

Courthouse News

A publication
of the
Maryland Association
of Counties

Volume 31 Number 5

February 20, 2009

Presiding Officers View Session Ahead

At their February 18 meeting with county leaders, Senate President Mike Miller and House Speaker Mike Busch discussed the forecast for the state's fiscal situation, the effects of federal stimulus efforts, and additional county issues.

MACo President Wilson Parran opened the meeting, thanking the two presiding officers for their "interest in hearing from us." Both the President and Speaker offered initial thoughts about federal stimulus funding, and the effect on state policies. President Miller forecasted that "the Governor and his staff are working to pull this together, we should know [about state effects] soon," while Speaker Busch observed that "the Board [of Public Works] already has contracts for transportation projects, and observed "as long as we're putting people to work in Maryland... that's what we want."

Speaker Busch elaborated on federal spending, noting that the major undetermined issue is "how much flexibility we have," and agreed that more detail from state agencies would be forthcoming as they are evaluating the detail of the federal legislation. The degree of flexibility, he predicted, may "guide some of our decisions" on the state's own budget. He noted that either a supplemental budget, or a budget amendment, would likely be forthcoming from the Administration. "We haven't ever been in this situation before," the Speaker noted, to wide agreement.

President Parran guided the conversation to specific elements in the Administration budget plan, beginning with the proposed shift of funding for the State Department of Assessments and Taxation's (SDAT's) property evaluation functions. MACo Executive Director Michael Sanderson suggested the shift was "bad policy that could result from a tough economy," and noted that "Maryland is the state that gets this right, separating the assessment function from the level of government that gets the [main] revenues." Speaker Busch suggested that such policy issues would be "open to debate." President Miller offered his view that "the Governor had to look at a lot of things..." but then observed "there's a policy connection" on the SDAT shift.

The conversation about the permanent shift of SDAT funding led to more talk about the nature of the state's budget problem. President Miller volunteered his assessment of the "huge problem," and criticized those "who have their head in the sand." He expressed a view that "we need to add common sense to this [budget] process."

(continued on next page)

Table of Contents

Minority Leaders Address Leg Com --	2
Smart Growth Bills -----	3
Scrap Metal Regulation Bill -----	5
Mandated Benefits Opposed -----	5
Home Builder Guaranty -----	6
Transit Oriented Development -----	6
Opposition Dropped -----	7
Job Openings -----	7
Legislative Action Report -----	8
Impact Bills -----	9
Statewide Hearing Schedule -----	14

Legislative Committee February 25 - 10:30 a.m.

**Tax & Education
Subcommittee Meetings
10:00 am**

**GUEST SPEAKERS:
Governor Martin O'Malley
Senate President Mike Miller**

Agenda

- I. Call to Order David Craig,
..... Legislative Committee Chairman
- II. President's Comments Wilson Parran
..... President
- III. Guest Speakers Gov. Martin O'Malley
..... & Senate President Mike Miller
- III. Bill Considerations Staff
- IV. Issues Update Staff

2009 Officers

President Wilson Parran
parranwh@co.cal.md.us
1st VP David R. Craig
dcraig@harfordcountymd.gov
2nd VP Wayne Cooper
cooperw@charlescounty.org
Secretary Robert M. Hutcheson
rhutcheson@allconet.org
Treasurer Cathy Vitale
cvitale@aacounty.org

Important Dates!

August 12-15, 2009
Annual Summer Conference - Ocean City -
Convention Center

Courthouse News

February 20, 2009

Looking forward to the next official revenue forecast scheduled for March, he said “we could be looking at another \$500 million” as a write-down in state revenues. Prince George’s County Executive Jack Johnson noted, “we’re feeling it too,” sharing comments on local revenue shortfalls in Prince George’s County, to which President Miller responded “we realize you’ve got deep problems and we want to help.” Baltimore City Mayor Sheila Dixon followed with comments about the fiscal planning “difficulty for us as well,” and noted the personnel-heavy nature of local budgets.

County Executive Johnson offered that absorbing aid reductions “all at once” placed undue stress on county fiscal planning. Speaker Busch offered that “some [cuts] can be tiered in,” leading to a discussion of the State’s proposed use of some \$380 million in funds from the Local Income Tax Reserve Fund. The Administration’s budget plan requires a 10-year payback from local income tax distributions. Montgomery County Executive Ike Leggett requested that the legislature “be open to a debate” about the required repayment, to which Speaker Busch replied, it “is a viable debate to have.” President Miller questioned the potential impact on the state’s creditworthiness, to which Mr. Sanderson suggested, “we agree, [the State] should be in touch with your bond counsel and the rating agencies” on the necessity of a repayment mechanism. County Executive Leggett also asked about “the magic of a ten-year repayment,” to which both presiding officers expressed no specific affection.

The ensuing discussion turned to the proposed shift of teacher pension funding responsibility, including that envisioned in SB 710, sponsored by President Miller. He expressed “this is what we have to do,” noting the recent growth in the State cost of its pension system. He referenced the continuing “structural deficit” facing the State, and said “we need to be looking at things like this... to get that [addressed].” He observed that teacher pension payments are “just an \$800 million handout... there’s no wealth component, no formula, nothing.” Speaker Busch commented that “we [State officials] don’t set the salaries [for school board employees]” as a driving force behind the legislation. “It’s a debate we have got to have,” he noted, and then observed “I don’t think in five years... in ten years... the State will do all this [pension funding].” Several county officials discussed the specific mechanism that leads to school board salaries. Baltimore County Executive Jim Smith noted, “at least with my firefighters, the county is at the table [for contract negotiations],” noting that the

education unions negotiate with local school boards rather than directly with the counties.

President Parran used the discussion about these underlying factors to raise concerns with pending legislation to send more school board issues to binding arbitration. County Executive Smith offered that “counties just don’t win” in such an environment, and said “this just empowers some third party to make decisions instead of elected officials.”

Howard County Executive Ken Ulman raised concerns with legislation to “broaden standing in Maryland,” noting the broad interest in the bill. Mr. Sanderson followed with an observation that “we had hoped we’d see a reasonable proposal, but these bills... open the door to nearly anyone holding up just about any project in the state.” Both presiding officers expressed an interest in the sponsorship of the bills, with President Miller expressing appreciation for the forthright concerns raised.

In closing, President Miller said he was looking forward to his pending visit to the February 25 Legislative Committee meeting. “By next week,” he said, “we should have a lot better idea about this stimulus [funding], and that should help us know where we are.” County Executive Johnson and Charles County Commission President Wayne Cooper both expressed an interest in timing of large-scale budget decisions, to which President Miller and Speaker Busch both responded with understanding. “We know you have to be planning,” President Miller observed, “we think we’ll see things this week.”

Contact: Michael Sanderson

Minority Leaders Address Legislative Committee

Senate Minority Leader Alan Kittleman and House Minority Leader Tony O’Donnell addressed the Legislative Committee on February 19. The visit is an annual tradition, reflecting MACo’s non-partisan commitment to provide a full perspective on critical State issues.

Leader Kittleman cited his experience as a Howard County Council member. He advised that the Senate Republican Caucus focus would be on promptly securing a ...long-term budget restructuring,” since the

Courthouse News

February 20, 2009

State will likely be in “worse shape” in two years, when the federal stimulus expires.

With 40 percent of State funding distributed to local governments, “it’s hard to say [local governments] can’t be touched,” Leader Kittleman observed. Citing higher wages paid by counties compared to the State, he suggested there “...can be reductions in county government.” Howard County Executive Ken Ulman, with whom Leader Kittleman served on the County Council, explained that 80 percent of the 40 percent was distributed to school boards, over which a county has limited control. Leader Kittleman then recounted his “frustration” as a county council member with that reality.

There is “...a weird malaise over Annapolis,” observed Leader O’Donnell, suggesting it was significantly attributable to the federal stimulus exacerbating “...uncertainty about the budget.” In urging immediate restructuring he warned that “...if we continue to kick the can down the road we will have big [future] problems. We should be making the tough decisions now.” He urged counties, and the State, to “ferret out unnecessary spending,” as a “crisis is an opportunity we should not waste.”

Acknowledging MACo’s advocacy for authority to use camera technology for speed violation enforcement, Leader O’Donnell presented his justification for opposing the authorization. He suggested that although there was a “public safety component” he was “of the opinion it is a revenue generator.” He raised philosophical objections citing “big brother” concerns and a fundamental precept of being able to “...face your accuser” which camera enforcement denies. In response, Montgomery County Council member Mike Knapp cited the “very successful” Montgomery County experience in which there had been a 70 percent reduction in speeding violations resulting from the implementation of speed camera enforcement.

Frederick County Commission President Jan Gardner raised MACo concerns with pending landuse related bills exceeding the recommendation of the Growth Task Force on which she served. Explaining that those bills were pending in the Environmental Matters Committee on which he served, Leader O’Donnell raised concern with the “...growing bureaucracy in the Department of Planning.” As an example, he cited that Department’s input now on State transportation policy adding an unnecessary “layer” to a process already managed by competent professionals. “I think bills will

move,” he said, so “our goal is to work with you.”

MACo President Wilson Parran requested the Leaders’ perspectives on pending bills to shift teacher retirement funding responsibility to counties. Leader O’Donnell explained his opposition to the shift was premised on a fear it would eliminate “...pressure for [State] structural reform,” noting that most of the House [Republican] Caucus concurred with this perspective. But, he acknowledged the proposal had merit since the present system creates a “...funding obligation over which [the State] has no control.”

“A discussion will have to be had,” observed Leader Kittleman, noting the Senate Republican Caucus’s support for an amendment shifting the responsibility during the Special Session. He suggested there is a “...logical argument [the shift] is part of a structural reform,” but that he did not think a shift would be enacted this year. Leader O’Donnell noted the split view documented the debate on the issue was non-partisan.

Contact: David S. Bliden

Smart Growth Bills Heard in House

MACo representatives testified before the House Environmental Matters Committee on February 18 on three of the Governor’s six proposed Smart Growth bills. The MACo panel testified in support of House Bill 294, support with amendments for HB 297, and opposed HB 295. The bills would replace the existing eight planning visions with 12 new visions, authorize the MD Department of Planning (MDP) to require local governments to collect Smart Growth indicators data, and address the Maryland Court of Appeals holding in the *Trail v. Terrapin Run* case. Panelists included Frederick County Commission President and Growth Task Force member Jan Gardner, Worcester County Planning Director and Growth Task Force member Sandy Coyman, Frederick County Attorney John Mathias, and MACo Associate Director Les Knapp.

Governor Martin O’Malley’s Deputy Legislative Officer, Lisa Jackson, provided an overview of the three bills. HB 294 replaces the eight planning visions with 12 visions created by the Growth Task Force as part of its 2008 interim deliberations. The visions have formed the basis of local comprehensive plans since the passage of the Economic Growth, Resource Protection, and

Courthouse News

February 20, 2009

Planning Act of 1992, which required local governments to implement the visions through their comprehensive plans. HB 294 also creates a bi-annual reporting requirement for local governments that have enacted adequate public facilities ordinances and authorizes local governments to establish a transfer of development rights program to assist in the purchase of land for a school or public facility within a priority funding area (PFA).

HB 295 requires MDP to adopt regulations identifying indicators that a local jurisdiction must provide in an annual report and lists 12 categories of information that the indicators should address. The bill also imposes a new annual reporting requirement on charter counties and expands an existing annual reporting requirement for non-charter counties and municipalities.

HB 297 reaffirms the existing requirement that a local government's land use ordinances and regulations must be consistent with its comprehensive plan. It clarifies that special exceptions must be consistent with the plan. The bill defines "consistency" with a comprehensive plan as "an action taken that will further, and not be contrary to, the policies, timing, development patterns, land uses, and densities or intensities in the plan." HB 297 also creates educational requirements for members of local planning commissions and boards of appeals.

Secretary of Planning Rich Hall testified in support of all the bills, with other departmental Secretaries or their representatives and Growth Task Force Chair Jon Laria. Secretary Hall testified that the bills were directly based on the recommendations contained in the Growth Task Force's December 2008 report, "Where Do We Grow From Here?" He stressed, "We are not taking over local use authority." Discussing the need for HB 297 to address the *Terrapin Run* case, Secretary Hall highlighted the importance of local governments following their comprehensive plan. "Have a plan, follow a plan," he argued.

Leading off the MACo panel testimony, Mr. Knapp stated that MACo supported HB 294, the visions bill, because it was consistent with the recommendations of the Growth Task Force and because the 12 visions had been created through a cooperative and collaborative process. Commission President Gardner argued that no one was testifying in opposition to the bill, due to this collaborative process.

Mr. Knapp stated MACo's opposition to HB 295, arguing that unlike HB 294, the bill did not reflect the Growth Task Force recommendation. Mr. Knapp compared the Growth Task Force's recommendation, which states: "MDP should work with local governments and other stakeholders, including the Task Force itself, to jointly develop a set of Smart and Sustainable Growth indicators that can be used at the local, regional, and state levels..." with the language of HB 295, which states: "The Department of Planning shall adopt regulations that identify measures and indicators that a local jurisdiction is required to collect and include in the annual report." He argued that the bill's language was also contrary to the joint and collaborative approach taken in last year's successfully adopted Critical Area legislation (HB 1253 of 2008). Mr. Knapp also opposed the imposition of new annual reporting requirements on charter counties, noting it constituted an unfunded mandate and was not germane to the bill.

Commission President Gardner concurred that HB 295 did not accurately reflect the recommendation and process envisioned by the Growth Task Force. "Have a plan, follow a plan. Have a process, follow a process," she stated. She also noted that the expansion of the annual reporting requirements was never discussed by the Growth Task Force and was not included in its report. Mr. Coyman discussed the fiscal and personnel impacts HB 295 would have on county planning departments.

Mr. Knapp also discussed MACo's support with amendment position for HB 297, noting that MACo supported the 1992 Growth Act, which created the consistency requirement between a local government's comprehensive plan and its land use ordinances and regulations. Mr. Knapp noted that MACo supported HB 297, reaffirming this relationship. He also stated that MACo had concerns regarding the inclusion of "timing" in the definition of consistency and suggested language to provide additional clarification. Mr. Mathias stated that with the MACo amendment, the consistency definition was something that could be implemented and easily explained to planning commission and boards of appeals members. Mr. Coyman noted his personal support for the education components of the bill.

The Education, Health, and Environmental Affairs Committee will hear the Senate versions of the bills on February 25.

Contact: *Leslie Knapp Jr.*

Broad Support for Scrap Metal Regulation Bill

Baltimore County Executive Jim Smith led off a panel supporting SB 32, legislation to enhance statewide regulation of scrap metal and junk dealers before the Senate Finance Committee on February 18. Joining him on the local government panel were Baltimore County Chief of Police James Johnson, MACo Executive Director Michael Sanderson, and MML Director of Government Relations Candace Donoho. Addressing the crime issues related to scrap metal and pawnshops is one of MACo's legislative initiatives for the 2009 session.

Following introductory comments by lead sponsor Senator Ed DeGrange, County Executive Smith spoke about the "great crime problem" posed by property theft, and highlighted "serious problems" from Baltimore County. Police Chief Johnson indicated there "had not been a drop-off" in reported property crimes during recent months, when asked by a Committee member about the effects of recent drops in market prices of precious metals. Mr. Sanderson spoke about the importance of the section of the bill "making the state law the floor, but not the ceiling," and argued the importance of local laws that may go further than the state requirements to meet local needs. Ms. Donoho reiterated the breadth of property crime, and commented that the effects were felt "in towns everywhere."

Several additional supporters, including representatives from several local law enforcement agencies, also testified in support of the bill, commenting on local implementation. Those invited to testify included Lawrence Richardson, Esq., Legislative Affairs, State Farm Insurance; Jason Groves, Government Affairs, Verizon; Alexander Nunez, Constellation Energy; Lt. Dalaine Brady, Maryland State Police; Detective Jennifer Long, Anne Arundel County Police Department; Detective Maureen Walter, Montgomery County Police Department; Detective Venus Atkinson, Prince George's County Police Department; James Green, Esq., Baltimore City Police Department.; and Officer Shawn Vinson, Baltimore County Police Department.

During the hearing, the Committee chairman indicated that, "nobody has signed up to oppose the bill." However, several parties had proposed many

amendments to the legislation. Therefore, MACo, MML, and the law enforcement community will continue to steer the bill towards passage.

Contact: *Michael Sanderson*

Mandated Health Insurance Benefits Opposed

MACo opposed testimony in opposition to HB 31'8, which would mandate self-insured health plans to provide the benefits and coverage required in privately offered plans. Testifying before the House Health and Governmental Operations Committee on February 19 were MACo Counsel David Bliden, Maryland Association of School Boards Government Relations Director John Woolums and Harford County Human Resources Director Scott Gibson.

Maryland law mandates insured health plans to permit treatment by specific providers and to provide specific coverage for enumerated conditions and persons. The Maryland Health Care Commission reports that these mandated benefits account for 15.4 percent of premium costs.

Federal law prohibits these mandates from applying to self-insured private plans. And, although federal law does not similarly prohibit government plans from being subject to this mandated coverage, the General Assembly has excluded governments from the definition of an insurance business. Being included in the definition triggers the required compliance with the mandated benefits.

"This is not the time for imposing new burdens on local governments," argued Mr. Bliden in citing the millions of dollars in new costs that the mandated benefits would impose. He suggested counties "were struggling to keep employees employed and to maintain existing benefits." He speculated that, if HB 318 was enacted, counties would circumvent the bill, by denying benefits through part-time or contractual hiring. "This would undermine longstanding efforts... to expand insurance coverage."

Mr. Bliden also argued that the bill reflected an effort by unions to "take items off the table" for negotiation to secure more leverage. Mr. Gibson added that it was in these negotiations that coverage was decided in the context of other benefits. He cited an

instance where a Harford County union opposed a mandated benefit, recognizing the adverse impact the resulting expense could have on other priorities.

Citing county offerings as being “Cadillac plans,” Mr. Gibson explained that if child coverage up to 25 years old were required, as in the private context, those children would always opt for the county coverage, exacerbating expenses. He explained that the recent addition of in vitro fertilization as a benefit in Harford raised premiums by one percent.

Mr. Bliden said the bill would further increase county burdens in addition to an estimated \$10 billion unfunded OPEB obligation resulting from generous retiree health benefits. In the context of existing fiscal challenges he urged the bill’s rejection, asking that those challenges not be made “more daunting.”

Contact: David S. Bliden

Home Builder Guaranty Fund Fix Supported

MACo Associate Director Les Knapp testified in support of House Bill 662 before the Economic Matters Committee on February 17 and Senate Bill 377 before the Senate Finance Committee on February 19. The bills make needed corrections and clarifications to the administration of the Home Builder Guaranty Fund.

Legislation passed late last session (HB 1557/SB 1008 of 2008) required the Division of Consumer Protection of the Attorney General’s Office to create the Guaranty Fund. Home Builders pay a \$50 fee, which is collected by a county when the county or municipality issues a building permit. The fees go into the Guaranty Fund and are used to reimburse claimants that have been found by the Division or a court to have suffered a loss due to an act or omission of a homebuilder. Counties were required to collect the fees beginning January 1, 2009. Due to the late introduction and quick passage of the 2008 bills, several needed corrections and clarifications were overlooked.

HB 662/SB 377 clarifies that the fee is only collected once per home or for projects such as apartment buildings, per residential unit (thus a 10-unit apartment building would pay a one-time fee of \$500). Second, the bill provides that if a municipality is the entity issuing the building permit, then the municipality should

collect the fee and not the county. Finally, the bill provides that a local jurisdiction may retain up to 2% of the fee it collects to cover its administrative costs. Last year’s legislation did not contain a recovery provision.

No one testified in opposition to the bill at either hearing.

Contact: Leslie Knapp Jr.

Transit Oriented Development Help Offered

County leaders testified before the Senate Budget and Taxation Committee on February 19 in support of SB 274, an Administration bill that would expand tax increment financing opportunities for transit oriented development. Presently, property tax revenue gains in areas certified for transit-oriented development can be leveraged to fund infrastructure. SB 274 sanctions use of other county revenues, such as hotel taxes, and furthers public-private partnership opportunities.

County Executives Jim Smith and Ken Ulman joined Transportation Secretary John Porcari and Planning Secretary Rich Hall in introducing the bill. The county executives referenced the specific benefits the bill would offer to pending transit-oriented developments in their counties, specifically the Owings Mills Metro Center in Baltimore County and the Savage MARC Center in Howard County. They explained the massive infrastructure investments needed to make the centers viable, such as flat single leveled parking lots, often typical to these sites, being replaced with structured parking. County Executive Smith observed that the Owings Mill site had been “in the works” for 15 years and “...without SB 274 it could be another 15 years.”

MACo Counsel David Bliden commented on the relationship between Smart Growth and infrastructure, noting that both the University of Maryland Center for Smart Growth and the Growth Task Force report cited infrastructure shortfalls as an impediment to Smart Growth development. He noted that enhanced infrastructure, such as the parks, libraries and other community assets cited by Secretary Porcari, are needed to make Smart Growth a success. He characterized SB 274 as an “important tool” to fund this infrastructure.

Contact: David S. Bliden

Opposition Dropped to MALPF Inspection Bill

MACo Associate Director Les Knapp testified that MACo was dropping its opposition to House Bill 491 after bill sponsor, Delegate Susan Aumann, amended the bill, removing counties from the bill. As introduced, the HB 491 would have imposed a mandatory inspection requirement on local governments. Mr. Knapp testified before the House Environmental Matters Committee on February 18.

HB 491 would have required a county to inspect all properties within its boundaries that are subject to a Maryland Agricultural Land Preservation Foundation (MALPF) easement every five years. A county would have to inspect at least 20 percent of the properties annually. Counties that failed to comply would have been prohibited from receiving MALPF funds.

Mr. Knapp worked with Delegate Aumann to create amendments that required MALPF to conduct the inspections, rather than the counties and removed the funding restriction from the bill.

MALPF testified against the bill.

Contact: *Leslie Knapp Jr.*

Job Openings

ACCOUNTS RECEIVABLE MANAGER - ERP – DEPARTMENT OF FINANCE – MONTGOMERY COUNTY – \$63,411 - \$115,901 - Seeking a highly skilled and experienced Accounts Receivable Manager. Initially, the Manager will be deployed to the County's Enterprise Resource Planning (ERP) project. The ERP system will allow for transformation of business processes and will replace the current suite of legacy, mainframe applications including FAMIS (financials), ADPICS (procurement), HRMS (payroll/personnel), BPREP (budget) and other large-scale mission critical systems. The ERP implementation will be undertaken over the course of several phases spanning several years. The project will primarily consist of system design/business process reengineering, configuration, testing, training, deployment, and post-implementation support. The position will work closely with Project managers and teams, consultants, and Department leadership to accomplish the County's goals and objectives. Following the ERP implementation, the

position will be responsible for effectively managing and overseeing the accounts receivable functions for the County. Min. Qual.: Graduation from an accredited college or university with a Bachelor's degree in Accounting, Business Administration, Public Administration, Finance, or a related field. Five (5) years experience managing accounts receivable. Equivalency applies. Applicants who are Certified Public Accountants (CPA's) preferred (confirmation of such active certification should be included with the resume submission). All resumes/application materials must address the preferred criteria for the position. Recruitment for this position is open until filled. To apply on-line, please visit our website at www.montgomerycountymd.gov Click on "Careers" then apply to Requisition 3447 EOE M/F/H. (2/09)

BUREAU CHIEF, SOLID WASTE - CARROLL COUNTY - The Bureau Chief will develop and administer the solid waste management programs, including solid waste collection, sewage sludge, lechate, recycling, landfills, compost, mulch, and monitoring closed landfills. Supervise staff, monitor and analyze data, determine trends, and develop programs in compliance with Federal, State and local laws. Requires a bachelor's degree in Civil or Environmental Engineering, Solid Waste Management, Environmental Sciences, Business Administration or related field plus six years of solid waste management experience, including three years of supervisory experience. Hiring salary \$55,322 - \$65, 280. This is a salary exempt position with full benefit package. Submit employment application by March 6, 2009 at cggovernment.carr.org or call (410) – 386-2020 to request an application. Contact Pamela Lindsay, Deputy Director, Dept. of Human Resources at (410) - 386 – 2127 or plindsay@cgg.carr.org for other information.

Courthouse News

February 20, 2009

Legislative Committee Action Report

February 18, 2009

TAXES AND REVENUES

SB 538 - PROPERTY TAX ASSESSMENT – HOME IMPROVEMENTS (Senator Zirkin) (Budget and Taxation) – NO POSITION

SB 552 - TAX AMNESTY PROGRAM (Senator DeGrange, et al) (Budget and Taxation) – NO POSITION

SB 644 - PROPERTY TAX CREDIT – MARINE TRADE WATERFRONT PROPERTY (Senator Astle) (Budget and Taxation) – NO POSITION

SB 782 - HOMESTEAD PROPERTY TAX CREDIT FOR HOUSING UNITS IN INDEPENDENT LIVING RETIREMENT COMMUNITIES (Senator Haines) (Budget and Taxation) – HELD

FINANCE AND ADMINISTRATION

HB 525/ SB 648 - STATE RETIREMENT AND PENSION SYSTEM – EMPLOYER CONTRIBUTIONS – EDUCATORS AND EDUCATIONAL STAFF (Delegate Schuh) (Appropriations) (Senators Pipkin and Brinkley) (Budget and Taxation) – OPPOSE

HB 640 - REAL PROPERTY – RESIDENTIAL REAL PROPERTY IN FORECLOSURE – NOTICE TO LOCAL GOVERNMENTS (Delegate Pena-Melnik, et al) (Environmental Matters) – NO POSITION

HB 699 - WIND ENERGY – TAX INCENTIVES (Delegate Hecht, et al) (Ways and Means) – NO POSITION

HB 1046/ SB 710 - STATE RETIREMENT AND PENSION SYSTEM – LOCAL EMPLOYER CONTRIBUTIONS – EDUCATORS AND EDUCATIONAL STAFF (Delegate Schuh) (Appropriations) (Senator Miller) (Budget and Taxation) – OPPOSE

HB 1191/ SB 617 - LOCAL GOVERNMENT – DEPOSITS OF UNEXPENDED OR SURPLUS MONEY (Delegate Conway, et al) (Appropriations) (Senator DeGrange, et al) (Budget and Taxation) – SUPPORT

EDUCATION

HB 1264/ SB 879 - GWENDOLYN BRITT STUDENT HEALTH AND FITNESS ACT (Delegate Walker, et al) (Ways and Means) (Senator Harrington) (Education, Health, and Environmental Affairs) – NO POSITION

BUSINESS AFFAIRS

HB 533 - COOPERATIVE PURCHASING AGREEMENTS – REQUIREMENTS AND EXPANSION OF USE (Delegates Morhaim and Weldon) (Health and Government Operations) – SUPPORT WITH AMENDMENT

HB 1039/ SB 597 - SECONDHAND PRECIOUS METAL OBJECT DEALERS AND PAWNBROKERS – ELECTRONIC REPORTING (Senator Conway, et al) (Education, Health, and Environmental Affairs) (Delegate Davis) (Economic Matters) – SUPPORT

ELECTIONS

HB 738 - ELECTIONS – VOTING SYSTEM REQUIREMENTS AND ACCOMMODATIONS FOR VOTERS WITH DISABILITIES (Delegate Cardin) (Ways and Means) – OPPOSE

HB 893 - ELECTION LAW – VOTING SYSTEMS – REQUIREMENTS (Delegate Hixson, et al) (Ways and Means) – OPPOSE

EMPLOYEE RELATIONS

HB 950/ SB 836 - LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS – DISCOVERY AND ADMISSIBILITY OF ALLEGATIONS (Delegate Kelly, et al) (Judiciary) (Senator Muse, et al) (Judicial Proceedings) – SUPPORT

HB 1035/ SB 895 - PUBLIC SAFETY – FIRE FIGHTERS' BILL OF RIGHTS (Delegate Schuler, et al) (Appropriations) (Senator Stone) (Judicial Proceedings) – OPPOSE

ENVIRONMENT

HB 729 - CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA – PROSPECTIVE LAND PURCHASES – INSPECTIONS (Delegate McConkey, et al) (Environmental Matters) – OPPOSE

HB 771/ SB 549 - SUSTAINABLE FORESTRY ACT OF 2009 (Delegate Cane, et al) (Environmental Matters) (Senator Dyson) (Education, Health, and Environmental) – OPPOSE

HB 992/ SB 539 - DRIVER RELIEF ACT OF 2009 (Delegate McIntosh, et al) (Environmental Matters) (Senator Frosh, et al) (Education, Health, and Environmental Affairs) – OPPOSE

PLANNING & ZONING

HB 491 - MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION – EASEMENTS – INSPECTION REQUIREMENTS (Delegate Aumann, et al) (Environmental Matters) – NO POSITION

HB 1116/ SB 878 - SMART GROWTH – VISIONS AND PERFORMANCE STANDARDS (Delegate Lafferty, et al) (Environmental Matters) (Senators Harrington and Frosh) (Education, Health, and Environmental Affairs) – OPPOSE

HB 1291/ SB 666 - NATURAL RESOURCES – NO NET LOSS OF FOREST POLICY – FOREST CONSERVATION ACT (Delegate Bobo, et al) (Environmental Matters) (Senator Pinsky, et al) (Education, Health, and Environmental Affairs) – NO POSITION

POLICE AND LAW ENFORCEMENT

HB 545/ SB 692 - VEHICLE LAWS – DISPOSITION OF TRAFFIC CITATIONS (Delegate Jameson, et al) (Judiciary) (Senator Middleton) (Judicial Proceedings) - SUPPORT

Courthouse News

February 20, 2009

Impact Bills February 20, 2009

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 993 - HOMESTEAD PROPERTY TAX CREDIT FOR LIVING UNITS IN CONTINUING CARE RETIREMENT COMMUNITIES (Delegate Shank, et al) (Ways and Means) - Making specified independent living units at specified continuing care retirement communities eligible for the homestead property tax credit under specified circumstances; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

HB 1016 - SALES AND USETAX – RATE (Delegate Jennings, et al) (Ways and Means) - Altering the maximum rate of the admissions and amusement tax that a county or municipal corporation may set for gross receipts that are also subject to the State sales tax from 11% to 10%; altering the rate of the sales and use tax from 6% to 5%; and altering the percentage of gross receipts from vending machine sales to which the sales and use tax rate applies from 94.5% to 95.25%. EFFECTIVE JULY 1, 2009

HB 1171 - ALTERNATIVE ENERGY TAX INCENTIVE ACT OF 2009 (Delegate Bartlett, et al) (Ways and Means) - Exempting from the sales and use tax the sale of residential wind energy equipment; clarifying that solar energy property that uses solar thermal electric energy is exempt from the State and local property tax; exempting from the State and local property tax residential wind energy equipment; and exempting from the State and local property tax methane digesters. EFFECTIVE JULY 1, 2009

HB 1209 - TAX COMPLIANCE AND ADMINISTRATION ACT OF 2009 (Delegates Howard and Cardin) (Ways and Means) - Altering an exception for banks to an income tax addition modification for specified payments to related persons; requiring a resident transferor of real property to pay specified amounts before recording a deed under specified circumstances; repealing the sales tax vendor collection credit; requiring specified vendors to pay estimated sales and use tax; reducing from \$10,000 to \$5,000 the threshold for requiring payment of taxes by electronic funds transfer; requiring specified employers to file an annual use tax return; etc. EFFECTIVE JULY 1, 2009

HB 1244/ SB 603 - CORPORATE INCOME TAX – RATE REDUCTION AND REFORM (Delegate Ross) (Ways and Means) (Senator Pinsky, et al) (Budget and Taxation) - Setting the State corporate income tax rate for taxable years that begin in 2011 to be a specified rate determined by the Comptroller; providing for combined reporting under the corporate income tax for members of combined groups; allowing an income tax credit for specified corporations for specified taxable years; requiring the Comptroller to make specified estimates and include the estimates

in a specified report; stating the intent of the General Assembly that the corporate income tax rate can be permanently reduced; etc. EFFECTIVE JULY 1, 2009

FINANCE AND ADMINISTRATION

HB 1085 - TASK FORCE TO STUDY MARYLAND PROPERTY TAX ASSESSMENT PROCEDURE (Harford County Delegation, et al) (Ways and Means) - Establishing a Task Force to Study Maryland Property Tax Assessment Procedure; providing for the membership and duties of the Task Force; requiring the election of a chair of the Task Force; requiring the State Department of Assessments and Taxation to provide staff for the Task Force; prohibiting members of the Task Force from receiving specified compensation; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before January 1, 2010; etc. EFFECTIVE JULY 1, 2009

HB 1252 - COMMERCIAL LAW – ATTACHMENT OF CONTRACT PAYMENTS DUE FROM OR PAYABLE BY THE STATE, A LOCAL GOVERNING BODY, OR A PUBLIC OFFICER (Delegate Norman, et al) (Judiciary) - Subjecting a contract payment due or payable to a person by the State or a local governing body, or by the public officers of the State or a local governing body, to a specified attachment process brought for the enforcement of specified legal obligations. EFFECTIVE OCTOBER 1, 2009

HB 1340 - COURTS – BANKRUPTCY – UNSECURED CREDITOR HOMESTEAD EXEMPTION (Delegate Norman, et al) (House Rules and Executive Nominations) - Authorizing an individual to claim a specified exemption in a bankruptcy proceeding; providing that the exemption may be for an amount up to \$80,000 in an individual's interest in owner-occupied, residential real property; prohibiting an individual from claiming the exemption under specified conditions; limiting the exemption to apply to claims by unsecured creditors; and prohibiting both a husband and wife from claiming the exemption in the same proceeding. EFFECTIVE OCTOBER 1, 2009

HB 1343 - MANDATED APPROPRIATIONS – STATE AID TO LOCAL GOVERNMENTS – MATHEMATICAL, MECHANICAL, OR CLERICAL ERRORS (Delegate Conaway) (House Rules and Executive Nominations) - Requiring the Governor to include an appropriation in the State budget for the following fiscal year to make up a deficiency in funding provided to a local government if the deficiency is the result of a mathematical, mechanical, or clerical error attributable to a unit of State government; etc. This bill requires a mandated appropriation in the annual budget bill. EFFECTIVE JULY 1, 2009

EDUCATION

HB 994 - SALES AND USE TAX – EXEMPTION – LIBRARY BOOK SALES BY NONPROFIT ORGANIZATIONS (Delegate Walkup, et al) (Ways and Means) - Providing an exemption under the sales and use tax for sales of books by nonprofit organizations authorized to perform specified services for a library district, municipal library, or county library in the State. EFFECTIVE JULY 1, 2009

HB 1094 - EQUITY IN EDUCATION FUNDING ACT OF 2009 (Delegate Ross, et al) (Ways and Means) - Providing for the calculation of net

Courthouse News

February 20, 2009

taxable income for the calculation of specified State aid for education; providing for the allocation of funds for State aid for education resulting from specified calculations; providing for the allocation of federal funds under specified circumstances; etc. EFFECTIVE JULY 1, 2009

HB 1111 - TASK FORCE ON SUMMER LEARNING (Delegate Cardin) (Ways and Means) - Establishing a Task Force on Summer Learning; 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; prohibiting the use of State funds to support Task Force activities; requiring the Task Force to submit a report to the Governor and the General Assembly by a specified date; etc. EFFECTIVE JULY 1, 2009

HB 1302 - EDUCATION – FINANCING – LOCAL EFFORT BONUS GRANT (Delegate Taylor) (Ways and Means) - Establishing a supplemental grant program to provide specified county boards of education with local effort bonus grants; defining “local effort”; etc. EFFECTIVE JULY 1, 2009

HB 1325 - EDUCATION – UNEXCUSED STUDENT ABSENCE – REPAYMENT OF STATE COSTS (Delegate Stukes) (House Rules and Executive Nominations) - Requiring the person who has legal custody or care of an unexcused student to reimburse the Department of Education the amount of specified costs of education under specified circumstances; requiring the Department to transfer the reimbursements to the Comptroller for deposit in the Unexcused Student Absence Dedicated Fund; and establishing the Unexcused Student Absence Dedicated Fund. EFFECTIVE OCTOBER 1, 2009

HB 1329 - STATE AID FOR EDUCATION – FULL-TIME EQUIVALENT ENROLLMENT – CALCULATION (Delegate Stocksdales) (House Rules and Executive Nominations) - Altering the definition of “full-time equivalent enrollment” in the calculation of specified State aid for education. EFFECTIVE JULY 1, 2009

HB 1358 - SALES AND USE TAX – EXEMPTION – UNIVERSITY AND COLLEGE TEXTBOOKS (Delegate Smigiel) (House Rules and Executive Nominations) - Exempting from the sales and use tax a sale of a textbook that is bought by a full-time or part-time student enrolled at an institution of higher education. EFFECTIVE JULY 1, 2009

HB 1363 - COUNTY BOARDS OF EDUCATION – PROCUREMENT OF GREEN PRODUCT CLEANING SUPPLIES (Delegates Murphy and Kipke) (House Rules and Executive Nominations) - 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 cleaning supplies in its inventory on October 1, 2009, until those supplies are exhausted; and defining “green product cleaning supplies”. EFFECTIVE OCTOBER 1, 2009

BUSINESS AFFAIRS

HB 978 - TASK FORCE TO STUDY MOTOR VEHICLE TOWING PRACTICES – EXTENSION (Delegate Niemann) (Environmental Matters) - Extending the expiration date for the Task Force to Study Motor Vehicle

Towing Practices to December 31, 2009; and extending the due date by which the Task Force is required to report its findings and recommendations to the Governor and General Assembly to December 31, 2009. EFFECTIVE JUNE 1, 2009

HB 1103 - BUSINESS REGULATION – SECONDHAND SPORTING GOODS DEALERS – RECORDS (Delegate Norman, et al) (Economic Matters) - Requiring specified secondhand sporting goods dealers who acquire secondhand consumer sporting goods with a specified market value to make a record of the transaction; specifying the contents of the transaction record; requiring secondhand sporting goods dealers to retain the transaction record; providing for penalties for a violation of the Act; etc. EFFECTIVE OCTOBER 1, 2009

HB 1182 - COMMUNICATIONS SERVICES – TAXATION AND REGULATION (Delegate Hixson) (Ways and Means & Economic Matters) - Repealing the public service company franchise tax as to persons engaged in a telephone business; imposing the State sales and use tax on the sale of communications services; repealing the authority of local governments to enter into or renew agreements that include a cable franchise fee; providing for the collection and distribution of fees owed to a local government under a cable franchise agreement; authorizing the Public Service Commission to enter into statewide cable franchise agreements on or after January 1, 2010; etc. EFFECTIVE JULY 1, 2009

HB 1203 - PROCUREMENT – INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENTS – CONTRACTS (Delegate Rosenberg) (Health and Government Operations) - Requiring the Department of General Services, before it enters into a specified intergovernmental cooperative purchasing agreement, to advertise a specified solicitation for a specified period on a specified web site and, if it enters into a specified purchasing agreement, to procure the same products or services for use by a political subdivision of the State. EFFECTIVE OCTOBER 1, 2009

HB 1229 - ELECTRICITY – PROVISION OF ELECTRICITY SUPPLY TO UNITS OF STATE GOVERNMENT AND LOCAL GOVERNMENTS (Delegate Rudolph) (Economic Matters) - Requiring the Department of General Services to procure a specified electricity supply on behalf of specified units of State government and specified counties and municipal corporations; requiring the Department to procure electricity supply through competitive sealed proposals under specified circumstances; requiring the Department, after consulting with the Public Service Commission and the Maryland Energy Administration, to adopt specified regulations; etc. EFFECTIVE OCTOBER 1, 2009

HB 1239 - LANDLORD AND TENANT – RENT CONTROL – LOCAL GOVERNMENT AUTHORITY (Delegate Malone) (Environmental Matters) - Prohibiting a local government from enacting a law, ordinance, or regulation that is designed to control the amount of rent charged for leasing private residential or commercial property; clarifying that the Act does not impair the right of a local government to manage and control residential property in which the local government has a property interest; and applying the Act prospectively. EFFECTIVE OCTOBER 1, 2009

Courthouse News

February 20, 2009

HB 1312/ SB 795 - MARYLAND ELECTRICITY REREGULATION AND ENERGY INDEPENDENCE ACT OF 2009 (Delegates Smigiel and Taylor) (House Rules and Executive Nominations) (Senators Pipkin and Rosapepe) (Finance) - Requiring the Public Service Commission to evaluate plans regarding electric generating needs; requiring the Commission to approve a certificate of public convenience and necessity application only after consideration of need; making a finding and declaration regarding a goal to return to a regulated electric market; requiring that new electric generation facilities be owned by electric companies except under specified circumstances; etc. EFFECTIVE JULY 1, 2009

COMMUNITY AND ECONOMIC DEVELOPMENT

HB 998/ SB 918 - HOUSING – MARYLAND BUILDING PERFORMANCE STANDARDS – MINIMUM FEATURES FOR ACCESSIBILITY (Delegate Niemann, et al) (Environmental Matter) (Senator Lenett, et al) (Senate Rules) - Requiring the Department of Housing and Community Development to include in the Maryland Building Performance Standards specified minimum features for accessibility applicable to new single-family residential real property; clarifying the authority of a local jurisdiction to adopt local amendments to the Standards; requiring a local jurisdiction to adopt a specified procedure for a permit applicant to obtain a waiver from minimum features for accessibility; etc. Preliminary analysis: local government mandate CONTINGENT EFFECTIVE OCTOBER 1, 2009

HB 1289 - PUBLIC SAFETY – REGULATION OF DEMOLITION – DEMOLITION CONTRACTORS (Delegate Carr) (Economic Matters) - Requiring a demolition contractor to obtain a demolition permit from the local designated authority before beginning demolition in the State; requiring a demolition contractor to provide specified information, specified evidence, and, under specified circumstances, a specified plan to the local designated authority in order to obtain a demolition permit; requiring a demolition contractor to comply with any other requirements established by the local designated authority in law, regulation, or ordinance; etc. EFFECTIVE OCTOBER 1, 2009

HB 1331/ SB 931 - COMMUNITY DEVELOPMENT ADMINISTRATION – LOCAL GOVERNMENT INFRASTRUCTURE FINANCING PROGRAM – CAPITAL RESERVE FUNDS (Delegate Conway) (House Rules and Executive Nominations) (Senator Currie) (Senate Rules) - Authorizing the Community Development Administration to establish capital reserve funds in connection with the financing of infrastructure projects; providing that the fund may only be used to pay the principal of, and premium and interest on, obligations secured by the fund; providing that if the fund balance is below a specified minimum the Administration shall replenish the fund; requiring, under specified circumstances, that the Administration request the Comptroller advance funds to replenish the fund; etc. This bill requires a mandated appropriation in the annual budget bill. CONTINGENT EFFECTIVE JUNE 1, 2009

SB 932 - CREATION OF A STATE DEBT – COMMUNITY DEVELOPMENT ADMINISTRATION – LOCAL GOVERNMENT INFRASTRUCTURE FINANCING PROGRAM (Senator Currie) (Senate Rules) - Authorizing the creation of State Debt in the total principal amount up to \$2,000,000, the proceeds to be used as grants or loans to

the Community Development Administration to replenish capital reserve funds created under the Local Government Infrastructure Financing Program; stating the intent of the General Assembly that this bond authorization be excluded from the Capital Debt Affordability limit and that any amount provided be reimbursed, within 5 years, to the Annuity Bond Fund; authorizing the Comptroller to advance funds; etc. CONTINGENT EFFECTIVE JUNE 1, 2009

CORRECTIONS

HB 967 - LOCAL CORRECTIONAL FACILITIES – NEW CONSTRUCTION – RESIDENTIAL PROGRAMS FOR SUBSTANCE ABUSE TREATMENT (Delegate George, et al) (Judiciary and Health and Government Operations) - Requiring any application for specified financial assistance related to the construction, enlargement, or maintenance of a local correctional facility to include a plan for a residential program for substance abuse treatment that meets specified criteria; etc. EFFECTIVE OCTOBER 1, 2009

HB 1099 - MENTAL HEALTH – LOCAL CORRECTIONAL FACILITIES – INCARCERATED INDIVIDUALS WITH MENTAL ILLNESS (Delegate Ramirez, et al) (Judiciary and Health and Government Operations) - Requiring the managing official of a local correctional facility to provide an inmate who has been incarcerated in a local correctional facility for at least 120 days and who has been diagnosed with a mental illness with access to a 30-day supply of medication for the mental illness on the release of the inmate under specified circumstances; providing that part of the supply of medication may be provided by prescription under specified circumstances; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

ELECTIONS

HB 1179 - ELECTION LAW – EARLY VOTING (Delegate Cardin, et al) (Ways and Means) - Establishing a process to allow a voter in the State to vote in primary or general elections at early voting centers, instead of in the voter's assigned precinct on election day; requiring each county to have a specified number of early voting centers, based on the number of registered voters in the county; requiring the State Board of Elections, in collaboration with the local board of elections in a county, to designate the early voting polling centers in the county; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

HB 1211 - ELECTION LAW – DELAY IN REPLACEMENT OF VOTING SYSTEM (Delegate Eckardt, et al) (Ways and Means) - Altering the date for replacing the State's direct-recording electronic (DRE) touchscreen voting system with a voter-verified paper record voting system; requiring the State to continue using the touchscreen voting system for elections until payments for the touchscreen voting system are concluded or until another date, as specified; altering provisions relating to the certification of voting systems; providing for the application of specified provisions of the Act; repealing uncodified provisions of prior Acts, as specified; etc. EFFECTIVE JULY 1, 2009

HB 1353 - ELECTION LAW – PUBLIC CAMPAIGN FINANCING ACT FOR CANDIDATES FOR THE GENERAL ASSEMBLY (Delegate Cardin) (House Rules and Executive Nominations) - Establishing a system of public financing of campaigns for candidates for the General Assembly;

Courthouse News

February 20, 2009

establishing an Election Financing Commission; creating the Public Election Fund; requiring the Comptroller to distribute specified proceeds to the Public Election Fund; specifying procedures, requirements, and conditions participating candidates must meet to receive a distribution from the Fund; establishing specified public contribution amounts participating candidates shall receive; etc. EFFECTIVE JULY 1, 2009

ENVIRONMENT

HB 1058 - ENVIRONMENT – SEWAGE SLUDGE UTILIZATION PERMITS – LOCAL NOTICE (Delegate Walkup, et al) (Environmental Matters) - Requiring the Department of the Environment to provide notice to the legislative body and elected executive of a county of an application to utilize sewage sludge; and requiring the Department to provide notice to the elected executive of a municipal corporation of an application to utilize sewage sludge. EFFECTIVE OCTOBER 1, 2009

HB 1083 - ENVIRONMENT – ON-SITE SEWAGE DISPOSAL SYSTEMS – REQUIREMENTS (Delegates Schuh and V. Clagett) (Environmental Matters) - Requiring persons who are engaged in the business of inspecting on-site sewage disposal systems under specified circumstances to make specified certifications to the Department of the Environment; requiring persons who are engaged in the business of inspecting on-site sewage disposal systems under specified circumstances to complete a specified registration; requiring a county, by January 1, 2011, to adopt a specified on-site sewage disposal management plan; etc. Preliminary analysis: local government mandate EFFECTIVE OCTOBER 1, 2009

HB 1106/ SB 922 - BAY RESTORATION FUND – SEPTIC SYSTEMS – NITROGEN REMOVAL PROJECTS (Delegate Frush, et al) (Environmental Matters) (Senator Simonaire, et al) (Senate Rules) - Prohibiting a local government from prohibiting homeowners that receive specified grant funding for projects related to the removal of nitrogen from onsite sewage disposal systems from placing an addition or accessory structure on the homeowner's dwelling unit. EFFECTIVE OCTOBER 1, 2009

HB 1306 - RECYCLING – RESTAURANTS AND BARS – ALUMINUM, GLASS, AND PLASTIC BOTTLES (Delegate Carter, et al) (Environmental Matters and Economic Matters) - Requiring the owners or managers of restaurants and bars to recycle aluminum, glass, and plastic bottles generated for disposal; requiring the Department of the Environment to facilitate coordination of recycling efforts between local jurisdictions and restaurants and bars; authorizing the Department to grant specified exemptions from the requirements of the Act; providing for specified fines for first and subsequent violations; requiring the Department to adopt regulations to implement the Act; etc. EFFECTIVE 10/1/2009

HB 1362 - ENVIRONMENT – BAY RESTORATION FUND – AUTHORIZED USES (Delegate Costa) (House Rules and Executive Nominations) - Authorizing that specified fee revenue collected for the Bay Restoration Fund may be used, under specified circumstances, to pay the cost of connecting properties served by onsite sewage disposal systems to existing municipal wastewater facilities that achieve enhanced nutrient removal. EFFECTIVE OCTOBER 1, 2009 EN, § 9-1605.2(h)(2) and (3) - amended Assigned to: House Rules and Executive Nominations Schedule 25, Page 10 HOUSE OF DELEGATES February 19, 2009 HOUSE JOINT RESOLUTION INTRODUCED FEBRUARY 19, 2009

HB 1368 - ENVIRONMENT – STATE AND PRIVATE WETLANDS – IMPROVEMENTS (Delegates Beidle and V. Clagett) (House Rules and Executive Nominations) - Providing that a person who is exercising a right to make improvements into the water in order to preserve the person's access to navigable water may not extend the improvements over vegetated State wetlands. EFFECTIVE OCTOBER 1, 2009

SB 953 - RECYCLING – APARTMENT BUILDINGS AND COMPLEXES (Senator Brochin, et al) (Senate Rules) - Requiring the owners of apartment buildings and complexes with five or more units to provide for recycling at the building or complex; requiring that the recycling required under the Act be done in accordance with county recycling plans; and providing for a civil penalty for a violation of the Act. EFFECTIVE SEPTEMBER 1, 2010

GOVERNMENT LIABILITY & COURTS

HB 1011/ SB 938 - TRANSPARENCY IN LAWSUITS PROTECTION ACT (Delegate Shank, et al) (Judiciary) (Senator Mooney) (Senate Rules) - Requiring that legislation enacted in the State creating a private right of action must contain language expressly stating the right; prohibiting State courts from implying a private right of action in the absence of express statutory language; declaring the purpose of the Act; etc. EFFECTIVE OCTOBER 1, 2009

HB 1117 - IMMUNITY FROM LIABILITY – MEDICAL EMERGENCY – USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (Delegate Lee, et al) (Judiciary) - Providing immunity from civil liability under specified circumstances, notwithstanding specified other provisions of law, to an individual or facility that acquires an automated external defibrillator (AED) or that owns, manages, or is responsible for the premises where an AED is located, to an individual who retrieves an AED, or who uses, attempts to use, or fails to use an AED in response to a sudden cardiac arrest emergency at a facility; etc. EFFECTIVE OCTOBER 1, 2009 IMMUNITY FROM LIABILITY – MEDICAL EMERGENCY – USE OF AUTOMATED EXTERNAL DEFIBRILLATOR Providing immunity from civil liability under specified circumstances, notwithstanding specified other provisions of law, to an individual or facility that acquires an automated external defibrillator (AED) or that owns, manages, or is responsible for the premises where an AED is located, to an individual who retrieves an AED, or who uses, attempts to use, or fails to use an AED in response to a sudden cardiac arrest emergency at a facility; etc. EFFECTIVE OCTOBER 1, 2009

HEALTH

HB 1337/ SB 933 - FAMILY LAW – STATE CITIZENS REVIEW BOARD FOR CHILDREN AND LOCAL BOARDS OF REVIEW – DUTIES (Delegate Branch) (House Rules and Executive Nominations) (Senator Kelley) (Senate Rules) - Altering the cases required to be reviewed by the State Citizens Review Board for Children and local boards of review for children in out-of-home care; altering the frequency of case reviews by local boards; altering the findings and recommendations required to be included in specified reports by local boards; requiring the State Board to tabulate the results of case reviews and submit them to the Department of Human Resources; etc. EFFECTIVE JULY 1, 2009

Courthouse News

February 20, 2009

HUMAN SERVICES

HB 957/ SB 796 - OFFICE OF THE TREASURER – COMMUNITY SERVICES TRUST FUND – RESTRUCTURING (Delegate Hubbard) (Health and Government Operations) (Senator Della) (Finance) - Altering the purpose of the Community Services Trust Fund in the Office of the Treasurer; and repealing an account holding proceeds from the sale or long-term lease of property and equipment resulting from the sale or long-term lease of Mental Hygiene Administration facilities; and repealing specified provisions of law relating to the transfer of funds from the account. EFFECTIVE OCTOBER 1, 2009

INTERGOVERNMENTAL RELATIONS

HB 986 - LABOR AND EMPLOYMENT – PAYMENT OF WAGES – DIRECT DEPOSIT OF WAGES (Harford County Delegation) (Economic Matters) - Authorizing an employer to pay a wage to an employee by direct deposit of the wage under specified circumstances; etc. EFFECTIVE OCTOBER 1, 2009

HB 1120 - SOCIAL SECURITY NUMBERS – PROHIBITED USES (Delegate Lee, et al) (Economic Matters) - Prohibiting a person from printing or storing an individual's Social Security number on a card required for access to products or services or on an identification card; prohibiting a person from using an individual's Social Security number for commercial gain; prohibiting a person from including an individual's Social Security number on specified Medicare or Medicaid documents, except under specified circumstances; etc. EFFECTIVE OCTOBER 1, 2009

HB 1121 - INFORMATION TECHNOLOGY – PUBLIC-PRIVATE DEPLOYMENT INITIATIVE (Delegates Hucker and Feldman) (Economic Matters) - Requiring the Department of Information Technology to enlist a public-private partnership for specified purposes, including fostering deployment of high-speed Internet service and other telecommunications and information technology services through a specified initiative; requiring the partnership to receive specified input; requiring specified public units to cooperate with specified entities for specified purposes; establishing components and requirements of the initiative; etc. EFFECTIVE JULY 1, 2009

HB 1234 - PUBLIC BENEFITS – REQUIREMENT OF PROOF OF LAWFUL PRESENCE (Delegate O'Donnell) (Appropriations) - 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. EFFECTIVE OCTOBER 1, 2009

HB 1316/ SB 925 - CHARTER AND CODE HOME RULE COUNTIES – COUNTY EMPLOYEES – FURLOUGHS (Delegate Levi, et al) (House Rules and Executive Nominations) (Senator Rosapepe) (Senate Rules) - Authorizing a charter or code home rule county to provide for the furlough of county employees by ordinance; and prohibiting a charter or code home rule county from providing for the furlough of county employees by resolution. EFFECTIVE OCTOBER 1, 2009

HB 1338/ SB 927 - CHARTER AND CODE HOME RULE COUNTIES – FURLOUGH OF COUNTY EMPLOYEES – PUBLIC SAFETY OFFICERS

(Delegates Levi and Manno) (House Rules and Executive Nominations) (Senator Rosapepe) (Senate Rules) - Authorizing a charter or code home rule county to provide for the furlough of county employees; and placing specified conditions on a charter or code home rule county's authority to impose a furlough on specified public safety officers. EFFECTIVE OCTOBER 1, 2009

PLANNING & ZONING

HB 1344/ SB 935 - REAL PROPERTY – MOBILE HOME PARKS – PLANS FOR DISLOCATED RESIDENTS (Delegate Malone, et al) (House Rules and Executive Nominations) (Senator Robey) (Senate Rules) - Requiring that a copy of a specified notice of termination be sent to the local governing body of a county or municipal corporation if the use of land of a mobile home park is to be changed; applying statewide the provision that, if a mobile home park owner does not submit a plan for alternative arrangements for park residents with an application for a change in the land use of a park, or does not comply with an approved plan, the application may not be approved until the owner submits and complies with a plan. EFFECTIVE OCTOBER 1, 2009

POLICE AND LAW ENFORCEMENT

HB 989 - VEHICLE LAWS – EMERGENCY AND POLICE VEHICLE AND PERSONNEL PROTECTION ACT (Delegate Conaway, et al) (Environmental Matters) - Requiring drivers approaching emergency or police vehicles stopped, standing, or parked on a highway and using any visual signals, except when otherwise directed by a police officer, to vacate the lane closest to the emergency or police vehicle under specified circumstances or to slow to a speed that is sufficient to ensure the safety of police officers or emergency services personnel in the vicinity of the emergency or the police vehicle under specified circumstances; establishing a specified penalty; etc. EFFECTIVE OCTOBER 1, 2009

HB 1007 - JUVENILE LAW – CUSTODIAL INTERROGATION OF MINOR ON SCHOOL PREMISES – RECORDING RESTRICTIONS (Delegate Conaway) (Judiciary) - Prohibiting a police officer or school official from making an electronic recording of a custodial interrogation of a minor on school premises without the consent of a parent or guardian of the minor; providing that a statement made by a minor during a custodial interrogation recorded in violation of the Act shall be presumed involuntary and is inadmissible as evidence against the minor in any criminal or juvenile proceeding; etc. EFFECTIVE OCTOBER 1, 2009

HB 1012 - JUVENILE LAW – CUSTODIAL INTERROGATION OF A MINOR – RECORDING RESTRICTIONS (Delegates Conaway and Anderson) (Judiciary) - Prohibiting a police officer from making an electronic recording of a custodial interrogation of a minor without the consent of a parent or guardian of the minor; providing that a statement made by a minor during a custodial interrogation recorded in violation of the Act shall be presumed involuntary and is inadmissible as evidence against the minor in any criminal or juvenile proceeding; etc. EFFECTIVE OCTOBER 1, 2009

HB 1038 - PUBLIC SAFETY – NEW CONSTRUCTION – CARBON MONOXIDE ALARMS AND RADON DETECTORS (Delegate Robinson, et al) (Environmental Matters) - Requiring the installation of carbon monoxide detectors and radon detectors in residential dwellings that

Courthouse News

February 20, 2009

are to be constructed on or after January 1, 2010; establishing specified minimum technical standards for the detectors; requiring the detectors to be installed and maintained in accordance with specified standards; prohibiting a radon detector from being rendered inoperable, subject to a specified exception; etc. EFFECTIVE OCTOBER 1, 2009

HB 1122 - IDENTITY FRAUD – SEIZURE AND FORFEITURE OF PROPERTY (Delegate Lee, et al) (Judiciary) - Establishing seizure and forfeiture procedures for specified property obtained through or used in connection with felony identity fraud; establishing conditions that would exclude specified property from forfeiture; establishing how specified property subject to forfeiture may be seized, with exceptions; establishing circumstances that must be considered when determining whether to seize specified property; establishing a deadline for filing a complaint seeking forfeiture; etc. EFFECTIVE JUNE 1, 2009

HB 1227 - JUVENILE PROCEEDINGS – EXPUNGEMENT OF POLICE RECORDS (Delegate Carter, et al) (Judiciary) - Requiring the expungement of specified police records in connection with juvenile proceedings relating to a delinquent act if specified procedures are met; establishing that, for specified detentions or confinements in a juvenile proceeding occurring on or after October 1, 2009, the person detained or confined is entitled to expungement of specified police records; providing that police records expunged under the Act may not be expunged by obliteration until 3 years after the date of expungement; etc. EFFECTIVE OCTOBER 1, 2009

HB 1321 - JUVENILE LAW – TRUANCY REDUCTION PILOT PROGRAM – REPEAL OF SUNSET (Delegate Conway, et al) (House Rules and Executive Nominations) - Repealing the termination date of provisions of law relating to a Truancy Reduction Pilot Program; clarifying that provisions of law relating to a Truancy Reduction Pilot Program apply only in specified counties and under specified circumstances; authorizing a school official to file a specified petition with the juvenile court if the court steted a specified charge; providing for the transfer of specified cases under specified circumstances; etc. EFFECTIVE JUNE 1, 2009

PUBLIC ETHICS AND INFORMATION

HB 1194 - OPEN MEETINGS ACT – EXPANSION OF DEFINITION OF PUBLIC BODY (Delegate Benson, et al) (Health and Government Operations) - Expanding the definition of “public body” under the Open Meetings Act to include specified entities appointed by specified public bodies or officials of the public bodies if the membership of the entity has a specified composition. EFFECTIVE OCTOBER 1, 2009

HB 1310 - STATE GOVERNMENT – ACCESS TO PUBLIC RECORDS – PHOTOGRAPHS (Delegate McConkey, et al) (House Rules and Executive Nominations) - Requiring the custodian of a public record to give applicants access to the public record to make a photograph if the applicant chooses to make a photograph of the public record instead of receiving a copy or printout. EFFECTIVE OCTOBER 1, 2009

HB 1346 - STATE GOVERNMENT – MEETING OF PUBLIC BODY – LIMITATION ON CLOSED SESSIONS (Delegate Sossi, et al) (House Rules and Executive Nominations) - Prohibiting a public body from meeting in a closed session to discuss or act on specified matters if a specified

individual requests an open session. EFFECTIVE OCTOBER 1, 2009

TRANSPORTATION AND PUBLIC WORKS

HB 1214 - MOTOR FUEL TAX – RATE (Delegate Hixson, et al) (Ways and Means) - Increasing the motor fuel tax rate. EFFECTIVE JULY 1, 2009

Statewide Hearing Schedule

TUESDAY, FEBRUARY 24

1:00 p.m. JPR – MSW 2E - SB 277 – Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones
1:00 p.m. ECM – House 230 – HB 23 - Junk Dealers and Scrap Metals Processors – Required Records
1:00 p.m. ECM – House 230 – HB 207 - Junk Dealers and Scrap Metals Processors – Required Records
1:00 p.m. APP – House 120 – HB 525 – State Retirement and Pension System – Employer Contributions – Educators and Educational Staff
1:00 p.m. ENV – House 250 – HB 558 – Rental Carroll County Delegation Parking Ticket Fairness Act
1:00 p.m. ECM – House 230 – HB 1039 – Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting
1:00 p.m. APP – House 120 – HB 1046 – State Retirement and Pension System – Local Employer Contributions – Educators and Educational Staff

WEDNESDAY, FEBRUARY 25

1:00 p.m. EHE – MSB 2W - SB 273 – Smart, Green and Growing – Local Government Planning – Planning Visions
1:00 p.m. EHE – MSB 2W - SB 276 – Smart, Green and Growing – Annual Report – Smart Growth Measures and Indicators and Implementation of Planning Visions
1:00 p.m. EHE – MSB 2W - SB 280 – Smart, Green and Growing – Smart and Sustainable Growth Act of 2009
1:00 p.m. ENV & ECM – HB 290 – Agriculture – Agricultural Preservation Easements – Renewable Energy Generation
1:00 p.m. ECM & ENV – HB 314 – MD Environmental Service – Energy Generation Projects
1:00 p.m. HGO – House 240 – HB 533 – Cooperative Purchasing Agreements – Requirements and Expansion of Use
1:00 p.m. JUD – House 100 – HB 545 – Vehicle Laws – Disposition of traffic Citations

THURSDAY, FEBRUARY 26

1:00 p.m. EHE – MSB 2W – SB 415 – Election Law – Voting Systems – Requirements
1:00 p.m. EHE – MSB 2W – SB 878 – Smart Growth – Visions and Performance Standards
1:00 p.m. ENV – House 250 – HB 1116 – Smart Growth – Visions and Performance Standards

TUESDAY, MARCH 3

1:00 p.m. JPR – MSW 2E – SB 836 – Law Enforcement Officers’ Bill of Rights – Discovery and Admissibility of Allegations
1:00 p.m. W&M – House 130 – HB 300 – Tax Increment Financing and Special taxing Districts – Transit-Oriented Development

Courthouse News

February 20, 2009

1:00 p.m. W&M – House 130 – HB 484 – Task Force to Study the County and Municipal Revenue Structure

1:00 p.m. W&M – House 130 – HB 738 – Elections – Voting System Requirements and Accommodations for Voters with Disabilities

1:00 p.m. W&M – House 130 – HB 893 – Election Law – Voting Systems - Requirements

WEDNESDAY, MARCH 4

1:00 p.m. EHE – MSB 2W – SB 597 – Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

1:00 p.m. ENV – House 250 – HB 259 - Environmental Health Monitoring and Testing – Reimbursement of Costs

1:00 p.m. ENV – House 250 – HB 771- Sustainable Forestry Act of 2009

1:00 p.m. JUD – House 100 – HB 950 – Law Enforcement Officers – Unsubstantiated Complaints - Admissibility

THURSDAY, MARCH 5

1:00 p.m. JPR – MSW 2E – SB 895 – Public Safety – Fire Fighters' Bill of Rights

TUESDAY, MARCH 10

1:00 p.m. EHE – MSB 2W – SB 358 – Agriculture – Ag Preservation Easements – Renewable Energy Generation

1:00 p.m. EHE – MSB 2W – SB 509 – Environment – Noise Control Ordinances – Political Subdivisions

1:00 p.m. EHE – MSB 2W – SB 674 – MG Agricultural Land Preservation Foundation – Easements – Inspections Requirements

WEDNESDAY, MARCH 11

1:00 p.m. JPR – MSW 2E – SB 252 - Rental Vehicle Parking Ticket Fairness Act

1:00 p.m. JPR – MSW 2E – SB 692 – Vehicle Laws – Disposition of Traffic Citations

1:00 p.m. ECM – House 230 – HB 729 – Chesapeake and Atlantic Coastal Bays Critical Area – Prospective Land Purchases - Inspections

1:00 p.m. ENV – House 250 – HB 992 – Driver relief Act of 2009

1:00 p.m. ENV – House 250 – HB 1063 – Environment – Noise Control Ordinances – Political Subdivisions

THURSDAY, MARCH 12

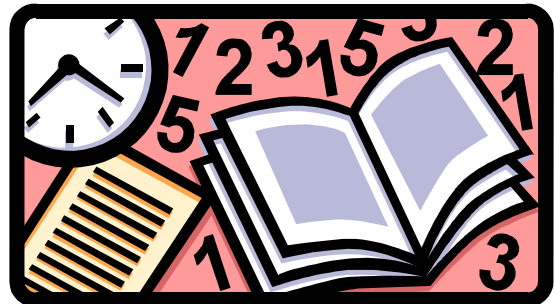
1:00 p.m. W&M – House 130 – HB 812 – Data Warehouse – Agency Data Sharing

FRIDAY, MARCH 13

1:00 p.m. EHE – MSB 2W – SB 539 – Driver Relief Act of 2009

2009-2010 Directory of Maryland County Officials

In Production Now



**Distribution July 2009
Watch For It!**

Maryland Association of Counties

169 Conduit Street, Annapolis, MD 21401
(410) 269-0043 (301) 261-1140 FAX: (410) 268-1775

Executive Director Michael Sanderson

msanderson@mdcounties.org - Direct: (410) 268-9286

Counsel David S. Bliden

dbliden@mdcounties.org - Direct: (410) 268-9112

Communications & Meetings Director Ellen Clarke

eclarke@mdcounties.org - Direct: (410) 268-9139

Research Specialist Michele Dinkel

mdinkel@mdcounties.org

Office Assistant Karla Hutchins

khutchins@mdcounties.org

Associate Director Leslie Knapp, Jr.

lknapp@mdcounties.org

Administrative Specialist Karen Lowe

klowe@mdcounties.org

Administration & Finance Director Leslie Velasco

lvelasco@mdcounties.org