



Courthouse News

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January 30, 2009

State Budget Plan Unveiled

County Effects Widespread, Mixed

The Administration's budget package, released January 21, included the operating budget bill (HB 100) and the accompanying budget reconciliation legislation (HB 101). As the state faces a budget imbalance nearing \$2 billion for FY 2010, the budget plan includes a wide range of cutbacks, including a number with county effect. However, the much-discussed shift of teacher pensions is not included in the Administration budget plan.

The "Budget Highlights" document that gives a general overview of items funded in the budget is available from the Department of Budget and Management Website at <http://www.dbm.maryland.gov/portal/server.pt?open=18&objID=708996&mode=2&cached=true>

A far more comprehensive Fiscal Briefing document, detailing the state's economic situation and reviewing many of the budget plan's components, is available from the Department of Legislative Services at http://mlis.state.md.us/2009rs/budget_docs/ALL/2009_Fiscal_Briefing.pdf

While the full spectrum of county effects is still being digested, the following represents a summary of the major areas of reduction (either from statutory formula amounts, or in many cases, actual reductions from FY 2009 budget levels):

- Primary and Secondary Education is reduced in many areas, with a substantially altered "supplemental grant," limited funding for the Geographic Cost of Education Index, a permanent shift of nonpublic placement costs to local school boards, and elimination of operating funds for aging schools

- A new requirement that counties will be invoiced by the state for most of the costs of the State Department of Assessments and Taxation's property assessment functions, totaling nearly \$37 million annually (and with permanent effect)

- Transfer of some \$367m in funds from the Local Income Tax Reserve Fund (money used by the State as a hedge against future refund liabilities), with a 10-year repayment plan from the local income tax (meaning nearly \$37 in reduced local income tax revenues each year from FY 2010 through 2019)

- A reduction of some \$13 million in FY 2010 local health grants, essentially carrying over the effects of a 15% reduction to local

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Legislative Committee February 4 - 10:30 a.m.

Tax & Education Subcommittee Meetings

10:00 am

Agenda

- I. Call to Order David Craig, Legislative Committee Chairman
- II. President's Comments Wilson Parran, President
- III. Guest Speaker Eloise Foster, Secretary, Dept. of Budget & Mgmt.
- III. Bill Considerations Staff
- IV. Issues Update Staff

Inclement Weather Policy:

See homepage at www.mdcounties.org

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Important Dates!

August 12-15, 2009

Annual Summer Conference - Ocean City - Convention Center

health funding that is now “on hold” and pending before the Board of Public Works for FY 2009

- Other funding changes include a two year reduction (\$6m per year) in per diem reimbursements to local jails, a two year elimination of most host county reimbursements from the Park Service and Forest Service for state-owned lands, a diversion of nearly \$2.3 million annually from the Waterway Improvement Fund, and a one-time transfer of \$1 million from the Vehicle Theft Prevention Fund

MACo will continue to analyze the budget bill and its overall effects, and to pursue more information about items needing further explanation. MACo and county leaders will continue to advocate against permanent shifts of responsibility from the state to its local governments, as an inappropriate structural reaction to a cyclical, economy-driven revenue downturn.

Contact: *Michael Sanderson*

Proposed Reductions to Local Aid Delayed

Governor O’Malley has delayed proposed \$66 million in cuts to local government, including the Geographic Cost of Education Index (GCEI), aid to community colleges, and other local aid for FY 2009. These proposed cuts were slated for approval at the January 28 Board of Public Works (BPW) meeting. However, they were delayed amid speculation that the American Recovery and Reinvestment Act could provide nearly \$4 billion in economic relief for the state, including more than \$1.1 billion for public education.

These cuts would have been in addition to the FY 2009 cuts to local governments made at the BPW meeting in October 2008.

The FY 2009 budget cut list included the following:

- GCEI: 50% reduction - \$37.9 million
- Local Health Department: Reduce by 15% - \$10.1 million
- Community Colleges-Freezing at FY 2008 level - \$8.2 million
- Police Aid: Reduce by 15% - \$9.9 million
- Total - \$66.1 million

Governor O’Malley also released an overview of how the proposed federal stimulus package could impact the state. Maryland could receive up to \$1.1 billion in education aid, more than \$660 million for energy assistance and conservation programs, workforce development funds, and community development block grants. In addition, the state could see over \$1 billion in Medicaid relief, public safety grants and over \$1 billion for infrastructure projects - including highway and mass transit projects, water/wastewater projects and school construction.

Visit www.mdcounties.org to view a detailed chart on the BPW Proposed State mid-year Cuts to Local Government.

Contact: *Ellen Clarke*

Fiscal Briefings Highlight County Budget Effects

The two standing budget committees have heard a briefing from county and municipal governments, as part of a standing commitment from the Fiscal Committees. On January 23, the House Appropriations Committee held a briefing with MML and MACo panels, and on January 27, the Senate Budget and Taxation Committee did the same.

MACo President Wilson Parran led the MACo testimony in Appropriations, saying that the counties were “hoping to be collaborative” in the difficult decisions facing state budget officials. He noted MACo’s support for the 2007 Special Session fiscal package, recalling, “I joined other MACo leaders in testifying in the Joint Hearing room in favor of not only the Governor’s tax proposals, but also the cuts he proposed to county government funding. And MACo followed up being a visible supporter of the slots referendum.” These difficult choices, he said, reinforce the value of a “partnership.”

Prince George’s County Office of Budget and Management Director Jonathan Seeman reviewed the challenges facing that county, including a projected \$102 million shortfall for the coming year. Wicomico County Corrections Director Doug Devenyns detailed the personnel-intensive nature of local corrections (slated for budget cuts as well) and noted the nature of programs that absorb a disproportionate share of budget reductions, given the essential functions

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performed by correctional facilities.

MACo Executive Director Michael Sanderson followed with a suggestion, “don’t make bad policy because of bad budget times.” He noted that several components of the proposed budget plan included permanent shifts of responsibility or funding for various functions, and urged the committee to “hear out these issues, on beyond the dollars.” To that point, he mentioned the proposed switch of funding for property assessments and nonpublic placements for schoolchildren with special needs. “You will have time to look at these proposals more closely,” he said, “and we urge you to keep good policy in mind.”

At the Senate Budget and Taxation Committee on January 27, a similar panel presented a comparable overview, and responded to an extended series of questions. Replacing Mr. Devenyns on the panel was Washington County Health Officer Earl Stoner, who discussed the nature of public health services, and reinforced “our services are very heavily made up of the professionals who do the work,” and noted that the looming 15% cut to local health department funding would likely trigger “substantial layoffs” and service elimination in local health departments.

The House Ways and Means Committee will conduct a similar local government overview and briefing on February 5, with a MACo panel also participating.

Contact: *Michael Sanderson*

Condolences

Don Praisner, 76, widower of the late Marilyn Praisner, passed away at 1:45 pm January 30 following surgery for colon cancer. Mr. Praisner won a special election on May 13, 2008, for the District 4 seat on the Montgomery County Council, left vacant by the passing of his wife, Marilyn, nearly one year ago.

Funeral arrangements are pending. Our sincere sympathy is extended to the family and friends.

Contact: *Ellen Clarke*

Impact Bills

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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 for daily updates about legislation impacting county government.

TAXES AND REVENUES

HB 156 - STATE PROPERTY TAX – HOMEOWNER’S PROPERTY TAX ASSESSMENT CAP REDUCTION (Delegate Krebs, et al) (Ways and Means) - Reducing from 110% to 105% the homestead property tax credit percentage for the State property tax; and applying the Act to tax years beginning after June 30, 2010. EFFECTIVE OCTOBER 1, 2009

HB 219/ SB 223 - TAX – PROPERTY – ASSESSMENT AND VALUATION – FOREST CONSERVATION AND MANAGEMENT AGREEMENT (Delegate Beitzel) (Ways and Means) (Senator Edwards) (Budget and Taxation) - Providing that woodland subject to a Forest Conservation and Management Agreement may not be reassessed when timber is harvested if fewer than 6 acres of timbered land are harvested and the owner agrees the land will remain open space for a specified time. EFFECTIVE JULY 1, 2009

SB 284 - INCOME TAX – MILITARY RETIREMENT INCOME (Senator Peters, et al) (Budget and Taxation) - Increasing the maximum for a subtraction modification under the State income tax for military retirement income from \$5,000 to \$10,000 of military retirement income received; providing for a delayed effective date; applying the Act to taxable years beginning after December 31, 2010; etc. EFFECTIVE JULY 1, 2011

FINANCE AND ADMINISTRATION

HB 117/ SB 300 - STATE DEPARTMENT OF ASSESSMENTS AND TAXATION – PROPERTY TAX ASSESSMENT APPEALS OMBUDSMAN (Delegate Stiffer) (Ways and Means) (Senator Glassman, et al) (Budget and Taxation) - Requiring the Director of the State Department of Assessments and Taxation to designate a property tax assessment appeals ombudsman; and establishing duties of the property tax assessment appeals ombudsman. EFFECTIVE JULY 1, 2009

HB 169/ SB 348 - TAX SALES – FEES (Delegate Anderson (By Request – Baltimore City Administration)) (Ways and Means) (Senator McFadden (By Request – Baltimore City Administration)) (Budget and Taxation) - Altering the type of expenses for which a holder of a certificate of sale may be reimbursed under specified circumstances; applying the Act prospectively; etc. EFFECTIVE JULY 1, 2009

HB 188/ SB 302 - PROPERTY TAX – ASSESSMENT FREEZE AND ANNUAL REASSESSMENT (Delegate Shewell, et al) (Ways and Means) (Senator Glassman, et al) (Budget and Taxation) - Altering the triennial assessment cycle for real property for property tax purposes to an annual assessment cycle; requiring the State Department of Assessments and Taxation to

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review real property assessments each year and physically inspect the exterior of real property every 3 years; altering the maximum homestead property tax credit percentage for the State, county, and municipal property tax for the 2009 tax year; etc. EFFECTIVE JUNE 1, 2009

HB 200 - MARYLAND UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT (Delegate Carter) (Judiciary) - Repealing specified provisions of law relating to the management of institutional funds; establishing the Maryland Uniform Prudent Management of Institutional Funds Act; establishing standards of conduct in managing and investing specified institutional funds; authorizing a specified institution to appropriate for expenditure or accumulate so much of a specified endowment fund as the institution determines is prudent for specified purposes; etc. EMERGENCY BILL

HB 226/ SB 246 - STATE CAPITAL PROJECTS – HIGH PERFORMANCE BUILDINGS – GREEN GLOBE RATING (Delegate Beitzel, et al) (Health and Government Operations and Appropriations) (Senator Greenip, et al) (Budget and Taxation) - Altering the definition of “high performance building” to include a building that achieves at least a two globe rating according to the Green Globes Program as adopted by the Green Building Initiative. EFFECTIVE JULY 1, 2009

SB 258 - MARYLAND HERITAGE STRUCTURE REHABILITATION TAX CREDIT PROGRAM (The President (By Request – Administration)) (Budget and Taxation) - Reestablishing and altering the Maryland Heritage Structure Rehabilitation Tax Credit Program; authorizing the Director of the Maryland Historical Trust to accept applications for approval of rehabilitation plans on a first– come, first–served basis; authorizing the Director of the Maryland Historical Trust to issue up to \$100,000,000 in the aggregate in initial credit certificates for the Maryland heritage structure rehabilitation tax credit up to and including July 1, 2009 under specified circumstances; etc. EFFECTIVE JUNE 1, 2009

SB 274 - TAX INCREMENT FINANCING AND SPECIAL TAXING DISTRICTS – TRANSIT–ORIENTED DEVELOPMENT (The President (By Request – Administration)) (Budget and Taxation) - Authorizing specified political subdivisions to finance the costs of public improvements in or supporting specified transit–oriented developments in specified manners; providing for the establishment and termination of specified special taxing districts; providing for the uses of specified special funds established for the improvement and maintenance of specified transit– oriented developments through tax increment financing and other specified mechanisms; etc. EFFECTIVE JUNE 1, 2009

EDUCATION

HB 150 - EDUCATION – SCHOOL ADMINISTRATORS – REPORTS OF VIOLENCE TO LOCAL LAW ENFORCEMENT UNIT (Delegates Kach and Olszewski) (Ways and Means) - Requiring a school administrator to report to a local law enforcement unit an act of violence on school property resulting in injuries requiring specified medical attention; and requiring a school administrator that has reported an act of violence to a local law enforcement unit to provide notice of the report to a specified county board of education. EFFECTIVE JULY 1, 2009

HB 183 - LOTTERY FOR SCHOOLS ACT OF 2009 (Delegate Holmes) (Ways and Means) - Requiring the Comptroller to distribute 25% of

specified lottery proceeds to public school systems for classroom staff and instructional materials; requiring that 75% of specified lottery proceeds be distributed to the General Fund of the State and used for the Bridge to Excellence in Public Schools Program; etc. Eff. 10/1/09

HB 184/ SB 234 - EDUCATION – MARYLAND’S PRESCHOOL FOR ALL BUSINESS PLAN – FINAL REPORT REQUIREMENTS (Delegate Hucker, et al) (Ways and Means) (Senator King, et al) (Budget and Taxation and Education, Health, and Environmental Affairs) - Requiring the State Department of Education to consult with and accept comments from county superintendents and local governing bodies regarding the Maryland’s Preschool for All Business Plan before preparing and publishing a final version of a specified Business Plan; and requiring the Department to submit to the Governor and General Assembly a copy of a final report that includes specified information on or before a specified date. EFFECTIVE JULY 1, 2009

HB 201 - EDUCATION – STUDENT DISCIPLINE – ALTERNATIVE EDUCATION PROGRAM (Delegate Frush) (Judiciary) - In any county that has a juvenile justice alternative education program, authorizing a juvenile court to order a student who is suspended, expelled, or identified as a candidate for suspension or expulsion from school to attend that program; and terminating the Act at the end of June 30, 2012. EFF. 7/1/09

HB 205 - EDUCATION – PUBLIC SCHOOLS – MANDATORY SCHOOL UNIFORMS (Delegate Holmes) (Ways and Means) - Requiring that each county board of education develop a county school uniform policy; requiring that the county board establish the policy in consultation with specified persons; requiring the State Superintendent of Schools to adopt specified regulations; requiring that conformance with and enforcement of the uniform policy comply with specified regulations and laws; and requiring the State Superintendent to develop specified standards, appropriate procedures, and guidelines. EFFECTIVE OCTOBER 1, 2009

HB 274/ SB 315 - TASK FORCE ON THE CORRELATION BETWEEN POPULATION SIZE OF MIDDLE AND HIGH SCHOOLS AND ACADEMIC ACHIEVEMENT (Delegates Schuh and Kaiser) (Ways and Means) (Senator Mooney) (Education, Health, and Environmental Affairs) - Establishing a Task Force on the Correlation Between Population Size of Middle and High Schools and Academic Achievement; establishing the membership and staffing of the Task Force; providing for the designation of the chair of the Task Force; requiring the Task Force to evaluate and make policy recommendations regarding specified issues; requiring the Task Force to submit a report to the Governor and the General Assembly on or before December 1, 2010; etc. EFFECTIVE OCTOBER 1, 2009

SB 235 - EDUCATION – MDK12 DIGITAL LIBRARY (Senator King, et al) (Ed., Health, & Env. Affairs) - Establishing the MDK12 Digital Library in the MD State Dept. of Ed.; establishing a steering committee within the MDK12 Digital Library; establishing the membership of the steering committee; establishing the membership of the MDK12 Digital Library, subject to specified limitations; etc. EFF. 10/1/2009

SB 257 - INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN (The President (By Request – Administration), et al) (Education, Health, and Environmental Affairs) - Establishing, through

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an Interstate Compact with specified member states, the Interstate Compact on Educational Opportunity for Military Children for specified purposes. CONTINGENT EFFECTIVE JULY 1, 2009

SB 285 - STATE SCHOOL CONSTRUCTION PAYMENTS – REMITTANCE OF REIMBURSEMENT TO COUNTY (Senator Glassman) (Budget and Taxation) - Requiring the State, when the State provides reimbursement of forward funded public school construction or public school capital improvement projects, to remit the funds to the county government and not to the county board. EFFECTIVE JULY 1, 2009

BUSINESS AFFAIRS

HB 167 - TASK FORCE TO STUDY CHARITABLE AND COMMERCIAL GAMING ACTIVITIES IN MARYLAND (Delegate Cardin) (Ways and Means) - Establishing a Task Force to Study Charitable and Commercial Gaming Activities in Maryland; providing for the membership and staffing of the Task Force; requiring a specified report; providing that the Act terminates at the end of June 30, 2010; etc. EFFECTIVE JUNE 1, 2009

SB 296 - AUTOMOTIVE DISMANTLERS, RECYCLERS, AND SCRAP PROCESSORS – NOTICE OF VEHICLE ACQUISITION (Senators Stone and Della) (Finance) - Expanding the exception to the requirement that an automotive dismantler and recycler or scrap processor provide notice of vehicle acquisition to the Motor Vehicle Administration to include vehicles obtained through an out-of-state salvage certificate; and making the Act an emergency measure. EMERGENCY BILL

COMMUNITY AND ECONOMIC DEVELOPMENT

HB 186 - REAL PROPERTY – CONDEMNATION PROCEEDINGS – VALUATION OF PROPERTY (Delegate Shewell, et al) (Environmental Matters) - Establishing that damages awarded for the taking of property used for a business may include specified damages for the loss of goodwill; including in the calculation of damages any diminution in value occurring after the first official governmental announcement of a public project; and including specified costs in calculating diminution in value for specified property. EFFECTIVE OCTOBER 1, 2009

ELECTIONS

SB 320 - VOTER'S RIGHTS PROTECTION ACT OF 2009 (Senator Gladden) (Education, Health, and Environmental Affairs) - Altering the circumstances under which an individual may be offered the opportunity to cast a provisional ballot; requiring the State Board of Elections to ensure that the program of instruction for election judges incorporates a thorough and detailed treatment of specified information; prohibiting a vacancy in polling place staff from delaying the opening of the polling place; authorizing a court to impose a civil penalty or issue an injunction only after making specified findings; prohibiting specified conduct; etc. EFFECTIVE OCTOBER 1, 2009

SB 327 - ELECTION LAW – RUNOFF ELECTION (Senator Colburn) (Education, Health, and Environmental Affairs) - Providing that a candidate may not be nominated for or elected to specified public offices in the State unless the candidate receives a majority of the votes cast in the facilities for the designation or renewal of a marina as a Maryland Clean Marina or Clean Marina partner; prohibiting the amount of grants for the purchase and installation of best management practices from exceeding

election; requiring that a runoff election be held if no candidate receives a majority of the votes cast in specified elections; specifying the dates for a runoff election; providing for a substitute candidate in the event a candidate initially eligible for the runoff election dies, withdraws, or is ineligible for the runoff election; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

EMPLOYEE BENEFITS

HB 191 - STATE RETIREMENT AND PENSION SYSTEM – MILITARY SERVICE CREDIT – ELIGIBILITY (Delegate Aumann, et al) (Appropriations) - Reducing the number of years of creditable service from 10 to 7 years that a member of the State Retirement and Pension System is required to accrue in order to be eligible to receive military service credit. EFFECTIVE JULY 1, 2009

HB 223 - STATE OR LOCAL RETIREMENT OR PENSION SYSTEMS – MILITARY SERVICE CREDIT (Delegate Costa) (Appropriations) - Increasing the amount of service credit from 5 to 6 years that members of the State Retirement and Pension System may receive for military credit earned before joining the State Retirement and Pension System; requiring that local retirement or pension systems provide at least 6 years of credit for members of the local retirement or pension system for military service earned before joining the local retirement or pension system; etc. EFFECTIVE JULY 1, 2009

SB 226 - STATE RETIREMENT AND PENSION SYSTEM – PARTICIPATING GOVERNMENTAL UNITS (Senator McFadden (Chair, Joint Committee on Pensions)) (Budget and Taxation) - Clarifying the definition of a “local pension system” for participating governmental units in the State Retirement and Pension System; and providing that existing employees of participating governmental units joining the State Retirement and Pension System have to elect to participate in the State Retirement and Pension System by a specified date. EFFECTIVE JULY 1, 2009

SB 287 - STATE OR LOCAL RETIREMENT OR PENSION SYSTEM – TRANSFER OF SERVICE CREDIT – ORDINARY DISABILITY RETIREES (Senator McFadden (Chair, Joint Committee on Pensions)) (Budget and Taxation) - Exempting from a specified benefit calculation individuals who retire from the State Retirement and Pension System with an ordinary disability retirement allowance within 5 years of transferring into one of the several systems of the State Retirement and Pension System. EFFECTIVE JULY 1, 2009

ENVIRONMENT

HB 176 - BAY RESTORATION ACT OF 2009 (Delegate Lafferty, et al) (Environmental Matters) - Prohibiting the installation of an on-site sewage disposal system unless the system utilizes nitrogen removal technology; requiring the Department of the Environment to assist homeowners in paying for specified costs; and establishing a penalty for a specified violation. EFFECTIVE OCTOBER 1, 2009

SB 240 - NATURAL RESOURCES – EXPANDED USE OF WATERWAY IMPROVEMENT FUND (Senator Astle) (Education, Health, and Environmental Affairs) - Authorizing grants from the Waterway Improvement Fund to be used for the purchase and installation of best management practices for implementation at public or private marine

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50% of the cost of purchasing and installing each best management practice; etc. EFFECTIVE OCTOBER 1, 2009

SB 278 - GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 (Senator Pinsky and the President (By Request – Administration), et al) (Education, Health, and Environmental Affairs) - Requiring the Department of the Environment to publish and update an inventory of statewide greenhouse gas emissions for calendar year 2006; requiring the State to reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020; requiring the State to develop and adopt a specified plan, adopt specified regulations, and implement specified programs to reduce greenhouse gas emissions; altering specified requirements; providing for the termination of a specified provision of the Act; etc. 10/1/2009

HEALTH

HB 189/ SB 319 - RESPIRATORY ILLNESS PREVENTION ACT (Delegate Morhaim, et al) (Health and Government Operations and Ways and Means) (Senator Gladden) (Education, Health, and Environmental Affairs and Finance) - Prohibiting the operation of a public school bus on or after a specified date if the bus does not have diesel emission control equipment; requiring the Asthma Control Program to set up a grant program to be used for the installation of diesel emission control equipment on public school buses; requiring specified State procurement contracts to include specified clauses regarding diesel emissions control equipment; etc. EFFECTIVE OCTOBER 1, 2009

HUMAN SERVICES

HB 144 - SOCIAL SERVICES ADMINISTRATION – CHILDREN AT SUBSTANTIAL RISK OF ABUSE OR NEGLECT – IDENTIFICATION AND NOTICE (Delegate Waldstreicher, et al) (Judiciary) - Requiring the Secretary of Health and Mental Hygiene to provide specified birth record information to the Executive Director of the Social Services Administration in the Department of Human Resources under specified circumstances; requiring the Executive Director to provide the Secretary of Health and Mental Hygiene with identifying information regarding individuals who, as to any child, have had their parental rights terminated under specified circumstances; etc. EFFECTIVE OCTOBER 1, 2009

INTERGOVERNMENTAL RELATIONS

HB 154/ SB 212 - ENVIRONMENT – GREEN BUILDING COUNCIL (Delegate Morhaim, et al) (Health and Government Operations) (Senator Frosh) (Education, Health, and Environmental Affairs) - Expanding the responsibilities of the Green Building Council to include providing recommendations on how to expand green building in the State; removing specified obsolete dates; and expanding the scope of specified recommendations that the Council is required to make relating to the implementation of a higher performance building program. EFFECTIVE OCTOBER 1, 2009

PLANNING & ZONING

HB 194 - LAND USE – DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENTS (Delegate G. Clagett, et al) (Environmental Matters) - Increasing from 5 to 10 years the time period after which a specified development rights and responsibilities agreement will be void under specified circumstances; and providing that a specified local jurisdiction may not enforce specified laws, rules, regulations, or policies governing

the use, density, or intensity of specified real property that is subject to development rights and responsibilities agreements unless specified circumstances exist. EFFECTIVE OCTOBER 1, 2009

HB 197 - REAL PROPERTY – INSTALLATION AND USE OF CLOTHESLINES ON RESIDENTIAL PROPERTY (Delegate G. Clagett, et al) (Environmental Matters) - Prohibiting a local legislative body from prohibiting the installation or use of clotheslines on specified residential property; providing that a contract, deed, rule, bylaw, lease agreement, or other document may not prohibit a homeowner or tenant from installing or using clotheslines on specified residential property; providing that the Act does not prohibit reasonable restrictions, for specified purposes, on the dimensions, placement, or appearance of clotheslines; etc. EFFECTIVE OCTOBER 1, 2009

HB 203 - FOREST CONSERVATION FUND – AUTHORIZED USES – STREET SIDE SHRUB PLANTING (Delegate Frush, et al) (Env. Matters) - Authorizing State and local authorities to use the Forest Conservation Fund to fund the planting of shrubs and similar plants along streets and in medians if the Department of Natural Resources determines that the planting of trees is not practicable in these areas. EFF. JULY 1, 2009

HB 220/ SB 350 - MUNICIPAL CORPORATIONS – ANNEXATIONS – SMALL PARCELS (Delegate Carr, et al) (Env. Matters) (Sen. Pinsky & Harrington) (Ed., Health, & Env. Affairs) - Providing that specified consent provisions and specified referendum provisions do not apply to a proposed annexation by a municipal corporation of a parcel that is 5 acres or less and is part of a lot that contains at least one other parcel that is already within the municipal corporate area under specified circumstances; prohibiting a municipal corporation from annexing more than 25 acres; and terminating the Act at the end of Sept. 30, 2011. Eff. 10/1/2009

SB 273 - SMART, GREEN, AND GROWING – LOCAL GOVERNMENT PLANNING – PLANNING VISIONS (The President (By Request – Administration), et al) (Education, Health, and Environmental Affairs) - Revising the State Economic Growth, Resource Protection, and Planning Policy and visions; requiring local jurisdictions to submit a specified report every 2 years on or before July 1 to the Department of Planning; requiring the Department to publish a specified report every 2 years on or before January 1; authorizing specified local jurisdictions to establish a program for the transfer of development rights within a priority funding area for specified purposes; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

SB 276 - SMART, GREEN, & GROWING – ANNUAL REPORT – SMART GROWTH MEASURES & INDICATORS & IMPLEMENTATION OF PLANNING VISIONS (The President (By Request – Administration), et al) (Education, Health, and Environmental) - Requiring specified local planning commissions to include information about smart growth measures and indicators in a specified report; exempting counties or municipal corporations that issue fewer than 50 building permits per year; requiring exempt jurisdictions to provide specified documentation; requiring the Department of Planning to adopt specified regulations; requiring the Task Force on the Future for Growth and Development to make specified recommendations; etc. EFFECTIVE JUNE 1, 2009

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SB 280 - SMART, GREEN, AND GROWING – SMART AND SUSTAINABLE GROWTH ACT OF 2009 (The President (By Request – Administration), et al) (Education, Health, and Environmental Affairs) - Defining a specified term applicable to the exercise by a local jurisdiction of land use, water and sewer plan review, growth allocation, and annexation powers to require consistency with a local comprehensive plan under specified circumstances; altering the applicability of specified land use provisions to specified local jurisdictions; etc. EFFECTIVE JULY 1, 2009

POLICE AND LAW ENFORCEMENT

HB 152 - VEHICLE LAWS – LEAVING THE SCENE OF AN ACCIDENT RESULTING IN BODILY INJURY OR DEATH – MANDATORY ARREST (Del. Kach and Olszewski) (Judiciary) - Requiring a police officer to arrest with or without a warrant a person who the police officer has probable cause to believe has committed a specified offense of leaving the scene of an accident resulting in bodily injury or death. 10/1/2009

HB 182/ SB 256 - FREEDOM OF ASSOCIATION & ASSEMBLY PROTECTION ACT OF 2009 (Del. Hixson, et al) (Judiciary) (Sen. Raskin, et al) (Judicial Pro.) - Prohibiting a law enforcement agency from using specified covert techniques to investigate or infiltrate a specified entity unless a specified finding is made; requiring the Department of State Police to adopt specified regulations; requiring specified law enforcement agencies to adopt specified policies; prohibiting a law enforcement agency from collecting, disseminating, or maintaining specified information in a criminal intelligence database unless the information is directly related to specified criminal activity; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

HB 192 - SILVER ALERT PROGRAM – MISSING INDIVIDUALS WITH COGNITIVE IMPAIRMENTS (Delegate Shewell, et al) (Judiciary) - Establishing a statewide Silver Alert Program within the Department of State Police; providing for the purpose of the Silver Alert Program; requiring the Department to adopt guidelines and develop procedures for issuing a specified alert for a specified missing individual; requiring the Department to provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a specified missing individual; etc. EFFECTIVE OCTOBER 1, 2009

SB 252 - RENTAL VEHICLE PARKING TICKET FAIRNESS ACT (Senator Astle) (Judicial Proceedings) - Providing that the owner of a rental vehicle for which a parking citation is issued is not liable for payment of the fine or for any penalty in excess of the fine if the rental vehicle was in the possession of a lessee of the vehicle at the time the parking citation was issued and if, within 30 days of receiving a mailed notice of the infraction, the owner electronically sends specified information to the appropriate political subdivision or State agency; etc. EFFECTIVE OCTOBER 1, 2009

SB 260 - VEHICLE LAWS – TESTING OF DRIVERS INVOLVED IN FATAL OR LIFE–THREATENING ACCIDENTS (The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senator Forehand) (Judicial Proceedings) - Requiring a police officer to request a driver involved in a motor vehicle accident that results in death or life–threatening injury to voluntarily submit to a preliminary breath test for alcohol under specified circumstances; providing that a police officer who asks a person to

voluntarily submit to a test shall advise the person that there is no sanction or consequence for refusing to submit to the test or for any result; providing that a test may be used only for specified research and statistical purposes; etc. EFFECTIVE OCTOBER 1, 2009

SB 277 - VEHICLE LAWS – SPEED MONITORING SYSTEMS – STATEWIDE AUTHORIZATION & USE IN HIGHWAY WORK ZONES (The President (By Request – Administration), et al) (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; etc. EFF. 10/1/2009

SB 303 - SILVER ALERT PROGRAM – ESTABLISHMENT (Senator Kramer, et al) (Jud. Pro.) - Requiring the Dept. of State Police to establish a Silver Alert Program to disseminate information to assist in locating specified missing persons who suffer specified impairments; requiring the Dept. to adopt guidelines and develop procedures for issuing a Silver Alert for a specified missing adult; requiring the Dept. to provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a specified missing person; etc. EFF. 10/1/2009

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