



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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COURTS AND CIVIL PROCEEDINGS

A House committee rejected [HB 271](#), a proposed Maryland Constitutional amendment that would have provided for the uncontested retention election of a circuit court judge a year after appointment to the bench by the Governor to fill a vacancy and would have decreased the term of office from 15 years following election to ten years. The Constitution currently calls for contested elections of circuit court judges.

Under committee consideration after public hearings are:

- [HB 276](#), to eliminate primary elections for candidates for election as circuit court judges and to provide for election of circuit court judges at a general election on a nonpartisan basis. (The companion bill, [SB 730](#), is before a committee next week); and
- [HB 700](#), to add a circuit court judge candidate's party affiliation to the general election ballot. The companion bill, [SB 539](#), to be heard by a committee next week, also requires the ballot to note the incumbency of a candidate for circuit court judge.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

The House passed [HB 2](#) that creates the felony crime of second degree assault on an on-duty law enforcement officer, with a maximum penalty of ten years in jail and a \$5,000 fine. Currently, second degree assault on any category of person is a misdemeanor, punishable by up to ten years in jail or a fine of up to \$2,500 or both. A similar bill ([SB 47](#)) remains in a Senate committee after a hearing this week.

Also gaining final House approval, [HB 402](#) requires distributors of ammonium nitrate fertilizer to maintain for at least two years a record of all sales or distributions of the fertilizer and allows a distributor to refuse to sell or distribute the fertilizer to a person who attempts to acquire it in unusual quantities or under suspect acquisition patterns. Ammonium nitrate fertilizer was

the main ingredient in the bomb used in the deadly 1995 Oklahoma City explosion.

Two Administration bills passed the House this week:

- [HB 243](#) increases the membership of the Criminal Justice Information Advisory Board and requires it to recommend to the Department of Public Safety and Correctional Services regulations to ensure the compatibility and interoperability of communication and information management systems maintained by State, county, and municipal public safety units. (The companion bill, [SB 208](#), has a Senate hearing next week); and
- [HB 241](#) enacts and ratifies the National Crime Prevention and Privacy Compact that organizes an electronic information sharing system among the federal government and the states to exchange criminal history records for noncriminal justice purposes. (The companion bill, [SB 216](#), will be heard in a Senate committee next week).

A law enforcement agency may not require a law enforcement officer to meet a quota for making arrests or issuing citations under the provisions of [HB 300](#), which passed the House on Friday.

Delegates heard testimony recently on [HB 398](#) to allow a viable fetus to be included as a victim in a murder, manslaughter, or other unlawful homicide prosecution. The bill's scope excludes abortion.

ECONOMIC AND BUSINESS ISSUES

Labor and Industry

The Senate bill increasing the minimum wage in the State was reported from committee this week and after several days remains under discussion by the full Senate. [SB 89](#) increases the rate to \$6.15 per hour for employees subject to the federal or State minimum wage requirements and, as amended, sets the tip wage at 50% of the minimum wage. Similar House legislation, [HB 13](#) that increases the rate to \$7.00 per hour and alters the tip

wage and [HB 391](#) that sets the rate at \$6.15 per hour, is scheduled for committee hearings next month. Fourteen other states and the District of Columbia have set higher minimum wage rates than the federal level of \$5.15 per hour.

Economic and Community Development

The Senate sent to the House legislation altering several programs of the Maryland Small Business Development Financing Authority (MSBDFFA) that support small and minority-owned businesses in Maryland. [SB 148](#) increases the maximum amount of loan guarantees from the Contract Financing Fund to \$1 million; increases the maximum amounts of a bid, performance, or payment bond to \$1.35 million and direct issue bonds to \$1 million under the Small Business Surety Bond Program; increases to \$1 million the equity participation financing by MSBDFFA; and expands the scope of businesses eligible for assistance under the Equity Participation Investment Program. The House held a hearing on the companion bill, [HB 674](#).

Also before a committee this week, [HB 1292](#) establishes the Small Business Development Center Network Fund to provide matching funds for federal grants and to support the Small Business Development Center Network (SBDC) at the University of Maryland. The bill requires that 2% of corporate filing and recording fees, excluding expedited filing fees, be dedicated to the fund annually. SBDC offers free business consulting services to new and existing small businesses through six regional offices located in Bel Air, College Park, Cumberland, La Plata, Salisbury, and Towson.

In its final report, the Governor's Commission on Minority Business Enterprise Reform noted that minority-owned businesses need greater access to capital and credit. One of the recommendations was to increase the technical assistance available to minority businesses through increased funding for SBDC. The companion bill, [SB 792](#), will be on a committee agenda next month.

The public testified this week on a proposal establishing a Task Force to Study the Dearth of Minority-Owned Automobile Dealerships in Maryland. [HB 631](#) directs the task force to study the automobile industry in Maryland, determine the number of minority-owned dealerships, compare the number of minorities who purchase automobiles to the number of minority-owned dealerships, and make recommendations on methods to increase the number of minority-owned dealerships.

Insurance

Amended and passed by the House, [HB 64](#) requires a property and casualty insurer to provide a policyholder with an annual statement that clearly summarizes coverages and exclusions under the homeowner's policy. The bill includes provisions that require the insurance seller to provide, at the time of purchase, a written notice that a standard homeowner's policy does not cover losses from flood and offer to sell flood insurance or supply contact information if the insurer does not sell flood insurance. The bill also requires that a written list of all additional optional coverage available from the insurer be provided to the applicant and the applicant must sign the list. The companion bill, [SB 437](#), received a hearing this week.

Voted down in committee, [HB 117](#) would have required companies that sell homeowner's insurance to provide coverage for losses that result from mold or mold remediation.

EDUCATION

National Certification

Senators agreed to pass and send two bills dealing with certification by the National Board for Professional Teaching Standards to the House for its consideration:

- [SB 266](#) increases from 500 to 750 the maximum number of teachers that the State Board of Education may select each year to pursue national certification; and
- [SB 268](#) expands the eligibility for the stipend that is awarded for national certification to at least four categories of school personnel: library media specialists, reading specialists, guidance counselors, and teacher mentors. State stipends in an amount equal to the local grant for national certification are paid to a certificated school employee who works directly with students or teachers at a public school; however, the State stipend may not exceed \$2,000 per year.

Administration and Safety Measures

Delegates approved and sent the Senate [HB 227](#) that clarifies that local superintendents of schools must be notified by local law enforcement of arrests for

reportable offenses involving public school students ages five to 20.

Senators approved and sent to the House [SB 233](#) that requires the State Department of Education (MSDE) to employ a full-time Director of Physical Education. The Director is to assist local boards of education in developing and implementing long-range plans to meet minimum standards for physical education. A March hearing has been scheduled for the companion bill, [HB 525](#).

[HB 407](#), on a Friday hearing schedule, requires MSDE to require each local board of education to report incidents of harassment or intimidation against public school students that occur on public school property, at school events, or on school buses. MSDE must develop a report form that includes specific information about an incident, and local boards must distribute copies of the form to each public school. After deleting information about specific individuals, each local board must submit summaries of the forms to the State Board annually.

Recently introduced:

- [SB 913](#) raises the age of compulsory school attendance from 16 to 18 unless a child under 18 has obtained a high school certificate or diploma; and
- [HJ 11](#) urges county boards of education to integrate principles of basic personal finance into the curriculum and instruction standards for their school systems.

Adult Literacy

Three bills heard this week address adult literacy. [SB 169](#) establishes an Adult Education and Literacy Waiting List Reduction Fund and a tax benefit under State personal and corporate income taxes for contributions to the fund. The bill requests that MSDE actively seek contributions for the fund to reduce the waiting list for adult education and literacy services.

Other proposals require the Governor to include in the fiscal 2007 and 2008 State budgets an appropriation for adult education equal to an increase of \$1.5 million over the fiscal 2005 appropriation ([SB 384](#)) and require the Governor to include in the fiscal 2007 and 2008 State budgets an appropriation for adult education equal to an increase of \$1,474,296 over the fiscal 2005 appropriation ([HB 1045](#)). Both [SB 384](#) and [HB 1045](#) require MSDE to distribute the funding as Literacy

Works Grants in order to reduce the waiting list for adult education and literacy services.

Taxes and Credits

The House also gave a green light to an amended [HB 1](#). The bill requires specified amounts of local recordation and transfer taxes to be dedicated to school construction for fiscal 2006 through 2009. As amended, the legislation no longer requires that part of the State portion of the taxes be used for public school construction; thus retaining those funds for Program Open Space.

The measure, which generated a considerable amount of controversy, applies recordation and transfer taxes on the transfer of real property with a value of \$1 million or more when the transfer is achieved through the sale of a “controlling interest” in a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. Controlling interest is defined as more than 80% of the total value of the stock or the interest in capital and profits.

Moving through the hearing process:

- [HB 1002](#) allows a tax credit against the State income tax for educational materials such as books and supplies that are purchased to educate a child in a home instruction program. The tax credit may not exceed the lesser of \$300 or the State income tax for the taxable year;
- [HB 26](#) provides an income tax credit to specified teachers in elementary and secondary schools for classroom supplies purchased for the benefit of students. The percentage of expenses eligible for the credit is 25% in tax year 2005, 50% in tax year 2006, and 75% for tax years 2007 and beyond. The amount of the credit may not exceed \$300 or the income tax liability for the taxable year.

Teacher Reemployment

Senate committee members examined bills dealing with the reemployment of retired teachers:

- [SB 40](#) exempts retirees of the Teachers Pension System and the Teachers’ Retirement System from the reemployment earnings limitation;

- [SB 692](#) specifies the circumstances under which retired teachers, principals, and health care practitioners may be rehired without an earnings limitation. (The companion bill, [HB 1442](#), has not yet been scheduled for a hearing); and
- [SB 663](#) exempts retired teachers, principals, and supervisors of principals from an earnings limitation if they are rehired as a classroom teacher, substitute teacher, teacher mentor, or substitute teacher mentor in a public school that is not making adequate yearly progress, is receiving funds under Title I of No Child Left Behind, or is providing an alternative education program for expelled or suspended public school students.

Higher Education

Senators also took testimony on legislative scholarships:

- [SB 344](#) transfers authority for awarding senatorial and delegate scholarships from State legislators to the Office of Student Financial Assistance within the Maryland Higher Education Commission (MHEC). (The companion bill, [HB 993](#), will be heard in March); and
- [SB 547](#), the Robert Kittleman Scholarship Reform Act, eliminates the existing senatorial and delegate scholarship programs and replaces them with a new Legislative Scholarship Program. Scholarship funds of \$138,000 for each Senator and \$31,000 for each Delegate are available for distribution in each legislative district. Each legislator is allowed to distribute 30% of the total scholarship funds to applicants using any criteria the legislator chooses. MHEC then will award the rest of the funds to applicants in the legislative district based on financial need. Alternately, a legislator may contribute all of the funds to a different scholarship program or have MHEC distribute all of the funds based on need.

Legislators also received public commentary on:

- [SB 360](#) to require the governing boards of public institutions of higher education to ensure that technology bids, requests for proposals and grants, and procurement contracts and modifications include the nonvisual access clause that is used by other State agencies. Technology must be equipped for equivalent access by both visual and nonvisual means and be available to students in instructional

environments and at every location on campus where technology is available to students. (The companion bill is [HB 1142](#));

- [SB 440](#) to establish a Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance Education in the State to advise the University System of Maryland on the establishment of a pilot program for the effective teaching of these subjects;
- [SB 487](#) to authorize the custodian of a public record to deny inspection of that part of the record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned by a public institution of higher education; and
- [HB 616](#) to require MHEC to establish a written policy by January 1, 2006, regarding on-campus credit card solicitations for institutions of higher education in Maryland. In addition, the institutions must provide educational programs on the responsible use of credit as part of their on-campus freshman orientation program.

ELECTIONS AND ETHICS

Voters Rights, Early Voting, Write-In Voting, and Boater Voter Measures

The Voters Rights Protection Act of 2005 companion bills were before committees in their respective houses this week. The legislation ([SB 287/HB 5](#)) establishes procedures for counting provisional ballots by local boards of election and for establishing a challenged voter's identity. The legislation also prohibits various kinds of conduct and establishes criminal and civil offenses and penalties. In addition, the State Board of Elections is required to review its policies and procedures regarding election administration and to report by this December.

A number of other proposals also passed through the committee hearing loop this week. Companion bills, [SB 478/HB 1046](#), provide for early voting eight days prior to a general or primary election and identification of voters. Another measure, [SB 288](#), repeals law that prohibits write-in votes in a primary election and authorizes write-in votes in any primary election or special election. A "boater voter" measure, [SB 432](#), designates as voter registration agencies the Department

of Natural Resources or other persons designated by the department to issue hunting and fishing licenses.

Voter Verification

Committee members in the House considered how to achieve voter verification under the new electronic voting system used across the State:

- [HB 80](#) requires a voting system that does not use a document ballot to incorporate an adequate voter verification process that will allow a voter to preserve within the polling place a record of the ballot choices cast;
- [HB 107](#) requires a voting system that does not use a document ballot to produce an accessible voter-verified paper audit trail of each vote cast that must be made available for inspection and verification by the voter at the time the vote is cast; and
- [HB 479](#) requires the State Administrator of Elections to study the independent verification systems for the voting system currently used during municipal elections in certain counties. A report is due to the General Assembly by December. (The companion bill, [SB 849](#), is up for a hearing in mid March).

Senate bills in committee earlier this month addressed voter verified records by requiring paper records of a ballot ([SB 9](#)) and independent verification that may include a paper trail ([SB 63](#)).

Voter Identification

Under current law, an election judge is required to establish a voter's identity by requesting the voter to state the month and day of the voter's birth and compare the response to the information listed in the precinct register. If an individual's name is not on the precinct register or inactive list, the voter is referred for provisional ballot voting. Voter information is kept in a precinct on voter authority cards. If any voter information needs to be updated, election judges make the necessary changes directly on the card and have the voter sign the card before issuing the ballot or sending the voter to a machine to vote.

Bills on committee schedules this week addressing verification included:

- [HB 1279](#), requiring an election judge to qualify a voter by requesting that the voter present either a

driver's license, an identification card issued by the Motor Vehicle Administration, or a voter identification card. (If a voter is unable to present any of the required forms of identification, the election judge must verify the date of birth by having the voter state the month and day of the voter's birth); and

- [HB 1166](#), requiring an individual to submit proof of U.S. citizenship with a voter registration application and requires an election judge to establish the identity of a voter on election day by requesting a voter's voter registration card. An applicant for voter registration must submit an original or certified copy of a birth certificate issued by the U.S. or territory of the U.S.; a current or expired passport issued by the U.S. or a territory of the U.S.; or an official copy of the document issued by the U.S. government identifying the applicant as a naturalized citizen of the U.S. On election day, an election judge is required to verify that the information on the voter registration card matches the information listed on the precinct register.

Redistricting

An examination of current law related to the redistricting process in Maryland is called for by [SB 365](#), before a committee this week, and its companion measure, [HB 318](#). The bills establish a study commission that is to report its findings and any proposed constitutional or statutory changes to the Governor and the General Assembly by this December.

At present, the Maryland Constitution requires the Governor to submit a joint resolution outlining new State legislative districts in the second year following each census. The plan becomes effective on the forty-fifth day of session unless the General Assembly passes an alternative plan before that time. The Governor's Legislative Districting Plan (Chapter 276) following the 2000 census became effective on February 22, 2002, but was invalidated by the Maryland Court of Appeals. The court found that the plan violated the Maryland Constitution primarily because of districts that crossed the boundary between Baltimore County and Baltimore City. The court's redrawn districts became effective on June 21, 2002.

Campaign Financing

Senators will hear testimony next week on [SB 343](#) that prohibits regulated lobbyists from conducting fund-

raising activities for the benefit of individuals who are related by blood or marriage to a member of the General Assembly.

This week Delegates listened to testimony on [HB 817](#) that prohibits the State from issuing a gaming license or permit to any person who directly or indirectly makes a contribution to a State candidate, political party, or other campaign finance entity organized in support of a State candidate or political party. A gaming permit or license will be suspended for three years for a violation, beginning on the date the contribution was made. In addition, the State may not issue a gaming license or permit for three years to a person who makes a contribution to a campaign finance entity.

The New Jersey Casino Control Act prohibits political contributions by any applicant for or holder of a casino license, or any holding, intermediary, or subsidiary company. Political contributions include contributing any money or thing of value to any candidate for nomination or election to any public office in the state, or to any committee, of any political party in the state, or to any group, committee, or association organized to support any candidate or political party.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Three departmental bills concerned with preserving agricultural land in the State through the Maryland Agricultural Land Preservation Foundation (MALPF) have moved to the opposite chamber:

- [HB 74](#) extends the time period from 30 days to 90 days within which a county is required to notify MALPF of approval of an easement termination request;
- [HB 75](#) designates the Secretary of Planning or the Secretary's designee as an ex officio member of the board of trustees of MALPF; and
- [HB 79](#) establishes a deadline for requesting arbitration of disputes over the value of easements under MALPF.

Other agriculture land preservation bills with a committee report date of February 28 include:

- [HB 78](#), which received a favorable committee vote, requires, for land subject to a district agreement or

agricultural land preservation easement, MALPF approval before a county may approve subdivision or plat, a building permit, or any other use or activity; and

- [HB 561](#), [HB 933](#), and [HB 934](#), all of which received unfavorable committee votes.

Agricultural land bills that remain in committee include [SB 325](#), addressing termination of agricultural districts and the companion bill of [HB 561](#), as well as [SB 459/HB 1039](#) that establish a Cecil County Agricultural Preservation Fund to be funded through a voluntary income tax checkoff on individual income tax return forms for agricultural preservation in Cecil County.

Testimony will be heard next week on [SB 502](#) and [HB 1334](#), requiring MALPF and the Department of Planning to establish a Critical Farms Program to provide interim or emergency financing for the acquisition of agricultural preservation easements on critical farms identified by a county that would otherwise be sold for nonagricultural uses.

FISCAL MATTERS

Several bills making changes to the Homeowner's Property Tax Credit Program, the "circuit breaker" program, had hearings this week:

- [HB 9](#) alters the calculation of total real property tax for the program, by subtracting the homestead tax credit amount from the total assessment. Currently, the homestead tax credit is subtracted from \$150,000, the maximum assessment against which the credit may be granted;
- [HB 745](#) increases the maximum assessment against which the credit may be granted to \$250,000 and adjusts the income brackets for inflation. (The companion bill is [SB 631](#));
- [HB 786](#) increases the maximum assessment against which the credit may be granted to \$250,000; and
- [HB 1195](#) alters the program to provide a tax credit against State and local property taxes to qualified homeowners ages 65 and over. The tax credit equals the greater of the homeowners' tax credit as calculated under current law or the amount by which the total real property tax for the year exceeds the total real property tax for the first year in which the

homeowner or spouse became 65 or the home was no longer subject to any liens or mortgages. (The companion bill, [SB 181](#), was before a committee last week.)

Also under consideration, [HB 1101](#) increases the maximum assessment for the program to \$250,000 for homeowners who are at least 65 by July 1.

Both houses have scheduled hearings for next week on budget-related legislation that balances the proposed budget:

- [SB 124/HB 147](#) (Budget Financing Act of 2005) increase State revenue by imposing fees for individuals in the Drinking Driver Monitor Program and for parolees, by increasing court costs in traffic cases and pharmacy assistance program co-pays, and by continuing the permissible higher level of industry fees to support the Maryland Health Care Commission and the State Health Services Cost Review Commission;
- [SB 127/HB 148](#) (Budget Reconciliation Act of 2005) reduce State expenditures by eliminating the Electricity Generating Equipment Property Tax Grant aid to local governments and the Senior Prescription Drug Program, by continuing the increased local share of expenses for nonpublic placement of children with disabilities, by reducing funds available for Program Open Space and mandated appropriations for tobacco reduction programs, and
- [SB 126/HB 149](#) (Tax Compliance) require that all undisputed taxes be paid before a driver's license, vehicle registration, or insurance agent's license can be renewed, increase the income tax withholding amount for gambling winnings and for nonresident real property sales, impose withholding for retirement fund rollovers when there is federal withholding, and permit local governments owed taxes by a taxpayer to have the taxpayer's tax refund intercepted.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Both chambers passed amended bills dealing with Social Security number (SSN) privacy ([SB 280](#) and [HB 56](#)). The bills generally prohibit specified disclosures of an individual's SSN unless required by State or federal law

or exempted by the bills. Among the bills' provisions, materials mailed, faxed, or electronically transmitted (unless the connection is secure or SSN encrypted) to an individual may not include the SSN. Violation of the bill is an unfair or deceptive trade practice under the Maryland Consumer Protection Act.

GAMING, RACING, AND SPORTS

Slots

In an early evening session on Thursday, Delegates voted, after floor discussion and debate, to give preliminary approval to [HB 1361](#), as amended and reported out of a House committee. On Friday, extended debate on the House floor resulted in passage of the bill by a vote of 71 to 66. Last week the Senate approved its slots legislation, [SB 205](#), by a vote of 26 to 21.

The House slots bill authorizes a total of 9,500 video lottery terminals (slot machines) in four counties: Anne Arundel, Harford, Frederick, and Allegany Counties. Proceeds will be distributed as follows: 5% (4% after the first year) to the State Lottery Agency for administrative costs, 3% in local impact grants, 15% in local development grants to all counties and Baltimore City, 9% to the Purse Dedication Account, 3% to the Racetrack Facility Renewal Account, not more than 30% to the operators based on their bid proposal, and the remainder to the Education Trust Fund.

Recently, the Senate approved establishing a Problem Gambling Council of Maryland. An amended [SB 111](#) requires \$100,000 of State Lottery net revenues be distributed annually to the council and the money be used to pay operating expenses for problem gambling reduction programs for Maryland residents.

Hunting

Failing in committee, [HB 181](#) would have required an individual who a police officer has reasonable grounds to believe shot and killed or injured another individual while carrying a firearm to hunt while intoxicated or under the influence of alcohol or any narcotic drug to submit to an alcohol and/or drug test.

HEALTH CARE AND HEALTH INSURANCE

An amended Community Health Access and Safety Net Act of 2005 ([HB 627](#)) was approved by the House this

week. The bill establishes a Community Health Resources Commission to increase access to health care resources by low-income individuals. The bill also implements a variety of programs, grants, federal waiver requests, and studies, and establishes a task force to help facilitate access to health care. A number of funding sources have been identified to support the bill's initiatives.

Heard this week by both Senate and House committees, emergency legislation ([SB 836/](#)[HB 1359](#)) makes substantive and technical changes to Chapter 5 of the 2004 Special Session, the Maryland Patients' Access to Quality Health Care Act of 2004, and makes other changes consistent with Chapter 5. The Administration's Maryland Medical Injury Compensation Reform Act ([SB 221/](#)[HB 301](#)) is scheduled for committee hearings next month.

A variety of health related bills were also the recipients of committee deliberations:

- [SB 441](#) requires Medbank of Maryland, in collaboration with the State Board of Pharmacy, to establish a prescription drug repository program to accept and dispense prescription drugs donated for the purpose of dispensing drugs to eligible individuals;
- [SB 332](#), the Clean Indoor Air Act of 2005, expands the prohibition on workplace smoking generally to bars and restaurants. Currently Montgomery and Talbot Counties impose similar smoking bans. (The companion bill, [HB 428](#), is scheduled for a hearing next week);
- [SB 355](#) and [HB 199](#) relate to the collection and public reporting of data on hospital-acquired infections from each hospital in the State and require published annual reports by December 1, 2006;
- [HB 565](#) requires a hospital to allow an individual to donate bone marrow to any individual, notwithstanding any other provision of law. The donation may occur if a licensed physician determines, based on the physician's best judgment, that the donation is in the best interests of the donor and donee. Donors under the age of 18 could be eligible; and
- [HB 344](#), the Safe Nurse Staffing for Quality Care Act, requires a hospital to ensure that it has sufficient, appropriately qualified, direct care nurses

in each department or unit to meet the individual care needs of patients. The Secretary of Health and Mental Hygiene may suspend or revoke a hospital license if the licensee does not meet the bill's requirements. The bill proposes specific minimum direct care nurse-to-patient ratios.

Changes to the State's certificate of need (CON) medical service requirements were also under a committee scope:

- [HB 738](#) removes obstetrics from the list of medical services provided in a health care facility that requires a CON to be built, developed, or established (The companion bill is [SB 607](#)); and
- [HB 426](#) permits a hospital to establish a separate emergency department location without a CON if specified conditions are met. (The companion bill is [SB 231](#)).

Emergency legislation ([SB 342](#)) requires the Insurance Commissioner to disapprove a rate increase for an HMO unless the HMO submits a rate filing to the Commissioner, the Commissioner considers specified financial factors, and the Commissioner holds a public hearing on the increase. Recently the Insurance Commissioner authorized HMOs to pass along the 2% premium tax liability to policyholders without a public hearing. Published reports indicate CareFirst will absorb the tax for its HMO customers.

Introduced this week, [HB 1419](#) prohibits a political subdivision from adopting ordinances or laws regulating smoking ordinances that are more stringent or restrictive than any State law in existence on October 1, 2005.

REAL PROPERTY, ESTATES, AND TRUSTS

On hearing schedules next week in their respective houses, [SB 674/](#)[HB 921](#) grew out of an interim work group. The bills, entitled "Abatement of Nuisances on a Property Used for Controlled Dangerous Substance Offenses," grant power to code enforcement personnel to clean up a nuisance property before complaints are made and allow prosecutors and community groups to file civil actions in District Court to abate drug nuisances.

The legislation also requires the owner or operator of a property deemed a nuisance to submit a plan of correction to the court so that the property will not be used again to manufacture or distribute a controlled dangerous substance or its paraphernalia. If the owner

fails to comply with the corrective plan, the court can hold a hearing and force the property to be vacated within seventy two hours. The owner, however, retains ownership and may sell the property.

In addition, the bills allow the community to bring lawsuits against owner-occupiers and both residential and commercial tenants. It also grants police authority to give information about drugs seized while searching the property to lawyers representing community associations.

Other legislation soon to be examined by committee members, [SB 761/HB 1288](#), regulates lenders known as foreclosure consultants, foreclosure purchasers, and foreclosure surplus purchasers in a real estate niche industry called “foreclosure rescue.” Based on a recently passed Minnesota law, these bills bar foreclosure specialists from portraying themselves as advisers to a homeowner.

Consumers must receive bold print disclosures of the risk of losing a home in a transfer of property to a foreclosure specialist, with consumer protection numbers to call for information. Homeowners have ten days to rescind a deal, and if the property is sold by a foreclosure specialist within eighteen months of the deal, the homeowner is entitled to 82% of the net proceeds.

STATE GOVERNMENT

Electronic Submissions

This week sponsors explained [HB 403](#) to a House committee. The measure and its companion bill, [SB 449](#), require State agencies to submit reports and other publications to the General Assembly using only electronic means. Publications required by statute or regulation, or paid for by private funds, are exempt.

Notaries

Recently, a committee killed the measure that would have authorized an increase in fees charged by notaries public from \$2 to \$5 for performance of an original notarial act ([HB 51](#)). The Senate companion, [SB 400](#), is scheduled for a hearing on March 3. Also on the committee’s agenda next week are [SB 602](#), a reintroduction from the 2004 session, that requires a notary public to be a U.S. citizen and [SB 657](#) that establishes a system of electronic notarization by electronic notaries for electronic documents.

Women

[HB 523](#) creates a task force to identify and recommend the funding, design, construction, and placement of a memorial to honor Maryland women service members who died serving in the U.S. armed forces. The task force must report its findings by this December. There are 376 veterans’ memorials in the State, but none are dedicated solely to women. The companion measure is [SB 619](#).

[SB 257](#), which restructures the membership and organization of the Maryland Commission for Women, gained preliminary approval from the Senate after lengthy debate earlier in the week. An amendment provides that, to the extent practicable, in making appointments, the Governor, the President of the Senate, and the Speaker of the House must ensure geographic diversity among the commission membership.

TRANSPORTATION

The House passed [HB 103](#) to establish that upon conviction for an alcohol- and/or drug-related driving offense, an additional criminal penalty for an individual who knowingly refuses to take a test at the time of the suspected violation after being detained and requested to do so by a police officer. Amendments made some changes including reducing the additional penalty from six months imprisonment to two months. The maximum fine remains at \$500. These penalties are in addition to the current administrative sanctions that must be imposed for refusal to take a test and notice and hearing procedures. An offender’s license or driving privilege must be suspended by the Motor Vehicle Administration for 120 days for a first offense and one year for a second or subsequent offense.

Other legislation approved and sent to the opposite chamber includes bills that:

- establish a new “Fear the Turtle” registration plate with proceeds to go for college scholarships ([SB 88](#));
- extend, as amended, the exemption from emissions and inspection requirements for qualified hybrid vehicles to September 30, 2009 ([HB 367](#)); and
- prohibit provisional drivers who are minors from having minors as passengers with certain exceptions such as family members ([SB 57](#)). Another measure,

[SB 240](#), on the same subject was killed by a committee recently.

Earlier this month, a Senate committee considered legislation that prohibits persons from parking or standing trailers or semitrailers on the side of State highways or controlled access highways unless attached to an appropriate towing vehicle. [SB 149](#) expands the definition of abandoned vehicle to include a motor vehicle, trailer, or semitrailer that is left unattended on a highway and is considered to be a security risk or a hazard to other persons or vehicles.

The State Highway Administration (SHA) has advised that in 2002, there were more than on average 500 accidents in the State, including five fatal ones, involving a vehicle striking another vehicle that was standing, stopped, or parked along the side of the highway. Four of the five fatal accidents involved a parked truck.

Senators also reviewed the Maryland Clean Cars Act of 2005 ([SB 366](#)) this week. The bill requires the Maryland Department of the Environment, in conjunction with the Motor Vehicle Administration, to establish by regulation a Low Emissions Vehicle (LEV) Program applicable to vehicles of the 2009 model year and each model year thereafter. The companion, [HB 564](#), will be reviewed by House committee members next week.

Killed by a committee, [SB 81](#) would have authorized SHA to operate or grant a permit to operate motels, restaurants, gas stations, or other automobile service stations along controlled access highways, if not prohibited by federal regulation. SHA would have been able to enter into revenue-producing agreements with private contractors to operate such businesses. Currently Maryland, along nontoll highways, has rest areas that do not have gas stations or fast-food; instead they have rest rooms, parking, vending machines, and sometimes information about the region and lodging along the road.