

# Courthouse News

A publication  
of the  
Maryland Association  
of Counties

Volume 30 Number 3

February 4, 2008

## Marilyn Praisner Passes Away *Past President and Board Member*

We are saddened to report that MACo Past President and Board member, Montgomery County Council member Marilyn J. Praisner, passed away February 1 at Suburban Hospital in Bethesda of complications following heart valve replacement surgery. She was 66.

A respected and beloved member of the MACo family, and a passionate advocate for children, education, technology, and local government, Marilyn will be deeply missed by her MACo family. MACo condolences go to her family, Montgomery County colleagues, and friends.

Marilyn was the longest serving woman ever on the Council in her fifth four-year term and recently completed her third one-year term as Council president. She was a former member and president of the County's Board of Education.

Marilyn served as MACo president in 2003. She had been a member of the MACo Board of Directors since 1999. At MACo, she served on the Legislative Committee since 1990 and chaired the Education Sub-Committee from 1994 to 2000.

She was a member of the board of directors of the National Association of Counties (NACo) starting in 1997. She served on NACo's Homeland Security Task Force and was four times chair of its Telecommunications and Technology Steering Committee.

Marilyn was a graduate of Douglass College of Rutgers University, earning a degree in journalism. She also completed the paralegal program at the University of Maryland. Before entering political office, she spent 16 years at the Central Intelligence Agency, including service as an intelligence analyst, branch chief and staff member for the Deputy Director of Intelligence.

A 38-year resident of Montgomery County, Marilyn is survived by her husband, Donald Praisner, three children and four grandchildren.

A viewing will be held Monday, February 4 (today) and Tuesday, February 5 from 2:00 - 4:00 p.m. and 6:00 - 8:00 p.m. at the Hines Rinaldi Funeral Home, 11800 New Hampshire, Silver Spring. A prayer service will be held on Tuesday evening at 7:30 pm. The interment will be private.

(continued on next page)

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### Legislative Committee Meeting

February 6 - 10:30 a.m.

### Tax & Education Subcommittees:

February 6 - 10:15 a.m.

### Guest Speaker:

Secretary, MD Department of Budget and Management, Eloise Foster

## Important Dates!

August 13-16, 2008

Annual Summer Conference, Ocean City

October 22-24, 2008

Administrators/Attorneys Fall Conference - Annapolis

January 7-9, 2009

Annual Winter Conference - Hyatt Regency Hotel, Cambridge

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A Memorial Mass is scheduled for Saturday, February 9 at 11:00 a.m. at St. John the Baptist Church, 12319 New Hampshire Avenue, Silver Spring.

In lieu of flowers, her family has requested donations be made to the Ida Raitano Scholarship Fund at Douglass College. The Ida Raitano Fund, named for Marilyn's mother who died in 2001, was established at Douglass College to provide financial assistance annually to a first-in-family college student or an older student. Contributions may be made to the Ida Raitano Fund/Douglass Annual Fund, Douglass College Alumnae Association, 181 Ryder Lane, New Brunswick, N.J. 08901-8557.

Contact: Ellen Clarke

## GA Fiscal Chief Addresses Legislative Committee

At the January 30 meeting of the Legislative Committee, Warren Deschenaux presented on the State's fiscal status. Mr. Deschenaux has made a similar presentation to MACo each year since becoming Director of the Office of Policy Analysis, Department of Legislative Services (DLS) in 1997.

Mr. Deschenaux presented from the latest overview prepared by DLS, entitled the "Fiscal briefing." The complete document is available online here:

[http://mlis.state.md.us/2008rs/budget\\_docs/ALL/2008\\_Fiscal\\_Briefing.pdf](http://mlis.state.md.us/2008rs/budget_docs/ALL/2008_Fiscal_Briefing.pdf)

In his overview comments, Mr. Deschenaux indicated that the result from the efforts of the General Assembly's Special Session are that the looming "structural deficit" has been largely resolved. Discussing a graph detailing the state's ongoing revenues and expenses (the gap between these essentially representing the structural deficit), he commented, "we are a lot closer, but they don't meet yet," concluding that the State's fiscal woes are "not entirely resolved."

He noted that the lack of complete balance in revenues and expenditures likely means "years of limited growth in spending... not much for enhancements of much of anything." He then commented that if the proposed constitutional amendment to enable slot machine gaming fails, "we should expect a substantial period of retrenchment" as out-year revenue forecasts will come far short of meeting spending requirements.

He commented that the State's revenue outlook for the current year (FY 2008) appears "darned good, on the surface," but warned that evaluation of these revenues shows signs of worry. He warned of "potential seeds of failure to attain these estimates," and noted that "A \$100 million write-down in March, maybe more..." is a potential outcome once additional collection data (notably December sales tax receipts) are evaluated. "On paper, we look pretty good," he did acknowledge, "but we could look a lot worse soon."

In detailing the local effects of the budget, he noted that general fund aid direct to county and municipal governments (exclusive of education aid and health

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*Courthouse News is published monthly May through December & weekly during Session. Email articles to [eclarke@mdcounties.org](mailto:eclarke@mdcounties.org)*

department grants) is down over 11% from FY 2008. "But that's only the beginning," he noted – indicating that the general fund change is largely due to the elimination of the electric utility grants in place since 2000. He further noted that special fund reductions show a much larger drop-off, with a cut in local Highway User Reductions arising from the Special Session legislation, and a startling drop in local Program Open Space (POS) funds arising from a "confluence of things" including a slowdown in programmed distributions (largely driven by the real estate market cooling) coupled with a \$21 million "redirection" from local POS to State Park operations. Looking at all State funds, the distributions direct to county and municipal governments will be \$122 million less than in FY 2008, a 13% decline.

The summary also reveals that State aid to primary and secondary education (calculations including the payment for teacher retirement, which has not historically been included in such calculations) increase by 3.5% for FY 2009. The total aid to local governments, including both direct aid to counties and municipalities and the various targeted grants to schools, community colleges, libraries, and local health departments, increases by only 1.5%. By contrast, the State's Medicaid budget is slated to increase by 11.9%, and the aggregate spending through State agency budgets is up 6.0%, yielding a total budget increase of 5.1% for all State expenditures, excluding reserve appropriations and pay-as-you-go capital projects.

The \$333 million identified for public school projects in the capital budget "includes \$300 million in general obligation debt, \$27 million from special funds... and a little more than \$5 million from recycled funds," according to Mr. Deschenaux, who observed that the recycled funds are not presented in the summary materials, but do show up as actual programmed projects in the capital budget. "Community colleges asked for \$60 million, but got \$81 million."

Additional detail on the State budget and local aid distributions are available in the Fiscal Briefing document (linked above) or by contacting MACo.

Contact: *Michael Sanderson*

## Your Source for Legislative Information

[www.mdcounties.org](http://www.mdcounties.org)

[Recent Committee Action](#) - bills and positions taken by the MACo Legislative Committee at their last meeting.

[Bills Position Summary](#) - all positions taken on bills by the Committee.

[Bills Pending Review](#) - bills pending review by the Committee at their next meeting.

[All Impact Bills](#) - all bills impacting local government.

[Major Issues Summary](#) – MACo initiative bills and other significant county government legislation.

[Testimony](#) – submitted testimony to G.A. Committees.

[Buddy System](#) – overview of MACo's grassroots advocacy system.

### Issue Areas for Staff

Legislative Director Michael Sanderson:

Taxes & Revenues  
Finance  
Business Affairs  
Intergovernmental Relations  
Health  
Transportation and Public Works  
Human Services  
Elections  
Parks & Recreation  
Employee Benefits

Associate Director Les Knapp:

Planning and Zoning  
Community and Economic Development  
Environment  
Education  
Public Safety and Corrections  
Government Liability and Courts  
Public Ethics and Information  
Employee Relations

### Cancelling Homestead Application Process Opposed

The Senate Budget and Taxation Committee heard testimony on Senate Bill 239 on January 30. The bill is designed to eliminate the application process for the Homestead Property Tax Credit. That process, put into place by 2007 legislation, is designed to help identify properties currently coded as “owner occupied” and receiving the benefits of this tax credit, despite not actually being the principal residence of the owners.

Bill sponsor, Senate Majority Leader and Committee Vice Chairman Edward Kasemeyer, indicated he had “gotten calls on this” and has heard from additional Senators seeking to become bill co-sponsors. He observed, “I think this [application process] is a good idea, but just not a good time.”

The State Department of Assessments and Taxation offered testimony about the importance of the program in identifying tax fraud and errant property classifications. They also detailed the numerous security measures in place to prevent misuse of sensitive data. “We are a tax agency,” offered SDAT’s Robert Young, “we have been handling data like social security numbers for 30 years.” When asked if there had ever been any “leak” of such information held by SDAT, he replied “never,” and detailed the numerous security protections in place, including many required by the federal Internal Revenue Service.

MACo Legislative Director Michael Sanderson offered a perspective in defense of the program’s original intent, saying “I hope that the Committee agrees with this purpose, and if there is sentiment to address these issues, that the Committee can attempt to alter or refine the program, rather than eliminate it.”

*Contact: Michael Sanderson*

### Customer Service Accounts at Credit Unions Supported

At the January 30 hearing on Senate Bill 79, MACo Legislative Director Michael Sanderson urged the Budget and Taxation Committee to “clarify and retain the authority of local governments to provide customer

service through credit unions.” The legislation as introduced deals with investment authority of state and local public funds, but Mr. Sanderson suggested, “The real issue that we hope you can help with is a narrow one.”

Many county and municipal governments establish a depository account, enabling taxpayers to make payment of government taxes or charges via their local financial institution. In some smaller towns, particularly where no local bank branch exists, counties have used a local credit union for this purpose. A recent exchange of opinions on the legality of this practice has left this customer service practice on ambiguous legal ground.

MACo asked for amendments to SB 79, seeking only to preserve this “common sense practice,” and to avoid any effort to resolve the more complex matter of overall investment authority. At the hearing, representatives of credit unions and banks exchanged a variety of arguments over the broader matter of public investment authority, compounded by the language of the introduced bill, which extends far beyond the allowance of the depository accounts used by local governments.

Mr. Sanderson pledged to help the Committee with amendments to help refine the legislation to “target the narrow issue.”

*Contact: Michael Sanderson*

### County and Municipal Representatives Meet Again to Resolve Issues

MACo and MML representatives met at MACo on January 30 as a follow-up to their January 23 meeting to solidify efforts to resolve issues of possible conflict. Representing MACo was Calvert County Commission President and MACo Legislative Committee Chairman Wilson Parran, Charles County Commission President Wayne Cooper, and Frederick County Commission President Jan Gardner. MML representatives included the Chairman of its Legislative Committee and Baltimore City Council member Jim Kraft, Immediate Past President and Bel Air Town Council member David Carey, and Frederick City Alderman Marcia A. Hall.

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MACo and MML Executive Directors, David Bliden and Scott Hancock, also participated.

Council member Kraft reported that the MML Legislative Committee would not pursue efforts to secure county revenues in conjunction with MACo and MML partnering to obtain transfer tax authority for counties, now without that authority, and for all municipalities. Commission President Parran reported the MACo Legislative Committee's approval for pursuing the partnership.

Commission President Gardner raised the need to include in the partnership commonality on issues to be considered by the Growth Task Force, on which she serves, emphasizing the poor perception county-municipal disagreements would bring to the Task Force. She noted that perception was raised at the first Task Force meeting. Council member Carey, who serves on the Task Force, suggested that the local government representatives continue dialogue to avoid confrontation.

*Contact: David S. Bliden*

## President Smith Participates in Local Government Briefings

MACo participated in briefings before the House Ways and Means and Appropriations Committees on January 30 and February 1, respectively. MACo President and Baltimore County Executive Jim Smith and MACo Executive Director David Bliden participated in both briefings, with MACo Legislative Director Michael Sanderson joining for the Appropriations briefing and Prince George's County Budget Analyst Walter Chitwood joining for the Ways and Means briefing. MML offered testimony at both hearings.

President Smith congratulated both Committees for the "hard work ...[they] ...did and courage... [they] ...showed during the Special Session. We believe you appreciated MACo's participation."

He also reviewed the impact of Special Session actions on county budgets, noting lost opportunities for transportation funding and an aggregate loss of \$375 million. "We have certainly given at the office," he observed before the Ways and Means Committee, highlighting additional county burdens arising from required accounting for OPEB (other public employee

benefits) with which "...all jurisdictions are wrestling." He highlighted the inequity of the FY08 budget that proposing that counties transition from touch screen to optical scan voting systems, for which 19 counties already had in place before the State mandated the touch screen systems. Counties still owe \$14 million in payments for the touch screen systems, he explained.

Executive Director Bliden raised "off the books" cuts before both Committees, citing the \$140 million impact of the increased income tax personal exemption, transportation funding diversions, and the voting machine expenses. He also explained that the reported greater State contribution to public education in recent years, as compared to the county contribution, reflects the Thornton goal of the State becoming a "true equal partner." County funding in excess of Maintenance of Effort (MOE) was emphasized, with Mr. Bliden noting that in FY07 the excess was \$300 million or 6.5%. He explained that funding understated the county contribution, as many county investments were not factored into MOE, such as school crossing guards, nurses, and, most prominent, debt service and pay-go for school projects. With that funding considered, the FY06 excess above MOE was \$579 million or 18.5%.

Legislative Director Sanderson spoke of burdens to local health departments, specifically emphasizing the unfunded impact of State salary actions on county health departments. He noted that the existing funding formula for local health departments does not factor in these costs.

"We appreciate what you did... as it gave us some stability," said Mr. Chitwood, referring to the Special Session budget actions. "We were proud to have had a change to participate..." but, "[t]here is no way for county governments to absorb what has already been implemented."

The MML panelists raised municipal challenges with over dependence on the property tax, raising a MACo-MML partnership to secure transfer tax authority, including that for the counties presently lacking the authority. Mr. Bliden said MACo was pleased with the partnership, noting an additional joint effort to secure speed camera authority.

*Contact: David S. Bliden*

# Growth Task Force Hears Growth Trend Predictions, & Planning Principles

The Task Force on the Future for Growth and Development held its first meeting on January 28. The Task Force, which is charged with conducting a comprehensive review of Smart Growth implementation at both the State and local levels, established its agenda and outlined its future meeting schedule. Recommendations from the Task Force are likely to form the basis for major planning and land use legislation in the 2009 session.

HB 1141 of 2006 created the Task Force. HB 773 of 2007 subsequently expanded its duties and membership. The Task Force consists of 21 members, including State and local officials and representatives from the development, environmental, and academic communities. Frederick County Commission President Jan Gardner and Worcester County Director of Comprehensive Planning Sandy Coyman are the MACo representatives. Mr. John Laria, a partner at the law firm of Ballard Spahr Andrews & Ingersoll, is the chair of the Task Force. The Maryland Department of Planning (MDP) provides staff for the Task Force.

The Task Force has a broad set of duties that can be grouped into 14 tasks, which include:

- Study current land use polices and their impact on growth in the State;
- Study current trends and challenges with municipal corporations and counties as they relate to growth;
- Identify regional growth and development issues;
- Analyze the capabilities of municipal corporations and counties to plan for future growth and development;
- Analyze the impacts of county development proximate to municipal corporate limits on municipal infrastructure,

water resources, and sensitive areas;

- Analyze the impacts of municipal growth and development on county infrastructure, water resources, and sensitive areas;
- Study mechanisms to facilitate joint planning to coordinate growth and development between municipal corporations and counties;
- Determine methods to assess the cumulative impacts of proposed development on infrastructure, including water, sewer, roads and utilities and on transportation, fire and safety resources, health systems, educational systems, and environmental resources on a regional scale;
- Determine the parameters for a State Development Plan, State Transportation Plan, and State Housing Plan and determine how these plans work together with local land use plans;
- Identify infrastructure needed for smart growth development consistent with population growth;
- Assess mechanisms to fund the construction and maintenance of smart growth;
- Examine the impact of § 1.03(e) and § 3.05(f) of Article 66B of the code on a local government's ability to establish a floating zone on a property or grant piecemeal rezoning of a specific property;
- Make recommendations to implement law or regulations that further best management practices as they relate to future growth and development in the State; and
- Serve as an advisory board to the Governor's Smart Growth Sub cabinet, providing advice and guidance at least twice annually through December 31, 2010.

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The Task Force must report its findings and recommendations by December 1, 2008.

Besides setting its agenda and meeting schedule, the Task Force also heard presentations from MDP on basic planning principles, Maryland land use and growth trends, and State demographic trends. Commission President Gardner will likely ask for a full briefing on the county comprehensive planning process, which she believes would be a helpful and important supplement to the basic planning principles presentation.

The next meeting of the Task Force is scheduled for February 25.

Contact: *Leslie Knapp Jr.*

### Briefly

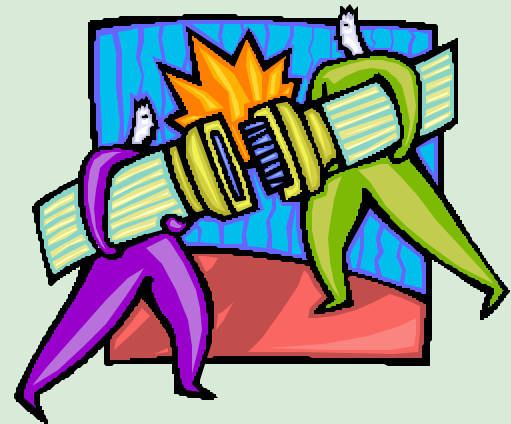
#### *Energy Efficiency Financing Fund Announced*

M&T Bank has announced a new financing program offering competitive interest rates and technical assistance for local governments and municipal authorities in Maryland to implement energy saving improvements. The bank has targeted \$50 million to finance energy efficiency leases and loans for governments and municipal authorities installing new energy-efficient lighting, adding HVAC management systems to better control building temperatures, upgrading mechanical systems and completing other capital projects to save energy. M&T's funding can be used in conjunction with other grants and low-interest loans provided to local governments through other sources of funding. Applications for financing of \$500,000 or less may be eligible for a streamlined approval process. "We think a dedicated financing program will make it easier for local governments to complete projects that they identify as being good for their citizens and the environment," Badger said. For more information contact Philip Hosmer 410-949-3042

### Job Openings

#### **ENGINEER II (SOLID WASTE) BUREAU OF SOLID WASTE MANAGEMENT, DEPT. OF PUBLIC WORKS, BALTIMORE COUNTY - Min.**

Qualifications: Bachelor's Degree in Engineering and two



## "Promoting County Government Through Technology"

August 13-16, 2008

## MACo Annual Summer Conference

Convention Center  
Ocean City

*Watch for Details!*

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years engineering experience (Qualifying education may be substituted for experience) or P.E. license. Various and diverse office and field duties involving engineering, environmental monitoring, and regulatory compliance associated with operations and construction projects at one active sanitary landfill, as well as at closed landfills and other solid waste facilities. 35 hour work week. \$46,684 to \$58,032, with longevity steps to \$74,142.

**Open until filled.** For more information about County benefits, or to obtain a job description and/or an application, please visit our website at <http://www.baltimorecountymd.gov/Agencies/humanresources/jobs/index.html> Contact Stephen G. Lippy, P.E., DEE, 410-887-2009, or email [slippy@baltimorecountymd.gov](mailto:slippy@baltimorecountymd.gov) (r7/08)

### **COUNTY ENGINEER - DEPT. OF PUBLIC WORKS - WORCESTER COUNTY - \$85,000 – \$100,000 / DOQ**

The Worcester County Commissioners are accepting applications for the County Engineer position. Reporting to the Public Works Director, this full-time, salaried position provides direct oversight of the newly created Engineering & Construction Division of Public Works, tasked with directing all technical design and construction quality aspects of improvements (including capital) for departments within County (except for the Board of Education). The successful candidate will be a Registered Professional Engineer (MD) with a minimum of 5 years progressively responsible management experience in an engineering/construction field; have working knowledge of laws, regulations and ordinances pertaining to Public Works and possess above average oral and written communication skills necessary to prepare reports, prepare and deliver public presentations, provide leadership and motivation to division employees, communicate effectively and courteously with coworkers and the general public. Additional requirements include a valid driver's license and driving record of less than 4 points (MD) with the ability to travel to county wide locations and satisfactory background check. In addition to salary we offer an exceptional benefits package. A job description is available at [www.co.worcester.md.us](http://www.co.worcester.md.us). Qualified candidates may apply on or before **February 29, 2008**, by submitting a resume with cover letter summarizing experience and salary requirement to Worcester Co. Human Resources Dept., Government Center, Room 1301, 1 West Market Street, Snow Hill, MD 21863 or email to [humanresources@co.worcester.md.us](mailto:humanresources@co.worcester.md.us)

### **GENERAL ROADS SUPERINTENDENT – ROADS DEPARTMENT - GARRETT COUNTY -**

This is an executive position for the administration of the daily operation of the Garrett Co. Roads Dept. consisting of 130 employees. Essential Duties and Responsibilities: Administer daily operation of Co. Roads Dept.; Develop and implement policies/procedures to improve operations; Effectively provide management of Human Resources; Develop/implement long range goals and objectives to ensure longevity of County Roads Systems and Bridge structures, as well as a replacement program for equipment; Prepare County Roads fiscal budget and insure compliance within the approved budget through provisions of the cost estimates and analysis; Knowledge and development of financial reports for Board of County Commissioners and County Administrator; Determine and plan for the most cost effective method of construction and maintenance for County Roads, Bridge Structures, and Equipment; Address public concerns and complaints via oral or written form; Assist County Administrator in negotiation of the Union Contract; Provide for application of terms within the bargaining unit agreement; Conduct informative meetings conducive to addressing and resolving concerns with the County Roads workforce; Strong knowledge of construction management to supervise and/or understand various road and bridge projects; and other duties may be assigned. Qualifications: To perform this job successfully, an individual must be able to perform each essential duty exceptionally. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Education and/or Experience: Bachelor's degree (B.A or B.S) from a four-year college or university in Engineering, Business Administration, or related discipline is required; and Ten (10) years Management experience (outside of government) dealing with non-union/union personnel is preferred. Work Environment: This position requires outdoor activities approximately 75% of the time during a workday. Outside conditions will vary widely depending upon weather conditions. Weather conditions encountered will be extreme heat, cold, snow, ice, rain, wet/humid, dry/dusty, wind, sunshine, and various odors. Work tasks may be performed in close proximity to moving equipment, vehicles and parts with times of noisy conditions. Safety of staff and the public is first priority. The work environment characteristics described are representative of those an employee encounters while performing the essential functions of this job.

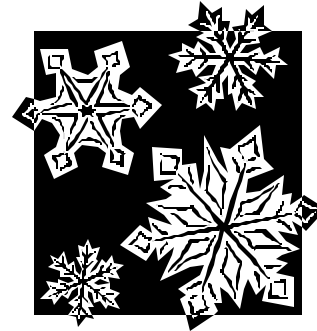
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Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Application Process: A Garrett County Government application along with a letter of interest and resume is required. Qualified individuals may apply by forwarding all required documentation to Garrett County Government, Office of Human Resources, 203 South Fourth Street, Room 206, Oakland, MD 21550. Applications are available at this address or will be mailed by calling (301) 334-8975. Applications are also available on our website at [www.garrettcountry.org](http://www.garrettcountry.org). Deadline for application is **March 28, 2008**. Garrett County Government is an EOE. Qualified applicants are considered without regard to race, color, creed, religion, gender, national origin, age, marital status, or the presence of a non-job related medical condition or handicap.



### **MACo Annual Winter Conference**

**January 7-9, 2009**

***Hyatt Regency Chesapeake Hotel  
Cambridge - Dorchester County***

Have you notified MACo to be paired with a state legislator buddy yet? There are still many legislators who need a county buddy.

A follow-up email will shortly be sent to county elected officials, county administrators, and legislative staffers, again asking for county buddies for legislators.

The system pairs county officials with a "legislative buddy" for whom the county "buddy" is asked to contact during the General Assembly Session just prior to a major issue vote impacting county government. The contacts made by county officials are highly effective in communicating MACo legislative positions.

The Buddy System is only enacted whenever there is a key vote on legislation impacting a major issue for county government, either in a House or Senate Committee or the full legislative body (the House or the Senate). County officials are notified with a "Buddy Alert" via email, fax or telephone call from MACo and asked to contact and discuss the issue with their designated legislator buddy (ies.)

### **Who's Your Buddy?**



### *Legislative Grassroots System Needs County Elected Officials!*

At that time, MACo provides the county buddy with contact information, and "talking points." As the legislature often acts swiftly on votes, a quick contact to the legislative buddy is necessary.

If you have questions or wish to volunteer for the Buddy System, contact Ellen Clarke at [eclarke@mdcounties.org](mailto:eclarke@mdcounties.org) or call (410) 269-0043.

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# Legislative Committee Action Report

January 30, 2008

### **TAXES AND REVENUES**

HB 101/ SB 91 - BUDGET RECONCILIATION AND FINANCING ACT OF 2008 (The Speaker (By Request – Administration)) (Appropriations) (By Request – Administration)) (Budget and Taxation) – SUPPORT

### **FINANCE AND ADMINISTRATION**

HB 312 - PROCUREMENT – SECURITY REQUIREMENTS – REPEAL SUNSET PROVISION (Delegate Morhaim, et al) (Health and Government Operations) - NO POSITION

HB 319 - LOCAL GOVERNMENT – PROCUREMENT – RESIDENT PREFERENCES (Delegate Costa) (Health & Gov't. Operations) - OPPOSE

SB 79 - CREDIT UNIONS – DEPOSITS OF STATE AND LOCAL GOVERNMENT MONEY (Senator Kelley, et al) (Budget and Taxation) - SUPPORT WITH AMENDMENT

SB 206 - BRAC COMMUNITY ENHANCEMENT ACT (The President (By Request – Administration), et al) (Budget and Taxation) - SUPPORT

SB 208 - HIGH PERFORMANCE BUILDINGS ACT (The President (By Request – Administration), et al) (Budget and Taxation) - NO POSITION

SB 239 - HOMESTEAD PROPERTY TAX CREDIT (Senator Kasemeyer, et al) (Budget and Taxation) - OPPOSE

### **ENVIRONMENT**

SB 213 - CHESAPEAKE BAY 2010 TRUST FUND AND NONPOINT SOURCE FUND (The President (By Request – Administration), et al) (Education, Health, and Environmental Affairs) - HELD

### **PARKS & RECREATION**

SB 259 - PROGRAM OPEN SPACE – ATTAINMENT OF ACQUISITION GOALS – INCREASED ALLOCATION FOR LOCAL GOVERNMENT (Senators Middleton and Edwards (Joint Subcommittee on Program Open Space/Agricultural Land Preservation), et al) (Education, Health, and Environmental Affairs) - SUPPORT

### **PUBLIC SAFETY & CORRECTIONS**

HB 235 - MARYLAND MEDICAL ASSISTANCE PROGRAM – EMERGENCY SERVICE TRANSPORTERS – PAYMENTS (Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene) (Health and Gov't.Operations) - SUPPORT

SB 211 - PUBLIC SAFETY – STATEWIDE DNA DATA BASE SYSTEM – CRIMES OF VIOLENCE, BURGLARY, AND BREAKING AND ENTERING A MOTOR VEHICLE – SAMPLE COLLECTIONS ON ARREST (The President (By Request – Administration), et al) (Judicial Proceedings) - NO POSITION

SB 225 - LOCAL CORRECTIONAL FACILITIES – INMATE HEALTH CARE EXPENSES – PAYMENT RATES TO HEALTH CARE PROVIDERS (Senator Middleton) (Finance) - SUPPORT

### **TRANSPORTATION AND PUBLIC WORKS**

SB 204 - MARYLAND TRANSIT ADMINISTRATION – TRANSIT-ORIENTED DEVELOPMENT (The President (By Request – Administration), et al) (Finance) - SUPPORT

## Impact Bills

February 1, 2008

*NOTES: - The summaries of the bills listed below are taken directly from the synopsis provided by the Department of Legislative Services. When reporting on specific bills to the Legislative Committee, staff will make clarifications to the synopsis. MACo refines the list each week, consistent with the organization's by-laws, to bring before the Legislative Committee a list of Action Bills that represent opportunities for county input and effect. Visit [www.mdcounties.org](http://www.mdcounties.org) for daily updates about legislation impacting county government.*

### **TAXES AND REVENUES**

HB 337 - TAX – PROPERTY – PROPERTY VALUE ASSESSMENTS – DISCLOSURE OF IMPROVEMENTS (Delegate Pena–Melnyk, et al) (Ways and Means) - Requiring a seller of real property to disclose the existence of a substantial improvement not already reflected in the worksheet of the State Department of Assessments and Taxation; requiring the seller and purchaser to sign a disclosure form; requiring delivery of the disclosure form to the Department; requiring the Department to revalue real property on the disclosure of a substantial improvement; altering the circumstances under which the Director of the Department may order a revaluation; etc. EFFECTIVE OCTOBER 1, 2008

HB 377 - SOLAR AND GEOTHERMAL TAX INCENTIVE AND GRANT PROGRAM (The Speaker (By Request – Administration), et al) (Economic Matters and Ways and Means) - Altering the grant amounts awarded under the Solar Energy Grant Program and the Geothermal Heat Pump Grant Program in the Maryland Energy Administration; authorizing the Administration to adjust the grant amounts under the programs under specified circumstances; exempting from the sales and use tax a sale of specified geothermal equipment and solar energy equipment; exempting from the State and local property tax specified geothermal property and solar energy property; etc. EFFECTIVE JULY 1, 2008

### **FINANCE AND ADMINISTRATION**

HB 361 - PROTECTION OF HOMEOWNERS IN FORECLOSURE – PROHIBITION ON FORECLOSURE RESCUE TRANSACTIONS – ENFORCEMENT (The Speaker (By Request – Administration), et al) (Environmental Matters and Economic Matters) - Altering the applicability of specified provisions relating to the protection of homeowners in foreclosure; altering the contents of a foreclosure consulting contract; prohibiting a foreclosure consultant from engaging in or arranging a foreclosure rescue transaction or receiving a commission or money under specified circumstances; requiring a foreclosure consultant to be licensed as a real estate broker and to provide research on the value of

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a home to a homeowner; etc. EFFECTIVE JUNE 1, 2008

HB 429/ SB 455 - PERSONAL PROPERTY TAX – REFUNDS AND REPORTS – INTEREST (Harford County Delegation) (Ways and Means) (Harford County Senators) (Budget and Taxation) - Providing that a county may pay a claim for a refund of personal property tax without interest within three years after the claim is approved under specified circumstances; etc. EFFECTIVE JUNE 1, 2008

HB 446 - ADMISSIONS AND AMUSEMENT TAX – EXEMPTION FOR ACTIVITIES RELATED TO AGRICULTURAL TOURISM (St. Mary's County Delegation) (Ways and Means) - Providing that a county may exempt from the admissions and amusement tax gross receipts from any admissions and amusement charge for activities related to agricultural tourism. EFFECTIVE JULY 1, 2008

HB 469 - COUNTY PROPERTY TAX – INTEREST IN FEDERAL GOVERNMENT PROPERTY – PAYMENT IN LIEU OF TAXES (Delegate Love) (Ways and Means) - Providing that specified interests in property of the federal government under specified circumstances are subject to county property tax and development impact fees; authorizing a county to enter into a negotiated agreement for payment in lieu of taxes; requiring an agreement for a negotiated payment in lieu of taxes to include specified information; providing an exemption from county property tax under specified circumstances; etc. EFFECTIVE JUNE 1, 2008

HB 573 - DISABLED LAW ENFORCEMENT OFFICERS AND RESCUE WORKERS – PROPERTY TAX CREDIT (Delegate Tarrant, et al) (Ways and Means) - Authorizing the counties and municipal corporations to grant a property tax credit for a dwelling owned by the surviving spouse of a fallen law enforcement officer or rescue worker; authorizing a property tax credit for a dwelling owned by a disabled law enforcement officer or rescue worker; applying the Act to tax years beginning after June 30, 2008; etc. EFFECTIVE JUNE 1, 2008

SB 381 - SPECIAL TAXING DISTRICTS – RESIDENTIAL PROPERTY – PROHIBITION (Senator Rosapepe) (Budget and Taxation) - Prohibiting a county from creating a special taxing district that includes residential property or modifying an existing special taxing district to include residential property; abolishing any special taxing district created by a county that, as of October 1, 2008, includes residential property; and defining terms. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

SB 406 - TAX SALES – NOTICE PRIOR TO ACTION TO FORECLOSE RIGHT OF REDEMPTION (Senator Della) (Budget and Taxation) - Providing that an action to foreclose the right of redemption for property sold at a tax sale may not be brought until at least 3 months after a specified notice is provided to the owner or other specified persons in a specified manner; specifying exceptions; providing that expenses incurred in an action to foreclose the right of redemption may only be reimbursed under specified circumstances; altering specified fees; applying the Act to specified certificates of sale; etc. EFFECTIVE JULY 1, 2008

SB 416 - PROPERTY TAX – SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM (Senator Stone, et al) (Budget and Taxation) - Authorizing

the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to establish, by law, a property tax work-off program that allows specified individuals to perform work for the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation in lieu of paying the county or municipal tax imposed on residential real property under specified circumstances; etc. EFFECTIVE JUNE 1, 2008

### EDUCATION

HB 403 - STATE ADVISORY COUNCIL ON PHYSICAL FITNESS – OBESITY IN SCHOOL-AGE CHILDREN (Delegate Nathan-Pulliam, et al) (Health and Government Operations) - Requiring the State Advisory Council on Physical Fitness to make specified recommendations to the State Department of Education, county boards of education, and specified schools; requiring the State Advisory Council, in consultation with the Department of Health and Mental Hygiene, to develop a mechanism to collect specified data; etc. EFFECTIVE OCTOBER 1, 2008

HB 465 - EDUCATION – PUBLIC CHARTER SCHOOLS – REVISIONS (Delegate Kullen) (Ways and Means) - Requiring public charter schools to submit applications on or before August 1 of each year; requiring county boards of education to review these applications and render a decision on or before December 1 of each year; prohibiting public charter schools from seeking waivers from specified laws; subjecting implementation of specified agreements to specified negotiations; requiring county boards to disburse specified funds in accordance with a specified formula; etc. Preliminary analysis: local government mandate EFFECTIVE JULY 1, 2008

HB 503 - BRIAN MOORE STUDENT HEALTH AND FITNESS ACT OF MARYLAND (Delegate Walker, et al) (Ways and Means) - Requiring that public school students in kindergarten through a specified grade be provided specified levels of a program of physical activity each week; requiring that the program of physical activity for a specified category of student be consistent with a specified plan for the student; requiring students in public high schools to complete a specified amount of physical education in order to graduate; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

HB 520 - EDUCATION – HIGH SCHOOL ASSESSMENT REQUIREMENT (Delegate Walker, et al) (Ways and Means) - Prohibiting the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in public high school graduation requirements; etc. EFFECTIVE JULY 1, 2008

HB 536 - PUBLIC SCHOOLS – YOUTH RISK BEHAVIOR SURVEILLANCE SYSTEM – PASSIVE PARENTAL CONSENT (Delegate Dumais) (Ways and Means) - Requiring the State Department of Education to require local school systems to utilize passive parental consent before administering a specified survey; requiring local school systems to provide parents with specified statements and forms; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

HB 538 - HIGHER EDUCATION – COLLECTIVE BARGAINING – ADJUNCT FACULTY AND GRADUATE STUDENT EMPLOYEES (Delegate Frush) (Appropriations) - Providing collective bargaining rights

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to adjunct faculty and graduate students in specified public institutions of higher education; and establishing separate collective bargaining units for adjunct faculty and graduate students. EFFECTIVE JULY 1, 2008

HB 546 - LOCAL BOARDS OF EDUCATION – HARASSMENT AND INTIMIDATION IN SCHOOLS (Delegate Kaiser, et al) (Ways and Means) - Requiring local boards of education to establish a policy prohibiting harassment or intimidation; requiring local boards of education to establish a process to adopt the policy; specifying the content of the policy; requiring public notice of the policy; establishing a School Bullying Ombudsman in the State Department of Education; establishing the Prevention of Harassment and Intimidation in Public Schools Advisory Council; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

HB 592 - EDUCATION – STUDENT BEHAVIOR INTERVENTIONS – USE OF TIME OUT, RESTRAINT, AND SECLUSION (Delegate Kaiser, et al) (Ways and Means) - Requiring each local school system, State-operated program, and nonpublic school to provide a copy of its policies and procedures relating to the use of exclusionary time outs, mechanical restraints, physical restraints, and seclusion as student behavior interventions to the parents of students who are placed in time outs, restraints, or seclusion; etc. EFFECTIVE OCTOBER 1, 2008

HB 596 - COUNTY BOARDS OF EDUCATION – PROCUREMENT OF GREEN PRODUCT CLEANING SUPPLIES (Delegate Kipke, et al) (Ways and Means) - Requiring a county board of education to procure green product cleaning supplies for its schools; requiring a county board to adopt specifications for the green product cleaning supplies; authorizing a county board to use specified cleaning supplies until those supplies are exhausted; defining “green product cleaning supplies”; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

SB 297 - TAX CREDIT FOR EMPLOYER ESTABLISHED WORK-BASED LEARNING PROGRAMS FOR STUDENTS (Senator King, et al) (Budget and Taxation) - Authorizing eligible parties to establish specified approved paid work-based learning programs under which arrangements are made between schools and employers to provide students with specified structured employer-supervised learning; allowing a credit against the State income tax or the insurance premiums tax for wages paid to each student under an approved program; providing for the calculation and carry-forward of the credit; etc. EFFECTIVE JULY 1, 2008

SB 428 - EDUCATION – MILITARY RECRUITERS – STUDENT CONTACT INFORMATION – OPPORTUNITY TO OPT OUT (Senator Pinsky, et al) (Education, Health, and Environmental Affairs) - Requiring public schools to provide notice to specified students or the parents or guardians of the students about the right not to release student contact information to military recruiters; requiring public schools to include the notice in a specified format, size, and type on the card requesting emergency contact information for the student; requesting the student or the parent or guardian of the student to indicate whether the student's contact information is to be released to military recruiters; etc. EFFECTIVE OCTOBER 1, 2008

SB 436 - EDUCATION – AGE OF COMPULSORY ATTENDANCE – EXEMPTIONS (Senator Pugh, et al) (Education, Health, and Environmental Affairs) - Requiring children 5 years old or older and under 18 to attend a public school regularly during the entire school year, subject to specified exceptions including being severely ill, being married, being in military service, and attending an alternative educational program; etc. Preliminary analysis: local government mandate EFFECTIVE JULY 1, 2009

SB 447 - EDUCATION – HIGH SCHOOL DIPLOMA – GED OPTIONS PROGRAM (Senator Pugh, et al) (Education, Health, and Environmental Affairs) - Requiring the State Board of Education to establish a GED Options Program that provides specified students with an alternative course for obtaining a high school diploma beginning on August 1, 2009; providing for specified program requirements; requiring students enrolled in the GED Options Program to be counted in the average daily attendance of a local school system; and requiring the State Board to adopt specified regulations. EFFECTIVE JULY 1, 2008

### **BUSINESS AFFAIRS**

HB 417 - FINANCIAL INSTITUTIONS – COOPERATIVE AGREEMENTS AND INFORMATION SHARING WITH GOVERNMENT AGENCIES (Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)) (Economic Matters) - Authorizing the Commissioner of Financial Regulation to enter into cooperative and information sharing agreements and to exchange specified information with specified federal, state, or municipal regulatory or law enforcement agencies. EFFECTIVE JULY 1, 2008

HB 557 - VIDEO SLOT MACHINES REVENUES AND OPERATIONS (The Minority Leader, et al) (Ways and Means) - Authorizing the operation of video slot machines in the State; renaming the State Lottery Commission to be the State Gaming Commission; authorizing the State Gaming Commission to regulate video slot machine gaming operations under the Act; prohibiting the State Gaming Commission from awarding more than six video slot machine operation licenses; specifying a competitive bidding process; etc. EFFECTIVE JUNE 1, 2008

SB 352 - JUNK DEALERS AND SCRAP METAL PROCESSORS – REGULATED SCRAP METAL (Senator Astle) (Finance) - Requiring specified junk dealers and scrap metal processors to post a specified sign; prohibiting specified junk dealers and scrap metal processors from purchasing regulated scrap metal from specified persons under specified circumstances; etc. EFFECTIVE OCTOBER 1, 2008

SB 370 - TAXES – ADMISSION AND AMUSEMENT TAX – TIP JAR EXEMPTION (Senator Edwards) (Budget and Taxation) - Exempting specified tip jar games from the State admissions and amusement tax; defining “electronic tip jar”; etc. EFFECTIVE JULY 1, 2008

### **COMMUNITY AND ECONOMIC DEVELOPMENT**

HB 408 - BUSINESS AND ECONOMIC DEVELOPMENT – QUALIFIED DISTRESSED COUNTIES (Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)) (Economic Matter) - Altering the definition of “qualified distressed county” for purposes of the Maryland Economic Development Assistance Authority and Fund and the One Maryland Economic Development Tax

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Credit to increase from 18 to 24 months the period over which average unemployment is calculated and to include a county that no longer qualifies but has qualified within the preceding 12 months. EFFECTIVE JULY 1, 2008

HB 448 - RESIDENTIAL REAL PROPERTY – MARYLAND BUILDING PERFORMANCE STANDARDS – MINIMUM STANDARDS FOR VISITABILITY (Delegate Niemann, et al) (Environmental Matters) - Requiring the Department of Housing and Community Development to adopt as a modification of the Maryland Building Performance Standards minimum standards for visitability in the design and construction of newly constructed single-family dwellings for which a building permit is issued on or after April 1, 2009; requiring the minimum standards for visitability to include specified requirements; defining "visitability"; etc. EFFECTIVE OCTOBER 1, 2008

HB 512/SB 302 - MARYLAND AFFORDABLE HOUSING INVESTMENT FUND (Delegate McIntosh, et al) (Environmental Matters and Ways and Means) (Senator Conway) (Education, Health, and Environmental Affairs and Budget and Taxation) - Establishing the Maryland Affordable Housing Investment Fund and the Maryland Affordable Housing Investment Fund Board; requiring the Fund to be used in specified ways to support, foster, and promote affordable housing; specifying the source of moneys of the Fund; requiring that the Board annually allocate money from the Fund to specified local governments and to the Department of Housing and Community Development in a specified manner; imposing an annual State tax on specified property at a specified rate; etc. EFFECTIVE OCTOBER 1, 2008

SB 281 - AFFORDABLE HOUSING PROGRAMS – WAIVER OR MODIFICATION OF FEES AND CHARGES – ENABLING AUTHORITY FOR COUNTIES AND MUNICIPALITIES (Senator Dyson) (Education, Health, and Environmental Affairs) - Authorizing counties and municipalities to support, foster, or promote an affordable housing program for individuals or families of low or moderate income by waiving or modifying specified fees and charges for construction of specified housing. EFFECTIVE OCTOBER 1, 2008

SB 409 - REAL PROPERTY – AGRICULTURAL AND HISTORIC PROPERTY – PROHIBITION ON CONDEMNATION (Senator Della) (Judicial Proceedings) - Prohibiting the State or any of its instrumentalities or political subdivisions from acquiring all or any part of private property by condemnation if the property is subject to an agricultural land preservation easement or a conservation easement under the Rural Legacy Program, listed in the National Register of Historic Places, and designated as a National Historic Landmark. EFFECTIVE JULY 1, 2008

## **ELECTIONS**

SB 439 - ELECTION LAW – POLLING PLACE DESIGNATION – SENIOR CENTERS (Senator Jones) (Education, Health, and Environmental Affairs) - Authorizing a local board of elections to use a senior center as a polling place under specified circumstances; requiring local boards to designate any senior center that contains 100 or more registered voters as a polling place, subject to an exception; requiring a senior center to provide a specified facility without charge for use as a polling place; requiring a local board to attempt to recruit election judges to staff a polling place

designated at a senior center from specified institutions of higher education; etc. Preliminary analysis: local government mandate EFFECTIVE JULY 1, 2008

## **EMPLOYEE BENEFITS**

HB 397 - LOCAL GOVERNMENTS – COLLECTIVE BARGAINING – CITIZEN VOTES (Delegate Smigiel) (Appropriations) - Prohibiting a county or municipal corporation from enacting a law to contravene specified votes of its citizens concerning the collective bargaining rights of specified employees. EFFECTIVE JUNE 1, 2008

HB 472 - STATE RETIREMENT AND PENSION SYSTEM – IMPOSITION OF ADMINISTRATIVE FEES ON EMPLOYERS (Delegate Griffith (Chair, Joint Committee on Pensions)) (Appropriations) - Authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to impose administrative fees on participating employers that fail to provide information to the State Retirement Agency with regard to the enrollment of eligible employees in the State Retirement and Pension System. EFFECTIVE JULY 1, 2008

SB 344 - THE FLEXIBLE LEAVE ACT (Senator Garagiola, et al) (Finance) - Authorizing employees of specified employers to use leave with pay for the illness of the employee's immediate family; providing that an employee may only use leave with pay that has been earned; providing that an employee who earns more than one type of leave with pay may elect the type and amount of leave with pay to be used; etc. EFFECTIVE OCTOBER 1, 2008

## **ENVIRONMENT**

HB 388 - ENVIRONMENT – POZZOLAN – USE AND DISPOSAL (Delegates McConkey and Holmes) (Environmental Matters) - Prohibiting specified uses of pozzolan, commonly known as "fly ash"; and requiring pozzolan to be disposed of in a regulated refuse disposal system. EFFECTIVE OCTOBER 1, 2008

HB 466 - ENVIRONMENT – WATER POLLUTION CONTROL FUND – FERTILIZER APPLICATION ENVIRONMENTAL IMPACT FEE (Delegate Kullen) (Environmental Matters) - Establishing a fertilizer application environmental impact fee for specified fertilizer applications; establishing the amount of the fee to be 10 percent of the total cost of fertilizer application; requiring a fertilizer applicator to charge the fee to specified customers, subject to specified exceptions; requiring the Comptroller to deposit the fees into the Water Pollution Control Fund; specifying uses related to stormwater management for revenues derived from the fees; etc. EFFECTIVE OCTOBER 1, 2008

HB 509 - TASK FORCE TO STUDY REQUIRED DEPOSITS ON RETURNABLE BEVERAGE CONTAINERS (Delegate Hammen, et al) (Environmental Matters) - Establishing the Task Force to Study Required Deposits on Returnable Beverage Containers in the State; providing for the membership of the Task Force; requiring the Task Force to study specified issues relevant to requiring deposits on returnable beverage containers in the State; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before December 31, 2008; providing for the staff of the Task Force; providing for the termination of the Act; etc. EFFECTIVE JUNE 1, 2008

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HB 581 - ENVIRONMENT – BAY RESTORATION FUND – AUTHORIZED USES OF FUND (Delegate Costa) (Environmental Matters) - Authorizing specified fee revenue collected for the Bay Restoration Fund to be used to award grants to local governments for the costs of connecting communities located in the Chesapeake and Atlantic Coastal Bays Critical Area and that have failing onsite sewage disposal systems and holding tanks to sewerage systems. EFFECTIVE OCTOBER 1, 2008

SB 382 - ENVIRONMENT – PATUXENT RIVER WATERSHED (Senator Dyson, et al) (Education, Health, and Environmental Affairs) - Requiring upgrades to specified sewage treatment plants in the Patuxent River watershed on or before a specified date under specified circumstances; and requiring the Bay Restoration Fund to be used to pay for the upgrades. EFFECTIVE OCTOBER 1, 2008

SB 442 - ENVIRONMENT – CLEAN AIR PERMIT FEES (Senator Frosh, et al) (Education, Health, and Environmental Affairs) - Prohibiting all moneys in the Maryland Clean Air Fund from reverting or being transferred to the General Fund; increasing the maximum amount of a specified fee; eliminating the cap on a specified fee; and removing obsolete language and making stylistic changes. EFFECTIVE OCTOBER 1, 2008

## **GOVERNMENT LIABILITY & COURTS**

HB 387 - ORPHANS' COURT JUDGES – QUALIFICATIONS (Delegates Rosenberg and Cardin) (Judiciary) - Proposing an amendment to the Maryland Constitution to authorize the legislature to prescribe additional qualifications for Orphans' Court judges in a county or Baltimore City if the local governing body so requests by resolution; prohibiting the qualifications from being more stringent than the qualifications required for judges; excepting Montgomery and Harford counties; and submitting the amendment to the qualified voters of the State for their adoption or rejection. CONSTITUTIONAL AMENDMENT

HB 398 - STATE GOVERNMENT – ADMINISTRATIVE PROCEDURE ACT – SCOPE OF JUDICIAL REVIEW (Delegate Nathan–Pulliam, et al) (Health and Government Operations) - Expanding circumstances under which a court may reverse or modify a final decision in specified contested cases under the Administrative Procedure Act to include a finding, conclusion, or decision that is an abuse of discretion, fails to comply with the agency's established rules and regulations, or does not reasonably state the basis for the nature and extent of a penalty or sanction. EFFECTIVE OCTOBER 1, 2008

SB 271 - ADMISSIBILITY OF EVIDENCE – INTERCEPTED COMMUNICATIONS – ELECTRONIC (Senator Stone (By Request – Committee to Revise Article 27 – Crimes and Punishments)) (Judicial Proceedings) - Prohibiting the admissibility of the contents of an intercepted electronic communication or information derived from an intercepted electronic communication as evidence in specified proceedings if the disclosure of the communication or information would be in violation of specified provisions of law; etc. EFFECTIVE OCTOBER 1, 2008

SB 337 - LEGAL ADVERTISEMENT OR LEGAL NOTICE – NEWSPAPER (Senator Raskin) (Judicial Proceedings) - Altering the definition of specified

terms concerning publishing a legal advertisement or legal notice to repeal requirements that a "newspaper" or similar publication containing the legal advertisement or legal notice be distributed by sale and be eligible to be entered as second-class matter in the United States mail; etc. EFFECTIVE OCTOBER 1, 2008

## **HEALTH**

HB 393 - COMMUNICABLE DISEASES OR CONDITIONS – REPORTING (Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)) (Health and Government Operations) - Repealing specified requirements for reports made by physicians, institutions, and directors of medical laboratories regarding infectious and contagious diseases; providing that specified reports regarding infectious and contagious diseases are confidential and are not medical records; authorizing the Secretary of Health and Mental Hygiene to disseminate and disclose specified information under specified circumstances; repealing the list of the diseases or conditions that are reportable by a medical laboratory director; etc. EFFECTIVE OCTOBER 1, 2008

HB 497 - OIL DISCHARGE – GROUNDWATER CONTAMINATION – REIMBURSEMENT FOR COSTS (Delegate Kach, et al) (Environmental Matters) - Requiring a person responsible for a release that resulted in groundwater contamination to reimburse specified property owners for the costs, up to \$250, incurred for conducting tests for groundwater contamination; etc. EFFECTIVE OCTOBER 1, 2008

HB 498 - GROUNDWATER CONTAMINATION – LEVEL OF METHYL TERTIARY BUTYL ETHER – NOTICE AND CLEANUP (Delegate Kach, et al) (Environmental Matters) - Altering the level of methyl tertiary butyl ether groundwater contamination requiring notification of a local health department and specified property owners by the Department of the Environment from 20 to 5 parts per billion; requiring the Department to adopt regulations to ensure the cleanup of methyl tertiary butyl ether in a specified area; requiring a person responsible for a specified release to reimburse the Department for specified costs; etc. EFFECTIVE OCTOBER 1, 2008

## **HUMAN SERVICES**

HB 411 - CHILD SUPPORT ENFORCEMENT – INTERCEPTION OF ABANDONED PROPERTY (Delegate G. Clagett, et al) (Judiciary) - Adding abandoned property delivered to the State Comptroller under Title 17 of the Commercial Law Article to provisions of law requiring the State Comptroller to withhold the amount of specified child support arrearages from payments due to obligors and to forward the amount withheld to the Child Support Enforcement Administration. EFFECTIVE OCTOBER 1, 2008

## **INTERGOVERNMENTAL RELATIONS**

HB 530 - LIMIT ON GROWTH IN STATE SPENDING (Delegate Bates, et al) (Appropriations) - Proposing an amendment to the Maryland Constitution limiting State fiscal year spending to the rate of inflation plus the percent change in State population, subject to a specified exception; and submitting the amendment to the qualified voters of the State of Maryland for their adoption or rejection. CONTINGENT CONSTITUTIONAL AMENDMENT

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HB 604 - PUBLIC BENEFITS – REQUIREMENT OF PROOF OF LAWFUL PRESENCE (The Minority Leader) (Judiciary) - Requiring that adults provide proof of lawful presence in the United States before receiving public benefits; requiring State units and political subdivisions that provide public benefits to verify the lawful presence of persons in the United States; requiring applicants for public benefits to produce specified types of identification and affidavits; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

SB 421 - COUNTIES AND MUNICIPAL CORPORATIONS – “SANCTUARY LAWS” FOR ILLEGAL ALIENS – PROHIBITION (Senator Kittleman, et al) (Education, Health, and Environmental Affairs) - Requiring local governments to fully comply with and support federal immigration law; prohibiting local governments from restricting their employees from requesting, obtaining, sending, receiving, or maintaining immigration information; requiring local governments to enforce federal immigration law and protect civil rights; etc. EFFECTIVE OCTOBER 1, 2008

## **PARKS & RECREATION**

HB 328 - PROGRAM OPEN SPACE – USE OF FUNDS – ARTIFICIAL TURF SURFACES (Delegate Ali) (Environmental Matters) - Prohibiting the use of specified funds under Program Open Space to replace specified existing natural grass athletic fields with specified artificial turf surfaces. EFFECTIVE JULY 1, 2008

SB 330 - SWIMMING POOLS – AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAMS (Senator Klausmeier) (Finance) - Requiring each county or municipal corporation that owns or operates a swimming pool to develop and implement an automated external defibrillator program that meets specified requirements; requiring the owners and operators of specified swimming pools to develop and implement an automated external defibrillator program that meets specified requirements; requiring the adoption of regulations; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2008

## **PUBLIC ETHICS AND INFORMATION**

HB 349 - STATE GOVERNMENT – OPEN MEETINGS – VOTES OF A PUBLIC BODY (Delegate Bobo) (Health and Government Operations) - Requiring specified votes of a public body to be taken in open session; and prohibiting a specified provision of law from being construed to allow voting by a public body in a closed session. EFFECTIVE JUNE 1, 2008

## **PUBLIC SAFETY & CORRECTIONS**

HB 364/ SB 269 - VEHICLE LAWS – SPEED MONITORING SYSTEMS – STATEWIDE AUTHORIZATION AND USE IN HIGHWAY WORK ZONES (The Speaker (By Request – Administration), et al) (Environmental Matters) (The President (By Request – Administration)) (Judicial Proceedings) - Authorizing in all counties of the State and in specified highway work zones the use of speed monitoring systems to enforce specified highway speed laws under specified standards and procedures; restricting the use of specified revenues generated under the Act; altering the maximum fine for a violation enforced by a speed monitoring system; etc. EFFECTIVE OCTOBER 1, 2008

HB 381 - PUBLIC SAFETY – OFFENDER REGISTRY – FREQUENCY OF PHOTOGRAPH (Delegate Stifler, et al) (Judiciary) - Changing the time requirement for an updated photograph to be included in the registration of offenders, child sexual offenders, sexually violent offenders, and sexually violent predators in the Offender Registry. EFFECTIVE OCTOBER 1, 2008

HB 383 - CORRECTIONAL OFFICERS’ RETIREMENT SYSTEM – SERVICE RETIREMENT ALLOWANCE (Delegate Donoghue) (Appropriations) - Altering the formula for computing the retirement allowance of members of the Correctional Officers’ Retirement System. EFFECTIVE JULY 1, 2008

HB 496 - CRIMINAL PROCEDURE – SEXUAL OFFENDERS – SUPERVISION, NOTIFICATIONS, AND PENALTIES (Delegate Kach, et al) (Judiciary) - Requiring the inclusion of additional information in a registration statement for the offender registry; requiring a supervising authority to verify addresses of specified registrants; expanding the types of child care entities that may be notified by a local law enforcement unit of the filing of a registration statement under specified circumstances; prohibiting a person from knowingly assisting a person who is subject to the registration requirement and fails to comply, in eluding a law enforcement agency in specified ways; etc. EFFECTIVE OCTOBER 1, 2008

## **TRANSPORTATION AND PUBLIC WORKS**

HB 441 - VEHICLE LAWS – MOTOR VEHICLE ACCIDENT REPORTS – ACCESS (Delegate Smigiel, et al) (Judiciary) - Exempting an individual involved in a motor vehicle accident and the legal representative of an individual involved in a motor vehicle accident from a specified requirement to provide specified information and identification to a law enforcement agency in order to obtain a copy of a specified report of the motor vehicle accident. EFFECTIVE OCTOBER 1, 2008

SB 276 - MARYLAND QUIET VEHICLES AND PEDESTRIAN SAFETY TASK FORCE (Senator Stone, et al) (Judicial Proceedings) - Establishing a Maryland Quiet Vehicles and Pedestrian Safety Task Force; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving specified compensation; authorizing a member of the Task Force to receive reimbursement for specified expenses; requiring the Task Force to report to the General Assembly by a specified date; etc. EFFECTIVE JUNE 1, 2008

SB 445 - CORPORATE INCOME TAX – REPORTING (Senator King, et al) (Budget and Taxation) - Altering definitions for purposes of requirements for specified corporations to submit specified information to the Comptroller; altering the reporting requirements and limiting the reporting requirements to taxable years beginning before January 1, 2011; prohibiting the disclosure of specified information to specified governmental units or officials; repealing penalty provisions and authorizing the Comptroller to develop and implement a penalty system relating to the reporting requirements; etc. EFFECTIVE JULY 1, 2008

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### **FOR YOUR INFORMATION**

HB 475 - INCOME TAX – PERSONAL EXEMPTIONS – INFLATION ADJUSTMENT (Delegate Olszewski, et al) (Ways and Means) - Increasing the amount of specified exemptions allowed under the State income tax for specified taxable years by a specified cost-of-living adjustment. EFFECTIVE JULY 1, 2008

HB 540 - INCOME TAX – SUBTRACTION MODIFICATION – PUBLIC SCHOOL VOLUNTEER AIDES (Delegate George) (Ways and Means) Providing a subtraction modification under the State income tax for qualifying volunteer aides; requiring a county superintendent of schools or the superintendent's designee to provide a statement of certification to a volunteer aide who volunteers a specified number of hours; requiring the State Board of Education to create and provide a specified form; applying the Act to tax years after 2007; etc. EFFECTIVE JULY 1, 2008

HB 549 - INCOME TAX – SUBTRACTION MODIFICATION – MILITARY RETIREMENT (Delegate Love, et al) (Ways and Means) - Removing the \$5,000 limitation on the amount of specified military retirement income that may be subtracted from federal adjusted gross income for Maryland income tax purposes; applying the Act to taxable years beginning after December 31, 2007; etc. EFFECTIVE JULY 1, 2008

HB 599 - INCOME TAX – SUBTRACTION MODIFICATION – CREATION OF A MINORITY BUSINESS ENTERPRISE (Delegate Taylor, et al) (Ways and Means) - Providing a subtraction modification under the State income tax for income from specified sales that result in the creation of specified minority business enterprises; providing for the recapture of the subtraction modification under specified circumstances; defining terms; applying the Act to taxable years beginning December 31, 2007; etc. EFFECTIVE JULY 1, 2008

SB 289 - SENIORS TAX RELIEF ACT OF 2008 (Senator Lenett, et al) (Budget and Taxation) - Increasing from \$1,000 to \$2,000 the amount allowed as a deduction for additional exemptions under the State income tax for individuals who as of the last day of the taxable year are blind or are at least 65 years old; reducing the amount allowed as a deduction for additional exemptions for individuals with a specified amount of income; etc. EFFECTIVE JULY 1, 2008

SB 300 - MOTOR VEHICLE EXCISE TAX – EXEMPTION FOR RETURNING MILITARY MEMBERS (Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)) (Budget and Taxation) - Expanding the eligibility for a specified motor vehicle excise tax credit to include a member of the military who returns to Maryland from active duty and, within 1 year, applies for titling and registration of a vehicle previously titled and registered in another state. EFFECTIVE OCTOBER 1, 2008

SB 315 - INCOME TAX – SUBTRACTION MODIFICATION – MILITARY RETIREMENT INCOME (Senator Lenett, et al) (Budget and Taxation) - Altering a subtraction modification under the Maryland income tax for specified military retirement income; increasing the subtraction modification under specified circumstances; applying the Act to tax years after 2007; etc. EFFECTIVE JULY 1, 2008

SB 426 - INCOME TAX SUBTRACTION MODIFICATION – MILITARY PAY (Senator Peters, et al) (Budget and Taxation) Increasing from \$15,000 to \$30,000 the maximum subtraction modification allowed under the State income tax for military income attributable to military service outside the United States; increasing from \$15,000 to \$45,000 the threshold amount of military pay above which the subtraction modification is phased out; applying the Act to taxable years beginning after December 31, 2007; etc. EFFECTIVE JULY 1, 2008

## Statewide Hearing Schedule

### **WEDNESDAY, FEBRUARY 6**

1:00 p.m. HGO – House 240 – HB 319 – Local Government – Procurement – Resident References

1:00 p.m. FIN – MSB 3E – SB 204 – Maryland transit Administration – Transit-Oriented Development

### **TUESDAY, FEBRUARY 12**

1:00 p.m. HGO – House 240 – HB 235 – Maryland Medical Assistance Program – Emergency Service Transporters – Payments

1:00 p.m. FIN – MSB 3E – SB 225 – Local Correctional Facilities – Inmate Health care Expenses – Payment Rates to Health Care Providers

1:00 p.m. EHE – MSB 2W – SB 259 – Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government