



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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Sine Die – April 2013

## 2013 SESSION STATISTICS

During the 2013 regular session of the General Assembly, legislators introduced a total of 2,610 bills, of which 1,075 originated in the Senate and 1,535 came from the House of Delegates. Eight joint resolutions were also considered. By midnight on *sine die*, April 8, the General Assembly had passed 766 bills. Of the passed legislation, 353 were Senate bills and 413 were House bills. No joint resolutions were successful.

At the first bill signing on April 9, known as the *sine die* bill signing, the Governor signed a total of 153 bills. At a bill signing, each bill is given a chapter number, indicated by Ch. and a number that is given in the order of signing, denoting that the bill is a part of the Session Laws of that particular year. Laws become effective on the date specified in the last sections of each bill.

Additional bill signings are scheduled for April 17, May 2, and May 16.

## COURTS AND CIVIL PROCEEDINGS

### *Maryland Legal Services Corporation (MLSC) Fund – Passed*

The Senate and the House adopted conference committee amendments that distribute money from the Abandoned Property Fund to the MLSC Fund in the amount of \$1.5 million ([SB 809/HB 1303](#), both passed).

Companion bills, [SB 640/HB 838](#) (Chs. 71 and 72), continue an enhanced source of revenue for the MLSC by extending the sunset date for an increased surcharge on fees, charges, and costs in civil cases. Money from the surcharge is deposited into the MLSC Fund to finance civil legal services for indigent clients.

### *Judgeships – Passed*

[SB 239](#) (Ch. 34)/[HB 83](#) (passed) increase the number of judges of the Court of Special Appeals from 13 to 15, increase the number of resident judges of the circuit court in Calvert, Carroll, Cecil, Frederick, and Wicomico counties, and increase the number of associate judges of the District Court in Baltimore City, and Charles, Montgomery, and Prince George's counties.

### *Personal Injury or Death Caused by a Dog – Failed*

Unsuccessful pit bull legislation, [SB 160/HB 78](#) (both failed), would have abrogated the holding of the Court of Appeals in *Tracey v. Solesky*, 427 Md. 627 (2012), which held that pit bulls and mixed-breed pit bulls (later amended to apply only to purebred pit bulls) are inherently dangerous, and their owners and others including landlords are strictly liable for the resulting damages caused to anyone who is attacked by the dog. With the failure of the bills, Maryland owners of purebred pit bulls and landlords of tenants who own purebred pit bulls are strictly liable for the actions of those dogs, while the traditional common law rule applies to owners of mixed breed pit bulls and other breeds of dogs and their landlords.

The House language would have created a rebuttable presumption that the owner knew or should have known that the dog had vicious or dangerous propensities. The Senate-amended language would have created a rebuttable presumption that the owner knew or should have known that the dog had vicious or dangerous propensities, but would also have required that the presumption be rebutted by clear and convincing evidence, thus requiring a higher level of proof. A conference committee for [SB 160](#) was appointed to reconcile the differences, but final agreement was not reached.

### *Other Failed Bills*

*Collaborative Reproduction Act.* [SB 792/HB 1099](#) (both failed) would have expanded the State's laws to establish the rights of intended parents who use gamete or embryo donors to conceive a child through related assisted or collaborative reproduction and to establish requirements for a gestational carrier agreement that would be enforceable in the State.

*Contributory Negligence.* [SB 819/HB 1156](#) (both failed) would have changed the current system to comparative negligence, except in cases of wrongful death, personal injury, or property damage.

*Domestic Violence – Persons Eligible for Relief.* [SB 490/HB 1230](#) (both failed) would have expanded eligibility for a domestic violence protective order to

include an individual in a consensual or nonconsensual sexual relationship with the respondent.

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## **CRIMES, CORRECTIONS, AND PUBLIC SAFETY**

### *Firearm Safety Act of 2013 – Passed*

**SB 281** (passed) gained passage by the General Assembly with both Senate and House amendments that altered the bill as originally proposed by the Governor. During the last week of the 2013 session, the House amended and passed the bill, first approved by the Senate in late February. The Senate then accepted the House changes and passed the bill with no additional amendments.

One of the most controversial proposals before the legislature in many years, the legislation modifies and expands the regulation of firearms, firearms dealers, and ammunition in the State and strengthens mental health-related restrictions on the possession of firearms. The comprehensive legislation, as finally approved, contains provisions that:

- change the scope of current assault pistol prohibitions to prohibit all assault weapons and define an assault weapon as an assault long gun, an assault pistol, or a copycat weapon;
- exempt specified persons and circumstances from the prohibitions related to the possession of assault weapons and detachable magazines;
- reduce the allowable detachable magazine capacity that may be manufactured, sold, purchased, received, or transferred in the State from 20 to 10 rounds of ammunition for a firearm;
- define “restricted firearm ammunition” and prohibit possession of or use of the ammunition during or in relation to a crime of violence;
- clarify that a licensed firearms dealer may continue to possess and sell an assault long gun or copycat weapon that the dealer lawfully possessed on or before the bill’s effective date, apply the grandfather clause to a person who placed a verifiable purchase order for an assault long gun or copycat weapon before the bill’s effective date, and strike provisions requiring registration of previously possessed weapons;
- prohibit carrying or possessing a firearm, knife, or deadly weapon of any kind on public school property with some exceptions;

- create a new handgun licensing plan under the authority of the Department of State Police in order for a person to purchase, rent, or receive a handgun. Exceptions to the licensing requirement are permitted for active or retired law enforcement officers, active and retired members of the military, and others, such as persons who possess antique, curio, or relic firearms;
- require applicants for a handgun license to be at least 21 years old, pass a State and national criminal history records check, submit a complete set of fingerprints, complete a safety training course, with exceptions for the military and for those who lawfully own a regulated firearm. The cost for a 10-year license may be up to \$50. Renewal costs may be up to \$20, and do not trigger a repeat of all of the original application requirements;
- require the issuance of a handgun license within 30 days after receipt of a properly completed application or a written denial of the application that states the reason for denial and the appeal rights of those who are denied. Applicants who have been denied may also request to have the record of their fingerprints eliminated; and
- spell out a restoration process for those who have been denied a license or whose license is revoked.

Other provisions define prohibitions applicable to possession of a regulated firearm, rifle, or shotgun for specified persons with mental disorders, including those who have been voluntarily admitted for more than 30 consecutive days or involuntarily committed to a facility. There are extensive licensing qualifications and recordkeeping requirements for firearms dealers.

There are also exemptions from criminal prohibitions, importation, and storage activities for a licensed firearms dealer or manufacturer relating to assault weapons and detachable magazines. Other provisions address registration requirements related to regulated firearms possessed by persons who move to the State with the intent to reside in the State.

### *Death Penalty Repeal – Passed*

After extensive debate, the legislature passed the Administration’s repeal of the death penalty (**SB 276**, passed). Under the legislation, a person found guilty of murder in the first degree must be sentenced either to imprisonment for life, or imprisonment for life without the possibility of parole. If the State has already properly filed a notice of intent to seek a death sentence, that notice must be considered withdrawn and converted to notice to seek a sentence of life imprisonment without

the possibility of parole. The bill also alters the authorization for the Governor to commute or change a sentence of death to a sentence of life without the possibility of parole. Five inmates remain on death row in Maryland.

*Cyberbullying – Passed*

[HB 396](#) (passed), known as Grace’s Law, was named after a girl who committed suicide due to the traumatic effects of prolonged harassment and threats over the Internet and in school. The legislation prohibits a person from using an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury. An “interactive computer service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones. Violators are guilty of a misdemeanor and subject to maximum penalties of one year imprisonment and/or a \$500 fine.

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

[HB 292](#) (passed) repeals the December 31, 2013, termination of DNA collections, as set by Chapter 337 of 2008 (SB 211). Therefore, Maryland will continue the requirement that a DNA sample be taken from any individual charged with specified crimes of violence, felony, burglary, and attempts to commit those offenses. The law establishes requirements for the collection, testing, use, and disposal of DNA samples taken from an individual, as well as additional expungement criteria.

Last November, the U.S. Supreme Court agreed to review the Maryland Court of Appeals decision that struck down the State’s DNA collection statute, as applied to arrestees, as an unconstitutional search. The court heard oral arguments in the case in late February 2013.

*Cannabimimetic Agents – Prohibition – Passed*

[SB 109](#) and [HB 1](#) (both passed), as amended, codify as a part of the State’s list of Schedule I controlled dangerous substances, the definition of “cannabimimetic agents” and the list of substances that are considered cannabimimetic agents. The agents are essentially chemical substances that affect the body in a way similar to marijuana. Other failed bills ([SB 348/HB 262](#), both failed) would have added provisions to Maryland law related to the distribution of faked controlled dangerous substances. Additional bills on synthetic cannabinoids include [SB 651/HB 851](#) (both failed).

*Animal Cruelty – Dog Baiting – Passed*

[SB 360](#) (Ch. 44)/[HB 542](#) (passed) forbid a person to use a dog or to allow a dog to be used for baiting; to possess, own, sell, transport, or train a dog for the purpose of using the dog for baiting; or to knowingly allow property the person owns or controls to be used for dog baiting. Violators are guilty of the felony of aggravated cruelty to animals and are subject to imprisonment for up to three years and/or a \$5,000 maximum fine. Under the Act, a court may also order a violator to undergo and pay for psychological counseling.

*Animal Cruelty – Payment of Costs – Failed*

[SB 37/HB 865](#) (both failed) would have required persons convicted of abuse of or cruelty to an animal to pay the costs of removal, housing, treatment, and/or euthanasia of the animal. These costs otherwise impose a burden on the counties in which such cases are heard.

*Human Trafficking – Passed*

[HB 713](#) (passed) authorizes State and local law enforcement agencies to seize property in connection with a human trafficking violation and establishes procedures for the seizure, forfeiture, and sale of property related to these violations. As defined by the bill, human trafficking includes sexual solicitation of a minor, child pornography, receiving earnings of a prostitute, and abduction of a child younger than 16 years old. Another passed measure, [HB 933](#) (passed), establishes that a person charged with human trafficking of a minor may not assert a defense that the person did not know the age of the victim.

*Accessory After the Fact – Murder – Passed*

[HB 709](#) (passed), known as the Sheddy-Bennett Act, increases the maximum penalty from 5 years to 10 years for being an accessory after the fact to murder in the first or second degree.

*Marijuana – Failed*

Several bills addressed the possession of marijuana. [SB 297](#) (failed) would have changed the possession of less than 10 grams of marijuana from a criminal offense to a civil offense, and the penalty to a fine of up to \$100. [SB 394](#) (failed) would have altered the use or possession of marijuana from a crime to a civil offense that is punishable by a maximum fine of \$100 and would have repealed current law relating to the use or possession of marijuana because of medical necessity. [HB 1453](#) (failed) would have legalized the use of marijuana and set forth certain regulations on the use, sale, and distribution of marijuana.

### Other Failed Bills

*Criminal Records – Shielding.* [HB 1006](#) and [SB 701](#) (both failed) would have allowed a convicted person to petition a court to shield court and police records relating to conviction for nonviolent crimes.

*Crime of Violence in the Presence of a Minor.* [SB 861](#) and [HB 478](#) (both failed) would have created a separate offense for committing a crime of violence when a minor is present in a residence within sight or hearing of the crime of violence.

*Human Trafficking.* [SB 215/HB 1188](#) (both failed) would have established that the current statutory prohibition and penalties for human trafficking of a minor apply to a victim who is younger than 21 years of age.

*Juvenile Detention.* [SB 732/HB 711](#) (both failed) would have prohibited the continued detention, beyond emergency detention, of a child under the age of 14 unless the child is alleged to have committed an act that, if committed by an adult, would be punishable by death or life imprisonment.

*Pregnant Inmates (Antishackling).* [HB 829](#) (failed) would have provided in law that it is the public policy of the State that restraint of pregnant inmates during labor and delivery shall not be used unless determined necessary by an attending medical professional, facility security, or correctional staff.

*Counselors and Therapists – Lynette’s Law.* [HB 60](#) (failed) would have prohibited a professional counselor or therapist from engaging in a sexual act, sexual contact, or vaginal intercourse with a person who was receiving therapy or counseling from the professional counselor or therapist at the time of or within the six months preceding the act.

*Sexual Contact with Minors.* [SB 657/HB 1075](#), [SB 377/HB 31](#), [SB 810](#), [SB 105](#), [HB 14](#) (all failed) would have tightened restrictions on sexual contact between minors and persons in positions of authority including school staff.

*Threats of Mass Violence.* [SB 988/HB 1250](#) (both failed) would have prohibited a person from knowingly threatening to commit a crime of violence, or causing such a crime to be committed, that would place others at a substantial risk of death or serious physical injury.

*Firearms in Crime of Violence or Felony.* [SB 228/HB 575](#) (both failed) would have provided that the violation is not subject to the standard one-year statute of limitations for prosecution of a misdemeanor.

### ECONOMIC AND BUSINESS ISSUES

#### *Maryland Offshore Wind Energy Act of 2013 – Passed*

An Administration measure establishing a market for offshore wind energy in the State gained final passage this session after failing in several previous sessions ([HB 226](#), Ch. 3). The law creates a “carve-out” for energy derived from offshore wind in the State Renewable Energy Portfolio Standard (RPS), beginning in 2017, by requiring electricity sales in Maryland to include approximately 2.5% from offshore wind. Other provisions establish:

- an application and approval process through the Public Service Commission (PSC) for proposed offshore wind projects;
- maximum rate impacts for wind projects not to exceed \$1.50 per month for the average residential customer in 2012 dollars or 1.5% of a nonresidential customers’ total annual electric bill;
- a requirement to obtain a certificate of public convenience and necessity for the construction of submerged lines conducting energy from the renewable source;
- funding sources for PSC to implement the bill from the Strategic Energy Investment Fund and from the recent Exelon-Constellation merger, as well as from implementation of special assessments by PSC on electric companies;
- the Maryland Offshore Wind Business Development Fund and the Maryland Offshore Wind Advisory Committee in the Maryland Energy Administration to promote emerging offshore wind businesses in the State; and
- the Clean Energy Program Task Force and the Clean Energy Technical Education Task Force to study and make recommendations on program offerings in the clean energy field in Maryland universities and community colleges.

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

The EARN program is established within the Department of Labor, Licensing, and Regulation (DLLR) to award grants to industry-led partnerships ([SB 278/HB 227](#), Chs. 1 and 2). Formed through a collaboration of regional businesses, educational institutions, and government agencies, the partnerships are meant to identify high demand occupations and strategies to meet workforce needs in targeted industries based on regional needs. Grant funding is provided by \$2.5 million in the operating budget. Among other

provisions, DLLR must implement strategies to identify State government positions in need of skilled employees and mechanisms to provide training for State employees that may result in advancement. A “Train Maryland” website promoting available training programs in the State, that will include those created with program funding, must also be developed by DLLR.

*Veterans Full Employment Act of 2013 – Passed*

Successful Administration bills facilitate professional licensing for active military personnel, recently discharged veterans, and military spouses through the expedited issuance of specified licenses, registrations, and certificates ([SB 273/HB 225](#), both passed).

Occupational and professional licensing boards within DLLR are required to issue expedited temporary licenses, registration or certificates if specified education, training, and experience requirements are met. Also, the State Superintendent of Schools must expedite educator certification and may issue temporary educator certificates under certain conditions.

The health occupations boards within the Department of Health and Mental Hygiene (DHMH) are charged with expediting the process for and providing certain assistance to military personnel, veterans, and military spouses applying for a license. The measures require that the health occupations boards assign an advisor to help applicants with the licensing process, including identifying available training or education if applicants do not meet licensure requirements. Other provisions require the State Emergency Medical Services Board, DLLR, and DHMH to credit specified military training and education completed by a service member toward licensure or certification requirements.

Additionally, the Maryland Higher Education Commission must develop and adopt guidelines on awarding academic credit for a student’s military training, coursework, and education, which each public institution of higher education in the State must adhere to when implementing policies.

*Maryland Jobs Development Act – Passed*

[HB 1315](#) (Ch. 150) requires the Department of Business and Economic Development (DBED) to compile data and report annually on its economic development programs, to include the Film Production Activity Tax Credit, Job Creation Tax Credit, One Maryland Economic Development Tax Credit, Invest Maryland Program, Biotechnology Investment Incentive Tax Credit, and Research and Development Tax Credit. Additionally, DBED must implement a process for assisting recipients of economic program benefits in

meeting program requirements should they not be currently meeting the requirements.

*Telephones – Directory Assistance – Passed*

PSC is required to authorize telephone companies to charge customers for directory assistance calls made beyond the first two calls per month under [SB 142](#) (passed) and [HB 124](#) (passed). Exceptions are made for customers who have a visual or physical disability that prevents them from using a print telephone directory.

*Gas Companies – Surcharge – Passed*

Gas companies are authorized to file a plan with PSC requesting authorization to accelerate infrastructure replacement and finance the reasonable and prudent costs of the work through a surcharge on customers’ bills ([SB 8](#), passed). Surcharges are capped at \$2 per month for residential customers and are also capped for nonresidential customers. The crossfiled measure, [HB 89](#) (failed), passed the House but did not progress further.

*Gas Pipelines – Federal Pipeline Safety Laws – Passed*

[SB 863/HB 1124](#) (both passed) require PSC to evaluate the process and criteria the U.S. Secretary of Transportation would use to review an application for certification or agreement with the U.S. Secretary under federal law with respect to the safety of interstate pipelines located in the State, and to determine whether it is in the public interest to apply for certification or agreement.

If PSC decides it is in the public interest for the PSC to act for the U.S. Secretary to implement federal laws with respect to interstate pipelines located within the State, the PSC shall apply, on or before January 12, 2014, for certification or agreement with the U.S. Secretary.

*Electric Service Quality and Reliability – Passed*

Approved legislation seeks to increase the quality and reliability of electric service in the State. [HB 1159](#) (passed) requires improved electric service to special medical needs facilities, including assisted living and hospice facilities, hospitals, nursing homes, and any other facilities housing vulnerable residents.

DHMH is required 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. Also, information concerning service to special medical needs facilities is required from each electric company and PSC to be included with specified reports.

*Electric Service Quality and Reliability – Failed*

[HB 1152](#) (failed) would have required PSC and each electric company to establish priorities for fixing or replacing the State's worst-performing electric distribution lines. The measure would have created the Electric Reliability Remediation Fund, to be administered by PSC, to target remediation efforts.

*RPS – Qualifying Biomass – Failed*

Measures that would have altered the definition of "qualifying biomass" as a Tier 1 renewable source eligible for inclusion in the State's RPS did not pass ([SB 684/HB 1102](#), both failed). Maryland's Tier 1 RPS obligation has primarily been met with qualifying biomass, a nonhazardous, organic waste material derived from sources including liquid mill residue (black liquor), yard waste, and agricultural or forest sources. The measures would have tightened requirements for inclusion in the State's RPS as a Tier 1 resource by classifying as Tier 1 or Tier 2, depending on the date in which a company began operations.

*Maryland Automobile Insurance Fund (MAIF) – Passed*

As a result of the recommendations provided by the Task Force to Study Maryland Insurance Programs of Last Resort, established in 2012 (Ch. 408 of 2012, [HB 1017](#)), and an effort to align MAIF's operations with those of the Injured Worker's Insurance Fund (IWIF), MAIF will now undergo operational changes under [SB 749/HB 1132](#) (Chs. 73 and 74). MAIF, Maryland's automobile insurer of last resort, becomes an independent State unit, not subject to some of the provisions of law affecting governmental units.

Another bill, [SB 930](#) (passed), authorizes MAIF to accept premiums on an installment payment basis on 12-month personal lines policies subject to approval by the Insurance Commissioner. Previously, MAIF was not authorized to provide directly or indirectly for the financing of premiums or acceptance of premiums in installments, and instead had to finance premiums through a registered premium finance company.

*Enterprise Fund and Invest Maryland Program – Passed*

[SB 70](#) (passed), an emergency bill, implements changes to the Enterprise Fund and the Invest Maryland Program within the Department of Business and Economic Development (DBED). The Invest Maryland Program is a state-supported venture capital program that allows the State to provide funds to venture firms that are allowed to make distributions. The measure alters the criteria that must be met before venture firms are allowed to make distributions, allowing greater flexibility to venture firms when it comes to distributing funds. Additionally,

DBED is now able to acquire a greater percentage of company ownership when making Enterprise Fund equity investments.

*Registration – Landmen – Passed*

DLLR is required to register and issue registration certificates to land professionals, also referred to as landmen under [SB 766/HB 828](#) (both passed). Landmen negotiate with property owners for the acquisition of mineral rights in oil or gas. Mineral rights in oil or gas are considered property rights, including an oil or gas lease, that allow the holder of the rights to enter onto or under the property for the extraction of crude oil or natural gas. Landmen will now be required to register with DLLR before conducting business in the State, and DLLR will provide public access to information related to registered land professionals.

*Pregnant Employees – Passed*

Legislation passed requiring employers, upon request, to explore ways to provide reasonable accommodations to pregnant employees with a disability caused by or contributed to by pregnancy ([SB 784/HB 804](#), both passed). Employers may require certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation.

Previously, disabilities that were caused by pregnancy or childbirth were considered temporary disabilities for all job-related purposes, and were treated as such under any health and or temporary disability insurance or sick leave plan available with employment.

*Minimum Wage and Sick and Safe Leave – Failed*

Measures to alter the minimum wage were also considered but failed ([SB 683/HB 1204](#), both failed). The minimum wage would have been raised to \$10 per hour as of July 1, 2015. Other provisions would have addressed payment to employees who receive tips from their customers.

The Maryland Earned Sick and Safe Leave Act also failed ([SB 698/HB 735](#), both failed), which 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. The legislation clarified the term family member, and would have required employers to allow employees to use leave for purposes such as school closings, domestic violence, sexual assault, or stalking committed against the employee or employee's family member.

*Growlers – Passed*

Holders of a Class 5 manufacturer's (brewery) license are now authorized to obtain a refillable container permit under [SB 955](#) (passed). The refillable container permit allows the licensee to sell draft beer to be consumed off the licensed premises in a container known as a "growler," which can have a capacity of not less than 32 ounces and not more than 128 ounces.

*Corkage – Failed*

[SB 260/HB 74](#) (both failed) would have expanded to all alcoholic beverage licensees the opportunity to allow "corkage" in their restaurants, clubs, or hotels. Corkage, the practice of bringing in your own wine to drink, is currently allowed only in establishments with a Class B or a Class C alcoholic beverage license.

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## **EDUCATION**

*Prince George's County – School System – Passed*

The legislature passed [HB 1107](#) (Ch. 147) to revise the composition of the Prince George's County Board of Education by adding appointed members and also calling for the board to raise the level of academic achievement of the students and increase the overall investment of parents, students, and the community in the county's education system.

The bill, as passed, requires the Prince George's County Executive to appoint the Chair and Vice Chair of the board and requires the County Executive to appoint the county superintendent, called the Chief Executive Officer (CEO), from a list of three individuals forwarded to the County Executive from a search committee composed of State and local representatives. The CEO is responsible for the day-to-day operation of the school system, including the budget as submitted by the board and approved by the County Council, the hiring and setting of salaries of the staff in the office of the CEO, and the execution of a memorandum of understanding with institutions of higher education in the county for the provision of policy analysis and advice.

The bill specifies that the county board may not contradict an action of the CEO unless two-thirds of the members vote to countermand a decision other than a personnel decision and authorizes the CEO to consolidate schools in the county if considered practicable. Reporting requirements include the submission of a final report in 2017 as to whether the provisions of the Act should continue.

*State Aid for Public Education – Passed*

[HB 229](#) (Ch. 4) requires State education aid formulas that include a local wealth component to be calculated twice, once using a net taxable income (NTI) amount for each county based on tax returns filed by September 1 and once using a NTI amount based on tax returns filed by November 1 to account for late filers. Each local school system then receives the higher amount of State aid based on the two calculations. Currently, a county's property base is determined as of July 1 of the previous fiscal year, and NTI is computed from September 1 of the second preceding calendar year. The bill phases in the increased State aid over a five-year period, beginning in fiscal 2014.

*Collective Bargaining – Representation Fees – Passed*

Legislation passed this session provides that representation or service fees for nonmembers may be negotiated by organizations representing public school and higher education employees in the State. [SB 422/HB 667](#) (both passed) make it a statewide requirement that organizations representing either certificated or noncertificated public school employees may negotiate a reasonable fee to be charged to nonmembers of the organization.

Similarly, [SB 841/HB 863](#) (both passed) authorize negotiations between employee organizations and 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.

*Post-Labor Day Start Date – Passed*

[SB 963](#) (passed) establishes a Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools. The task force must study the impact of moving the start date of the public school year to after Labor Day on the economy and summer tourism, as well as on the education system, including the academic calendar, planning, administration, and facilities use.

*Higher Education – In-state Tuition – Veterans – Passed*

[HB 935](#) (passed) exempts honorably discharged veterans from the U.S. Armed Forces from paying out-of-state tuition at a public institution of higher education in the State if the individual resides in or is domiciled in the State.

*Higher Education – Credit for the Military*

[SB 153](#) (Ch. 24) requires the Maryland Higher Education Commission, in consultation with the public institutions of higher education in the State, to develop

and adopt guidelines on awarding academic credit for a student's military training, coursework, and education.

#### *School Safety – Passed*

School safety emerged as an important issue before the General Assembly this year. While the State had been previously concerned with reducing youth violence and improving school safety, the topic came into sharper focus after a December 2012 school shooting in Newtown, Connecticut.

[HB 453](#) (passed) creates the Maryland Center for School Safety as an independent unit of State government to be based at Bowie State University. The bill identifies 20 functions and duties of the center that provide a comprehensive, coordinated approach to school safety.

Also in response to school safety concerns, [SB 143/HB 983](#) (both passed) require local boards of education to evaluate the emergency management plan (EMP) in each public school by February 1, 2014. Each local board of education must also submit a report to the Maryland State Department of Education on the required evaluation by March 1, 2014. By July 1, 2014, MSDE must submit to the General Assembly a report on EMPs in State public schools.

#### *School Safety – Failed*

*Handguns – School Guardians.* [HB 395](#) (failed) would have authorized certain school leaders to designate an individual working within a school as a school guardian who may carry a handgun on school property if the person is otherwise qualified to be issued a handgun permit.

*Carrying Weapons on School Property.* [HB 397](#) (failed) would have created an exception to the prohibition against carrying a deadly weapon on public school property for a person who holds a handgun permit or who is certified to carry a concealed firearm under the federal Law Enforcement Officers Safety Act.

*Video Lottery Funds – School Safety.* [HB 138](#) and [SB 450](#) (both failed), two bills with similar aims, would have expanded the authorized use of video lottery and table game proceeds credited to the Education Trust Fund to include providing funds for security personnel and equipment and for mental health services at public elementary and secondary schools.

*Gun Facsimile – Reasonable School Discipline.* [SB 1058](#) (failed), the Reasonable School Discipline Act, generally would have prohibited the suspension or expulsion of a student who possesses a picture, image, or facsimile of a gun, any object that resembles a gun, or makes a hand shape or gesture resembling a gun at school.

#### *Other Education Legislation – Failed*

*Truancy Education Program.* [HB 657](#) (failed) would have required parents or guardians of chronically truant students to attend an education program about compulsory attendance laws and the effects of truancy, among other provisions.

*Dually Enrolled Students – Immigrants.* [HB 871](#) (failed) would have included certain undocumented immigrants as being eligible for in-state tuition rates as dually enrolled students. Dually enrolled students are those taking both high school and college courses. Currently, dually enrolled undocumented immigrants are required to pay out-of-state and out-of-county college tuition rates. The Dream Act, permitting some undocumented immigrants to pay in-state tuition, is restricted to specified Maryland high school *graduates*.

*Dually Enrolled Students – Community Colleges.* [HB 928](#) (failed) would have exempted a dually enrolled student from paying tuition to attend a community college if the student is eligible for free and reduced-price in high school meals and is enrolled part time at a community college.

*Task Force – Later Starting Time.* [HB 1462](#) (failed) would have created a task force to review the science on the sleep needs of adolescents, including effects of sleep deprivation on academic performance and benefits of sufficient sleep. Ultimately the task force would have been charged with making recommendations as to public schools starting the day no earlier than 8:00 a.m.

*Prohibition – Implementation of Education Evaluation System.* [SB 775](#) (failed) would have prohibited the State Board of Education from requiring the model performance evaluation criteria (the Educator Evaluation System) from taking effect in a local jurisdiction unless the statewide assessments used in the criteria are aligned with the Common Core Standards and the State curriculum.

*Personal Electronic Account – Privacy Protection.* [SB 838](#) (failed) would have prohibited an educational institution from taking action that causes a student or a prospective student to allow access to or observation of the student's personal electronic account.

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## ELECTIONS AND ETHICS

#### *Campaign Finance Law Reform Act – Passed*

With conference committee amendments adopted, the General Assembly agreed to send the Governor [HB 1499](#) (passed). The legislation reflects many of the recommendations of the legislature's 2011 Commission

to Study Campaign Finance Law. Changes to current law under the passed legislation relate to campaign contribution limits, contributions by business entities, legislative party caucus committees, administrative accounts, slates, independent expenditures and electioneering communications, campaign finance enforcement, disclosure of contributions by persons doing public business, local public campaign financing, and other issues.

Among its extensive provisions, [HB 1499](#) increases the limits on the amount of contributions a person may make in an election cycle. The limit on aggregate contributions to a single campaign finance entity increases from \$4,000 to \$6,000 beginning in 2019. The limit on aggregate contributions to all campaign finance entities increases from \$10,000 to \$24,000.

Another provision alters the treatment of contributions by business entities under common ownership or control. Contributions made by two or more business entities are considered to be made by a single contributor if one business entity is a wholly owned subsidiary of another; or the business entities are owned or controlled by at least 80% of the same individuals or business entities. Business entities are defined as sole proprietorships, general or limited partnerships, limited liability companies (LLCs), and real estate investment trusts, as well as corporations.

The legislation also authorizes each political party to establish one legislative party caucus committee for each house of the General Assembly with regulations governing the establishment, structure, and operation of these committees adopted by the State Board of Elections (SBE).

Additionally, there is authorization for a county to establish a system of voluntary public campaign financing for elective offices in the executive or legislative branches of county government. The bill also alters the deadline for filing a certificate of candidacy in gubernatorial election years from the Wednesday following the second Tuesday in April to the last Tuesday in February. The provision is effective for the 2014 gubernatorial election.

#### *Improving Access to Voting – Passed*

Successful Administration legislation improving access to voting ([SB 279/HB 224](#), both passed), will increase State and local government expenditures. Provisions relate to:

- *Early Voting.* The number of early voting centers increases from five to eight in Montgomery, Prince George's, and Baltimore Counties, and from one to three in Frederick County. Each county may also

establish one more center if the State and local Boards of Elections and the governing body of the county agree. There will be an eight-day early voting period, two days longer than in 2010 and 2012, with extended hours of operation for 2014 and future elections.

- *Voter Registration During Early Voting.* Beginning in 2016, an individual will be allowed to register to vote, or change the voter's address on an existing registration, and subsequently vote during early voting, at an early voting center in the individual's county of residence. The individual must provide a Maryland driver's license or identification card or a copy of an official document that meets the requirements established by SBE.
- *Absentee Ballots Over the Internet.* A voter is authorized to request an absentee ballot by completing and submitting an accessible online absentee ballot application, which must include the applicant's Maryland driver's license or identification card number, the last four digits of the applicant's Social Security number, and other information identified by SBE that is not generally available to the public but is readily available to the applicant.
- *Online Ballot Marking Tool.* A voter may electronically mark an absentee ballot online using an online ballot marking tool. The voter may print a paper copy of the marked ballot for mailing to a local board or, if the ballot is sent by the Internet or by fax, the local board must provide the voter with an envelope template, the oath prescribed by SBE, and instructions for making and returning the absentee ballot. SBE developed an online ballot marking tool in 2012 for the use of military and overseas voters voting absentee during the 2012 general election.
- *Online Voter Registration System.* The required information that must be provided when registering to vote or making a change to the individual's registration using the online voter registration system must include a Maryland driver's license or identification card number, the last four digits of the applicant's Social Security number, and other information identified by the SBE that is not generally available to the public but is readily available to the applicant. Additional information may be required from a voter who wishes to change the individual's name, address, or party affiliation using the online voter registration system.

- *Studies and Reports.* SBE must study and report to the General Assembly on various issues, including extending the early voting period to the Sunday before election day, the security of the online ballot marking system, ways to reduce waiting times at polling places, and the accessibility and usability of the online ballot marking tool by voters with disabilities.
- *Fines.* The maximum fine for criminal offenses related to voting increases from \$2,500 to \$5,000.

#### *Polling Places – Electioneering – Passed*

**SB 542/HB 730** (both passed) add provisions to current law related to requirements for electioneering on the premises of public buildings used for polling places and prohibits polling places from being located in privately owned buildings unless the requirements for electioneering meet the same standards as those required for public buildings.

#### *Failed Bills*

*Violations of Election Law.* **HB 220** (failed) would have given the Attorney General the authority to institute an action in circuit court for injunctive relief to prohibit a person from committing an imminent violation or continuing to commit a violation of provisions of law that prohibit voting-related offenses. Injunctive relief would have only been granted in order to prevent a violation from affecting a pending election. Similar legislation was introduced in the past three sessions.

*Petitions – Prohibited Actions.* **HB 221** (failed) would have prohibited a person from willfully and knowingly preventing, hindering, or delaying another person who has a lawful right to sign a petition from signing a petition through the use of fraud, duress, or force.

*Access to Voting.* **SB 518/HB 17, SB 519/HB 242** (all failed), related to registration, early voting, or election day voting. Other companion bills related to early voting centers established by legislative districts (**SB 497/HB 481**, both failed).

*Petitions – Referenda.* **SB 706, SB 367/HB 729, SB 673/HB 493** (all failed) related to various aspects of Maryland's referendum process.

*Use of Campaign Funds.* **HB 447** (failed) would have allowed candidates or elected officials to use campaign funds for meeting and conference expenses under specified conditions.

*Military Absentee Ballots.* **HB 427** (failed) would have addressed the timely return of absentee ballots by military voters.

*Registration – Lobbying.* **HB 1193** (failed) would have repealed exemptions from registration and regulation under the Maryland Public Ethics Law for an officer, director, member, or employee of an association engaged exclusively in representing counties or municipal corporations.

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

#### *Water Pollution – Passed*

**SB 748/HB 561** (passed) 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.

**SB 1029** (passed) establishes a voluntary Maryland Agricultural Certainty Program to certify agricultural operations that meet State agricultural nitrogen, phosphorus, and sediment reduction goals. To be developed by Maryland Department of Agriculture (MDA) in coordination with the Maryland Department of Environment (MDE), the program must be self-sustaining and revenue neutral. The certification is valid for 10 years, but includes annual reporting requirements and requires on-site inspections at least once every three years. An oversight committee must meet at least once a year to evaluate the program.

**SB 575** (passed), as amended, requires MDE to report to the House Environmental Matters Committee and the Senate Education, Health and Environmental Affairs Committee by January 15 each year on the status of the Maryland Clean Water Fund, including a detailed description of all revenues and expenditures of the fund for the previous year.

#### *Pesticide Reporting – Passed*

**SB 675/HB 775** (both passed) establish 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.

#### *Stormwater Fees – Failed*

**HB 508** (failed), as amended, would have postponed assessment or collection of local stormwater remediation fees not adopted before January 1, 2013, until July 1, 2015, and created a workgroup to study current

stormwater management and remediation actions for State and local property.

*Spay/Neuter Fund – Passed*

**SB 820/HB 767** (both passed) establishes a fee on dog and cat commercial feed registered in the State and creates a Spay/Neuter Fund in the Maryland Department of Agriculture to reduce animal shelter overpopulation and cat and dog euthanasia rates by financing grants for programs that facilitate and promote spay and neuter services. The bill also contains reporting requirements and terminates September 30, 2022.

*Shark Fins – Passed*

With the passage of **SB 592/HB 1148** (both passed), possession, sale, or distribution of shark fin is prohibited 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 the shark fin 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).

*Commercial Fishing Licenses – Passed*

**SB 662/HB 1253** (both passed) modify fees and other terms of existing annual commercial fishing licenses and establish new annual commercial fishing authorizations, registrations, and associated fees, among other provisions.

*Hunting Licenses – Failed*

To promote Maryland as a destination for hunting and fishing, **SB 619** (failed) would have increased the Department of Natural Resources' (DNR) State Wildlife Management and Protection Fund by increasing hunting license fees and redirecting specific hunting violation fine revenue to the fund. DNR would have been required to adopt regulations establishing fees for Wildlife Management Area users, except licensed hunters.

*Department of Natural Resources Police – Failed*

**SB 208/HB 215** (both failed) would have resulted in a phased-in increase in the number of DNR police officers to achieve specific staffing levels.

*Bag Tax – Failed*

**SB 576/HB 1086** (failed) would have required stores in eligible counties to charge and collect a fee of 5 cents per disposable carryout bag provided to a customer.

## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

*Consumer Protection – Passed*

Consumer protection legislation met with varying degrees of success during this year's session. **HB 1215** (passed), concerning home appliances and warranty enforcement, was successful. The House concurred in Senate amendments that struck the majority of the initial proposal and created a study, to be completed by the Consumer Protection Division of the Office of the Maryland Attorney General. The study is to:

- analyze complaints received by the Consumer Protection Division relating to home appliances;
- evaluate whether existing requirements and remedies under State and federal law provide adequate protection to purchasers of home appliances who seek enforcement of manufacturers' express warranties on home appliances; and
- determine what, if any, changes to State law are needed to protect consumers who purchase home appliances that do not conform to the manufacturers' express warranties.

On or before December 31, 2013, the Consumer Protection Division is to report its findings and recommendations, including draft legislation, if any, to committees in the General Assembly.

*Consumer Protection – Failed*

**SB 220/HB 117** (both failed) would have required a television service provider to install or repair a subscriber's service within a three-hour period if the subscriber's presence is required, among other provisions.

**HB 1218** (failed) would have prohibited a merchant that accepts payment by credit card from imposing a surcharge on a buyer who elects to pay by credit card instead of by cash, check, or similar means. The bill would not have prohibited a merchant from offering a discount for the purpose of inducing payment by cash, check, or similar means not involving the use of a credit card if the discount was offered to all prospective buyers.

*Self-Storage Facilities – Passed*

**SB 634/HB 1127** (both passed), relating to self-storage facilities, were amended and passed by both chambers. As amended, the bills authorize, if an occupant is in default for more than 60 days, an operator of a self-service storage facility to tow or remove the occupant's motor vehicle or watercraft in lieu of a sale to enforce a

lien. The bills require an operator to include a statement, in bold type, of this authorization in the rental agreement for the leased space. The operator is immune from civil liability for any damage to a motor vehicle or watercraft that occurs after the person that undertakes the towing or removal takes possession of the personal property.

The bill authorizes the operator to charge a reasonable late fee for each month the occupant does not pay rent when due. The bills also alter specified notice, disclosure, and recordkeeping requirements.

#### *Emergency Management – Price Gouging – Failed*

**SB 185/HB 332** (both failed), would have prohibited 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. The bills would have prohibited a person from selling or offering to sell essential goods and services for a price greater than 15% above the highest sales or rental price charged by the person between 4 and 60 days before the state of emergency, among other requirements. The prohibition would have lasted for the duration of the state of emergency and would have covered the geographic area of the state of emergency.

The measures were attempting to deal with the practice of “price gouging” during a state of emergency. In calendar 2012 the Governor declared a state of emergency on two occasions: in June during a “derecho,” a type of sudden, violent storm; and in October during hurricane Sandy. Similar measures have been introduced in previous sessions, also without success.

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## **FISCAL MATTERS**

### *State Operating Budget Bill*

The General Assembly passed the \$36.9 billion Budget Bill (**HB 100**). As enacted, the Budget Bill increases State spending by 2.3%, excluding federal funds and appropriations to the Rainy Day Fund, leaving an estimated fiscal year 2014 general fund balance of \$295.9 million. The structural deficit is reduced by \$211 million, exceeding the Spending Affordability Committee recommended reduction of \$200 million, and the Governor’s appropriation is reduced by \$561.8 million. The Budget Bill becomes effective on passage by the General Assembly. The Governor does not sign nor may he veto the Budget Bill.

Some of the highlights of the Budget Bill include:

- Public elementary and secondary education receives \$6.1 billion in distributions to local school systems, an increase of \$112.2 million, or 2.2%;
- Public higher education receives \$1.3 billion, an increase of \$89.5 million, or 7.4%, permitting State colleges and universities to limit tuition increases to 3%. Community colleges receive \$287.2 million plus \$3 million in a deficiency appropriation;
- Medicaid receives \$7.1 billion in all funds, an increase of \$243.1 million, or 3.5%;
- Community mental health services receive \$119.4 million for fiscal 2014, plus an additional \$743 million for community services for Medicaid recipients;
- Developmental disability community services receive \$901 million for fiscal 2014;
- The Health Benefit Exchange system is allocated \$108.5 million in State and federal funds, including \$23.6 million in a deficiency appropriation for fiscal 2013;
- The Maryland Stem Cell Research Fund is allocated \$10.4 million;
- The Chesapeake Bay 2010 Trust Fund is allocated \$31.5 million, plus \$2.8 million in a deficiency appropriation for fiscal 2013; and
- State employees receive a 3% cost-of-living-adjustment effective January 1, 2014, and those who are eligible receive a merit increase effective April 1, 2014.

### *Capital Budget*

The General Assembly passed **HB 101** (passed), the Maryland Consolidated Capital Bond Loan of 2013, which authorizes \$1.1 billion in general obligation bonds. Bond authorizations include:

- Public school construction is authorized \$300 million and an additional \$8.1 million for the Aging Schools Program. There is an additional \$25 million in general funds for grants to local school systems for school safety and security improvements. The Qualified Zone Academy Bond Program is authorized \$4.5 million in **HB 115** (passed);
- Nonpublic Schools Aging Schools Program receives \$3.5 million;
- State universities and colleges are authorized \$253.4 million, including \$50.5 million for Morgan State University for a new School of Business Complex, \$22.7 million for a new Engineering and Aviation

Science Building at the University of Maryland, Eastern Shore, \$9.8 million for a new Center for Communications and information Technology at Frostburg State University, and \$44.4 million for a new Science and Technology Center at Coppin State University. Community colleges receive \$52 million through the Community College Construction Grant Program. Another \$32 million for University System of Maryland institutions is authorized through [HB 616](#) (Ch. 123) in Academic Facilities Bonds;

- Program Open Space is authorized \$32.9 million. There is \$22.8 million in State special funds in the Budget Bill, and \$4.5 million in federal funds in the Budget Bill, while the Rural Legacy Program is authorized \$8.1 million, plus \$5.4 million in special funds in the Budget Bill, and the Community Parks and Playgrounds Program is authorized \$2.5 million. The Maryland Agricultural Land Preservation Program receives \$34.3 million, including \$10.2 million in general obligation bonds and \$24.1 million in special funds in the Budget Bill;
- The Oyster Restoration Program is authorized \$10 million;
- The Chesapeake Bay 2010 Trust Fund is authorized \$36.6 million;
- The Partnership Rental Housing Program is authorized \$6 million, while the Shelter and Transitional Housing Facilities Grant Program is authorized \$1.5 million;
- The Community Health Facilities Grant Program, which provides grants for community mental health, developmental disability and substance abuse treatment facilities, is authorized \$5.3 million;
- The Prince George's Hospital System is authorized \$30 million;
- The University of Maryland Medical System is authorized \$15.2 million, including \$10 million for the new Ambulatory Care Unit and NICU and Labor and Delivery Units;
- The Statewide Public Safety Communications System is authorized \$22.3 million; and
- The Intercounty Connector is authorized \$21.5 million.

#### *Prior Bond Bill Authorizations – Passed*

[HB 1372](#) (passed) amends prior authorization bond bills and capital projects by extending matching fund deadlines, removing or lowering matching fund requirements, extending deadlines for expending or

encumbering funds, modifying fiscal year or removing certification requirements, renaming grant recipients, altering project locations, or altering the purposes for which funds may be used. In some cases altering the purpose of grant funds merely adds greater specification for how the funds may be used; in other cases grant funds may be reassigned to an entirely different project. The bill also makes technical changes for several items included in the 2012 capital budget. The bill takes effect June 1, 2013.

#### *Budget Reconciliation Financing Act (BRFA) – Passed*

The General Assembly passed [HB 102](#) (passed), the BRFA, which reallocates revenue, transfers money from a special fund to the general fund, and changes other laws to reduce expenditures to balance the budget. Among the changes made by BRFA are:

- requiring that if the racing special fund has insufficient funds to make the full grants to certain racing and rural development assistance funds, then the amounts allocated are reduced;
- repealing the requirement that the State pay the Local Income Tax Reserve Account \$50 million each year in fiscal years 2014 through 2020;
- authorizing \$15.4 million in transportation grants to municipalities by June 30, 2013;
- authorizing the transfer of \$89.2 million in transfer tax revenue to the general fund by June 30, 2014;
- stating that the \$7.50 surcharge for moving violations is a mandatory fine surcharge and not a court cost which may be waived;
- clarifying that the authority of the State Lottery and Gaming Control Commission to license and regulate locally authorized electronic gaming;
- authorizing a grant to a county board of education during fiscal 2014 equal to 25% of a decrease in direct State aid if the decrease from fiscal 2013 to fiscal 2014 is more than 1%;
- establishing a \$400 income tax credit for the expense of registering certain tractor-trailers titled and registered in the State, contingent on the taking effect of toll increases;
- clarifying that the calculation of the Medicaid hospital assessment is to require assessments, remittances, or general fund savings up to \$389.8 million, effective in fiscal 2015 and each fiscal year thereafter; and
- modifying the disparity grants formula, increasing from 2.4% to 2.6% the local income tax rate

required to be eligible for the grant and adding a minimum grant amount based on the local income tax rate.

#### *Tax Credits – Passed*

*Film Production Activity.* [SB 183](#) (Ch. 28), an emergency bill, increases from \$7.5 million to \$25 million the total amount of tax credits the Department of Business and Economic Development (DBED) may award in fiscal 2014 to qualified film production entities. The termination date of the credit is extended by two years to July 1, 2016.

*Research and Development.* [HB 386](#) (Ch. 109) reduces the tax credit increase from \$12 million to \$2 million and applies the tax credits to all research and development tax credits certified after December 15, 2012.

*Cybersecurity Investment Incentive.* [HB 803](#) (passed) creates an income tax credit for qualified investments in Maryland cybersecurity companies. The credit is equal to 33% of a qualified investment, not to exceed \$250,000. The Governor must include in the Budget Bill an appropriation of at least \$2 million to the Maryland Cybersecurity Investment Tax Credit Reserve Fund. The amount of credits that DBED may award each year must not exceed the amount of money appropriated to the reserve fund. The bill takes effect July 1, 2013, and applies to tax years 2014 through 2018. The bill terminates June 30, 2019.

*Oyster Shell Recycling.* [SB 484/HB 184](#) (both passed) create a nonrefundable tax credit against the State income tax equal to \$1 for each bushel of oyster shells recycled during the taxable year, not to exceed \$750 per tax return. The bills apply to tax years 2013 through 2017, and sunsets on June 30, 2018.

#### *Gas Tax – Passed*

[HB 1515](#) (passed), the Transportation Infrastructure Investment Act of 2013, increases the motor fuel tax rate each year on July 1 by the rate of inflation rounded to the nearest one-tenth of one cent using the Consumer Price Index for All Urban Consumers (CPI-U). Any increase may not exceed 8% of the motor fuel tax rate effective in the previous year.

The Act also imposes on motor fuel a sales and use tax equivalent rate of 1% on July 1, 2013, 2% on January 1, 2015, and 3% on July 1, 2015. If Congress does not pass legislation authorizing the State to collect sales tax on remote sales by December 1, 2015, then the sales and use tax equivalent rate is increased to 4% on January 1, 2016, and 5% on July 1, 2016. If Congress does pass legislation authorizing the State to collect sales tax on

remote sales by December 1, 2015, then there will be no increase in the sales and use tax equivalent rate beyond 3%, and the Comptroller is to pay into the Transportation Trust Fund (TTF) 4% of the sales and use tax revenue, after making certain other distributions.

Additionally, the Maryland Transit Administration (MTA), beginning in fiscal 2015, is required to increase fares for bus, light rail, and Metro subway service in the Baltimore area every two years based on increases in the CPI-U for the period January 1, 2012, to December 13, 2013, rounded to the nearest 10 cents. The Administration may not increase fares for these services by more than the increase in the Consumer Price Index. The bill requires the MTA to increase one-way zone fares and multiuse passes for commuter rail and commuter bus service every five years with the fare increases rounded to the nearest dollar and are to be based on increases in the CPI-U as determined from January 1, 2009, to December 31, 2013, and each subsequent five-year period.

Further provisions require that no part of the TTF may be credited to the general fund or a special fund unless approved by the General Assembly by legislation enacted into law and which was passed by a three-fifths vote of the full standing committee in each House to which the bill was assigned. Funds may be transferred if needed for defense or relief purposes only if the State has been invaded or there is a major catastrophe after a declaration by the Governor. Any funds transferred or diverted shall be repaid within five years, although this repayment provision does not apply to a distribution of highway user revenues to counties, municipalities, and Baltimore City.

#### *TTF – Financing – Use of Funds – Passed*

[SB 829](#) (passed), a proposed amendment to the Maryland Constitution that must be ratified by Maryland voters at the next general election in 2014, establishes the TTF in the constitution and provides that its funds may only be used for paying the principal and interest of transportation bonds, for the construction and maintenance of an adequate highway system in the State, or for any other purpose related to transportation. The funds may be used for highway user revenues for the counties, municipalities, or Baltimore City authorized in the Transportation Article of State law, or they may be transferred to the Maryland Transportation Authority (MDTA) or to its fund. TTF funds may not be transferred to the State's general fund or any special fund or used for any non-transportation purpose, unless the Governor declares a fiscal emergency exists by executive order, and the General Assembly concurs with the use or transfer of the funds by legislation passed on a

yea and nay vote supported by three-fifths of all the members in both the Senate and the House.

*Baltimore City Schools Construction and Revitalization – Passed*

**HB 860** (passed) creates a partnership between the State, Baltimore City, and Baltimore City Public Schools. The State, Baltimore City, and the Baltimore City Public Schools each provide \$20 million annually, for a total of \$60 million that will be leveraged by the Maryland Stadium Authority to modernize the Baltimore City Public Schools and revitalize Baltimore City. The State's share comes from the State lottery revenue beginning in fiscal 2015, while the city's share comes from beverage container and gaming revenue.

The Maryland Stadium Authority is authorized to issue up to \$1.1 billion in bonds to finance construction and capital improvement projects for Baltimore City public school facilities with the approval of the Board of Public Works (BPW). BPW must approve each bond issuance and the Baltimore City School system must submit a long-term master plan for educational facilities before the issuance of the bonds. The bonds are an obligation of the Maryland Stadium Authority payable solely by the pledged funds and are not backed by the full faith and credit of the State, the Maryland Stadium Authority, or any other governmental unit.

*Public-Private Partnerships (P3s) – Passed*

**HB 560** (Ch. 5) establishes a State policy on the use of P3s and expressly authorizes specified State agencies to enter into P3s. The law establishes a process and associated reporting requirements for State oversight of P3s and institutes a process for both solicited and unsolicited P3 proposals that must be followed before the BPW may approve a P3 agreement.

A P3 is defined as a method for delivering public infrastructure assets using a long-term, performance-based agreement between specified State reporting agencies and a private entity where appropriate risks and benefits can be allocated in a cost-effective manner between the contract partners, in which a private entity performs functions normally undertaken by the government, but the reporting agency remains ultimately accountable for the public infrastructure asset and its public function; and the State may retain ownership of the public infrastructure asset and the private entity may be given additional decision making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle. A public infrastructure asset is a capital facility or structure, including systems and equipment related to the facility or structure intended for public use.

The law requires all existing P3s and any P3s expected to be solicited to be listed as appropriate in the annual capital budget or the consolidated transportation program and prohibits BPW from approving a P3 that results in the State exceeding its debt affordability guidelines. The law takes effect on July 1, 2013, and applies to P3s established on or after that date, but does not apply to any existing P3.

*Vessel Excise Tax – Waterway Improvement Fund – Passed*

**SB 90** (passed), as amended, establishes the vessel excise tax at 5%, or a maximum of \$15,000 for any vessel for fiscal 2014 through 2016, allocates to the Waterway Improvement Fund 0.5% of motor fuel tax revenue on the first 18.5 cents of the gas tax, after making other allocations, and establishes the Task Force to Study Enhancing Boating and the Boating Industry in Maryland.

*Hotel Rental Tax Exemption – Passed*

**SB 631** (passed) provides an exemption from county hotel rental taxes for the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that is operated solely in support of the headquarters, a training, conference, or awards facility or the campus of a corporation or other organization; provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and does not offer lodging services to the general public. The bill takes effect June 1, 2013.

*County Property Tax – Personal Property Rate – Passed*

**SB 573** (passed) decouples the personal property tax rate from the real property tax rate by authorizing county governments to set a personal property tax rate no more than 2.5 times the county real property tax rate. Under current law, the county personal property tax rate is set at 2.5 times the county real property tax rate. The bill applies to taxable years beginning after June 30, 2013.

*State Retirement and Pension System – Funding Method – Passed*

**SB 474/HB 496** (both passed) modify the funding model for the State Retirement and Pension System (SRPS). 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 – Passed*

**SB 47/HB 191** (both passed) 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 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 the requirements and procedures for implementation. The bills do not apply to emergency safety equipment, such as fire alarms, security systems, and selected information technology products.

*Tobacco Tax – Exemptions – Passed*

**SB 69** (passed) increases the amount of cigarettes and other tobacco products that a consumer may bring into the State without being required to pay the tobacco tax.

*Fiscal Matters Legislation – Failed*

*Tax-free Periods – Textbooks.* **SB 704/HB 52, HB 58** (all failed) would have exempted college textbooks from the sales and use tax. **SB 138** (failed) would have created a tax credit against the State income tax for qualified commercial real estate investment expenses incurred within a priority funding area. **HB 11** would have repealed the Maryland coal-mined tax credit. The provision in **HB 102**, the BRFA, repealing the credit, was also removed from that bill.

*Military Retirement Income.* **SB 103** (failed) would have expanded 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. **HB 691** (failed) would have repealed the existing State individual income tax rates and brackets and imposing a flat State income tax rate of 4.75% on all Maryland taxable income.

*Job Creation Tax Credit.* **SB 615** (failed) would have created a job creation incentive tax credit. **HB 1231** (failed) would have required any recipient corporation that receives a State subsidy of at least \$50,000 in public funds to file a financial disclosure report. **SB 700/HB 683** (both failed) would have increased taxes on tobacco products.

*Miscellaneous.* **SB 830, SB 652, SB 653, SB 1013, and HB 771** (all failed) would have adjusted the method of financing mass transit. **SB 34/HB 261 and SB 411** (all failed) would have reduced the corporate income tax rate. **HB 176, SB 643/HB 524, HB 253, and HB 1046** (all failed) would have restricted the transfer of funds from the TTF.

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

*Video Lottery Terminals at BWI – Failed*

**HB 446** (failed) would have authorized a video lottery operation license to be awarded for a maximum of 2,500 video lottery terminals in enclosed areas at the terminal building within the security perimeter of Baltimore-Washington International Thurgood Marshall Airport (BWI). Legislation on this subject matter has also been considered in previous sessions.

*State Lottery Tickets – Failed*

**SB 272** (failed) would have prohibited the State Lottery and Gaming Control Agency from allowing a person to purchase a State lottery ticket through an electronic device that connects to the Internet, such as a personal computer or mobile device. Currently, there are no such statutory or regulatory restrictions.

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## **HEALTH CARE AND HEALTH INSURANCE**

*Food Allergy, Food Safety, and Food Service – Passed*

**SB 390/HB 9** (both passed), which establish a Task Force to Study Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading, passed. The Department of Health and Mental Hygiene (DHMH) will staff the task force, which must report findings and recommendations to the Governor and committees of the General Assembly by January 1, 2014. In addition, the bill requires a food establishment to, by March 1, 2014, display a poster related to food allergies, which DHMH must create and make available on its website.

*Medical Marijuana – Caregiver Defense – Passed*

**SB 580/HB 180** (Chs. 61 and 62) 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 law specifies that 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.

*Medical Marijuana – Academic Centers – Passed*

**HB 1101** (passed) allows for the trial use of marijuana for medical purposes. The bill establishes, as an independent commission within DHMH, the Natalie M. LaPrade Medical Marijuana Commission. The commission is to develop requests for applications for academic medical centers to operate programs in the

State; approve or deny initial and renewal program applications; and monitor and oversee programs approved for operation.

The commission must annually issue a request for applications for academic medical centers to operate medical marijuana compassionate use programs. An academic medical center is a hospital that operates a medical residency program for physicians and conducts research that is overseen by the U.S. Department of Health and Human Services and involves human subjects.

The law also establishes the Natalie M. LaPrade Medical Marijuana Commission Fund as a special, nonlapsing fund, administered by the commission.

The commission must, during fiscal 2014, develop specified policies, procedures, regulations, and guidelines for implementation of the law. By December 1, 2013, the commission must report to the Governor and the General Assembly on sources of funding for, and suggested fees to support, the implementation of the law beginning July 1, 2014.

#### *Medical Marijuana – Failed*

Other measures that did not pass include [HB 1100](#) (failed), which was withdrawn by its sponsor earlier this session. The bill would have established an independent Medical Marijuana Oversight Commission to register and regulate academic medical centers as well, however, the bill would have also certified physicians, growers, dispensing centers, and dispensing pharmacies. The bill would also have registered qualifying patients and their primary caregivers. Additionally, [HB 302](#) (failed), would have authorized the medical use of marijuana under specified conditions, would have created a Medical Marijuana Advisory Board, and would have provided a structure for compassion centers.

#### *Wellness Program – Passed*

The legislature gave final approval to [SB 224/HB 391](#) (both passed), which require the Secretary of the Department of Budget and Management (DBM) 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 (SHIP); and aim to achieve savings in the State plan over time that exceed the costs of the wellness program.

The Secretary of DBM must report to the Governor and specified committees of the General Assembly on implementation of the legislation within 60 days after

DBM releases the request for proposals for administration of the State plan and by February 1, 2016.

#### *Alzheimer's and Related Disorders Council – Passed*

[SB 679/HB 690](#) (both passed), establish the Virginia I. Jones Alzheimer's Disease and Related Disorders Council to develop and monitor a State plan to address the disease. DHMH is required, with the assistance of the Maryland Department of Aging, to staff the council and may request staffing assistance from interested public health entities.

#### *Bills Related to the Patient Protection and Affordable Care Act – Passed*

Several successful proposals address requirements in the federal Patient Protection and Affordable Care Act (ACA).

[HB 228](#) (passed), The Maryland Health Progress Act of 2013, modifies State law to further implement federal health care reform under the ACA. The bill expands Medicaid eligibility, establishes a dedicated funding stream for the Maryland Health Benefit Exchange (MHBE) from the insurance premium tax on health insurers, provides for the transition of Maryland Health Insurance Plan enrollees into MHBE, establishes a State Reinsurance Program, establishes continuity-of-care requirements, and makes clarifying and administrative changes. The bill takes effect June 1, 2013, with some exceptions. The Medicaid provisions and the exemption for carriers that only offer student health plans from the requirement to offer health benefit plans in the exchange take effect January 1, 2014. The continuity-of-care requirements take effect January 1, 2015.

[HB 361](#) (passed) alters State insurance law to implement and conform to the ACA and corresponding federal regulations adopted by the federal Centers for Medicare and Medicaid Services. The State's insurance law is changed by the expansion of the insurance commissioner's authority to enforce specific requirements of the ACA, such as annual limits on cost sharing and minimum benefit requirements for catastrophic plans. Additionally, the bill clarifies which current laws will apply only to health benefits plans that are either grandfathered plans or plans issued before January 1, 2014. The legislation also adds open and special enrollment periods for the individual and small employer markets.

The House concurred in Senate amendments that repeal requirements on carriers that offer coverage under an out-of-state association contract that will be obsolete beginning in January 2014, alter the open enrollment period for the small group market from 60 days to 30 days in accordance with new federal regulations, and

repeal provisions of law that authorize carriers to terminate coverage in an association plan if membership in the association ends.

#### *Mental Health – Passed*

Legislative proposals concerning mental health focused on satisfying federal requirements found in the federal Mental Health Parity and Addiction Equity Act (MHPAEA), as well as on strengthening existing State laws.

[SB 581/HB 1216](#) (both passed) require insurers, nonprofit health service plans, and health maintenance organizations (collectively known as carriers) that offer a health insurance policy or contract to provide specified information about mental health and substance use benefits for members and insureds. Carriers must also post a release of information authorization form on their website and provide the form by standard mail within 10 business days after a request for the form is received. Uncodified language requires the Maryland Insurance Administration (MIA) to provide on its website notice that:

- complaints regarding noncompliance with MHPAEA may be filed with the Insurance Commissioner;
- an insured may obtain assistance in filing a complaint with a carrier or MIA from the Health Education and Advocacy Unit in the Office of the Attorney General;
- an insured may obtain a copy of his or her health insurance policy or contract and should contact the carrier for the copy; and
- an insured may request a referral to a specialist or nonphysician specialist who is not part of the carrier's provider panel under specified circumstances.

[SB 582/HB 1252](#) (both passed) require health insurance entities that provide for utilization review of health care services to ensure that the criteria and standards to be used in conducting utilization review for mental health and substance use benefits are in compliance with the MHPAEA.

#### *Mental Health – Failed*

Other measures dealing with creating new laws or strengthening existing State laws on mental health were unsuccessful:

- The Mental Health and Substance Use Disorder Safety Net Act of 2013 ([SB 822/HB 1245](#), both failed) would have required specified State agencies

to establish and implement programs and services to eliminate gaps in the State's mental health, substance use disorder, and behavioral health safety net.

- [SB 1040/HB 1258](#) (both failed) would have specified standards for involuntary admissions of individuals with mental disorders to a specified facility or Veterans' Administration hospital, emergency evaluations of individuals with mental disorders, and clinical review panel approval. In addition, the bills would have established the Task Force on the Delivery of Services to Individuals with Mental Illness.
- [SB 585/HB 1001](#) (both failed) would have required health maintenance organizations, insurers, and nonprofit health service plans (collectively known as carriers) that offer a specified health insurance policy, contract, or certificate that is subject to the federal MHPAEA to submit a report to the Insurance Commissioner outlining how each policy, contract, or certificate complies with MHPAEA and applicable State mental health and addiction parity laws.

#### *Cosmetic Surgical Facilities – Passed*

During the week of September 17, 2012, DHMH began investigating a cluster of three severe invasive Group A Streptococcus infections in individuals who recently had liposuction at a cosmetic surgery center. All three patients were hospitalized; one subsequently died. An investigation revealed that the facility lacked effective infection control procedures and, as a result, DHMH and Baltimore County ordered the facility closed on September 18, 2012. The outbreak raised questions about the adequacy of oversight of cosmetic surgery procedures.

The legislature passed [HB 1009](#) (passed), which authorizes the Secretary of DHMH to adopt regulations to regulate cosmetic surgical facilities and investigate complaints concerning the conformance of cosmetic surgical facilities to the regulations. If the complaint concerns health care practitioner performance or standards of medical practice, the complaint must be referred to the appropriate health occupations board.

#### *Automated External Defibrillators (AEDs) – Passed*

[HB 364](#) (Ch. 107), known as Connor's Law, requires counties and municipalities that own or operate swimming pools to develop and implement an AED program. DHMH and the Maryland Institute for Emergency Medical Services Systems must jointly adopt regulations that establish guidelines for periodic inspections and annual maintenance of AEDs and assist

counties and municipalities in carrying out the bill's provisions. The required AED program must include provisions ensuring that an AED is provided on-site and an individual trained in the operation and use of an AED is present at each swimming pool.

*Cancer Clusters and Environmental Causes of Cancer – Passed*

**SB 380/HB 1343** (both passed) require DHMH, in consultation with MDE, to convene a workgroup to examine issues relating to the investigation of potential cancer clusters in the State and potential environmental causes of cancer. DHMH must report to the Governor and the General Assembly on the workgroup's findings by June 30, 2014.

*Health Care Staff Agencies – Regulation – Passed*

**SB 1057** (passed) expands current regulatory requirements that apply to a nursing staff agency to apply more broadly to any health care staff agency, which must be licensed by the Office of Health Care Quality before referring a health care practitioner to a hospital or related institution in the State. A health care staff agency may be designated for licensure by obtaining accreditation from an approved accreditation organization under the same circumstances as is currently granted to a health care facility. The effective date of the bill is October 1, 2013.

*Certified Professional Midwives – Failed*

**HB 1202** (failed) would have authorized an individual to practice as a certified professional midwife (CPM) in the State if the individual met specified requirements. An individual would have had to be certified as a CPM before practicing midwifery in the State, with specified exceptions. Currently, the State allows for direct-entry midwives and nurse-midwives in this profession. The bill would have created a new classification for these practitioners.

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## **REAL PROPERTY, ESTATES, AND TRUSTS**

*Estates and Trusts – Passed*

Both known as the Slayer's Statute and the Ann Sue Metz Law, **SB 489/HB 1211** (both passed) disqualify a person who feloniously and intentionally kills, conspires to kill, or procures the killing of a decedent from benefitting from the death of the decedent. The bills apply only prospectively, to the estate or property of a person who dies on or after the bill's effective date of October 1, 2013.

*Maryland Home Improvement Commission (MHIC) – Passed*

**SB 66** (passed) is a departmental bill that increases the membership of MHIC from seven to nine (by adding one consumer member and one industry or consumer member). The bill also changes the number of members needed for a quorum or for MHIC to take action to reflect the number of members currently serving, rather than the authorized membership. The frequency with which MHIC must meet is decreased from at least once per month to at least once every two months.

MHIC must report annually by December 1 to specified committees of the General Assembly the attendance at each commission meeting, the number of guaranty fund claims closed at each meeting, and how many guaranty fund claims remain open at the end of each meeting.

*Residential Property – Nonjudicial Evictions – Passed*

**SB 642/HB 1308** (both passed) prohibit 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, engaging in willful diminution of services to the protected resident, or taking 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. The bills authorize a party claiming the right of possession of residential property to use nonjudicial self-help to take possession of the property if the party meets specified conditions. The bills grant specified nonexclusive remedies to an aggrieved protected resident for a violation of the bills' provisions. The bills extend this prohibition and subsequent remedies to a landlord/mobile home park owner and a tenant/resident.

*Failed Bills*

*Blighted Property.* **SB 28** (failed) would have authorized a local government to use a specified process to remediate blighted property.

*Homeowners Insurance.* **HB 71** (failed) would have established a process for the Maryland Insurance Administration to review and approve filings before an insurer might have refused to issue or renew a homeowner's insurance policy solely because the subject of the risk or the applicant's or insured's address is located in a certain geographic area of the State.

## STATE GOVERNMENT

### *Open Meetings Act – Passed*

Current law, with limited exceptions, provides that a public body must provide adequate notice of the time and location of meetings and meet in open session in a location that is reasonably accessible to attendees. The State Open Meetings Law Compliance Board handles complaints alleging violations, but the opinions of the board are advisory. Approved 2013 legislation:

- **HB 331** (passed) changes the procedures of the Open Meetings Act by establishing a procedure to require public bodies to acknowledge publically any violations reported by the advisory board. Specifically, if the board determines that a violation has occurred, a member of the public body must, at the public body's next open meeting after the board has issued its opinion, announce the violation and orally summarize the opinion. A majority of the public body's members must then sign a copy of the opinion. Further provisions address circuit court proceedings and fines that may be imposed by the court;
- **HB 139** (passed) requires each public body to designate at least one individual who is an employee, an officer, or a member of the public body to receive training on the requirements of the Open Meetings Act through an online class offered by the Office of the Attorney General and the University of Maryland or a class offered by the Maryland Association of Counties or the Maryland Municipal League; and
- **SB 230** (passed) expands the definition of "public body" for the purposes of the Act by including the Maryland Public Secondary Schools Athletic Association (MPSSAA), founded in 1946 to provide greater structure for interscholastic athletics among the public secondary schools in Maryland. MPSSAA currently conducts programs for 114,000 student athletes, 9,000 coaches, and 6,000 officials.

### *New State Commemorative Days and Months – Passed*

Under **SB 42/HB 167** (both passed), November 1 may be celebrated as Maryland Emancipation Day in recognition of the emancipation of the slaves in the State. On November 1, 1864, Maryland adopted a new constitution that abolished slavery, making it the first state with slaves to voluntarily free its slaves by popular vote. Lincoln's Emancipation Proclamation of 1863 had only freed slaves in rebel states, of which Maryland was not one.

Additionally, if the Governor agrees, the second Thursday in May will be Maryland Centenarians Day (**SB 175**, passed). Another measure, **SB 26** (failed), which was passed by the Senate but not the House, would have designated the soft shell crab sandwich as the State sandwich.

The General Assembly also agreed to require the Governor to issue proclamations to add the month of October as German-American Heritage Month under **HB 34** (passed) and the month of March as Irish American Heritage Month under **HB 77** (passed). The proclamations are to urge educational and cultural organizations to observe the months with appropriate programs, ceremonies, and activities.

### *Effective Date of Nonemergency Regulations – Failed*

**SB 261/HB 16** (both failed) would have altered the effective date of nonemergency regulations adopted under the State's Administrative Procedure Act. The bills would have established quarterly effective dates according to when the *notice of adoption* is published in the *Maryland Register*.

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## TRANSPORTATION

### *Cell Phones/Motor Vehicles – Primary Offense – Passed*

**SB 339** (passed) and **HB 753** (passed) authorize primary enforcement of the prohibitions against the use of:

- a handheld or hands-free wireless communication device by a minor operating a motor vehicle;
- a handheld telephone by an adult driver with a provisional license or learner's permit who is operating a motor vehicle;
- a handheld telephone by an operator of a school vehicle that is carrying passengers and in motion; and
- the fully licensed driver's hands to use a handheld telephone, while the vehicle is in motion, except to initiate or terminate a wireless phone call or to turn on or off the handheld telephone.

The provisions limiting enforcement to a secondary action are repealed. For adult drivers and school bus operators, the bill increases the maximum fine for a first offense from \$40 to \$75. For a second offense, the fine increases from \$100 to a maximum of \$125. The bill establishes a maximum penalty of \$175 for a third or subsequent offense and also specifies that points may not be assessed against the driving record of any offender over 18 unless the violation contributes to an accident. The court may waive a penalty for a person who is

convicted of a first offense and provides proof that the person has acquired hands-free equipment that will allow operation of the motor vehicle as required.

*Driver's License – Lawful Status Repeal – Passed*

**SB 715** (passed), the Maryland Highway Safety Act, authorizes the Motor Vehicle Administration (MVA) to issue or renew a driver's license, an identification card, or a moped operator's permit to an individual who cannot show lawful status or a Social Security number. The passed bill repeals a requirement that the individual must have held one of those documents on April 18, 2009, and also repeals the July 1, 2015, termination date of the MVA's authority to issue or renew one of those documents and the requirement that the documents must expire by July 1, 2015.

Under the bill, MVA is authorized to issue a driver's license, an identification card, or a moped operator's permit to an applicant who cannot show lawful status and is not a current holder of one of these documents only if the applicant provides documentary evidence that the applicant, for each of the two preceding years, has filed a Maryland income tax return or resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return. The effective date of the bill is January 1, 2014. **HB 911** (failed), a similar bill, did not progress this session.

*Vehicle Laws – Collection of Tolls – Passed*

**HB 420** (Ch. 113) clarifies and alters procedures of the Maryland Transportation Authority (MDTA) concerning the collection of unpaid electronic tolls through the issuance of an administrative notice and, subsequently, a citation for unpaid toll violations.

MDTA is authorized to enter into an agreement with another jurisdiction for reciprocal enforcement of toll violations between the State and the other jurisdiction. The bill applies to any previously incurred toll that remains unpaid on July 1, 2013. MDTA must adopt implementing regulations by June 1, 2013, and the bill takes effect July 1, 2013. As the bill was passed, the provision was removed that would have authorized MDTA to publish a list of persons who have unpaid toll violations and civil penalties that remain due.

*Speed Cameras – Failed*

A number of bills related to speed monitoring systems were considered this session, but none passed. Two of the bills, **SB 207** and **HB 929** (both failed) were in flux at the end of the session. The measures, one as amended, would have addressed speed monitoring systems in local jurisdictions.

Provisions would have clarified that a certificate alleging a speed monitoring system violation would have had to be sworn to or affirmed by a duly authorized law enforcement officer, rather than an agent or employee of a law enforcement agency. The bill also would have specified that, before activating a speed monitoring system, the local jurisdiction must ensure that each sign that designates a school zone is proximate to the sign indicating a speed monitoring system is in use, and that it is in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration.

Among other provisions, the bills would have altered the standards and requirements for the warning period, would have altered the standards and requirements for daily self-test and annual calibrations, and would have required local jurisdictions to designate a program administrator and a person to act in a public liaison capacity.

*Smoking in Motor Vehicles – Failed*

**SB 30/HB 528** (both failed) would have prohibited anyone in a motor vehicle from smoking tobacco if a child younger than the age of eight is a passenger. Not considered a moving violation, this offense would have carried a maximum penalty of a \$50 fine.

*Other Failed Bills*

*Bike Helmets – Required.* **HB 339** (failed) would have prohibited anyone, whether driver or passenger, from riding on a bicycle on any highway, bicycle way, or other property open to or used by the public unless the individual was wearing a helmet.

*Maximum Speed Limits on Highways.* **HB 1346** (failed) would have increased from 65 miles per hour to 70 miles per hour the maximum authorized speed limit on certain highways in the State.

*Distracted Driving.* **HB 759** (failed) would have established the misdemeanor of distracted driving, a secondary offense that would not be considered a moving violation for the purpose of assessing points and would have been punishable by a maximum fine of \$500. Engaging in a "preoccupying activity" while driving, resulting in the operation of a motor vehicle in an inattentive or unsafe manner would have been considered distracted driving.

*Audio Tapes – Maryland Transit Administration (MTA).* **SB 182** (failed) would have prohibited MTA from activating audio recording devices on transit vehicles used for transit service.