



The Legislative Wrap-Up

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SINE DIE IS COMING

April 8, at midnight, marks the end of the third regular session of the 2011-2014 term of the General Assembly of Maryland. With just over a week remaining, many bills have moved from their chamber of origin to the opposite chamber.

In order for a bill to pass the General Assembly, the bill must be agreed to with identical language by each chamber. To date, 2,610 bills have been introduced of which 1,075 are Senate measures and 1,535 are House measures. Of these, 12 have been agreed to and thus have reached the Governor's desk. Among the most prominent of these are the Death Penalty Repeal – Substitution of Life without the Possibility of Parole ([SB 276](#)), the Maryland Offshore Wind Act of 2013 ([HB 226](#)), and the Gas Companies – Rate Regulation – Infrastructure Replacement Surcharge ([SB 8](#)).

COURTS AND CIVIL PROCEEDINGS

Personal Injury or Death Caused by a Dog

The House gave preliminary approval to an amended version of the Senate “pit bull” bill, regarding liability for damages due to a dog bite. As amended by the House, the Senate version ([SB 160](#)) is now the same as the House bill ([HB 78](#)), passed by that chamber earlier this session. The amendments remove the provision added by the Senate that a dog owner must prove with clear and convincing evidence that the dog did not have vicious or dangerous propensities, which would require a higher level of proof. Instead, both bills now create a rebuttable presumption of liability for the owner of a dog who has caused personal injury or death. The bills also clarify that the common law of liability that existed before April 2012 applies to an action against a person who is not the owner of the dog. The Senate may or may not concur with the House action.

These emergency bills respond to a controversial Court of Appeals decision, *Tracey v. Solesky*, that established a strict liability standard for pit bull owners and property owners, including landlords.

Maryland Collaborative Reproduction Act

While the legal implications of a couple using assisted reproduction to aid in the conception of a child using only the couple's own genetic material are few, complicated legal issues concerning parentage arise, for example, where third parties contribute genetic material or where a surrogate agrees to gestate a child for the couple.

Currently, Maryland does not have a comprehensive statute on assisted reproduction. Artificial insemination is addressed in the Estates and Trusts Article, which provides that a child conceived by artificial insemination of a married woman with the consent of her husband is the legitimate child of both of them for all purposes. Additionally, Chapter 649 of 2012 ([HB 101](#)) prohibits a person from using the sperm or eggs of a known donor after the donor's death for purposes of assisted reproduction without the prior written consent of the donor.

[SB 792](#), which seeks to expand the State's laws related to assisted reproduction, has passed in the Senate and is now under consideration by a House committee. The bill establishes rights and obligations of intended parents who use gamete or embryo donors to conceive a child through “collaborative reproduction.” The bill also establishes requirements for a “gestational carrier agreement” to be enforceable in the State.

The bill's provisions do not apply to the birth of a child conceived through sexual intercourse. The provisions also do not apply to a child conceived by means of assisted reproduction if a couple uses their own gametes, gestates any resulting pregnancy, and intends to parent the resulting child; or a woman other than an intended parent agrees to use her own egg to become pregnant and to gestate and deliver a child for an intended parent. The crossfiled bill, [HB 1099](#), remains in a House committee.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Sexual Contact with Minors – Persons in Authority

The House passed a bill to expand the definition of “persons in authority,” school employees who are prohibited from sexual contact with minor students. [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.

The Senate passed [SB 105](#), also relating to relations between minors and persons of authority in their schools. As amended, the bill alters the definition of a “person in a position of authority” under the fourth degree sex offense statute by removing the limitation of the definition to full-time school employees. Under the bill, a full-time “person in a position of authority” is prohibited from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor knowing that the minor is a student enrolled at the school where the “person in position of authority” is employed. The same prohibition applies to a part-time “person in position of authority” if the person is eight years older than the victim.

Cyberbullying of a Minor

The Senate and the House passed bills intended to criminalize cyberbullying through social media such as Myspace, Facebook, Twitter, blogs, and other electronic bulletin boards. [HB 396](#), also known as “Grace’s Law,” was rewritten by a House committee to strike the original language related to using a computer or computer network to harass a minor. The new language prohibits a person from using an interactive computer service to maliciously engage in conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent to kill, injure, harass, or cause serious emotional distress to the minor, or to place the minor in reasonable fear of death or serious bodily injury.

Under current law, a person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another. However, these provisions apply only to forms of electronic communication sent “to a person” and received “by the person.” As a result, this law would not include communications on web pages, blogs, Twitter, bulletin boards, or the Facebook or Myspace pages available to a wider audience. The companion bill, [SB 1052](#), as amended and passed by the Senate, now

conforms to the House language prohibiting the use of an interactive computer service.

Crime of Violence – Presence of a Minor

[HB 478](#), as amended and passed by the House, prohibits a person from committing a crime of violence when the person knows or reasonably should know that a minor who is at least two years old is in a residence within sight or hearing of the violence. A violator is subject to an enhanced penalty of imprisonment for up to five years, in addition to any other sentence imposed for the crime of violence.

Human Trafficking

The House passed [HB 713](#). As amended, the bill establishes procedures for the seizure and forfeiture of property as a result of human trafficking violations. “Human trafficking” involves taking, tricking, or luring a person into prostitution or a sexually explicit performance. Amendments strike provisions relating to the establishment of a Human Trafficking Fund, and limit property subject to forfeiture to real property, motor vehicles, and money.

Pregnant Inmates

Protections for pregnant inmates or detainees have passed the House in [HB 829](#). The bill largely codifies current practice for State correctional facilities. Additionally, it is believed that most local facilities already have similar practices in place.

As amended, the bill requires that the medical professional responsible for the care of an inmate determine when the inmate’s health allows the inmate to be returned to a correctional facility after giving birth. The bill further states that it is the public policy of the State that a pregnant inmate shall not be restrained during labor and delivery unless it is determined necessary by an attending medical professional, facility security, or correctional staff. The application of restraints before and after an inmate’s labor and delivery is also avoided to the extent possible.

Criminal Records – Shielding

The House passed an amended [HB 1006](#), which authorizes a convicted person to petition a court to shield the person’s court records and police records no earlier than five years after the person satisfies the sentence imposed for the conviction, including parole, probation, or mandatory supervision. The bill also contains extensive provisions related to repeat convictions and procedures relating to access to the records.

Under the bill’s amendments, a “shieldable conviction” means a conviction of one of a list of 17 non-violent

crimes committed by an individual under the age of 26 and does not include domestically related crimes. Another measure, [SB 701](#), addresses shielding for nonviolent convictions, but has remained in a Senate committee.

Crimes – Threat of Mass Violence

[HB 1250](#), approved by the House, is amended to change the crime of threatening mass violence from a felony to a misdemeanor. The crime remains punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000. [SB 988](#), the original companion, remains in a Senate committee.

ECONOMIC AND BUSINESS ISSUES

Electric Service Quality and Reliability

Major recent power outages have focused attention on the quality and reliability of electric service. [HB 1152](#), passed by the House, requires the Public Service Commission (PSC) and each electric company to establish priorities for fixing or replacing the State’s worst-performing electric distribution lines. The bill establishes the Electric Reliability Remediation Fund, administered by the PSC, to target remediation efforts to improve electric service quality and reliability.

A related measure, [HB 1159](#), concerning electric service quality and reliability for special medical needs facilities, also received House approval. “Special medical needs facilities” include assisted living and hospice facilities, hospitals, nursing homes, and any other facilities housing vulnerable residents. The amended measure requires the Department of Health and Mental Hygiene to establish and provide a list of special medical needs facilities to each electric company for its service territory, post the list on its website, and establish a procedure to allow a special medical needs facility to remove its information from the list.

Smart Meters – Failed

[HB 1038](#) (failed) and [HB 1066](#) (failed), both dealing with smart meters, were referred to interim study by a House committee. A “smart meter” allows wireless two-way communication between the customer’s premises and the company. The legislation would have prohibited an electric company from disclosing usage data from a smart meter without written consent from the customer and established a penalty for violations.

Earned Sick and Safe Leave Act – Failed

[HB 735](#) (failed) would have required employers, including State and local governments, to implement a sick and safe leave policy under which an employee

would earn at least one hour of paid leave for every 30 hours worked. Employers would have been required to allow employees to use leave for purposes including school closings, domestic violence, sexual assault, or stalking committed against the employee or the employee’s family member. The crossfiled measure, [SB 698](#), remains in a Senate committee.

Maryland Automobile Insurance Fund (MAIF) – Final Passage

Legislation that makes numerous operational changes to MAIF, Maryland’s automobile insurer of last resort, is on its way to the Governor’s desk for consideration ([SB 749](#), passed). MAIF’s operations will align with those of the Injured Worker’s Insurance Fund (IWIF).

Under the bill, MAIF is an independent State unit, not subject to certain provisions of law affecting governmental units, and MAIF’s legal business is removed from the charge of the Attorney General. However, MAIF remains subject to the Open Meetings Law, the State Public Records Law, the Public Ethics Law, the Maryland Tort Claims Act, and the Whistleblower Protection Law. The House companion bill, [HB 1132](#), passed that chamber and was before a Senate committee this week.

MAIF – Premium Installment

[SB 930](#), as amended and passed by the Senate, authorizes MAIF to accept premiums on an installment payment basis on 12-month personal lines policies subject to approval by the Insurance Commissioner. Additional provisions in the bill address protections and notification requirements for those who are insured.

Under current law, MAIF may not provide directly or indirectly for the financing of premiums or accept premiums on an installment basis. Premiums owed to MAIF may be financed by a premium finance company registered with the Insurance Commissioner.

Oil and Gas Land Professionals – Registration

Proposals that require land professionals, also known as landmen, to be registered with the Department of Labor, Licensing, and Regulation (DLLR) received approval in their original chambers ([SB 766/HB 828](#)). Landmen negotiate with property owners for the acquisition of mineral rights in oil or gas. “Mineral rights in oil or gas” are property rights, including an oil or gas lease, that allow the holder of the rights to enter onto or under the property of another person for the extraction of crude oil or natural gas.

Landmen are currently not required to be registered or licensed to do business in the State. Among the bills’

provisions, DLLR is required to provide public access to information related to registered land professionals.

Renewable Energy Portfolio Standard (RPS) – Qualifying Biomass

The Senate passed legislation ([SB 684](#)) that alters the definition of “qualifying biomass” as a Tier 1 renewable source, thus tightening requirements of generating facilities that produce energy eligible for inclusion in the State’s RPS.

Qualifying biomass is a nonhazardous, organic waste material derived from sources including liquid mill residue (black liquor), yard waste, and agricultural or forest sources. As amended, the bill effectively removes black liquor as a Tier 1 source in older facilities that produce Renewable Energy Credits (RECs) and places it in Tier 2 on or after January 1, 2018. For facilities that start commercial operation on or after January 1, 2014, and enter into contracts of at least 10 years duration before October 1, 2013, for the purchase of at least 50% of the RECs generated, qualifying biomass will remain in Tier 1.

Other amendments to the bill are directed specifically to the Luke Paper Mill located in Allegany County, which began operations in 1958 and primarily produces energy from wood waste and paper pulp, or black liquor. Among the amendments, appropriations are required in the State budget to be issued as a grant to the Luke Paper Mill in an effort to provide them with financial assistance to compensate for the regulatory change. [HB 1102](#), the original companion, remains in a House committee.

EDUCATION

Collective Bargaining – Representation Fees

[HB 667](#), which passed the House this week, requires each local board of education and the employee organizations representing either certificated or noncertificated public school employees in the State to negotiate a reasonable service or representation fee to be charged to nonmembers of the employee organizations.

Currently, nonmember service or representation fees for certificated school employees are authorized in Baltimore City and in ten additional counties. Nonmember service or representation fees for noncertificated school employees are required in five counties and authorized in Baltimore City and in three other counties. A Senate companion bill, [SB 422](#), has not been reported out of a Senate committee.

Similarly, [SB 841/HB 863](#), authorize negotiations between employee organizations and institutions of the University System of Maryland, Morgan State University, St. Mary’s College, and Baltimore City Community College regarding the right of an employee organization to collect service fees from nonmembers. [SB 841](#) passed the Senate; [HB 863](#) has preliminary approval from the Senate.

Prince George’s County School System

Addressing the Prince George’s County School System’s higher-than-State-average dropout rate, statewide assessment and SAT scores that are lower than the State average, declining enrollment despite a burgeoning county population, and the acquisition of a new school superintendent, [SB 1071](#) seeks to create an integrated school governance model in Prince George’s County.

[SB 1071](#) allows the county executive to nominate for a 4-year term a superintendent, to be known as the Chief Executive Officer (CEO), who is a cabinet-level, Executive Branch employee and reports directly to the county executive. The CEO is responsible for overall administration of the county school system and for the day-to-day management and oversight of the fiscal affairs. The State Superintendent of Schools must approve the nomination.

The Prince George’s County School Board membership grows by two appointed, voting members, one *ex officio* member with limited voting, and three appointed, non-voting members. The board’s authority is reduced, but the board maintains responsibility for academic achievement and parental engagement. The board generally may not implement a policy or take any action that contradicts the CEO’s day-to-day management and oversight of fiscal affairs but may, with a vote of two-thirds of all voting members, take an action contrary to the action of the CEO.

The CEO is also responsible for curriculum and instruction and for identifying a chief operating officer and chief financial officer. The CEO, in consultation with the county board of education, also may determine the geographical attendance area for each public school and consolidate schools if practicable.

Task Force for School Board Operation in Prince George’s County

The House passed legislation ([HB 1107](#)) to create a task force to study and make recommendations on the compensation, qualifications, and composition of the board of education members; standards and protocols to maximize board results, accountability, transparency, and oversight; standards and protocols for establishing and measuring board outcomes; protocols for increasing

public awareness and providing objective voter information regarding school board elections; and any other relevant issues.

Later School Start Time

The House approved [HB 1462](#), creating a Task Force to Study a Later Starting Time for Maryland Public Schools. The task force must review the science on the sleep needs of adolescents, including effects of sleep deprivation on academic performance and benefits of sufficient sleep and make recommendations regarding whether public schools should implement a starting time of no earlier than 8:00 a.m.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Pollution

[SB 748/HB 561](#), as amended, clarify that specific nutrient management provisions of the Agriculture Article apply only to State surface waters, the Chesapeake Bay and its tributaries, ponds, lakes, rivers, streams, public and tax ditches, and specific public drainage systems.

[HB 508](#), as amended, removes the exemption from local stormwater remediation charges for State-owned property, with some exceptions, unless the State and local jurisdiction mutually agree to the fee.

Pesticide Workgroup

[HB 775](#), as amended, establishes the Maryland Pesticide Reporting and Information Workgroup to study and make recommendations regarding the establishment of a pesticide use database. A report of preliminary findings and recommendations must be submitted to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee by December 31, 2013. The final report is due by July 1, 2014. [SB 675](#), the original companion bill, remains in a Senate committee.

Hunting

[SB 619](#), as amended, increases hunting license fees and redirects specific hunting violation fine revenue to the Department of Natural Resources' (DNR) State Wildlife Management and Protection Fund. DNR is required to adopt regulations establishing fees for Wildlife Management Area users, except licensed hunters. The bill encourages DNR and the Department of Business and Economic Development, in consultation with the Maryland Legislative Sportsmen's Foundation, to develop marketing strategies to promote Maryland as a destination for hunting and fishing.

Shark Fins

[HB 1148](#) moved to the Senate. As amended, the bill prohibits a person from possessing, selling, offering for sale, trading, or distributing a shark fin unless the person holds the appropriate State or federal license or permit authorizing the taking or landing of a shark for recreational or commercial purposes, and the shark fin is taken from a shark that the person has taken or landed in a manner consistent with the person's license. A museum, college, or university may possess a shark fin if it is used solely for display or research purposes. A "shark" does not include smooth-hounds, spiny dogfish, or species in the superorder Batoidea (generally, skates, sawfishes, and specified rays). The crossfiled bill, [SB 592](#), remains in a Senate committee.

Department of Natural Resources Police

[HB 215](#), as amended, states the intent of the General Assembly that the Governor include funding in the State budget on a phased-in basis to employ additional Natural Resources Police officers to achieve specific year-round and seasonal staffing levels. The crossfiled bill, [SB 208](#), remains in a Senate committee.

Beverage Container Deposit – Failed

[HB 1085](#) (failed) would have established a 5-cent beverage container deposit and a Statewide Container Recycling Incentive Program within the Maryland Department of the Environment and established a Container Recycling Incentive Fund, administered by the Comptroller, to be used for the payment of refunds and handling fees to container redemption centers and to support the new program, among other activities. [SB 641](#), the crossfiled measure, remains in a Senate committee.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Price Gouging

[HB 332](#), designed to prevent the practice of "price gouging," passed the House. A Senate hearing is scheduled. The bill prohibits specified types of pricing for emergency goods and services, repair or reconstruction services, or services used for emergency cleanup during or subsequent to a declared state of emergency.

Violation of the bill is an unfair or deceptive trade practice under the Maryland Consumer Protection Act. Similar measures have been introduced and considered during the 2005 through 2009 sessions, but none have

passed. The crossfiled measure, [SB 185](#), remains in a Senate committee.

FISCAL MATTERS

Operating Budget and Capital Budget

The Budget Bill, [HB 100](#), is in a conference committee and is expected to be reported to the floor of the chambers next week. [HB 101](#), the Maryland Consolidated Capital Bond Loan of 2013, passed the House with amendments, authorizing \$1.1 billion in general obligation bonds. House amendments address:

- public school construction authorizations, which have not been reduced. An amendment provides that any public school construction funds allocated to a county which are unspent after two years may, at the county's option, be applied to another eligible project in the county in the current fiscal year or revert to the contingency fund and be reserved to the county in the next fiscal year. Any reserved funds are in addition to any new funds allocated to that county;
- youth detention center authorization, which adds \$2.6 million to design a new youth detention center in Baltimore City;
- public library capital grants authorization, which is increased to \$5 million from \$2.3 million; and
- University of Maryland Medical System Ambulatory Care Unit and Neonatal Intensive Care Unit (NICU) and Labor and Delivery Units authorization, which is reduced to \$8.2 million from \$10 million.

The General Assembly may not pass [HB 101](#) until the Budget Bill, [HB 100](#), passes.

Qualified Zone Academy Bonds (QZABs)

[HB 115](#) passed the House without amendment. Under the bill, the Board of Public Works is authorized to issue \$4,549,000 in interest-free QZABs by December 31, 2013, and grant the proceeds to the Interagency Committee on School Construction and the Maryland State Department of Education for the renovation, repair, and capital improvements of qualified zone academies, including public charter schools, as defined in the federal Internal Revenue Code. Proceeds from the sale of QZABs must be spent no later than three years after the issuance of the bonds. A 1997 federal law created QZABs as a new type of debt instrument to finance education projects.

Gas Tax – Final Passage

After considerable debate and rejection of numerous floor amendments, the Senate passed the Administration bill, [HB 1515](#), named the Transportation Infrastructure Investment Act of 2013. The bill imposes additional motor fuel taxes on all fuels, except aviation gasoline and turbine fuel, based on the retail price of gasoline and inflation, and places restrictions on transfers from the Transportation Trust Fund (TTF) and the use of TTF money.

The bill also increases the vehicle registration fee surcharge, the revenue from which is credited to the Maryland Emergency Medical System Operations Fund, and requires the Maryland Transit Administration to increase base fare prices beginning in fiscal 2015. The Governor must include in the capital or operating budget specified appropriations to the State Highway Administration for use in complying with the Watershed Implementation Plan, among other provisions.

Transportation Trust Fund – Financing – Use of Funds

The Senate also passed [SB 829](#), a proposed amendment to the Maryland Constitution, to include the TTF and establish rules for its operation and funding. The bill places constitutional restrictions on transfers from TTF and use of TTF money.

Additionally, the proposal states that constitutional requirements for a majority approval of the amendment in a local jurisdiction do not apply and calls for the amendment to be submitted for a statewide vote at the next general election to be held in November 2014.

Motor Fuel Tax – Waterway Improvement Fund

[SB 90](#), originally concerning the vessel excise tax, has passed in the Senate. As amended, the bill allocates to the Waterway Improvement Fund 0.5% of motor fuel tax revenue, after making other allocations. A companion bill, [HB 548](#), is still in a House committee.

Military Retirement Income

The Senate amended and passed [SB 103](#), concerning taxing military retirement income. As amended, the bill expands the existing military retirement income tax subtraction modification for individuals over the age of 65 by increasing from \$5,000 to \$10,000 the maximum amount of retirement income that can be excluded from Maryland adjusted gross income. The bill takes effect July 1, 2014, and applies to tax years 2015 and beyond.

Flat Tax Proposal

[HB 691](#) repeals the existing State individual income tax rates and brackets and imposes a flat State income tax rate of 4.75% on all Maryland taxable income. The bill

takes effect July 1, 2013, and applies to tax year 2014 and beyond. The bill had a hearing in mid March.

State Retirement and Pension System (SRPS) – Final Passage

[HB 496](#) passed both chambers without amendment. The companion bill, [SB 474](#), is on the House floor. The bills change the formula the State uses for funding its retirement systems. The legislation phases out the corridor funding method over 10 years and replaces the current tiered amortization method with a closed, 25-year amortization period for all existing and future liabilities.

Procurement – Purchase of American Goods

[SB 47/HB 191](#) each passed their chambers of origin with amendments and are now before a committee in the opposite chamber. The bills require a public body in the State to require a contractor or subcontractor to use or supply American manufactured goods in public works contracts for constructing or maintaining a public work or buying or manufacturing specified machinery or equipment to be installed at a public work site. A public body includes the State, a county, a municipality, a school district, or a special district. The bills establish exceptions to this requirement and procedures for implementation. The bill does not apply to emergency life safety and property safety goods.

Film Production Activity Tax Credit

The House gave preliminary approval to [SB 183](#), an emergency departmental bill, which increases from \$7.5 million to \$25 million the total amount of tax credits the Department of Business and Economic Development may award in fiscal 2014 to qualified film production entities under the film production activity tax credit. The bill also extends the termination date of the credit by two years to July 1, 2016.

Income Tax Credit – Research and Development

The House passed [HB 386](#) with amendments that reduce the tax credit increase from \$18 million to \$8 million and apply the tax credits to all research and development tax credits certified after December 15, 2012. The bill, as introduced, had applied the credits to those certified after December 15, 2013. The companion bill, [SB 203](#), is still in a Senate committee.

Baltimore City Schools Construction and Revitalization

The Senate passed [HB 860](#), which specifies \$20 million in State funding and \$40 million in local funding annually and related processes to support up to \$1.1 billion for a public school construction and revitalization initiative in Baltimore City. The bill also

raises the statutory debt limit for the Baltimore City Board of School Commissioners from \$100 million to \$200 million. The bill takes effect July 1, 2013, except that provisions related to maintenance of effort take effect July 1, 2014.

HEALTH CARE AND HEALTH INSURANCE

Medical Marijuana

With respect to the use of medical marijuana in the State, there are several proposals in various stages of the legislative process:

- [SB 580](#), relating to an affirmative defense for caregivers found in possession of marijuana, received a favorable preliminary floor vote by the House. The bill establishes that it is an affirmative defense, in a prosecution for the possession of marijuana or related paraphernalia, that the defendant possessed marijuana or paraphernalia because the defendant was a caregiver and the marijuana or paraphernalia was intended for medical use by an individual with a debilitating medical condition. The affirmative defense may not be used if the defendant was using (or assisting in the use of) marijuana in a public place or was in possession of more than one ounce of marijuana. [HB 180](#), the crossfiled measure, is in a Senate committee;
- [HB 1101](#), relating to medical marijuana and academic medical centers, is under consideration by a Senate committee; and
- [HB 302](#) (failed), which would have authorized the medical use of marijuana under specified conditions, was reported unfavorably by a House committee. The bill would have created a Medical Marijuana Advisory Board and would have provided a structure for “compassion centers.”

State Wellness Program

Crossfiled measures, [SB 224/HB 391](#), passed in their chambers of origin and were heard by committees in the opposite chambers. The amended bills require the Secretary of Budget and Management to include a wellness program in the State Employee and Retiree Health and Welfare Benefits Program (State plan). The wellness program must:

- be developed in consultation with the Secretary of Health and Mental Hygiene;
- promote the goals of the Department of Health and Mental Hygiene State Health Improvement Process; and

- aim to achieve savings in the State plan over time that exceed the costs of the wellness program.

Virginia I. Jones Alzheimer's Disease Council

SB 679/HB 690 passed in their respective chambers and are progressing in the opposite chambers. As amended, the bills establish the Virginia I. Jones Alzheimer's Disease and Related Disorders Council, to be staffed by the Department of Health and Mental Hygiene (DHMH), with the assistance of the Maryland Department of Aging.

Mental Hygiene – Reform of Laws

The Senate amended and passed **SB 1040**, which modifies various standards and laws related to the delivery of mental health services. The bill addresses involuntary admissions of individuals with mental disorders to specified facilities or Veterans' Administration hospitals and emergency evaluations of individuals with mental disorders. Additionally, the bill creates the Task Force on the Delivery of Services to Individuals with Mental Illness. The crossfiled bill, **HB 1258**, remains in a House committee.

Federal Affordable Care Act (ACA)

Several measures relate to the State's implementation of various aspects of the federal ACA:

- **HB 361** alters State insurance law to conform to the federal ACA and corresponding federal regulations adopted by the federal Centers for Medicare and Medicaid Services. The majority of the bill's provisions take effect January 1, 2014. Provisions establishing SHOP Exchange navigator fees, specifying open enrollment period requirements, and repealing the termination date on a provision of law relating to health insurance for self-employed individuals take effect June 1, 2013. The bill passed the House last week and was heard this week by a Senate committee; and
- **SB 274/HB 228**, the Maryland Health Progress Act of 2013, passed their respective chambers. The bills modify State law to further implement federal health care reform under the ACA. The amended bills expand Medicaid eligibility, establish a dedicated funding stream for the Maryland Health Benefit Exchange from the insurance premium tax on health insurers, provide for the transition for Maryland Health Insurance Plan enrollees into the Exchange, establish a State reinsurance program, establish continuity of care requirements, and make clarifying and administrative changes.

Regulation of Medical Facilities

In July 2012, a hepatitis C-infected health care worker was arrested on suspicion of unlawful drug diversion activity that transmitted hepatitis C to 32 patients at Exeter Hospital in New Hampshire. The worker had been employed as a radiographer by multiple temporary agencies and worked in several states, including Maryland, where he is now suspected of narcotic drug diversion and resultant hepatitis C transmission.

In Maryland, the health care worker was licensed and temporarily employed from 2008 through 2010 at four hospitals. More than 1,700 patients at these hospitals were identified as potentially exposed and have been notified of this exposure. As of February 2013, there have been five documented cases of hepatitis C infection among those notified—all of which occurred at two of the four hospitals at which the health care worker was employed.

As a result, an interdisciplinary team at DHMH began an investigation into the health care worker's employment and his interaction with public and private systems. While the investigation is still ongoing, DHMH is concerned about vulnerabilities in the health care system that could allow a similar outbreak in the future. DHMH recommends that the General Assembly consider legislation to extend State regulation of staffing agencies to include allied health professions in addition to nurse staffing agencies.

HB 1529, heard by a House committee this week, expands current regulatory requirements that apply to a nursing staff agency to apply more broadly to any "health care staff agency." A health care staff agency must be licensed by the Office of Health Care Quality (OHCQ) before referring a health care practitioner to a hospital or related institution in the State. A health care staff agency can be deemed for licensure by obtaining accreditation from an approved accreditation organization under the same circumstances as is currently granted to a health care facility. The crossfiled bill, **SB 1057**, passed the Senate and will be considered by a House committee next week.

REAL PROPERTY, ESTATES, AND TRUSTS

Housing Discrimination – Source of Income

After lengthy debate in the Senate, **SB 487** was recommitted to committee. This bill would have prohibited discriminatory practices in the sale or rental of a dwelling because of a person's source of income. The crossfiled measure, **HB 603**, remains in a House committee.

Blighted Property – Nuisance Abatement

SB 28, as passed by the Senate, gives local governments an additional tool to address blighted properties. The bill requires an owner of blighted property, on notification from the local government, to remediate the property's blighted condition within specified time periods. If the owner fails to do so, the local government may declare the property a nuisance and order the nuisance to be abated. If the owner fails to comply, the local government may impose a fine equal to three times the local property tax.

Residential Property – Nonjudicial Evictions

The House passed **HB 1308**, which, as amended, prohibits a party claiming the right to possession from taking possession or threatening to take possession of residential property from a protected resident by locking the resident out of the residential property. Additionally, the party may not engage in willful diminution of services to the protected resident or take any other action that deprives the protected resident of actual possession. Possession may only be taken from a protected resident in accordance with a writ of possession issued by a court and executed by a sheriff or constable. **SB 642**, the original companion bill, passed the Senate and has a House committee hearing next week.

STATE GOVERNMENT

Effective Date of Nonemergency Regulations

SB 261/HB 16, both in opposite chambers, alter the effective date of nonemergency regulations adopted under the State's Administrative Procedure Act. Specifically, the bills establish quarterly effective dates according to when the *notice of adoption* is published in the *Maryland Register*.

State Commemorative Days and Designations

The Senate approved **SB 42** and the House approved **HB 167** to establish November 1 as Maryland Emancipation Day. One of these bills must be approved by the opposite chamber for the legislation to reach final passage.

Additionally, the second Thursday in May could become Maryland Centenarians Day, if the House agrees with Senate-approved **SB 175**. Another measure (**SB 26**), with preliminary Senate approval, designates the soft shell crab sandwich as the State sandwich.

TRANSPORTATION

Driver's License – Lawful Status Requirement Repeal

Passed by the Senate and heard this week by a House committee, **SB 715** expands 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. The amended bill repeals the current requirement that an individual must have held one of the documents on April 28, 2009, as well as 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.

However, individuals that are newly eligible to be issued one of the documents must provide documentary evidence of a filed Maryland income tax return or that the individual was claimed as a dependent on a return, for each of the preceding two years. Each of the documents must contain a statement that the document may not be used to purchase a firearm. By the end of the week, the House legislation (**HB 789**) moved to the House floor for consideration.

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 the Senate and is scheduled for a hearing in a House committee early next week. Amendments to the bill as originally filed 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, alter the penalties for violations of the law, and stipulate that points may not be assessed unless the offense contributes to an accident. The original companion bill, **HB 753**, has passed in the House with the only amendment adding sponsorship, and is now in a Senate committee.

Maximum Speed Limits on Highways

HB 1346 increases the maximum authorized speed limit on a highway in the State from 65 to 70 miles per hour. The Institute of Transportation Engineers advises that the most widely accepted method for establishing speed limits is to set the limit at or below the speed at which 85% of the traffic is moving and research indicates that crash rates are lowest at that speed. The bill passed the House last week and was before a Senate committee this week. Other legislation that would have raised speed limits on Maryland roads was not successful this session (**SB 206/HB 619** and **HB 223**, all failed).

Bill status is current as of 2:30 p.m. on March 29, 2013.