during the canvass of votes. Additionally, the bill increases the fine that may be imposed for voter fraud from \$2,500 to \$5,000. [SB 279](#), the original Senate companion, does not contain the same changes.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Nutrient Management

[SB 1029](#), as amended, establishes a voluntary Maryland Agricultural Certainty Program to certify agricultural operations that meet State agricultural nitrogen, phosphorus, and sediment reduction goals. To be developed by the Maryland Department of Agriculture in coordination with the Maryland Department of the Environment, the program must be self-sustaining and revenue neutral. The certification is valid for 10 years, but includes annual reporting requirements and requires on-site inspections at least once every three years. The bill received a favorable preliminary floor vote.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Consumer Protection

[HB 1215](#), which establishes the Home Appliance Warranty Enforcement Act, passed the House. Under the bill, a home appliance manufacturer or its agent must repair or correct a nonconformity in a home appliance at no cost to the consumer if the appliance does not conform to the manufacturer's express warranties. Violation of the bill is an unfair or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions. The bill applies prospectively to home appliances sold on or after October 1, 2013.

Self-Storage Facilities

[SB 634](#) passed the Senate. As amended, the bill authorizes, if an occupant is in default for more than 60 days, an operator of a self-service storage facility to tow or remove the occupant's motor vehicle or watercraft in lieu of a sale to enforce a lien. The bill requires an operator to include a statement, in bold type, of this

authorization in the rental agreement for the leased space. The operator is immune from civil liability for any damage to a motor vehicle or watercraft that occurs after the person that undertakes the towing or removal takes possession of the personal property.

The bill also authorizes the operator to charge a reasonable late fee for each month the occupant does not pay rent when due. As well, the bill alters specified notice, disclosure, and recordkeeping requirements and grants an operator the ability to establish the maximum value of stored property in a leased space. In the event of any loss of or damage to an occupant's property, the operator's liability may be limited to that amount.

The bill applies prospectively and may not be applied or interpreted to affect any rental agreement or contract executed or renewed before the bill's October 1, 2013, effective date. The crossfiled measure, [HB 1127](#), was heard by a House committee earlier this month.

FISCAL MATTERS

Budget Bill

The Senate passed the Budget Bill ([HB 100](#)), reducing the Governor's allowance by \$663 million, including \$61.9 million in reductions to the fiscal 2013 deficiency appropriations, eliminating 34 positions, and leaving an estimated general fund balance at the end of fiscal 2014 of \$359 million, which is \$159 million more than the Spending Affordability Committee's recommended balance.

The Senate adopted 45 committee amendments and one floor amendment and rejected six floor amendments. The adopted floor amendment restricts \$5.8 million in the Revenue Stabilization Account, the "Rainy Day Fund," to grants for local school systems for which direct education aid in fiscal 2014 is less than direct education aid received in fiscal 2013. Among the rejected floor amendments are those prohibiting funding for basic stem cell research and requiring local school systems to use a portion of education aid to provide for a school resource officer in each public elementary and secondary school.

As passed by the Senate, the Budget Bill increases State spending by 1.7%, excluding federal funds and appropriations to the Rainy Day Fund, and reduces the structural deficit to \$52 million. It keeps the State employees' cost-of-living-adjustment of 3% effective January 1, 2014, and the April 2014 merit increases.

Among the differences of the Senate and House fiscal plans are:

- Public elementary and secondary education of \$6.8 billion is funded, except for \$3.3 million in reductions to private student transportation aid and the Digital Learning Innovation Fund. The House reduced the Digital Learning Innovation Fund by \$2.5 million, but the Senate restored \$1.5 million, reducing the fund by \$1 million;
- Public higher education funding is largely restored with only minor reductions. The House reduced the appropriation by a net \$5.1 million;
- The Maryland Economic Development Assistance Authority and Fund general fund appropriation is eliminated, a reduction of \$4.5 million, leaving intact the \$10.5 million special fund appropriation. The House made no reduction;
- The Revenue Stabilization Account, the “Rainy Day Fund,” appropriation is reduced by \$240 million, \$75 million more than the House. This leaves a balance of 5.5% of estimated general fund revenues; and
- The State reinvestment of savings due to pension reform, including aid for local employee fringe benefits, is reduced by \$100 million, leaving an appropriation of \$200 million. The House did not have this provision.

The House will now consider the Senate amendments. If the House chooses not to concur in any of the Senate amendments, and the Senate does not recede in its amendments, then a conference committee will be appointed to reconcile the differences between the two houses. Under Maryland’s Constitution, if the Budget Bill is not passed by the 83rd day, April 1, this year, then the Governor is to issue a proclamation extending the session.

If the Budget Bill has not been passed by the 90th day, the General Assembly will go into an extended session, during which it may only consider the Budget Bill and the costs of the special session.

Budget Reconciliation and Financing Act of 2013

The Senate passed [HB 102](#) with amendments. The Senate amendments:

- repeal the provisions changing the disposition of the \$7.50 moving violation surcharge;
- require the Maryland Transit Administration (MTA) to increase the base fare prices to the nearest 10 cents for core bus, light rail, and subway services by at least the same percentage as the three-year increase in the Consumer Price Index for All Urban Consumers for the Washington-Baltimore

Metropolitan Area, as determined from January 1, 2010, to December 31, 2012, and each subsequent three-year period;

- modify the hospital assessment for Medicaid to require, effective each fiscal year beginning in fiscal 2015, assessments, remittances or general fund savings up to \$389.8 million;
- reduce the required reinvestment of savings from pension reform from \$300 million to \$200 million;
- modify disparity grants formula, increasing from 2.4% to 2.6% the local income tax rate required to be eligible for the grant and adding a minimum grant amount based on the local income tax rate.

Gas Tax

The House passed [HB 1515](#), the Transportation Infrastructure Investment Act of 2013, with amendments. As amended, the bill no longer decreases the motor fuel tax on July 1, as originally proposed, but maintains the same rate. Each year, on July 1, the motor fuel tax rate is to be increased by the rate of inflation rounded to the nearest .1 of one cent using the Consumer Price Index for all Urban Consumers (CPI-U). Any increase may not exceed 8% of the motor fuel tax rate effective in the previous year.

With the House amendments, the sales and use tax equivalent rate is 1% on July 1, 2013, 2% on January 1, 2015, and 3% on July 1, 2015. The bill originally had required tax rates of 2% on July 1, 2013, and 4% on July 1, 2014. If Congress does not pass legislation authorizing the State to collect sales tax on remote sales by December 1, 2015, then the sales and use tax equivalent rate is increased to 4% on January 1, 2016, and 5% on July 1, 2016. If Congress does pass legislation authorizing the State to collect sales tax on remote sales by December 1, 2015, then there will be no increase in the sales and use tax equivalent rate, and the Comptroller is to pay into the Transportation Trust Fund (TTF) 4% of the sales and use tax revenue, after making certain other distributions, as required in the bill as introduced.

The Maryland Department of Transportation (MDOT) is to submit a report by January 1, 2019, on the impact of indexing the motor fuel tax to the Consumer Price Index (CPI). MDOT is required to make a recommendation on whether indexing of the motor fuel tax should continue.

The House amendments also add provisions requiring a person who holds motor fuel for sale on the date of an increase in the motor fuel tax or the sales and use tax equivalent rate to pay within 30 days any additional tax that is due on the motor fuel.

The bill requires the MTA, beginning in fiscal 2015, to increase fares for bus, light rail, and Metro subway service in the Baltimore area every two years based on increases in the CPI-U for the period January 1, 2012, to December 31, 2013, rounded to the nearest 10 cents. The MTA may not increase fares for these services by more than the increase in the CPI. The bill originally had required increases to occur every three years. The bill requires the MTA to increase one-way zone fares and multiuse passes for commuter rail and commuter bus service every five years. The fare increases are to be rounded to the nearest dollar and are to be based on increases in the CPI-U as determined from January 1, 2009, to December 31, 2013, and each subsequent five-year period. MDOT must study the implementation of a voucher program to provide free or reduced-fare transit services for low-income individuals.

The House amendments do not change the provisions concerning transferring funds from the TTF and repaying back the transferred funds.

Under the amended bill, the maximum amount of consolidated transportation bonds that may be issued increases from \$2.6 billion to \$4.5 billion, with the revenue from the increased motor fuel taxes pledged as debt service for these bonds.

The House also adds language that it is the intent of the General Assembly that the State maximize the use of public-private partnerships and other alternative financing strategies to deliver transportation projects. MDOT is required to evaluate the opportunities for future alternative financing strategies for transportation projects, including the Red Line, the Purple Line, and highway projects. MDOT is to seek private sector input and fully explore the potential for delivering one of the transit lines as a public-private partnership project.

Baltimore City Schools Construction and Revitalization

The House passed [HB 860](#), which, as amended, creates a partnership between the State, Baltimore City, and Baltimore City Public Schools. The State, Baltimore City, and the Baltimore City Public Schools will each provide \$20 million annually, for a total of \$60 million that will be leveraged by the Maryland Stadium Authority to modernize the Baltimore City Public Schools and revitalize Baltimore City. The State's share comes from the State lottery revenue beginning in fiscal year 2015, while the city's share comes from beverage container and gaming revenue. The city will continue to issue at least \$17 million annually in city general obligation bonds for public school construction.

Further, the bill authorizes the Maryland Stadium Authority to issue up to \$1.1 billion in bonds to finance

construction and capital improvement projects for city public school facilities with the approval of the Board of Public Works, which must specifically approve each bond issuance. The Baltimore City Public School System must submit a long-term master plan for educational facilities before the issuance of the bonds.

A four-way memorandum of understanding is required from the Baltimore City Board of School Commissioners, Baltimore City, the Maryland Stadium Authority, and the Interagency Committee on Public School Construction regarding the management and implementation of the school construction projects, which must be approved by the Board of Public Works. The bonds are an obligation of the Maryland Stadium Authority, payable solely by the pledged funds, and are not backed by the full faith and credit of the State, the Maryland Stadium Authority, or any other governmental unit.

HEALTH CARE AND HEALTH INSURANCE

Food Allergy Awareness

The House passed [HB 9](#), regarding food allergy awareness. Amendments eliminate more stringent requirements found in the original legislation with regard to food allergies, and the bill now requires that a poster concerning food allergies be posted in food establishments. Amendments also establish a Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading. The original companion bill, [SB 390](#), remains in committee.

Other proposals have been introduced this session regarding food safety and food service facility letter grading, including [HB 1217](#), which was withdrawn by the sponsor.

Medical Marijuana – Academic Medical Centers

[HB 1101](#), which allows investigational use of marijuana for medical purposes, received a favorable House committee vote and is under consideration on the House floor. The bill establishes the Medical Marijuana Commission to develop requests for applications for academic medical centers to operate programs in the State, approve or deny initial and renewal program applications, and monitor and oversee programs approved for operation.

[HB 1100](#) (failed), a related measure, was withdrawn. The bill would have established an independent Medical Marijuana Oversight Commission (MMOC) to register and regulate academic medical centers as well, but also would have certified physicians, growers, dispensing centers, and dispensing pharmacies, and would have

registered qualifying patients and their primary caregivers.

Mental Health Parity

[SB 582/](#)[HB 1252](#), dealing with utilization review criteria and standards as they apply to mental health parity, have been amended and have been given preliminary approval in the chambers of origin. The bills require a private review agent to certify to the Insurance Commissioner that the criteria and standards to be used by the private review agent in conducting utilization review for mental health and substance use disorder benefits are in compliance with the federal Mental Health Parity and Addiction Equity Act (MHPAEA). Amendments further address compliance with the federal act.

STATE GOVERNMENT

Maryland Emancipation Day

The House passed [HB 167](#), which creates a new Maryland commemorative day on November 1, Maryland Emancipation Day, in recognition of the emancipation of the slaves in the State. On November 1, 1864, Maryland adopted a new constitution that abolished slavery, making it the first state with slaves to voluntarily free its slaves by popular vote. Lincoln's Emancipation Proclamation of 1863 had only freed slaves in rebel states, of which Maryland was not one. The Senate companion bill is [SB 42](#).

Prosecutions for Bribery

The Senate approved on a second reading vote legislation related to immunity from civil or criminal liability both for members of the General Assembly and for local officials:

- [SB 545](#), a proposed constitutional amendment, specifies that a provision establishing immunity for a senator or delegate from civil or criminal liability for words spoken in debate does not apply in a prosecution for demanding or receiving a bribe, fee, reward, or testimonial to influence the performance of, or to neglect or fail to perform, the senator's or delegate's official duties; and
- [SB 546](#) specifies that a provision establishing immunity from civil or criminal liability for a city or town councilman, county commissioner, county councilman, or similar official for words spoken at a meeting of the council or board of commissioners, or at a meeting of a committee or subcommittee, does not apply to an action involving the attempted bribery or bribery of a public employee.

TRANSPORTATION

Smoking in Motor Vehicles

The Senate passed [SB 30](#), prohibiting the driver of a motor vehicle or their passengers from smoking tobacco in a vehicle if a child younger than the age of eight is a passenger. A violation of this offense is not a moving violation and carries a maximum penalty of a \$50 fine. The companion bill, [HB 528](#), remains in committee.

Collection of Tolls

An amended [HB 420](#) passed the House. This departmental bill is generally consistent with current practice, clarifying and altering procedures of the Maryland Transportation Authority (MDTA) concerning the collection of unpaid electronic tolls through the issuance of a notice and, subsequently, a citation for unpaid toll violations. It applies to any previously incurred toll that remains unpaid on July 1, 2013.

Speed Cameras

Passed by a preliminary floor vote, [SB 207](#) alters the definition of a "recorded image" as it applies to speed monitoring and work zone speed control systems to require the inclusion of sufficient information to allow for the calculation of the speed of a motor vehicle. Amendments to the bill remove a requirement that a local government must apply markings on the portion of the roadway on which violations are recorded by a speed monitoring system to aid in the calculation. Also, a prohibition is removed against placing a speed monitoring system in a school zone more than 500 feet from the property of the school for which the school zone was established.

Cell Phones and Motor Vehicles – Primary Offense

[SB 339](#), which establishes the prohibition against the use of a wireless communication device by drivers while operating a motor vehicle as a primary offense, passed a preliminary Senate floor vote. Among the amendments are provisions altering the penalties for violations. These include:

- increasing from \$40 to \$75 the maximum fine for a first offense;
- increasing from \$100 to \$125 the maximum fine for a second offense; and
- establishing a maximum fine of \$175 for a third or subsequent offense.

Additional amendments strike the prohibitions in current law applicable to use of a device only if the vehicle is in motion or in the travel portion of the roadway. Also,

points may not be assessed unless the offense contributes to an accident.

The original companion bill, [HB 753](#), passed in the House with the only amendments being the addition of sponsors.

Driver's Licenses – Lawful Status Requirement Repeal

[SB 715](#), expanding 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 proof of lawful status, has received preliminary approval by the Senate. The bill repeals a current requirement that an individual must have held one of the 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.

Amendments to the bill require that an applicant who is not a current holder of a driver's license, identification card, or moped operator's permit provide documentary evidence that the applicant, for each of the preceding two years, has filed a Maryland income tax return or has resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return. Each of these cards, permits, or licenses to drive must include a statement that the document may not be used to purchase a firearm. The effective date is delayed to January 1, 2014. The original crossfiled bill, [HB 789](#), remains in committee.

Bill status is current as of 3:30 p.m. on March 22, 2013.