

May 29, 2018

To the Members of the General Assembly

Ladies and Gentlemen:

On May 25, 2018, the Honorable Lawrence J. Hogan, Jr., Governor, vetoed the following pieces of legislation passed by the General Assembly; the reasons for the vetoes are indicated:

SB 678*
Policy

Senator Benson, et al

STATE DEPARTMENT OF EDUCATION – EMPLOYMENT CATEGORIES AND PRACTICES

Altering the employment categories of certain employees of the State Department of Education; requiring that all positions in the Department be appointed positions in the professional service and skilled service as well as the executive service and management service, subject to a certain exception; requiring the Department to determine which employment classifications would be described as being in the skilled service or the professional service; providing certain requirements for employees hired beginning on July 1, 2018; etc.

EFFECTIVE JULY 1, 2018

SB 739*
Policy

Senator Madaleno, et al

STATE BOARD OF EDUCATION – MEMBERSHIP – TEACHERS AND PARENT

Altering the membership of the State Board of Education to add two regular members who are certified teachers with certain experience and a parent of a student enrolled in a public school; prohibiting the two teacher members from being employed by the same county board of education; requiring the Governor to appoint certain teacher members with the advice and consent of the Senate from certain lists; authorizing certain teacher members to attend and participate in executive sessions of the State Board; etc.

EFFECTIVE JUNE 1, 2018

*Vetoed on May 24, 2018

HB 643*

Policy

Delegate Jones, et al

STATE DEPARTMENT OF EDUCATION – EMPLOYMENT CATEGORIES AND PRACTICES

Altering the employment categories of certain employees of the State Department of Education; requiring that all positions in the Department be appointed positions in the professional service and skilled service as well as the executive service and management service, subject to a certain exception; repealing the authority for special appointment positions; requiring the Department to determine which employment classifications at the Department would be described as being skilled service or professional service; etc. EFFECTIVE JULY 1, 2018

HB 808*

Policy

Delegate Tarlau, et al

EDUCATION – COLLECTIVE BARGAINING FOR NONCERTIFICATED EMPLOYEES – SUPERVISORY EMPLOYEES AND MANAGEMENT PERSONNEL

Altering the definitions of “supervisory employee” and “management personnel” by removing a provision that status as a supervisory employee and management personnel may be determined by certain negotiations between a certain public school employer and a certain employee organization. EFFECTIVE JULY 1, 2018

SB 178

Policy

Senator Guzzone (Chair, Joint Committee on Pensions)

STATE RETIREMENT AND PENSION SYSTEM – BOARD OF TRUSTEES – OATH

Altering from 10 to 30 days after the appointment or election of an individual to the Board of Trustees for the State Retirement and Pension System during which the individual is required to take the oath of office; clarifying that individuals appointed or elected to the Board of Trustees take a certain oath required by Article I, § 9 of the Maryland Constitution; requiring the oath to be taken before a clerk or deputy clerk of a circuit court; providing the State Treasurer will be chairman of the Board of Trustees; etc. EFFECTIVE JULY 1, 2018

*Vetoed on May 24, 2018

SB 572

Policy

Senator Benson, et al

PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS – SUITS BY EMPLOYEES

Authorizing employees on a public work contract to sue to recover the difference between certain prevailing wage rates and the amounts received by the employees; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; and providing for the liability of certain contractors and subcontractors under certain circumstances.

EFFECTIVE OCTOBER 1, 2018

SB 838

Policy

Senator Smith

CRIMINAL PROCEDURE – CORAM NOBIS – TIME FOR FILING

Providing that, unless good cause is shown, a petition for writ of error coram nobis may not be filed more than 3 years after the petitioner knew or should have known that the petitioner faces a significant collateral consequence from the conviction that is the basis for the petition.

EFFECTIVE OCTOBER 1, 2018

HB 180

Policy

Delegate Stein

RAILROAD COMPANY – MOVEMENT OF FREIGHT – REQUIRED CREW

Prohibiting a train or light engine used in connection with the movement of freight from being operated in the State unless it has at least two crew members; establishing certain penalties; providing a railroad company is solely responsible for the actions of its agents or employees in certain violations; prohibiting a county or municipal corporation from enacting and enforcing more stringent measures; requiring the Commissioner of Labor and Industry to provide certain notice to the Department of Legislative Services; etc.

EFFECTIVE OCTOBER 1, 2018

HB 335
Policy

Delegate Haynes, et al

STATE PERSONNEL – GRIEVANCE PROCEDURES

Expanding the application of provisions of law governing grievance procedures for certain State employees; requiring a grievant to complete certain forms in sufficient detail that will allow for the expeditious resolution of the grievance; and applying a certain definition of “grievance” to a certain requirement that the Department of Transportation adopt certain regulations relating to employee grievance procedures.

EFFECTIVE OCTOBER 1, 2018

HB 548
Policy

Delegate Healey, et al

PRIVATELY OWNED TRANSPORTATION PROJECTS –
CONSTRUCTION AND AUTHORIZATION TO USE
STATE-OWNED RIGHTS-OF-WAY AND PROPERTY –
REQUIREMENTS

Providing that a privately owned transportation project in the State that includes the construction of one or more tunnels with a diameter of 6 feet or greater that will be primarily used by a common carrier may not be constructed and the State may not authorize the use of or access to a State-owned right-of-way or State property for the privately owned transportation project, under certain circumstances; and providing for the construction of the Act.

EFFECTIVE OCTOBER 1, 2018

HB 891
Policy

Delegate Moon, et al

CRIMINAL PROCEDURE – CORAM NOBIS – TIME FOR FILING

Providing that, unless good cause is shown, a petition for writ of error coram nobis may not be filed more than 3 years after the petitioner knew or should have known that the petitioner faces a significant collateral consequence from the conviction that is the basis for the petition.

EFFECTIVE OCTOBER 1, 2018

HB 1243
Policy

Delegate Morales, et al

PREVAILING WAGE RATES – PUBLIC WORK CONTRACTS – SUITS BY EMPLOYEES

Authorizing employees on a public work contract to sue to recover the difference between certain prevailing wage rates and the amounts received by the employees; providing that a certain determination by the Commissioner of Labor and Industry does not preclude certain employees from filing a certain action; and providing for the liability of certain contractors and subcontractors under certain circumstances.

EFFECTIVE OCTOBER 1, 2018

SB 138
Duplicative

Senator Conway, et al

ENVIRONMENT – U.S. CLIMATE ALLIANCE – MEMBERSHIP

Requiring the Governor to include the State as a member of the U.S. Climate Alliance on or before July 1, 2018; prohibiting the Governor from withdrawing the State from the U.S. Climate Alliance unless the General Assembly enacts a law approving the withdrawal; and requiring the Governor to report to certain committees of the General Assembly on or before December 1 each year, beginning on or before December 1, 2018, on any collaborations among Alliance members and any policies or programs that the Alliance has endorsed or undertaken.

EFFECTIVE JUNE 1, 2018

SB 360
Duplicative

Carroll County Senators

CARROLL COUNTY – PUBLIC FACILITIES BONDS

Authorizing and empowering the County Commissioners of Carroll County, from time to time, to borrow not more than \$32,700,000 in order to finance the construction, improvement, or development of certain public facilities in Carroll County, including water and sewer projects, to finance loans for fire or emergency-related equipment, buildings, and other facilities of volunteer fire departments in the County, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds; etc.

EFFECTIVE JUNE 1, 2018

- SB 575** **Senator Klausmeier**
Duplicative **WORKERS' COMPENSATION – SELF-INSURED EMPLOYERS –
SUSPECTED FRAUD REPORTING**
- Providing that certain provisions of law governing the reporting and investigation of workers' compensation insurance fraud claims apply to certain employers who participate in a governmental self-insurance group for workers compensation and to certain employers who self-insure for workers' compensation; providing that certain provisions of law governing fraudulent insurance acts that apply to insurers also apply to certain governmental self-insurance groups and certain employers under certain circumstances; etc.
EFFECTIVE OCTOBER 1, 2018
- SB 612** **Senator Ferguson, et al**
Duplicative **STATE EDUCATION AID – TAX INCREMENT FINANCING
DEVELOPMENT DISTRICTS – REPEAL OF SUNSET PROVISION**
- Repealing the termination provision of a certain provision of law relating to the annual certification of the amount of assessable base for certain real property for the purposes of calculating certain State education aid.
EFFECTIVE JULY 1, 2018
- SB 630** **Senator Madaleno, et al**
Duplicative **NURSING HOMES – PARTIAL PAYMENT FOR SERVICES
PROVIDED**
- Requiring the Maryland Department of Health to make a certain advance payment to a nursing home at the request of the nursing home for uncompensated Maryland Medical Assistance Program services provided to a certain resident; providing that the advance payment may not exceed 50% of the estimated amount due for the uncompensated services; requiring the Department to pay the balance due to a nursing home under certain circumstances; providing for the termination of the Act; etc.
EFFECTIVE JULY 1, 2018

SB 636

Duplicative

Cecil County Senators

CECIL COUNTY – OFFICE OF THE SHERIFF – EMPLOYEES AND COLLECTIVE BARGAINING

Altering the period of time for which certain employees of the Office of the Sheriff of Cecil County are required to serve a probationary period; altering which deputy sheriffs in the Office have the right to organize and collectively bargain with the Sheriff and the Cecil County Executive with regard to certain wages, benefits, and working conditions; correcting certain references to the government of Cecil County and to a certain position in the Office; etc.
EFFECTIVE JULY 1, 2018

SB 740

Duplicative

Senator Madaleno, et al

STATE DEPARTMENT OF EDUCATION – BREAKFAST AND LUNCH PROGRAMS – FUNDING (MARYLAND CARES FOR KIDS ACT)

Repealing the requirement that the State Board of Education adopt and publish standards for the administration of a subsidized feeding program; authorizing a nonpublic school that participates in the federal School Breakfast Program or the National School Lunch Program to participate in the State Free Feeding Program; requiring the State to be responsible for reimbursing a county board of education or a nonpublic school for certain portions of the student share of the costs of certain meals in certain fiscal years; etc.
EFFECTIVE JULY 1, 2018

SB 741

Duplicative

Senator Madaleno, et al

PUBLIC SAFETY – HANDGUN PERMIT REVIEW BOARD – APPEALS

Altering the process by which a person who is denied a certain handgun permit or renewal of a permit or whose permit is revoked or limited by the Secretary of State Police or the Secretary's designee may appeal the decision; providing that appeals from a certain decision by the Secretary or the Secretary's designee may be made to the Handgun Permit Review Board; requiring the Board to review a certain record and hold a hearing within 60 days of the last hearing; requiring the Board to report annually to the Governor and General Assembly; etc.
EFFECTIVE OCTOBER 1, 2018

- SB 792** **Senator Feldman**
Duplicative **COMMERCIAL INSURANCE – INSURANCE PRODUCERS – COMMISSIONS**
- Providing that an insurer is not prohibited from paying certain commissions to licensed insurance producers under commercial insurance policies issued to certain exempt commercial policyholders in a certain manner under certain circumstances; applying the Act to all policies of commercial insurance offered, sold, or issued in the State on or after October 1, 2018; etc.
EFFECTIVE OCTOBER 1, 2018
- SB 802** **Senator Oaks, et al**
Duplicative **BALTIMORE CITY – ALCOHOLIC BEVERAGES – CONTINUING CARE RETIREMENT COMMUNITY LICENSE**
- Establishing a continuing care retirement community license in Baltimore City; authorizing the Board of License Commissioners to issue the license for use by a continuing care retirement community that is located in the 41st alcoholic beverages district of the City and that has obtained a certain certificate of registration; specifying that the license authorizes the holder to sell beer, wine, and liquor to a community resident or the guest of a resident for on-premises consumption; etc.
EFFECTIVE JULY 1, 2018
- SB 889** **Washington County Senators**
Duplicative **WASHINGTON COUNTY – PUBLIC FACILITIES BONDS**
- Authorizing and empowering the County Commissioners of Washington County, from time to time, to borrow not more than \$70,000,000 in order to finance the costs of the construction, improvement, or development of certain public facilities in Washington County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; etc.
EFFECTIVE JUNE 1, 2018

SB 1079
Duplicative

Senator Mathias, et al

PHARMACY BENEFITS MANAGERS – REVISIONS

Authorizing the Maryland Insurance Commissioner to require any additional information from a pharmacy benefits manager that may be reasonably necessary to verify information in a certain application; requiring a pharmacy benefits manager to establish a certain process by which a certain pharmacy has access to certain maximum allowable cost price lists in an electronic format; requiring a pharmacy benefits manager to use updated pricing information in calculating payments made to all contracted pharmacies; etc.
EFFECTIVE JUNE 1, 2018

SB 1128
Duplicative

Senator Mathias, et al

OFFSHORE DRILLING LIABILITY ACT

Expanding the definition of “offshore drilling activity” to mean the exploration, development, or production of oil or gas in, on, or under the outer continental shelf and the transportation of oil or gas from the outer continental shelf; establishing that an offshore drilling activity is an ultrahazardous and abnormally dangerous activity; establishing that a person that causes a spill of oil or gas while engaged in an offshore drilling activity is strictly liable for certain damages; etc.
EFFECTIVE OCTOBER 1, 2018

HB 54
Duplicative

Delegate Lam

STATE HIGHWAY ADMINISTRATION – SALE OR LEASE OF NAMING RIGHTS FOR REST AREAS AND WELCOME CENTERS

Authorizing the State Highway Administration to sell or lease to a private entity the naming rights for rest areas and welcome centers, as specified; prohibiting the sale or lease of rest area and welcome center naming rights unless the Administration makes certain determinations; requiring the term of a contract for the sale or lease of naming rights to be at least 1 year; requiring the proceeds from the sale or lease of naming rights for rest areas and welcome centers to be credited to the Transportation Trust Fund; etc.
EFFECTIVE OCTOBER 1, 2018

- HB 104**
Duplicative **Delegate Robinson, et al**
NATURAL RESOURCES – ELECTRONIC LICENSING – VOLUNTARY DONATIONS
Requiring the Department of Natural Resources to establish a process through which an individual who purchases a license, permit, or registration through the electronic licensing system may make a voluntary monetary donation to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund at the time the license, permit, or registration is purchased in accordance with certain requirements; requiring the Department to collect the donations made under the Act and distribute the proceeds; etc.
EFFECTIVE OCTOBER 1, 2018
- HB 212**
Duplicative **Delegate Moon, et al**
CRIMINAL LAW – ANIMAL CRUELTY – SENTENCING CONDITIONS
Authorizing a court as a condition of sentencing to prohibit a defendant convicted of certain crimes relating to cruelty against animals from owning, possessing, or residing with an animal for a specified period of time.
EFFECTIVE OCTOBER 1, 2018
- HB 213**
Duplicative **Delegates Lam and Davis**
ALCOHOLIC BEVERAGES – SALE OF POWDERED ALCOHOL – PROHIBITION
Repealing a provision that provides for the termination of a prohibition on selling alcoholic beverages that are sold in a powder or crystalline form for direct use or use in combination with water or any other substance.
EFFECTIVE JUNE 1, 2018
- HB 394**
Duplicative **Delegate Dumais**
DRIVER'S LICENSES – LEARNER'S PERMITS – MINIMUM DURATION
Reducing the period of time that certain individuals who are at least a certain age and who hold a learner's instructional permit are required to wait before taking certain examinations for a provisional driver's license.
EFFECTIVE OCTOBER 1, 2018

HB 454

Duplicative

Delegate Moon, et al

CHILD ABUSE AND NEGLECT – DISCLOSURE OF IDENTIFYING INFORMATION

Requiring a court to provide the Secretary of Health with identifying information regarding an individual who has been convicted under certain provisions of law of the murder, attempted murder, or manslaughter of a child; requiring the Department of Human Services, in coordination with the Vital Statistics Administration, to contract with an independent organization to develop a data collection process in order to assess the effectiveness of certain required record sharing in predicting and preventing child abuse and neglect; etc.

EFFECTIVE OCTOBER 1, 2018

HB 460

Duplicative

Delegate Moon, et al

MONTGOMERY COUNTY – FIRE AND EXPLOSIVE INVESTIGATOR – DEFINITION

Altering a certain definition to provide that a Montgomery County fire and explosive investigator is an individual who is assigned full time to the Fire and Explosive Investigations Unit of the Montgomery County Fire and Rescue Service, rather than the Montgomery County Fire Marshal's Office.

EFFECTIVE OCTOBER 1, 2018

HB 490

Duplicative

Delegate Lam, et al

PUBLIC HEALTH – COMMUNITY HEALTH WORKERS – ADVISORY COMMITTEE AND CERTIFICATION

Establishing the State Community Health Worker Advisory Committee to advise the Maryland Department of Health on certain matters relating to the certification and training of community health workers; requiring the Department to adopt certain regulations for accrediting certified community health worker training programs; providing that, subject to a certain exception, a certified community health worker training program must be approved by the Department before operating in the State; etc.

EFFECTIVE OCTOBER 1, 2018

- HB 888** **Delegate Moon, et al**
Duplicative **CRIMINAL LAW – FIREARM CRIMES – RAPID FIRE TRIGGER
ACTIVATOR**
- Prohibiting a person from transporting a certain rapid fire trigger activator into the State or manufacturing, possessing, selling, offering to sell, transferring, purchasing, or receiving a certain rapid fire trigger activator, subject to a certain exception; defining “rapid fire trigger activator” as any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a firearm the rate at which the trigger is activated increases or the rate of fire increases; etc.
EFFECTIVE OCTOBER 1, 2018
- HB 1019** **Delegate B. Barnes (Chair, Joint Committee on Pensions)**
Duplicative **ALTERNATE CONTRIBUTORY PENSION SELECTION –
FORMER MEMBERS – MEMBER CONTRIBUTIONS**
- Requiring that certain active members of the Employees’ Pension System or the Teachers’ Pension System who are subject to the Reformed Contributory Pension Benefit earn a certain rate of interest on certain former member contributions in the Alternate Contributory Pension Selection under certain circumstances; applying the Act retroactively; etc.
EFFECTIVE JULY 1, 2018
- HB 1073** **Delegate Holmes**
Duplicative **LANDLORD AND TENANT – RESIDENTIAL LEASES – WATER
AND SEWER BILLS**
- Requiring a landlord that requires a tenant to make payments for water or sewer utility services to the landlord to use a written lease that includes a notice that the tenant is responsible for making payments for water or sewer utility services to the landlord and to provide a copy of a certain water or sewer bill to a tenant; and providing for the application of the Act.
EFFECTIVE OCTOBER 1, 2018

HB 1392

Duplicative

Delegate Lam, et al

**HEALTH – EMERGENCY EVALUEES AND INVOLUNTARILY
ADMITTED OR COMMITTED INDIVIDUALS – PROCEDURES**

Requiring a health care provider to disclose certain medical and legal records without the authorization of an individual to a public defender who states in writing that the Office of the Public Defender represents the individual; requiring that only those records needed by the public defender to represent the individual shall be disclosed; requiring the records to be provided within 24 hours of a certain request; prohibiting a hearing officer from ordering the release of a certain individual on certain grounds; etc.

EFFECTIVE OCTOBER 1, 2018

Sincerely,

Victoria L. Gruber
Executive Director