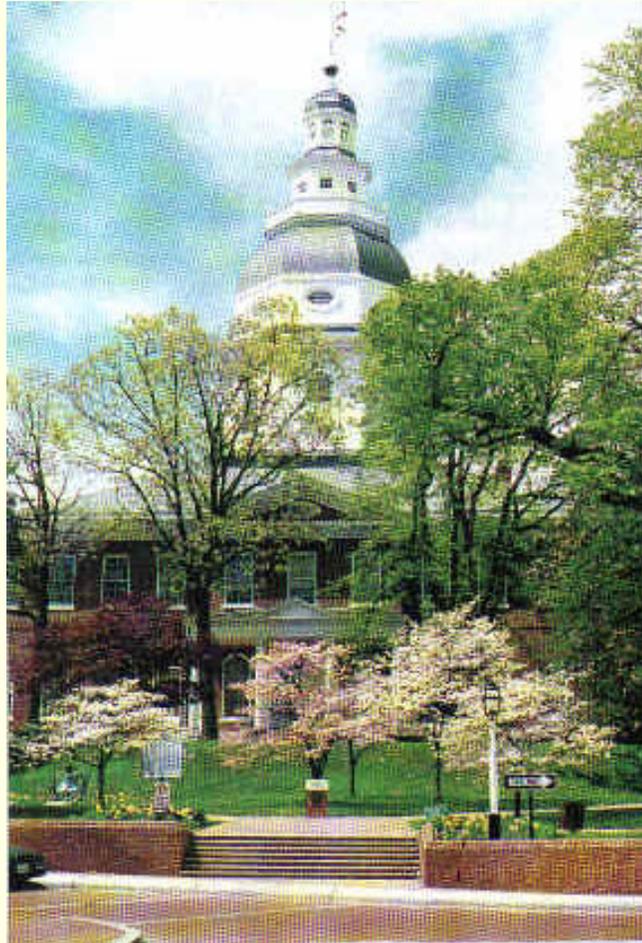


2005 Legislative Summary



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Introduction

These documents represent MACo's 2005 Legislative Summary. The purpose of this annual review is to provide general information on legislation enacted by the General Assembly and Governor during the legislative session. Only bills that were passed and signed into law are included in this review. Each bill listed will have active web links to relevant information on the Maryland General Assembly website, which may be useful for those seeking additional information or the actual bill text.

In addition, we have included material covering several significant issues from the legislative session, with special "Focus" articles. We hope this material supplements the basic content of the legislative summary, and provides additional context for certain issues with significant county involvement.

Finally, we provide a page summarizing the efforts and results of MACo's Legislative Committee. Once again, the statistics reinforce MACo's effect on the legislative process, and the value of the prioritization efforts the Legislative Committee undertakes.

If you have questions or comments on the material presented here, please contact Michael Sanderson at MACo.

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Business Affairs

HB 963 (Chapter 587)

Task Force on Broadband Communication Deployment in Underserved Areas

Bill Description: Extends the existing Task Force on Broadband Communication Deployment in Underserved Areas until June 2006. The Task Force is working to consider efforts and best practices regarding the deployment of broadband communication services to Maryland rural areas. Effective June 1, 2005.

Community and Economic Development

HB 583 (Chapters 561)

Maryland Housing Rehabilitation Program - Regular Rehabilitation Program - Residential Building Reconstruction

Bill Description: Authorizes loans under the Regular Rehabilitation Program of the Maryland Housing Rehabilitation Program to be used for the reconstruction of residential buildings providing four or fewer dwellings. Currently, Regular Rehabilitation Program loans may only be used for rehabilitation. Effective June 1, 2005. Sunsets November 30, 2006.

HB 1548 (Chapter 275)

Economic Development – Local Redevelopment Authorities

Bill Description: Authorizes the Secretary of Business and Economic Development to create local redevelopment authorities in accordance with the federal Defense Base Closure and Realignment Act of 1990. The purpose of a local redevelopment authority is to develop land ceded by the United States Department of Defense to the State as a result of a military base closing or reorganization. Effective October 1, 2005.

Education

HB 228 (Chapter 42)

Higher Education - Community Colleges and Regional Higher Education Centers - Degree Programs

Bill Description: Authorizes the board of trustees of a community college or the governing body of a regional education center to submit to the Maryland Higher Education Commission a request for proposals for the offering of a baccalaureate degree program not currently offered in the region. A board of trustees may submit the request for proposals to out-of-state senior higher education institutions if none of the senior higher education institutions within the State submit an acceptable response to the request for proposals. Effective October 1, 2005.

Focus On: School Construction

The Maryland General Assembly provided \$250 million in general obligation (GO) bonds for school construction projects in the fiscal 2006 capital budget (House Bill 340/Chapter 445). The \$250 million goal was a MACo Initiative and will help county governments provide needed renovations and expansions to their public schools.

The \$250 million threshold was recommended in the Final Report of the Task Force to Study Public School Facilities (February 2004). The Task Force found that it would cost approximately \$3.85 billion to bring existing Maryland schools up today's educational and building standards. Governor Robert Ehrlich included \$157.4 million in the FY 2006 budget for school construction.

There are two components to the funding. The first component includes \$122 million for school construction projects approved by the Board of Public Works at its January 19 and February 16 meetings. All 24 counties will receive some funding from this component. The second component includes an additional \$128 million for 19 counties for public school construction projects designated as A (funded) or B (ready to go) in the Public School Construction Programs ABC List. These projects will be funded in the local priority order established in the List.

The funding also includes a requirement that the Interagency Committee on School Construction (IAC) must allocate 100% of the funds available for public school construction project in fiscal 2006. This includes any funds available in the contingency fund established in Section 5-301 of the Education Article. Allocations made by the IAC in fiscal 2006 are not subject to approval by the Board of Public Works.

The legislature also made some changes to the IAC. The General Assembly expanded IAC membership to include two members of the public. One public member will be appointed by the President of the Senate, the other by the Speaker of the House. The legislature also restricted regulated lobbyists, members of the General Assembly, county government or board of education employees, and local elected officials from serving as an IAC member. Finally, the legislature specified that the IAC is a public body and subject to the State Open Meetings Law. Deliberations and decisions regarding the eligibility of projects and allocation of funding are considered a quasi-legislative function.

HB 330 (Chapter 368)

Education - School-Based Employees – Stipends

Bill Description: Expands the eligibility of county grants and state stipends for receiving certification by the National Board for Professional Teaching Standards (NBPTS) to include non-administrative certificated school employees who work directly with students or teachers at a public school. Under current law, only classroom teachers are eligible to receive a grant or stipend for obtaining NBPTS certification. Effective October 1, 2005.

HB 407 (Chapter 547)

Safe Schools Reporting Act of 2005

Bill Description: Requires county boards of education to report incidents of harassment or intimidation against students to the Maryland State Department of Education (MSDE). MSDE must create a standard victim of harassment or intimidation reporting form that would be distributed by the county boards to the public schools. Each county board must submit to MSDE a summary to all reporting forms filed with the board by January 31 of each year. Effective July 1, 2005 and sunsets on June 30, 2009.

HB 641 (Chapter 226)

Education – Comprehensive Master Plan Updates – Due Dates

Bill Description: Alters the due dates for a county board of education to submit to the State Superintendent of Schools: (1) an annual update to the comprehensive master plan from August 15 to October 15 of each year, and (2) a summary of how the board's current year approved budget and increases in expenditures over the prior year are consistent with the master plan from October 1 to October 15 of each year. The due date for the State Superintendent to annually report the results of the budget review to the Governor, county governing body, and the General Assembly is changed from December 1 to December 31. Effective July 1, 2005.

HB 995 (Chapter 408)

Education – Principals – Fellowship and Leadership Development Program

Bill Description: Requires the Maryland State Department of Education (MSDE) to establish a statewide Principal Fellowship and Leadership Development Program. The statewide program is based on a pilot Baltimore City program. The State Superintendent of Schools may select up to 10 principals per year to become fellows in the program. The principals are transferred from their local school systems for 3 years to schools identified for restructuring under the State's accountability regulations. The principals keep their current salary, earn an annual stipend of \$20,000, and may select their assistant principals. Effective July 1, 2005.

HB 1074 (Chapters 414)

Education – Suspended or Expelled Students – Community Resources List

Bill Description: Requires a public school to promptly provide a student or the student's parent or guardian with a community resources list when that student is suspended or expelled.

Each county board of education develops its own community resources list and disseminates the list to its public schools. The list may include the name and contact information of local and statewide social services and nonprofit health care providers that provide nondiscriminatory services to children and families in need of assistance. Effective July 1, 2005.

HB 1236 (Chapter 423)

Community College Students with Disabilities Task Force

Bill Description: Establishes the Community College Students with Disabilities Task Force. The Task Force is charged with: (1) identifying programmatic and physical barriers for students with disabilities; (2) identifying resource gaps in technology, equipment, and services for students with disabilities; (3) developing strategies to improve education and employment outcomes for students with disabilities; and (4) developing a series of recommendations that will result in Maryland community colleges having the resources to actively serve students with disabilities and help them achieve their education and employment goals. Effective July 1, 2005 and sunsets June 30, 2006.

HB 1375/SB 351 (Chapters 303, 302)

Public Health - Children - Notice of Drinking Water Contamination

Bill Description: Requires a water supplier to give written notice to non-collegiate educational institutions, public schools, family day care homes, and child care centers when their water systems become contaminated, is subject to a variance or exemption, fails to comply with a variance or exemption, or has concentration levels of an unregulated contaminant for which the state may require notice due to the risk to public health. Requires non-collegiate education institutions, public schools, family day care homes, and child care centers that receive a notice of a contaminated drinking water supply to send a written notice to all parents or legal guardians of children attending the facility. The notice must identify the contaminants and their level in the facility's water supply and the facility's plan for dealing with the contamination problem until the facility's water is determined to be safe for consumption. Effective October 1, 2005.

SB 384 (Chapter 305)

Adult Education and Literacy Services – Waiting List – Funding

Bill Description: Requires the Governor in fiscal 2007 and 2008 to include an appropriation in the State budget equal to an increase of \$1.5 million over the fiscal 2005 appropriation for the Maryland State Department of Education (MSDE) to distribute as literacy work grants in order to reduce the waiting list for adult education and literacy services. Also requires MSDE, in consultation with the General Assembly, to establish an ongoing method of funding adult education and literacy services so that the waiting list is reduced to the greatest extent possible. MSDE must report back to the General Assembly by January 1, 2006. Effective July 1, 2005

MACo Position: Recognizing the need to reduce the waiting list for adult education and literacy services, MACo supported the legislation.

SB 421 (Chapter 481)

Libraries – Funding – Public Libraries and Regional Resource Centers

Bill Description: Annually increases the per capita dollar amount that must be paid to each county public library system participating in the State’s minimum library program from \$ 12.00 in fiscal 2006 to \$16.00 in fiscal 2010. The bill also annually increases the minimum allocations per each resident of the area served by a participating regional resource center from \$4.50 in fiscal 2006 to \$8.50 in fiscal 2010. Effective July 1, 2005.

SB 426 (Chapter 308)

Education - Children in State-Supervised Care - Transfer of Educational Records

Bill Description: Establishes a process for the prompt transfer of educational records for children in state-supervised care. Sets timelines for enrollment notification and records transfers between sending and receiving schools. Also requires each county board of education to establish a dispute resolution process to address disputes arising from the transfer of an educational record. A child in state-supervised care shall remain at the receiving school while a dispute is being resolved. Effective July 1, 2005.

SB 473 (Chapter 312)

Student Health Promotion Act of 2005

Bill Description: Requires that by August 1, 2006, public school vending machines that sell food items of minimal nutritional value, as determined by the Maryland State Department of Education, have a timing device to automatically prohibit or allow access to the machine in accordance with a nutrition policy established by the local board of education. Also requires a local board of education, in consultation with the local health department, to include the importance of physical activity in maintaining good health in its health education curricula. Effective October 1, 2005.

SB 878 (Chapter 513)

State Surplus Personal Property – Transfer

Bill Description: Authorizes the Secretary of General Services to dispose of state-owned surplus personal property by transferring it to a public school. Under existing law, the Secretary already possesses the authority to transfer surplus personal property to a local jurisdiction or nonprofit organization. Effective October 1, 2005.

Elections

HB 723 (Chapter 572)

Election Law – Voter Registration

Bill Description: Conforms Maryland election law to comply with the federal Help America Vote Act by establishing a statewide voter registration system. The registration system purchase was budgeted using federal funds, with costs split between the State and local allocations of the federal funds. This bill conforms State law to support the new registration system and procedures. Effective January 1, 2006.

MACo Position: While MACo did not take a position on HB 723 as its provisions are largely procedural, MACo was actively involved in securing the use of federal funds (rather than payments from county general funds) to support the local costs of the new registration system.

SB 700 (Chapter 505)

Election Judges – Minors

Bill Description: Allows a 17-year-old who seeks to work as an election judge, with consent of a parent or guardian, to be exempted from State labor regulations for the one- day of service. Effective October 1, 2005.

Employee Benefits

SB 370 (Chapter 146)

State & Local Pension Systems Uniform Management of Public Employee Retirement Systems Act

Requires any local government establishing a public pension system on or after July 1, 2005 to conform that system to the principles of the Uniform Management of Public Employee Retirement Systems Act (UMPERSA) that address the investment and management of the funds for the system. Local governments currently operating a public pension system must report, by July 1, 2006, on the degree to which their systems conform to the UMPERSA, and detail any substantive differences. Effective July 1, 2005.

Environment

HB 465 (Chapter 213)

Natural Resources - Forest or Park Reserve Fund - Payments to Counties

Bill Description: Alters the formula for annual payments from the state to the counties from the Forest or Park Reserve Fund. Under the current law, the amount a county receives is based on net revenue. The bill would base the calculation on total or gross revenue. Emergency Bill.

MACo Position: MACo supported the bill as it will result in increased state payments to the counties.

Focus on: Electronic Recycling (E-Cycling)

MACo supported House Bill 575 (Chapter 384), which creates a Statewide Computer Recycling Pilot Program. Computers and CRT screens can contain a variety of hazardous materials, including lead, mercury, and arsenic. If disposed of in a local landfill, these materials can contaminate the surrounding soil and groundwater and represent a health hazard to neighboring counties. E-Cycling presents a way to reduce the amount of toxic computer waste placed into landfills.

As originally introduced, HB 575 would have authorized computer manufacturers to submit an environmental compliance plan to the Department of the Environment (MDE). If the plan significantly reduced computer waste entering the solid waste stream, MDE would have certified the manufacturer's plan. A non-certified computer manufacturer would have been subject to a State computer-recycling fee on the first sale of a new computer from that manufacturer. The fees would have gone into a Statewide Computer Recycling Fund that would have provided grants to local governments for costs related to the implementation of county or regional e-cycling programs.

The House Environmental Matters Committee amended the bill to become a pilot program that would require computer manufacturers that sell more than a certain amount of computers in the State to register with MDE and pay a \$5,000 registration fee. The registration must be renewed annually. Computer manufacturers that have an e-cycling program will pay a \$500 renewal fee while those that do not will pay a \$5,000 renewal fee. The registration and renewal fees go into the State Recycling Trust Fund to provide grants to local governments for costs related to the implementation of county or regional e-cycling programs. The amended bill sunsets at the end of 2010.

MACo supported both the original and amended versions of HB 575. The final version of the bill was the result of a collaborative process and was supported by MACo, the Maryland Municipal League, MDE, environmental groups, and representatives of the computer manufacturing industry. MACo is pleased that HB 575 addresses a growing environmental problem in a creative manner that does not impose an unfunded mandate on county governments.

HB 575 (Chapter 384)

Environment - Statewide Computer Recycling Pilot Program

Bill Description: Requires computer manufacturers that sell more than a certain amount of computers in the state to register with the Department of the Environment and pay a \$5,000 registration fee. Computer manufacturers that have an electronics-recycling (e-cycling) program will pay a \$500 annual renewal fee while those that do not have an e-cycling program will pay a \$5,000 annual renewal fee. The registration and renewal fees would go into the State Recycling Trust Fund and would provide grants to local governments for costs related to the implementation of county or regional computer recycling programs. Effective July 1, 2005 and sunsets December 31, 2010.

For further detail, see Focus On: E-Cycling Pilot Program on page 12.

MACo Position: MACo supported the legislation. While most counties already conduct e-cycling activities, the grants created by the bill would provide additional funding to expand the scope of these programs and allow other counties that currently do no E-Cycling to start a program.

HB 576 (Chapter 385)

Department of Agriculture - Water Pollution Control - Cost Sharing

Bill Description: Alters the liability of a person (which does not include a county or municipal corporation) who fails to establish or maintain a best management practice for conserving soil loss due to farming practices or management of nutrients, animal wastes, or agricultural chemicals so as to minimize movement into the surface waters of the state. Also repeals the current requirement that a person pay the full amount of the state cost sharing funds paid for practices that are not established or maintained to the Department of Agriculture. Instead, the Department determines the amount owed by the person. Effective October 1, 2005.

Finance

HB 147 (Chapter 444)

Budget Reconciliation and Financing Act of 2005

Bill Description: Effects a range of fund transfers, statutory changes, and other temporary modifications to help balance the FY 2006 operating budget. Budget effects on county governments include reductions to Highway User Revenues, Program Open Space. Beginning in FY 2007, certain funding requirements for Regional Institutes for Children and Adolescents are eliminated.

For more information on the county fiscal impacts of the FY 2005 legislative session, see *Focus On: County Budget Resolution on page 13.*

MACo Position: The elements of the final BRFA were introduced as several bills. MACo supported tax collection assistance provided in HB 149, but opposed several of the slated aid reductions included in HB 149. Ultimately, the General Assembly used HB 147 as the vehicle for all the components materially affecting the FY 2006 budget.

HB 190 (Chapter 34)

Commercial Law – Abandoned Property – Notice to Apparent Owner

Bill Description: Establishes at \$100 the minimum value of abandoned property for which notice must be sent to the apparent owner. Under current law, this notice must be sent for any such property, regardless of value. Effective July 1, 2005.

MACo Position: Since county governments are frequently possessors of such abandoned property, HB 190 relaxes administrative requirements and burdens on them. MACo supported the bill to provide this sensible relief.

HB 343 / SB 199 (Chapters 536, 616)

Property Tax – Credit for Repaired or Reconstructed Dwelling

Bill Description: Requires county and municipal governments to provide a property tax credit for owner-occupied dwellings whose assessments increase due to repairs or reconstruction due to recent storm-related damages. The two-part credit must offset the full increased assessment for five fiscal years, and then half of the increase for the following three fiscal years. HB 343 also grants a comparable state property tax exemption to the same property. Effective July 1, 2005 and affects properties with such alterations made during the period from Sept. 18, 2003 to Dec. 31, 2006.

MACo Position: MACo supported the relief offered in HB 343, but requested that the legislation authorize the affected local governments to provide and design the tax credits, with any appropriate qualifications or durations as determined locally.

HB 481 / SB 67 (Chapters 555, 457)

Property Tax – Homestead Credit – Eligibility

Bill Description: Clarifies circumstances when a property transferred within a taxable year may become eligible for the Homestead Property Tax Credit program in the following year. Conforms statute with prevailing interpretation and practice regarding effective date of transfer – establishing the date of deed recordation as the practical date. Effective July 1, 2005.

Focus On: Budget and Resolution

In the final days of the 2005 legislative session, the budget conference committee ultimately resolved the legislature's fiscal plan for fiscal year 2006. During a year where debate loomed over potential cuts to the state property tax rate and increased spending for state employee health care, local government funding was at risk.

As had been widely discussed leading up to the budget decisions, local distributions of Highway User Revenues became a target for legislative reductions, even though fully funded in the Administration's budget. While county officials argued that local transportation needs demanded full formula funding, the legislature ultimately reduced these distributions, in large part to help comply with its own non-binding but traditional Spending Affordability guidelines.

Initially, the Department of Legislative Services had argued that Highway User Revenues (HUR) could properly absorb a reduction of over \$71 million, and recommended this reduction to the budget committees. In the end, the reduction to HUR was \$22.7 million. Following a basic methodology used by both the House and Senate's preliminary plans, the HUR formula distributions themselves are reduced by \$48.5 million, but \$25.8 million in capital funding is made available from other sources to partially offset that reduction.

Among other areas of major county focus:

- The **Electric Utility Grants** to counties affected by the state-imposed generation tax exemption were fully funded for FY 2006. This was a \$30.6 million proposed reduction, which was not accepted by the General Assembly.
- **Program Open Space** ultimately received a reduction of \$90 million for FY 2006, far less than had been initially proposed in the Administration's budget. Originally proposed future year reductions were eliminated from the legislation implementing the various budget-balancing elements, meaning this remains only a one-year reduction as needed to resolve FY 2006 shortfalls.
- With the failure of the competing slots legislation, passed in various forms by both the Senate and House, the **Geographic Cost of Education Index (GCEI)** is unfunded once again in FY 2006. This component of the Thornton education funding proposal said in an Assistant Attorney General's letter of advise to be ruled as being non-binding, and has not been funded to date. Efforts to include GCEI funding in other legislation comparable to that included in the slots legislation ultimately failed.

In total, however, the fiscal package passed by the General Assembly cut less county funding than that proposed by the Administration. The Administration budget included a total of \$37 million in reductions to direct county functions (mostly by eliminating the electric utility grants) and an additional \$62 million to other funding (mostly reductions to POS), with a net reduction of nearly \$99 million. The final budget, as adopted by the conference committee and passed, includes a **net reduction of about \$64 million**, after considering the effects of several items restored through various mechanisms and directed funding.

HB 1046 (Chapter 588)

Property Tax - Homeowners' Property Tax Credit - Computation and Local Supplement

Bill Description: Alters the calculation of the state-funded Circuit Breaker tax credit, and expands authority and flexibility for locally-enacted supplements to that program. Counties are enabled to alter income, age, or other qualifications for participation in the local supplement. Effective July 1, 2005.

MACo Position: MACo supported SB 717, which was ultimately passed in identical form as HB 1046, but vetoed by the Governor as duplicative.

HB 1472 (Chapter 605)

Recordation Tax and State Transfer Tax – Exemption for Transfer to Brother or Sister

Bill Description: Adds to current list of intra-family tax exemptions from recordation and transfer taxes a transfer of property between siblings. Effective July 1, 2005.

SB 774 (Chapter 173)

Local Governments – Deposits of Unexpended or Surplus Money

Bill Description: Allows local governments to deposit funds into accounts secured by the Certificate of Deposit Account Registry System, allowing a network of banks to provide FDIC insurance protection for the full deposit, which remains in a local bank. Effective October 1, 2005.

MACo Position: MACo worked with county finance officers in supporting this bill, recognizing the flexibility and potential administrative savings that it could provide, at local option.

SB 794 (Chapter 175)

Arts and Entertainment Districts - Tax Benefits

Bill Description: Expands the eligibility for tax benefits available in a designated Arts and Entertainment District. Artists owning or renting property in the district could become eligible for a tax credit, if the artistic works are written, composed, or executed within the district. Also clarifies the calculation and application of appropriate tax credits. Effective June 1, 2005.

Government Liability and Courts

HB 49 (Chapter 192)

Witness Fees and Mileage Costs

Bill Description: Repeals provisions providing for the payment of witness fees and mileage costs for witnesses summoned before or being deposed by: the Secretary of Agriculture, the State Commission of Real Estate Appraisers and Home Inspectors, the State Real Estate Commission, an arbitrator during an arbitration hearing, a state court in a civil case, a state

court in a criminal case, the Orphans' Court, the State Workers' Compensation Commission, or the Public Service Commission. Effective October 1, 2005.

HB 56 (Chapters 521)

Consumer Protection – Privacy of Social Security Numbers

Bill Description: Creates the Social Security Number (SSN) Privacy Act. Prohibits a person (which does not include a unit of state or local government) from publicly posting or displaying an individual's SSN, electronically transmitting or requiring the entry of an individual's SSN on an unsecured or unencrypted line, or printing or transmitting an individual's SSN under certain circumstances unless required by state or federal law. A person that used an individual's SSN before January 1, 2006 in a manner prohibited under this legislation may continue to use the SSN provided the use is continuous and the person files and annual disclosure with the individual stating that the individual may request in writing that the person stop using the individual's SSN. Violations of the bill are treated as an unfair and deceptive trade practice. Effective January 1, 2006. The continued use and disclosure provision sunsets on December 31, 2008.

HB 454 (Chapter 552)

Workers' Compensation Insurance - Volunteer Fire and Rescue Companies

Bill Description: Requires a member of a volunteer company to be covered by a workers' compensation insurance policy while on duty. "Volunteer company" means a volunteer fire, rescue, or ambulance company or an advanced life support unit. Effective October 1, 2007.

MACo Position: MACo opposed the original legislation, which would have required counties to treat a member of a volunteer company as a covered employee while on duty. After the bill was amended to its current form, MACo dropped its opposition.

HB 771 (Chapter 576)

Children in Out-of-Home Placements - Permanency Plans

Bill Description: Alters the provisions that can be part of a court-ordered or local department of social services (DSS) permanency plan for an out-of-home placement child. Authorizes a court or local DSS to include an consider a planned permanent living arrangement that addresses the individualized needs of the child and includes goals that promote the continuity of relations with individuals who will fill a lasting and significant role in the child's life. Effective October 1, 2005.

HB 935 (Chapter 404)

Juvenile Causes - Child in Need of Assistance - Priority of Relatives as Caregivers

Bill Description: Requires a local department of social services (DSS) to consider whether there is a relative able to provide supervision to a child before authorizing shelter care for a child who may be in need of assistance. A local DSS would also have to give reasonable notice to a child's relatives of any hearing to consider a petition for continued shelter care. Requires a

court to give priority to a child's relatives over non-relatives when ordering shelter care for the child, unless good cause is shown. Effective October 1, 2005.

HB 957 (Chapter 253)

Children in Need of Assistance or Supervision - Notice of Truancy

Bill Description: Authorizes a court to notify certain county school officials that a child has been found in need of assistance and committed to the custody of a local department of social services (DSS). Authorizes a court to notify certain county school officials that a child has been found in need of supervision and committed to the custody or guardianship of the Department of Juvenile Services. Requires a school that has received a notice about a child to notify the local DSS or Department of Juvenile Services if that child is habitually truant. Effective October 1, 2005.

SB 746 (Chapter 507)

Children in Need of Assistance - Custody and Guardianship

Bill Description: Requires a court to consider a report by a local department of social services or child placement agency before granting custody or guardianship of a child in need of assistance (CINA). The report on the prospective guardian must include a: (1) home study; (2) child protective services history; (3) criminal history records check; and (4) review of the prospective guardian's physical and mental health history. Alters the permanency plans a local department of social services must consider for a child in an out-of-home. Extends the purview of the Court-Appointed Special Advocate Program to include CINA guardianship proceedings. Effective October 1, 2005.

HB 1185 (Chapter 596)

Courts - Trial Juries - Juror Payment

Bill Description: Increases the State per diem payment to a petit juror from \$15 to \$50 per day for each day after the fifth day of jury service. Prohibits an employer from requiring an employee to use annual, vacation, or sick leave to respond to a petit jury summons. Effective July 1, 2005.

SB 696 (Chapter 504)

Juvenile Causes - Child in Need of Assistance - Court Hearings and Findings

Bill Description: Requires a judge in certain child in need of assistance (CINA) hearings to make a finding as to whether a local department of social services (DSS) has made reasonable efforts to: (1) prevent placement of a child into local DSS custody; or (2) finalize the permanency plan in effect for the child and meet the needs of the child. The bills include criteria that a court must consider when making its findings. Effective October 1, 2005.

Health

HB 374 (Chapter 539)

Oil Discharge - Groundwater Contamination – Notification

Bill Description: Requires the Maryland Department of the Environment to notify the appropriate local health department if certain groundwater contaminants related to oil discharges are found. The health department must then provide public notification to surrounding community, and may seek to recover costs from the person responsible for the original discharge. Effective October 1, 2005.

MACo Position: Following House amendments establishing the public notification requirement on local health departments, MACo opposed the bill's mandate on local health departments. Senate amendments removed this mandate, but the bill ultimately passed in the House's original form, largely over issues unrelated to the mandate components.

HB 1047 (Chapter 412)

Nursing Facility Conversion Grant Program

Bill Description: Establishes a nursing facility grant program, to assist nursing facilities convert nursing beds to other medical services. Capital grants authorized under the bill could be awarded to county governments, nonprofit organizations, or other entities by the Board of Public Works, with recommendations from the Department of Health and Mental Hygiene. Effective July 1, 2005.

SB 210 (Chapter 277)

Department of Health and Mental Hygiene - Federally Qualified Health Centers Grant Program

Bill Description: Establishes a Federally Qualified Health Center program, conforming to related federal grant programs. These capital grants could be accessed by county governments, as well as nonprofit organizations and other entities. Effective July 1, 2005.

Parks & Recreation

HB 415 (Chapter 299)

Natural Resources - Program Open Space Funds - Transfer to Maryland Heritage Areas Authority Financing Fund and Required Study

Bill Description: Increases the amount of annual funding dedicated to the Maryland Heritage Areas Authority from \$1 million to \$3 million. The Authority must report to the General Assembly by December 1, 2005 regarding the achievements of the Fund to date. Effective July 1, 2005.

SB 306 (Chapter 473)

Land Preservation and State Asset Protection Act

Bill Description: Establishes several substantial new restrictions and procedural requirements on the sale of surplus State-owned outdoor recreation, open space, preservation, park or forestland. Local jurisdictions may have opportunities to receive such surplus lands for nominal consideration. The bill also requires a repayment of transfer tax revenues diverted from Program Open Space and related programs for use by the State general fund in recent years. Effective July 1, 2005.

MACo Position: MACo supported SB 306 and encouraged an appropriate role for local governments as potential recipients of surplus lands. MACO also supported similar legislation seeking to protect the intended uses of transfer tax funding, several components of which ultimately were amended into SB 306.

Planning and Zoning

HB 73 (Chapter 350)

Maryland Agricultural Commission – Membership

Bill Description: Increases the number of members of the Maryland Agricultural Commission from 24 to 29. The four new members would include a second representative of the nursery industry, one representative of agri-business, one representative of the forestry industry, one representative of the aquaculture industry, and one representative of agri-tourism. Effective October 1, 2005.

HB 74 (Chapter 351)

Maryland Agricultural Land Preservation Easement Termination – County Notification

Bill Description: Extends the time period within which a county is required to notify the Maryland Agricultural Land Preservation Foundation of a decision to terminate an agricultural land preservation easement from 30 days to 90 days after the conclusion of a public hearing on the matter. Effective October 1, 2005.

MACo Position: Recognizing the difficulty that a county might have in rendering a decision to terminate an agricultural easement within 30 days after a hearing, MACo supported the legislation.

HB 78 (Chapter 355)

Maryland Agricultural Land Preservation Foundation – Local Land Use

Bill Description: Clarifies the authority of a county to deny certain land use applications affecting land encumbered by a district agreement or agricultural land preservation easement if the Maryland Agricultural Land Preservation Foundation has not approved the application. The county may deny applications for: (1) a subdivision plat or plan; (2) certain types of

building permits; (3) a nonagricultural conditional use or special exception; or (4) any other nonagricultural use or activity. Effective October 1, 2005.

MACo Position: MACo supported the bill with amendments that ensured the bill was only clarifying in nature and did not substantively impact a county's zoning authority. The bill was amended to address MACo's concerns.

HB 79 (Chapter 356)

Maryland Agricultural Land Preservation Foundation - Arbitration of Easement Values

Bill Description: Require that a request for arbitration by either a landowner or the Maryland Agricultural Land Preservation Foundation over the value of an agricultural land preservation easement to the Property Tax Assessment Appeal Board be made no later than September 30 of the year following the determination of the easement's value by the Foundation. Effective October 1, 2005.

HB 679 (Chapter 229)

Maryland Uniform Environmental Covenants Act

Bill Description: Adopts the Uniform Environmental Covenants Act proposed by the National Conference of Commissioners on Uniform State Laws. An "environmental covenant" is a servitude that imposes activity and use limitations on land that arises from the environmental remediation of land: (1) under a federal or state remediation program; or (2) is incident to the closure of a solid or hazardous waste management unit. Requires the Department of Environment to maintain a registry that contains all environmental covenants and any amendment or termination of those covenants. Effective October 1, 2005.

HB 756 (Chapter 394)

Allegany, Anne Arundel, Garrett, and Washington Counties - Sound Level Limits and Noise Control - Shooting Sports Clubs

Bill Description: Prohibits Allegany, Anne Arundel, Garrett, and Washington Counties and any of their subdivisions from adopting noise control ordinances or standards that would prohibit trapshooting, skeet shooting, or other target shooting between the hours of 9:00 A.M. and 10:00 PM by a shooting sports club that is chartered and in operation as of Jan. 1, 2005. Effective July 1, 2005.

SB 502 (Chapter 155)

Agriculture - Critical Farms Program

Bill Description: Requires the Maryland Agricultural Land Preservation Foundation and the Department of Planning to establish a Critical Farms Program that would provide interim or emergency financing for the acquisition of agricultural preservation easements on critical farms that would otherwise be sold for nonagricultural uses. Requires the Foundation and the Department to develop criteria that a county must use when determining whether a property qualifies for the Program. Also requires the Foundation and the Department to conduct a study

of the options available for funding the Program. Effective July 1, 2005 except for the provisions establishing the Critical Farms Program, which become effective October 1, 2006.

Public Ethics

HB 295 (Chapter 533)

Open Meetings Act - Executive Function – Study

Bill Description: Requires the State Open Meetings Law Compliance Board to study the use of the executive function exclusion under the Open Meetings Act. The Board must consider the benefits of retaining or restricting the executive function exclusion and may propose legislation as a result of its findings. Effective June 1, 2005.

MACo Position: MACo opposed the legislation because: (1) it presumes that there is an issue with the scope or application of the executive function exclusion; and (2) it is unnecessary as the Board can, and has, conducted its own research into the matter. MACo will continue to work with the Board to address issues involving the application of the executive function exclusion.

SB 150 (Chapter 127)

Ethics - Financial Disclosure - Electronic Filing Procedures

Bill Description: Authorizes the State Ethics Commission to adopt regulations to modify the format for certain financial disclosures that are filed electronically. The regulations must be consistent with the intent of the state public ethics law. Effective October 1, 2005.

Public Safety and Corrections

HB 239/SB 214 (Chapters 101, 100)

Dept. of State Police - Transfer of the Senator William H. Amoss Fire, Rescue, and Ambulance Fund to the MD Emergency Management Agency

Bill Description: Transfers the administration of the Senator William H. Amoss Fire, Rescue, and Ambulance Fund from the Dept. of State Police to the Maryland Emergency Management Agency (MEMA). The Director of MEMA would take over all duties relating to the Fund that were formerly performed by the Secretary of State Police. Effective October 1, 2005.

HB 240/SB 213 (Chapters 449, 448)

Department of State Police - Collection of DNA Samples

Bill Description: Authorizes the Maryland State Police to collect a DNA sample from a person who is convicted of certain crimes at the circuit courthouse when the person is sentenced. Effective October 1, 2005.

HB 305 (Chapters 534)

Law Enforcement - Mutual Aid Agreements - Maryland Vehicle Law

Bill Description: Clarifies that a police officer who is acting under a mutual aid agreement can enforce the Maryland Vehicle Law beyond the officer's own sworn jurisdiction. Effective October 1, 2005.

HB 314 (Chapter 202)

Correctional Facilities - Commission on Correctional Standards

Bill Description: Authorizes the Commission on Correctional Standards to periodically inspect a correctional facility that has been sent a letter of reprimand and is still in violation of the minimum mandatory standards until compliance is attained. Also adds a 12th Commission member, who must be licensed, certified, or registered by the state as a mental health or medical professional. Effective October 1, 2005.

HB 315 (Chapter 203)

Public Safety - Mutual Aid Agreements - Authority to Enforce Laws

Bill Description: Establishes that police officers and other officers, agents, and employees coming from one county or municipal corporation to another within the State under a mutual aid agreement, may enforce the laws of the State to the same extent as authorized law enforcement officers of the receiving county or municipal corporation. Effective October 1, 2005.

HB 800 (Chapter 579)

Identity Fraud - Police Report

Bill Description: Requires a local law enforcement agency that has been contacted by certain victims or potential victims of identity fraud to promptly: (1) prepare and file a report of the alleged identity fraud; and (2) provide a copy of the report to the victim or potential victim. A report filed under the provisions of the legislation bill does not count as an open case. Effective October 1, 2005.

MACo Position: Recognizing that identity theft is a rapidly growing problem with serious administrative, enforcement, and economic costs, MACo supported the legislation.

HB 1353 (Chapter 602)

Consolidation of State Forest and Park Rangers and Natural Resources Police

Bill Description: Provides that all employees commissioned as law enforcement officers of the Forest and Park Service shall retain their commission and certification for the duration of their employment with the Service or any successor organization, including the Department of Natural Resources. Emergency Act.

HB 1514 (Chapter 607)

Public Safety - National Capital Region Mutual Aid Agreements

Bill Description: Authorizes the state, the governing body of a county or municipal corporation, or any other governmental agency within the national capital region to enter into a reciprocal agreement with: (1) a federal agency; (2) the commonwealth of Virginia; (3) the District of Columbia; (4) or a county or municipal corporation, within or outside the state, and establish, train, and implement plans to request or provide mutual aid through the use of its officers, employees, and agents, together with all necessary equipment, in accordance with the federal Intelligence Reform and Terrorism Prevention Act of 2004. Effective June 1, 2005.

SB 135 (Chapter 462)

Public Safety - Protective Body Armor Fund - Additional Use

Bill Description: Authorizes the use of the Protective Body Armor Fund to assist the Division of Parole and Probation within the Department of Public Safety and Correctional Services to purchase protective body armor for its agents. The need of a local law enforcement agency to use the Fund to buy new or replacement body armor for its police officers takes precedence over the use of the Fund by the Division. Effective July 1, 2005.

SB 228 (Chapter 136)

Public Safety - Volunteer Company Assistance Fund - State Budget

Bill Description: Alters provisions relating to grants and loans made from the Volunteer Company Assistance Fund (VCAF). Clarifies that a VCAF grant recipient must match at least 30% of the amount of the grant. Requires that a VCAF loan may only be awarded to assist with up to 75% of the total cost of the equipment or facilities being purchased. Alters certain annual reporting requirements of the Maryland State Firemen's Association. Authorizes, rather than requires, a Legislative Auditor to review certain VCAF documentation. Effective July 1, 2005.

SB 321 (Chapter 300)

Hospitals - HIV Testing - Public Safety Worker

Bill Description: Authorizes a public safety worker to order a hospital to conduct an HIV test if the public safety worker was exposure between the worker and a patient of the hospital and certain conditions are met. "Public safety worker" includes: (1) any career or volunteer member of a fire, rescue or emergency medical services department, company, squad, or auxiliary; (2) any law enforcement officer; or (3) the State Fire Marshal or a sworn member of the State Fire Marshal's office. The testing provisions are identical to those that currently cover health care providers and first responders. Effective October 1, 2005.

SB 622 (Chapter 325)

Public Safety - Collection of DNA Samples - State Budget

Bill Description: Repeals a requirement that, before certain individuals are required to submit a DNA sample, adequate funds for the collection of the DNA samples must be appropriated in the State budget. Effective October 1, 2005.

Taxes & Revenues

HB 220 (Chapter 40)

Property Tax - Exemptions - Property on Military Installations

Bill Description: Clarifies and extends property tax exemption for property owned by the federal government or the State, including a government majority interest in a property. Applies to military-owned property within the boundaries of an installation, and used for national defense purposes or to house military personnel. Effective June 1, 2005.

HB 562 (Chapter 559)

Disabled Veterans and Surviving Spouses - Qualification Date for Property Tax Exemption

Bill Description: Clarifies provisions regarding tax exemptions for disabled veterans and surviving spouses, specifying the date of settlement as the date of final transfer when accompanied by an application to the State Department of Assessments and Taxation. Effective June 1, 2005.

MACo Legislative Statistics, 1992-2005

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
# OF BILLS INTRODUCED BY GENERAL ASSEMBLY	2402	2598	2592	2294	2299	2385	2227	2049	2347	2408	2427	1959	2482	2632
# OF BILLS PASSED BY GENERAL ASSEMBLY	751	748	911	788	803	899	901	830	884	941	918	629	851	826
# OF BILLS PRESENTED TO LEGISLATIVE COMMITTEE	167	165	127	125	127	115	95	87	107	86	78	87	110	93
% OF TOTAL BILLS INTRODUCED BY GENERAL ASSEMBLY	7%	6%	5%	5%	5%	5%	4%	4%	5%	4%	3%	4%	4%	3%
# OF BILLS COMMITTEE TOOK POSITION ON	151	146	111	72	80	61	60	52	58	56	51	53	68	56
% OF BILLS PRESENTED TO LEGISLATIVE COMMITTEE	90%	88%	87%	57%	63%	53%	65%	60%	54%	64%	65%	61%	62%	60%
# OF BILLS ACTION TAKEN W/O PRIOR LEGISLATIVE COMMITTEE APPROVAL	-	-	-	4	7	3	3	3	12	6	4	3	1	1
# OF BILLS SUPPORTED	87	66	48	44	51	38	40	38	55	42	31	32	49	31
# OF BILLS OPPOSED	64	57	38	29	29	23	23	17	15	20	24	24	20	26
# OF BILLS NO POSITION TAKEN	-	23	41	48	47	54	35	35	46	31	27	29	32	37

Measuring MACo's Success for 2005

Text in **Bold** = MACo Victory Text in *Italics* = MACo Loss

MACo Supported	
Bill Passed	13
<i>Bill passed with amds eliminating support</i>	0
<i>Bill Failed</i>	10
Success Rate	57%

MACo Supported only with requested Amendments	
Bill passed w/MACo amendments	3
Bill failed	4
<i>Bill passed without MACo amendments</i>	1
Success Rate	88%

MACo Opposed	
Bill Failed	19
Bill passed w/amds acceptable to MACo	6
<i>Bill passed despite MACo objections</i>	1
Success Rate	96%

MACo's 2005 Overall Success Rate = 45/56 = 80%