



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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Issue 11-14

April 2011 - *Sine Die*

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(Click on Issue above for previous Wrap-Ups)

## 2011 SESSION STATISTICS

During the 2011 regular session of the General Assembly, legislators introduced a total of 2,353 bills of which 998 originated in the Senate and 1,355 came from the House of Delegates. Seventeen joint resolutions were also considered.

By midnight on *sine die*, April 11, the General Assembly had passed 707 bills. Of the passed legislation, 319 were Senate bills and 388 were House bills. Only one joint resolution ([HJ 7](#), passed) was successful.

At the first bill signing on April 12, known as the *sine die* bill signing, the Governor signed a total of 163 bills. At a bill signing, each bill is given a chapter number, indicated by Ch. and a number given in the order of signing, denoting that the bill is a part of the Session Laws of that particular year. Laws become effective on the date specified at the end of each bill.

Additional bill signings are scheduled for:

- April 25 (Monday) – 10:00 a.m.;
- May 10 (Tuesday) – 10:00 a.m.; and
- May 19 (Thursday) – 10:00 a.m.

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## COURTS AND CIVIL PROCEEDINGS

### *Same Sex Marriage*

Unsuccessful legislation would have made valid a marriage between two individuals who are not otherwise prohibited from marrying ([SB 116](#), [HB 55](#), and [HB 175](#), all failed) and would have amended the Maryland Constitution to establish that a marriage between a man and a woman is the only domestic legal union valid or recognized in this State ([HB 963](#), failed).

### *Divorce*

[SB 139/HB 402](#) (both passed) require parties in a divorce action to have lived separate and apart without cohabitation and without interruption for 12 months, rather than the current two years, before filing for absolute divorce and repeal existing law concerning divorce on the grounds of voluntary separation of 12 months.

[SB 814/HB 770](#) (both failed) would have authorized a court to assign ownership of a pet when ownership is disputed during the granting of an annulment or a divorce.

### *Domestic Violence and Peace Orders*

[SB 747/HB 407](#) (both passed) allow an interim, temporary, or final protective order to award temporary possession of any pet of a person eligible for relief or a respondent. An unsuccessful bill would have allowed a judge to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief ([HB 1018](#), failed).

Final peace orders, currently limited to a term of six months, may be extended by a judge for up to six months beyond the term specified in the order after notice and hearing requirements are met, under [SB 342/HB 667](#) (Ch. 57/Ch.58).

### *Discrimination – Failed*

Legislation addressing discrimination would have:

- prohibited discrimination based on gender identity with regard to housing and employment, with certain exceptions ([HB 235](#), failed);
- expanded the remedies available for discrimination by a place of public accommodation and authorized certain civil actions alleging discrimination by a place of public accommodation under certain circumstances ([HB 285](#), failed); and
- called for a study of the impact of allowing higher penalties, awarding additional remedies, or imposing a cap on attorney's fees with respect to discrimination by places of public accommodation ([SB 642](#), failed).

### *Contributory Negligence – Failed*

[HB 1129](#) (failed) would have codified the contributory negligence standard used in Maryland courts that bars a plaintiff from receiving any damages for an injury if the plaintiff's own negligence contributed in any way to the harm. The alternative standard of comparative fault allows a partially negligent plaintiff to receive partial

damages in proportion to the percentage of fault that can be attributed to the defendant.

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

### *Child Abuse and Neglect*

Administration bills [SB 178/HB 162](#) (both passed) establish the misdemeanor of child neglect, with a maximum penalty of five years in jail and a \$5,000 fine.

[HB 864](#) (failed) would have expanded the list of persons who can be convicted of the felony of first degree child abuse to include a family member or household member. Justice's Law ([SB 295/HB 968](#), both failed), also would have done that, as well as increase penalties.

### *Human Trafficking*

Passed legislation strengthens Maryland law by adding human trafficking to the list of crimes for which evidence may be gathered during a criminal investigation through the interception of oral, wire, or electronic communications ([SB 299/HB 345](#) (Ch. 54/Ch. 55)). Another passed bill authorizes a person convicted of prostitution to file a motion to vacate the judgment if the crime was committed under duress caused by another's violation of laws that prohibit human trafficking ([SB 327](#), passed).

Among its provisions, failed legislation would have authorized police to seize property in connection with a violation of the human trafficking law and to establish the Anti-Human Trafficking Fund with the proceeds from the sale of the property ([SB 247/HB 418](#), both failed).

### *Sexual Offenses*

[SB 196](#) (passed) increases the statute of limitations from one year to three years for the fourth degree sexual offense of nonconsensual sexual contact with a minor.

[SB 204/HB 1128](#) (both passed) alters the definition of "sexual act" to include certain actions that under current law are included in the definition of "sexual contact." Generally, offenses involving a "sexual act" carry more severe penalties than offenses involving "sexual contact."

Other measures related to various aspects of sexual offenses and offenders were not successful: [SB 134](#), [SB 135](#), [SB 208](#), [HB 594](#), [SB 447](#), [SB 507](#), [SB 508](#), and [SB 533](#) (all failed).

### *Race-Based Traffic Stops*

[SB 14](#) and [HB 130](#) (both passed) reconstitute statutory provisions that expired in 2010 that establish a traffic

stop data collection and reporting program and require law enforcement agencies to adopt a policy against race-based traffic stops. The data collection and reporting program provisions terminate in three years.

### *Gun Control*

Administration bills [SB 174](#) and [HB 241](#) (both passed) expand the misdemeanor of using a handgun or concealable antique firearm in the commission of a crime of violence or felony to apply to any "firearm," without regard to its capability of being concealed, and expand the felony prohibition against gun possession by certain ex-offenders to include rifles and shotguns and alter the penalty.

Two other Administration bills failed. These would have reduced the rate at which good conduct diminution credits could be earned by a person convicted of illegal possession of a regulated firearm who had previously been convicted of certain crimes ([HB 172](#), failed) and established a Task Force on Diminution Credits to improve the understanding and use of diminution credits ([SB 173](#), failed).

Numerous unsuccessful gun measures did not move beyond the committee stage: [HB 9](#), [SB 162](#), [HB 330](#), [HB 1008](#), [SB 161/HB 1043](#), [SB 239/HB 252](#), [HB 803](#), and [SB 311](#) (all failed).

### *Picketing at Funerals*

[SB 977](#) (passed) requires picketers to stand 500 feet from mourners at a funeral, burial, memorial service, or funeral procession.

### *Animal Welfare*

Now a part of Maryland law, [SB 115/HB 227](#) (Ch. 26/Ch. 27) authorize a court, as a condition of probation, to prohibit a defendant convicted of aggravated cruelty to an animal or abuse or neglect of an animal from owning, possessing, or residing with an animal.

If the Governor agrees, there will be a Task Force on the Establishment of a Statewide Spay/Neuter Fund that is required to report to the General Assembly by January 1, 2012, regarding the establishment of a fund that best meets the needs of the State ([SB 639](#), passed).

[SB 425/HB 294](#) (both failed) would have made it a misdemeanor to inflict unnecessary suffering or pain on an animal through the use of certain weapons and increased the penalty for abuse or neglect of an animal.

### *Controlled Dangerous Substances (CDSs)*

Unsuccessful legislation would have:

- classified the use or possession of less than 28.5 grams (approximately 1 ounce) of marijuana as a

civil offense, subject to a fine of up to \$100 ([HB 606](#), failed);

- designated several chemical compounds known as synthetic cannabinoids as Schedule I CDSs ([SB 171/HB 189](#), both failed); and
- created a new felony that occurs when a person age 18 or older sells a CDS to a minor and the minor dies as a direct result of the use or ingestion of the substance ([SB 237/HB 359](#), both failed).

#### *Parole and Probation*

After much discussion, the General Assembly agreed to change the parole process in Maryland. Under [HB 302](#) (passed), if the Patuxent Institution Board of Review or the Maryland Parole Commission decides to grant parole to an eligible prisoner sentenced to life imprisonment who has served 25 years without application of diminution credits and the Governor does not transmit a written disapproval of the decision within 180 days, the grant of parole becomes effective.

Additional bills that addressed parole included:

- [SB 801/HB 919](#) (both passed) that require the Department of Public Safety and Correctional Services to develop by October 1, 2012, a pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by those released from the Division of Correction; and
- [HB 1174](#) (passed) that authorizes the parole commissioner who hears an inmate's parole revocation to require the inmate to serve any unserved portion of the original sentence and requires a report on the number of inmates whose sentences were reduced following parole revocation and the recidivism rate of those released early as a result of the bill.

#### *Department of Juvenile Services (DJS)*

[SB 787/HB 511](#) (both passed) require DJS to report by December 1, 2011, on how the department will use existing resources to ensure that females receive services that are substantially equivalent to those offered to males beginning fiscal 2013.

DJS is also required under [SB 200](#) (passed) to report annually on recidivism rates of children committed to DJS for placement in residential care, including data that is broken down by region and by individual detention or treatment facility as well as totals for all committed children.

#### *Unsuccessful Measures*

Among bills that did not pass:

- [SB 651/HB 820](#) (both failed) would have established the misdemeanor crime of domestic violence assault; and
- [SB 593/HB 819](#) (both failed) would have expanded the definition of "serious physical injury" to include strangulation and suffocation with respect to provisions of law concerning first degree assault, reckless endangerment, abuse or neglect of a vulnerable adult, and local domestic violence fatality review teams.

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## **ECONOMIC AND BUSINESS ISSUES**

#### *Electric Service Quality and Reliability*

Administration bills, [SB 692/HB 391](#) (both passed) are emergency measures that require the Public Service Commission (PSC) to establish regulations implementing service quality and reliability standards for electric companies. The regulations must account for major outages caused by events outside of the control of the electric company and also require electric companies that fail to meet the standards to file a corrective action plan. The regulations do not apply to small rural cooperatives or municipal electric companies.

Annually, each electric company must submit performance reports, and annually starting July 1, 2013, the PSC must determine if each electric company has met service quality and reliability standards. The PSC may impose penalties against electric companies failing to meet the standards, but electric cooperatives are exempt from these penalties.

#### *Customer Education and Customer Choice*

[SB 244/HB 597](#) (both passed) require the PSC to take certain actions to increase awareness about competitive electric supply options. The PSC must keep an updated customer choice page on its website and publicize choice through media outlets. A workgroup of interested parties is to advise the PSC in these tasks.

#### *Customer Account Information – Failed*

[HB 596](#) (failed) would have required electric and gas utilities, exempting cooperatives, to give certain customer account information to competitive suppliers, who could use the information for marketing purposes only.

#### *Maryland Offshore Wind Energy Act – Failed*

Administration bills, [SB 861/HB 1054](#) (both failed), would have required the PSC to order certain electric

companies to enter into long-term power purchasing agreements with at least one “qualified offshore wind generator.” Under the measures, the PSC would have established surcharges equitably among customers to cover costs of establishing the purchase agreements.

#### *Expanded Renewable Energy Portfolio Standard (RPS)*

Several passed measures include bills that:

- alter the State’s RPS to include waste-to-energy as a Tier 1 renewable resource rather than a Tier 2 renewable resource and also add as a Tier 1 resource refuse-derived fuel. Compliance with clean air standards is required ([SB 690](#), passed); and
- establish solar water heating systems as eligible to meet the Tier 1 solar portion of RPS, thus granting system owners credits equal to the amount of electricity saved and reducing costs for households and small businesses ([SB 717/ HB 933](#), both passed).

#### *Net Energy Metering*

Net energy metering measures the difference between the electricity supplied by an electric company and the electricity generated by an eligible customer-generator and fed back to the electric company over the customer-generator’s billing period.

[SB 380/ HB 860](#) (both passed), Administration bills, change the way most eligible customer-generators may accrue credits from excess generation from a dollar basis back to a kilowatt-hour basis. Eligible customer-generators include customers that operate biomass, solar, fuel cell, wind, or micro combined heat and power (micro-CHP) electric generating facilities that are meant to offset all or part of the customer’s own electricity requirements.

Another bill ([SB 271](#), Ch. 47/[HB 275](#), passed) expands eligibility for net energy metering to include a closed conduit hydroelectric generating facility such as those owned by a municipality or a public water authority.

#### *Telephone Directories – Opt-in*

[SB 718/ HB 529](#) (both passed) eliminate the distribution of phone directories by telephone companies unless customers opt-in to receive one. Telephone companies must notify customers about the opt-in requirement, and customers can then have one delivered at no cost.

#### *Invest Maryland Program*

[HB 173](#) (passed), an Administration bill, creates a State-supported venture capital program and a Maryland Venture Fund Authority charged to raise capital through the issuance of tax credits against the insurance premium

tax in order to invest the capital within the State through venture firms. \$100 million in tax credits is authorized.

#### *Direct Shipment of Wine*

Bills authorizing the direct shipment of wine to consumers in Maryland passed this session. [SB 248](#) and [HB 1175](#) (both passed) repeal a direct wine *seller’s* permit and establish a direct wine *shipper’s* permit, that allows licensees to ship wine directly to consumers for personal consumption. The wine shipper’s permit is available only to an applicant who is either licensed outside of the State to engage in the manufacture of wine, or is a holder of a State issued Class 3 manufacturer’s (winery) license.

#### *Employer Use of Credit Reports*

The Job Applicant Fairness Act, [SB 132/ HB 87](#) (Ch. 28/Ch. 29), prohibits employers from using an individual’s credit report or credit history as a basis to deny employment to a job applicant, discharge an employee, or determine compensation or terms of employment. Certain types of employment or businesses are exempt, including financial institutions and if federal law requires a credit report or credit history check as a condition of employment for a job.

#### *Unemployment Insurance – Federal Funding*

Approved legislation ([SB 882/ HB 1288](#), both passed) provides a path to determine the eligibility of the State’s unemployment insurance claimants to receive extended benefits that are 100% federally funded for weeks of unemployment up to January 4, 2012, in most cases. The bills also set up a special fund to reimburse counties and municipalities for their net costs of the extended benefits.

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## **EDUCATION**

#### *Maintenance of Effort (MOE)*

[HB 869](#) (passed) delays the penalty for a county’s failure to meet the public schools MOE requirement until the fiscal year after county funding is below the MOE amount. This avoids a “double penalty” effect that occurs when State aid is reduced in the same year that county funding falls short and provides local school systems an additional year to prepare for reductions in State education aid resulting from MOE penalties.

Unsuccessful legislation looked at the MOE requirement waiver process and factors that the State Board of Education must consider when determining whether to issue a waiver ([SB 53/ HB 44](#), both failed).

### Higher Education – Tuition Rates – Exemptions

**SB 167** (passed) exempts certain individuals who attended and graduated from Maryland high schools or received the equivalent of a high school diploma from paying out-of-state tuition at State community colleges if they also meet certain income tax documentation and selective service registration requirements. Those who are not permanent residents must promise to apply to become a permanent resident within 30 days after becoming eligible to do so.

An individual who satisfies the requirements for the community college out-of-state tuition exemption and who also was awarded an associate's degree or achieved 60 credits at a State community college is eligible to pay the in-state tuition rate at a State public senior higher education institution.

### For-profit Institutions of Higher Education

Legislation that regulates for-profit institutions of higher education (**SB 695**, passed) distinguishes between three types of higher education institutions in the State: public, private nonprofit, and for-profit institutions. In general, the bill:

- clarifies the scope of the Maryland Consumer Protection Act to include the unfair or deceptive offer for sale of course credit or other educational services;
- creates a new guaranty fund, funded with fees and penalties from for-profit institutions, to reimburse students at for-profit institutions who are entitled to a refund of tuition and fees due to an institution's breach of agreement or contract with the student or the State;
- prohibits the payment of a commission, bonus, or other incentive payment based on success in securing enrollment; and
- clarifies the role of the Maryland Higher Education Commission and other State programs and entities relative to for-profit institutions.

### Financial Literacy Education

**SB 262** (failed), initially introduced to create a financial literacy course requirement for graduation, was amended to require the State Board of Education to submit a report regarding a plan for implementing a statewide financial literacy examination that a student must take as a condition for graduating.

Other financial literacy education bills that stalled this session include **HB 127** and **HB 224** (both failed).

### Youth Sports Programs – Concussions

**SB 771** and **HB 858** (both passed) require the development and implementation of a program to provide concussion awareness to public school coaches, school personnel, and student athletes. Student athletes suspected of receiving a head injury must be removed from play and not allowed to return until they provide written clearance from a licensed medical professional. The bill also requires that the registration paperwork for a youth sports program contain information on concussions and head injuries. Receipt of the information sheet must be acknowledged.

### Maryland Center for School Safety

**SB 772/HB 79** (both passed) create a task force to make recommendations regarding the establishment of a Maryland Center for School Safety, including providing schools with training, research, and data to reduce youth violence and promote safety.

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## ELECTIONS AND ETHICS

### Voter Registration

A recent study shows that State voter registration systems “have been unable to keep up with technological advances or with America’s rapidly changing – and increasingly transient – society,” thus reducing accuracy and integrity and increasing maintenance costs. Approved legislation is aimed at strengthening the quality of Maryland’s official voter registration list through:

- *Online Voter Registration* – The State Board of Elections (SBE) may operate an online voter registration system to allow an individual to apply electronically to become a registered voter or change information on the individual’s existing voter record (**SB 806/HB 740**, both passed); and
- *Exchange of Information with Other States* – The SBE may enter into agreements with other states to exchange data relevant to maintaining accurate lists, and State agencies must provide data to SBE necessary to maintain an accurate list. Also, the Motor Vehicle Administration (MVA) and the SBE are required to report to the General Assembly this October regarding the implementation of a fully automated voter registration system at the MVA (**SB 765/HB 561**, both passed).

### Military and Overseas Voter Empowerment Act (MOVE)

The federal 2009 MOVE Act requires states to, among other things, send absentee ballots to military and overseas voters no later than 45 days before an election

for federal office if a request is received prior to that time. To comply with MOVE, [HB 671](#) (passed) shifts the Maryland gubernatorial primary election to the last Tuesday in June and moves the presidential primary election to the first Tuesday in April from the second Tuesday in February. Rule changes adopted by the Republican National Committee and the Democratic National Committee in 2010, and made applicable to the 2012 presidential elections, prohibit states from holding their presidential primary elections and caucuses prior to the first Tuesday in March, with exceptions made for Iowa, New Hampshire, Nevada, and South Carolina to hold their primaries/caucuses in February.

#### *Access to Voting Room and Voting Booth – Minors*

[HB 257](#) (passed) allows an individual younger than age 18 who accompanies a voter to have access to the voting room at a polling place, subject to specified requirements, including that the individual is not eligible to vote in that election. The bill also specifies that an individual older than age 17 may not accompany a voter into a voting booth unless the individual is providing specified assistance to a voter.

#### *Commission to Study Campaign Finance Law*

Among other responsibilities, the commission will consider issues related to campaign contributions and public financing of statewide and legislative election campaigns. A December 2011 report will include any proposed changes to the law for consideration during the 2012 session ([HJ 7](#), passed).

#### *Reporting Requirements*

[HB 93](#) (passed) establishes new SBE reporting requirements for aggregate independent expenditures of \$10,000 or more in an election cycle for campaign material that is a public communication and for aggregate disbursements of \$10,000 in an election cycle for electioneering communications.

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

### *Oysters and Fishing*

During this session, the General Assembly addressed licensure and penalties related to harvesting seafood in State waters. Bills that passed include:

- [SB 414/HB 396](#) (both passed) authorize Natural Resources Police officers to issue electronic citations, modify recreational and commercial fishing license hearing requirements, and clarify and expand the authority of the Department of Natural

Resources (DNR) to conduct tidal fish license-related inspections;

- [SB 159/HB 273](#) (both passed) revoke a license to catch oysters for anyone caught taking oysters unlawfully; and create a citation, hearing, license revocation, and appeals process;
- [SB 635/HB 1154](#) (both passed) provide for the revocation of a license for knowingly and unlawfully taking striped bass or crabs and require adoption of regulations that establish grounds for the revocation and an appeals process;
- [HB 1252](#) (passed) establishes an additional penalty for illegally taking more than \$20,000 worth of striped bass;
- [SB 655/HB 1225](#) (both passed) establish enhanced penalties for a person who commits a commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization; and
- [SB 847/HB 1053](#) (both passed) consolidate State aquaculture activities within DNR.

Bills that failed include:

- [SB 538/HB 1340](#) (both failed) that would have prohibited DNR from designating more than 25% of the available oyster habitat in the waters of the State as oyster sanctuaries; and
- [HB 1244](#) (failed) that would have expanded the area on the Patuxent River where patent tongs may be used to harvest oysters.

### *Septic and Sewage*

Several bills were considered to further limit the amount of nitrogen that enters the Chesapeake and Atlantic Coastal Bays:

- [SB 539/HB 57](#) (both passed) expand the uses of the Septics Account of the Bay Restoration Fund (BRF) to include providing grants or loans for connecting a property served by a septic system to an existing municipal wastewater facility with enhanced nutrient removal level treatment;
- [SB 372/HB 347](#) (both passed) require the Maryland Department of the Environment (MDE) to evaluate and rank nitrogen removal technologies for septic systems; to advise local governments and citizens of approved technologies that qualify for funding under the BRF; and to post the information on the department's website;

- [SB 160/HB 177](#) (both failed) would have expanded to the watersheds of the Chesapeake and Atlantic Coastal Bays the existing requirement that septic systems installed for newly constructed buildings in Critical Areas use nitrogen removal technologies; and
- [SB 846/HB 1107](#) (both failed) would have prohibited the use of individual septic systems in new subdivisions of five or more lots.

#### *Lawn Fertilizer*

[SB 487/HB 573](#) (both passed) limit the amount of nitrogen and phosphorus in turf fertilizer used in the State, set application restrictions and establish labeling requirements. Similar bills that failed were: [SB 544/HB 687](#) (both failed) and [SB 546/HB 706](#) (both failed).

#### *Phosphorus in Dishwasher Detergent*

[SB 320](#) and [HB 53](#) (both passed) extend the date after which detergents used in commercial dishwashers may not contain more than 0.5% phosphorus from July 1, 2010, to July 1, 2013. [SB 751](#) (passed) creates a fine for a second violation of provisions related to household dishwasher detergents.

#### *Disposable Bags*

Several bills would have imposed a fee for the use of disposable plastic bags or required in-store recycling of the bags ([SB 602/HB 1034](#), both failed; [HB 341](#), failed). [SB 721/HB 661](#) (both failed) would have authorized Prince George's County to impose such a fee.

#### *Natural Gas Exploration – Marcellus Shale*

The General Assembly failed to pass bills that would have required MDE to submit regulations related to gas exploration and production in the Marcellus Shale formation by December 31, 2011 ([SB 422/HB 411](#), both failed) and bills that would have called for MDE and DNR to study gas extraction in the formation and report by August 1, 2013 ([SB 634/HB 852](#), both failed).

#### *Reduction of Lead Risk in Housing*

The lead-risk reduction standard is made more stringent with the passage of [HB 1033](#) (passed). Among other provisions, the bill requires that affected rental property both pass the test for lead-contaminated dust and have specific lead hazard reduction treatments at each change of occupancy, instead of either of those options; and requires MDE to conduct a study to evaluate processes that reduce the incidence of lead poisoning.

## FISCAL MATTERS

The General Assembly's 2011 session fiscal package includes: [HB 70](#), the \$34.1 billion Budget Bill, [HB 72](#), the Budget Reconciliation and Financing Act of 2011 (BRFA), and [HB 71](#), the Maryland Consolidated Capital Bond Loan of 2011.

#### *Budget Bill*

As enacted and effective on the day of passage, April 8, the Budget Bill increases spending for fiscal 2012 by 2.6% more than fiscal 2011, or \$858 million in all funds. The bill reduces general fund expenditures from the amount submitted by the Governor by \$453 million, of which \$78 million are reductions that were not also incorporated in the Governor's budget proposal, and reduces special fund expenditures by \$179 million. Of the general fund reductions, \$389.4 million are contingent upon provisions in the BRFA. The enacted budget leaves a general fund balance of \$50 million.

Among the major aspects of the Budget Bill are:

- State employees have no furloughs and receive a \$750 bonus, with the BRFA prohibiting merit increases before April 1, 2014;
- K-12 education aid of \$5.8 billion, \$72 million more than in the Governor's plan (\$58.5 million for level funding the per pupil amount at \$6,694; \$12.2 million to increase funds for the Guaranteed Tax Base Program; and \$1.4 million to provide grants to school systems, for which direct education aid in fiscal 2012 is less than the fiscal 2011 amount by more than 6.5%);
- public higher education assistance of \$1.2 billion in State funds enabling the institutions to hold tuition increases to 3%. Community colleges receive \$263.1 million in State assistance, including \$5 million for the Keeping Maryland Community Colleges Affordable Grant;
- medical assistance receives \$6.9 billion, an increase of \$840 million more than fiscal 2011, with reductions from the Governor's allowance of \$58.5 million in general funds, including \$42.1 million that will be replaced with special funds;
- Program Open Space receives for fiscal 2012 \$1.5 million in State special funds, \$3 million in federal funds, plus \$28.5 million in general obligation bonds;
- Chesapeake Bay and Atlantic Coastal Bays 2010 Trust Fund receives \$23.5 million;

- Stem Cell Research Fund receives \$12.4 million;
- the Maryland Biotechnology Investment Tax Credit Reserve Fund receives \$8 million with an additional \$3.8 million for the Maryland Biotech Center; and
- highway user revenues for local governments receives \$147.5 million, including an additional \$13.3 million in distributions in the BRFA.

*Budget Reconciliation and Financing Act (BRFA)*

A balanced budget is contingent upon changing the allocation of revenue, reducing required expenditures, and increasing revenue. [HB 72](#) authorizes the transfer of more than \$236.7 million from special funds to the general fund (\$9 million in fiscal 2011 and \$227.7 million in fiscal 2012) and reduces mandated appropriations by \$389.4 million.

The major provisions of the BRFA, and major changes to the BRFA:

- increase the monthly supervisory fee for parolees from \$25 to \$50;
- increase the land records surcharge from \$20 to \$40 for 2012 through 2016 only;
- increase the birth certificate fee from \$12 to \$24 and increase the file search fee from \$10 to \$20;
- cap Medicaid hospital assessments at 1.25% for averted uncompensated care to pay for the Medicaid expansion. There is also the requirement that \$390 million be generated by a combination of assessments and remittances on hospitals and reductions in Medicaid spending;
- increase the nursing facility quality assessment from 4.0% to 5.5%;
- require each county and Baltimore City to reimburse the State 90% of the costs of the Department of Assessments and Taxation for real property and business personal property valuation, as well as 90% of certain information technology costs, which will raise \$34.8 million;
- require postsecondary educational institutions to pay an application fee to the Maryland Higher Education Commission for approval of an academic program;
- increase the motor vehicle certificate of title fee from \$50 to \$100, increase the vanity tag fee from \$25 to \$50, and increase the motor vehicle dealer processing charge from \$100 to \$200 for three fiscal years and to \$300 thereafter;
- require a tax clearance to register a vehicle or obtain a driver's license; and
- transfer \$60 million in Transportation Trust Fund revenues to the general fund and \$40 million to the Rainy Day Fund and require a law reimbursing the Transportation Trust Fund within five years of transfers.

The BRFA includes a major reform to the pension system for State employees and teachers. Among the changes are:

- existing employees in the Employees' Pension System and the Teachers' Pension System contribute an additional 2% of their salary to the system, from 5% to 7%, but continue to have a 1.8% multiplier. The retirement age and the number of years for normal retirement or early retirement do not change;
- new employees employed on or after July 1, 2011, contribute 7% of their salaries to the retirement system for a 1.5% multiplier and vest after 10 years of service, instead of the five years for existing employees. The retirement benefit will be calculated using the five consecutive years with the highest average salary instead of the three highest years. New employees will be able to receive a normal retirement benefit using the rule of 90, i.e. the sum of their age and years of service must equal at least 90 or more, or they may retire at age 65 with 10 years of creditable service. For early retirement they must be at least age 60 and have 15 years of service;
- cost-of-living adjustments (COLAs) for all service credit earned by current employees after June 30, 2011, and cost-of-living adjustments for new employees hired on or after July 1, 2011, will be capped at 2.5% in years the State Retirement and Pension System (SRPS) achieves its assumed rate of return and is capped at 1% in years when the SRPS does not achieve its assumed rate of return; and
- retiree prescription plan changes require retirees to pay increased co-pays of \$10 for generic drugs, \$25 for preferred brands, and \$40 for non-preferred drugs, an increase from \$5, \$10, and \$25, respectively. Retirees will not have a deductible and will pay no co-insurance. The share of the premium increases from 20% to 25%, and the out-of-pocket cap increases from \$700 for retiree and spouse to \$1,500 for the retiree and \$2,000 for the retiree and spouse.

### Maryland Consolidated Capital Bond Loan

**HB 71** authorizes \$949.1 million in State general obligation bonds, of which \$925 million is new State debt after reductions in prior authorized debt of \$24.1 million are taken into account. The Governor has an item veto over this bill.

Among the major projects in the bill:

- public school construction is allocated \$312.4 million, including \$9.7 million in recycled funds and \$47.5 million in **HB 1213** (passed), which increases the sales tax on alcoholic beverages from 6% to 9%. There is also an additional \$15.9 million for the Qualified Zone Academy Bond Program in **SB 122** (passed)/**HB 86** (Ch. 96);
- State universities and colleges are allocated \$137.5 million in general obligation bonds, including \$41.5 million for a new law school at the University of Baltimore, while community colleges are allocated \$58 million;
- Program Open Space receives for fiscal 2012 \$1.5 million in State special funds, \$3 million in federal funds plus \$28.5 million in general obligation bonds, while the Rural Legacy Program receives \$4.5 million and the Maryland Agricultural Land Preservation Program receives \$4.4 million in general obligation bonds and \$4.2 million in special funds in the Budget Bill;
- oyster habitat restoration receives \$1 million in general obligation bonds;
- the Community Health Facilities Grant Program, which provides capital funds for mental health, developmental disabilities, and substance abuse community centers, receives \$3.6 million in general obligation bonds;
- the Federally Qualified Health Centers Grant Program is allocated \$2 million in general obligation bonds; and
- the State Police receive \$22.7 million for replacement helicopters.

The General Assembly did not pass a separate bill extending the date for matching grants and changing permissible uses for prior years bond bills. Instead, added provisions in the conference committees on **HB 70**, the Budget Bill, and **HB 71**, the capital budget bill, provide funding or authorization in general funds, special funds, general obligation bonds, and revenue bonds for:

- the Enhanced Nutrient Removal Program is allocated \$326.8 million including \$146.8 million in general obligation bonds and \$180 million in revenue bonds; and
- water quality programs receive \$154.5 million in State and federal funds. The Biological Nutrient Removal Program is allocated \$30.9 million in general obligation bonds.

### Supplementary Appropriations - Alcohol Tax

The General Assembly passed two supplementary appropriation bills (**SB 994** and **HB 1213**, both passed) increasing the sales tax on alcoholic beverages from 6% to 9% as of July 1. The bills specify that the additional revenues fund the Waiting List Initiative in the Developmental Disabilities Administration, fund additional education aid, and provide additional money during fiscal 2012 for public school construction projects.

**SB 994** (passed) appropriates \$15 million for the Waiting List Initiative in the Developmental Disabilities Administration, and certain education aid in the Budget Bill was contingent on the enactment of this bill. Deleted from the bill was the requirement that the Governor include \$10 million for the Waiting List Initiative in the Budget Bill submitted in 2012 and \$15 million in the Budget Bill submitted in 2013.

**HB 1213** (passed), originally a bill increasing the excise tax on alcoholic beverages, as amended also increases the sales tax on alcoholic beverages to 9% on July 1. As passed, this bill appropriates \$47.5 million for public school construction for fiscal 2012 only.

Under the Maryland Constitution the General Assembly may increase an appropriation but must do this in a separate bill that raises the revenue to fund the increased appropriation. A bill may only concern a single appropriation. As **SB 994** and **HB 1213** (both passed) appropriate the revenue from the tax for two different purposes, two bills are required.

### Tax Credits, Exemptions, and Payments

Bills that would have increased the alcoholic beverage excise tax died: **SB 168/HB 121** (both failed), the Lorraine Sheehan Health and Community Services Act of 2011; and **HB 780** (failed), imposing a \$0.10 sales and use tax surcharge on the sale of alcoholic beverages in the State.

A tax credit for electric car recharging equipment was successful (**HB 163**, passed).

**HB 587** (passed) alters the definition of a qualified Maryland biotechnology company (QMBC) for purposes

of the existing Biotechnology Investment Tax Credit. For fiscal 2012 and 2013 only, a QMBC includes a company that has been in active business for up to 15 years, rather than the 12-year limit under current law. The bill takes effect June 1, 2011, and applies to tax credit certificates issued in fiscal 2012.

**SB 672** (passed), the Film Production Rebate Program, is converted into a tax credit program. The amount of the credit varies for a film production activity from 27% for a TV series to 25% for all other film production activities. The credits issued in any year may not exceed \$7.5 million, but if less than \$7.5 million in credits is issued during a fiscal year the remainder may be carried forward. The bill takes effect on July 1, 2011, and is effective for all tax years after December 31, 2010, but terminates after July 1, 2014.

**SB 398/HB 502** (both passed) exempt the sale of electricity generated by solar energy and wind equipment for use in residential property from the State sales and use tax.

Semiannual payment schedules for property taxes for businesses passed (**HB 463**, passed).

#### *Failed Bills*

A number of bills related to the use of the Transportation Trust Fund (**HB 518**, **HB 591**, **SB 677**, **SB 714/HB 1001**, all failed) and to the use of dedicated State funds (**HB 926**, failed) were unsuccessful.

Other bills that died include **HB 1070** and **SB 798** (both failed) that would have revived the 6.25% personal income tax rate that was imposed on taxpayers with net taxable income in excess of \$1 million in tax years 2008 through 2010 but for different lengths of time.

Several bills to amend the exclusion of retirement income also died: **SB 190/HB 774** (both failed), would have increased the existing military retirement income tax subtraction modification; **HB 622** (failed), the Fairness in Taxation for Retirees Act, would have expanded the existing State pension exclusion subtraction modification; and **HB 586** (failed), would have included income from rollover individual retirement accounts in the pension exclusion.

Other unsuccessful bills include:

- **SB 315/HB 932** (both failed), the Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Act, that would have created an income tax credit for 75% of the contributions made by a business or nonprofit organization to an eligible nonprofit organization that meets certain criteria;

- **SB 305/HB 731** (both failed) that would have required affiliated corporations to compute Maryland taxable income using “combined reporting”;
- **HB 1059** (failed) that would have increased the State motor fuel tax rate for all fuels except aviation gasoline and turbine fuel by 20 cents per gallon;
- **SB 764/HB 721** (both failed) that would have exempted from the State estate tax up to \$5 million of qualified agricultural property; and
- **HB 765** (failed) that would have required any unspent portions of the Disciplinary Fund of the Attorney Grievance Commission to revert to the general fund.

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

### *Horse Racing – Distribution of Video Lottery Proceeds*

This session, through **HB 1039** (passed), the General Assembly altered the distribution and uses of the Purse Dedication Account and the Racetrack Facility Renewal Account that receive revenue from the State’s Video Lottery Terminal (VLT) program. If specified procedures are met, the changes provide operating assistance to thoroughbred and standard bred racing licensees in calendar 2012 and 2013.

Among its provisions, the bill makes the assistance conditional on the recipients’ good-faith effort to resolve the long-standing dispute over simulcasting agreements and requires mediation or arbitration if there is no agreement. A new Thoroughbred Racing Sustainability Task Force is to create a plan to address the long-term viability of racing in Maryland. Assistance for the thoroughbred racetracks for 2013 is contingent on the Governor’s approval of the plan. The bill does not alter the overall amount of VLT revenue distributed to the accounts.

### *Video Lottery Operations Licensees – Noninterference*

**SB 373/HB 868** (both passed) prohibit a video lottery operation licensee from interfering with, hindering, obstructing, impeding, or taking any action to delay the implementation or establishment of a video lottery facility by any other video lottery operation licensee or applicant.

### *Video Lottery Operations Licensees – Allegany County*

Through **SB 512** (passed), the General Assembly hopes to provide incentives for a video lottery operations licensee for Allegany County. Awarding of the license is contingent on the applicant’s agreement to purchase

Rocky Gap Lodge and Resort. Provisions in the bill to encourage a licensee include:

- altering the distribution of proceeds from the VLT facility in Allegany County only, to increase the licensee's share of proceeds to 50% and the Education Trust Fund's to 42%, for 10 years, and after 10 years, the normal distribution applies;
- waiving the initial license fee for up to 500 VLTs for the Allegany County operations license only; and
- limiting the number of VLTs allowed in Allegany County from 1,500 to 1,000.

provider that receives direct reimbursement from a carrier may not balance bill an insured, subscriber, or enrollee, other than to collect:

- any copayment, deductible, or coinsurance amount owed;
- if Medicare is the primary insurer, any amount not owed by Medicare after coordination of benefits; and
- any payment or charge for non-covered services.

#### *Dining Out Growth Act of 2011*

**HB 941** (passed) authorizes a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area during hours designated by the restaurant owner, effective July 1, 2011.

#### *Prescription Drug Monitoring Program*

**SB 883/HB 1229** (both passed), Administration bills, establish a Prescription Drug Monitoring Program to monitor the prescribing and dispensing of Schedule II through V controlled dangerous substances. The legislation also establishes the Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the program. However, implementation of the program is subject to the availability of funds.

#### *Maryland Health Benefit Exchange Act of 2011*

**SB 182/HB 166** (Ch. 1/Ch. 2), Administration bills, establish the governance, structure, and funding of the Maryland Health Benefit Exchange, a public corporation and independent unit of government.

Under the federal Affordable Care Act, each state must establish a health benefit exchange that facilitates the individual purchase of qualified health plans. Initial structure and governance must be established by March 23, 2012. If a state fails to act, the federal government will step in to establish an exchange by January 1, 2013.

#### *Health Insurance*

**SB 183/HB 170** (Ch. 3/Ch. 4) alter State insurance law to conform to federal requirements under the Affordable Care Act and allow the Maryland Insurance Commissioner to enforce such requirements. Provisions include coverage of children up to age 26, preexisting condition exclusions, policy rescissions, wellness programs, lifetime limits, annual limits for essential benefits, waiting periods, designation of primary care providers, access to obstetrical and gynecological services, emergency services, summary of benefits and

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## **HEALTH CARE AND HEALTH INSURANCE**

### *Bisphenol-A (BPA)*

**SB 151/HB 4** (both passed) expand the existing prohibition on the use of bisphenol-A (BPA) in child care articles. Beginning July 1, 2014, the State may not purchase – and an individual may not manufacture, knowingly sell, or distribute in commerce – infant formula in a container that contains BPA at a level of more than 0.5 parts per billion. An individual must use a safe and legal alternative when replacing BPA. A violator is guilty of a misdemeanor and subject to fines of up to \$10,000 per violation.

### *Decabrominated Diphenyl Ether (decaBDE)*

**SB 221/HB 54** (both passed), relating to an alteration of the current phase-out of decaBDE in specified products, is headed to the Governor's desk. The legislation adds a permissible threshold level of 0.1% decaBDE by mass of the product.

The 0.1% threshold applies to all product categories of the phase-out; however, the bills provide an additional exemption from the phase-out for aircraft and aircraft parts.

### *State Facilities and Residential Centers – Abuse*

**SB 384/HB 346** (both passed) alter certain definitions of "abuse" for purposes of certain reporting requirements by specifying that "abuse" does not include certain actions that comply with certain State and federal laws and DHMH policies on physical intervention.

### *Ambulance Service Providers – Direct Reimbursement*

**SB 154** and **HB 83** (both passed) with identical amendments require insurers, health maintenance organizations (HMOs), and nonprofit health service plans (carriers) to directly reimburse certain ambulance service providers for covered services provided. A carrier, except for an HMO, must obtain an assignment of benefits from the insured. An ambulance service

coverage explanation, minimum loss ratio requirements and premium rebates, and disclosure of information.

### *Medical Marijuana*

**SB 308** (passed) creates a medical marijuana model program workgroup to develop a model program for facilitating patient access to marijuana for medical purposes and propose legislation to that end. By December 1, 2011, the workgroup's findings must be reported to the appropriate legislative committees.

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

### *Condominiums and Homeowners Associations*

On its way to the Governor, **HB 1246** (passed) provides that, in the case of a foreclosure of a mortgage or deed of trust on a unit in a condominium or a lot in a homeowners association, a portion of the liens of the condominium or homeowners association for unpaid assessments has priority over the claim of the holder of a first mortgage or first deed of trust that is recorded on or after October 1, 2011.

### *Foreclosure*

The following measures address the issue of helping homeowners in foreclosure discover the identity of their lender and the lender's contact information:

- **SB 205/HB 366** (Ch. 36/Ch. 37) require that an affidavit accompanying an order to docket or a complaint to foreclose a mortgage or deed of trust on residential property state, if applicable, that the contents of the notice of intent (NOI) to foreclose were accurate at the time the NOI was sent;
- **SB 206/HB 691** (both failed) would have defined "secured party" for purposes of provisions of law governing residential property foreclosure procedures as the person that owns a debt instrument secured by a mortgage or deed of trust on residential property; and
- **SB 450/HB 412** (both passed) prohibit a court from accepting a lost note affidavit in lieu of a copy of the debt instrument in a foreclosure action, unless the affidavit identifies the owner of the debt instrument and states from whom and the date on which the owner acquired ownership; states why a copy of the debt instrument cannot be produced; and describes the good faith efforts made to produce a copy of the debt instrument.

## **STATE GOVERNMENT**

### *Access to Public Records – Electronic Records*

The Maryland Public Information Act grants the public a broad right of access without unnecessary cost or delay to records that are in the possession of State and local government agencies. Custodians have a responsibility to provide access to copies, printouts, or photographs unless the requested records fall within one of the exceptions in the law. **SB 740** (passed) expands access to public records by requiring a custodian to provide a copy in a searchable and analyzable electronic format under specified circumstances and allowing for a reasonable fee.

### *Transparency and Open Government*

A new legislative Joint Committee on Transparency and Open Government is to provide continuing oversight and recommend initiatives to increase citizen access to government. Additionally, a public body does not have to prepare written minutes of an open session, if live and archived video or audio streaming of the open session is available or if the public body votes on legislation and the votes are posted promptly on the Internet (**SB 644/HB 766**, both passed).

### *Reemployment of Retirees – Exemptions*

**HB 176** (passed) reduces from nine to five the number of years that a retiree of the Employees' Retirement System, Employees' Pension System, Teachers' Retirement System, or Teachers' Pension System must wait in order to be exempt from a reemployment earnings limitation if the retiree is hired by the individual's last employer prior to retirement. For the purpose of calculation of the earnings limitation, all units of State government are considered a single employer. Exceptions to the earnings limitation include reemployed retirees who serve as elected officials, are reemployed as health care practitioners in specified medical institutions, or are reemployed as principals or teachers in underserved or underperforming schools, among others.

### *Commission on Maryland Cybersecurity*

Under **SB 557/HB 665** (both passed), the commission, with broad membership among many stakeholders, is to recommend strategic plans to promote innovation, attract private investment, and address recovery from cybersecurity attacks. The commission is also charged to clarify roles of State agencies and recommend a State agency to implement a pilot program. An interim report is due by January 2012, and a final report by September 2014, after which the commission will terminate.

### *Buy in the United States*

Public employers (State agencies, counties and municipalities, school districts, and special districts in the State) are prohibited from knowingly purchasing, furnishing, or requiring employees to purchase or acquire uniforms or safety equipment and protective accessories that are manufactured outside of the United States, subject to specified exemptions ([HB 12](#), passed).

### *Minority Business Enterprise Program*

The termination date of the State's Minority Business Enterprise (MBE) program is extended for one year to July 1, 2012. The current overall goal of 25% of the total dollar value of each agency's procurement contracts to be awarded to MBEs is maintained, but the subgoals for women- and African American-owned businesses of 10% and 7%, respectively, are repealed. Instead, guidelines are to be established that an agency must consider while determining whether to set subgoals for specific minority groups ([SB 120/](#)[HB 456](#), both passed).

### *Home Care Providers – Collective Bargaining*

[HB 171](#) (passed), an Administration bill, codifies collective bargaining rights for independent home care providers who participate in and are reimbursed under the Medicaid Waiver for Older Adults Program, the Medicaid Personal Care Program, the Living at Home Waiver Program, and the In-Home Aide Service Program. An independent provider who provides home care services only to an immediate family member is not required to pay a service fee.

### *Flag Display on State House Grounds*

A flag designated by Congress to honor members of the armed forces who died in the line of duty is to be flown on the State House grounds on the same days as the POW/MIA flag is now flown. The number of days on which these flags will be flown is increased to include the third Saturday in May for Armed Forces Day and July 4 for Independence Day ([SB 124](#), passed).

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## TRANSPORTATION

### *Drunk and Drugged Driving*

Of the numerous bills aimed at reducing drunk and drugged driving introduced this session, [HB 1276](#) and [SB 803](#) (both passed), both renamed the Drunk Driving Reduction Act, successfully emerged with amendments incorporating elements of other drunk driving bills. The bills expand the existing Ignition Interlock System Program by requiring a drunk driver to participate in the program if a blood or breath test shows an alcohol concentration of .15 or more. Violators who fail to

complete the program will lose their license, but may apply to reenter.

The laws, effective October 1, 2011, authorize individuals to participate in the program if they seek to regain a license that has been revoked or suspended due to drunken or drugged driving, if they have had a similar conviction within five years, or if they were under age 21 at the date of a drunken driving violation. Previously, the MVA was authorized to offer the program to drivers who wanted to regain a suspended license, but participation for drunk drivers was not required. The bills go into effect October 1.

### *Texting and Distracted Driving*

Companion bills [SB 424/](#)[HB 196](#) (both passed) prohibit a driver from writing, reading, or sending any text message while in the travel lane of a roadway, whether or not the car is in motion.

Related bills that failed include [HB 221](#) (failed), which would have prohibited all drivers younger than age 18 from using a cell phone or texting while driving, and [HB 222](#) (failed), which would have changed the offense of using a cell phone while driving from a secondary offense to a primary offense. [HB 1288](#) (failed) would have banned "preoccupying activity," such as reading, writing, using wireless communications, eating, drinking, smoking, or using a video display, while driving.

### *Electric Vehicles*

[SB 179/](#)[HB 164](#) (both passed) require the Public Service Commission to establish by June 30, 2013, a pilot program for charging electric vehicles during off-peak hours and to report the results by February 1, 2015. The law allows the commission to approve additional pilot programs if it chooses to do so.

[SB 176/](#)[HB 167](#) (both passed) establish the Maryland Electric Vehicle Infrastructure Council to develop a plan for integrating electric vehicles into the State's transportation network. By December 1, 2012, the Council is to report to the Governor and the General Assembly on recommendations for public charging stations, incentives to support electric vehicle ownership, and ways to display pricing information at public charging stations.

### *Manslaughter by Vehicle or Vessel*

[HB 363](#) (passed) creates a new crime of misdemeanor manslaughter for criminally negligent operators of cars, trains, or boats who cause the death of another person. Criminally negligent driving is defined as acting in a way that a reasonable person would realize creates a substantial and unjustifiable risk of another person's

death. A violator may receive a prison sentence and/or a fine.

*Accidents Resulting in Death*

**SB 257** (failed) would have required a driver who receives a traffic citation containing a notice that the violation resulted in a person's death to appear in court in person.

*Overtaking and Passing School Buses*

**SB 679** (passed) allows a law enforcement agency, in consultation with the local school board and if the local governing body permits it by law, to install cameras on school buses to record the license plates of vehicles that pass them illegally. The law enforcement agency will mail a citation or a warning to the vehicle owner, who may pay a fine or choose to stand trial. A similar bill, **HB 462** (failed) did not advance.

*Driver Licensing*

Identical crossfiled bills, **SB 2/HB 1017** (both passed), recognize Medal of Honor recipients by eliminating their fees for renewing a motor vehicle registration or a non-commercial driver's license.

*Pedestrian Safety*

**SB 12/HB 1223** (both failed), amended to reconstitute the Maryland Quiet Vehicles and Pedestrian Safety Task Force, would have studied the effects of vehicle sound on pedestrian safety.

*Smoking in Vehicles*

**SB 415/HB 737** (both failed) were defeated. A driver with a passenger under age eight would not have been allowed to smoke inside the vehicle nor allow any other passenger to smoke.

*Vehicle Races and Speed Contests*

**HB 105** (Ch. 98) authorizes a police officer to arrest without a warrant the driver in a highway speed contest that results in serious bodily injury to another person. The penalty for conviction is \$1,000 or one year in prison, or both. The law is effective October 1, 2011.

*Public Transit Vehicles Flashing Lights*

**HB 112** (Ch. 101) allows all public transit vehicles to be equipped with amber flashing lights or a white flashing light on the roof and is effective October 1, 2011.

*Procurement – Holocaust Deportations*

**SB 479/HB 520** (both passed) require any bidders on a procurement contract for MARC train service to assemble and make available any records the company might have on the deportation or the belongings of

prisoners sent to World War II Nazi death camps. A potential bidder to provide rail cars to Maryland is affiliated with a French company that holds records on Holocaust deportations which have yet to be organized, digitized, and made available to the public.

*Chesapeake Bay Bridge*

An unsuccessful bill would have required an environmental impact study for a third bridge crossing the Chesapeake Bay (**SB 520**, failed). Locations would be either adjacent to the existing dual bridges between Anne Arundel County and Kent Island or at another location chosen by the Department of Transportation.