

STATE & LOCAL GOVERNMENT BILLS

SB 132 / HB 91 - Department of General Services – Renovation of Historic Structures – Procurement Exemptions

These bills exempt any procurement by the Department of General Services (DGS) for the renovation of a structure built during the 18th or 19th century and listed in, or eligible to be listed in, the National Register of Historic Places from most of the requirements of the State procurement law. The Maryland Historical Trust estimates that approximately 20 State-owned buildings under DGS authority could be subject to this procurement exemption, among the most significant of which is the State House. The legislation takes effect July 1, 2009.

SB 343 - Allegany County - Video Lottery Construction - Local Impact Grants - Rocky Gap Construction Costs

This bill expands the scope of local impact grants provided to Allegany County from any video lottery terminal (VLT) proceeds under Chapter 4 of the 2007 special session. The bill allows Allegany County to use local impact grants for improvements throughout the county, and to pay down the debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park. The legislation takes effect October 1, 2009.

SB 350 / HB 220 - Municipal Corporations - Annexations - Small Parcels

These bills exempt municipalities from annexing parcels of land that are five acres or less, and that are part of a lot containing at least one other parcel that has been part of the municipal corporate area for at least three years, from the requirements that consent be obtained from a specified percentage of area residents and property owners and that the proposed annexation be subject to a referendum. A municipal corporation, however, may not annex a total of more than 25 acres under the exceptions of the bills, and the bills do not apply to land zoned for agricultural use. The bills take effect October 1, 2009 and its provisions terminate September 30, 2011.

SB 450 / HB 489 - Allegany County - Upper Potomac River Commission - Savage River Dam - Borrowing Authority

These bills alter the borrowing authority of Allegany County relating to the Upper Potomac River District. Allegany County may issue bonds and incur debt on behalf of the Upper Potomac River Commission to maintain and repair infrastructure within the river district in accordance with the county's current borrowing procedures, as specified in State law for counties operating under the Code Home Rule form of government. The bills also repeal the requirement that a special tax be levied within the river district to repay the bonds and that the issuance of such bonds be approved by the voters in the county. The legislation takes effect June 1, 2009.

SB 644 - Property Tax Credit - Marine Trade Waterfront Property

This bill authorizes local governments to grant a property tax credit for "marine trade waterfront property." Marine trade waterfront property is defined as real property located adjacent to the tidal waters of the State; used primarily for an activity or business that requires direct access to,

or location in, marine waters due to the nature of the activity or business; and for the most recent three-year period, has produced an average annual gross income of at least \$1,000. Marine trade waterfront property includes marinas, boat ramps, boat hauling and repair facilities, fishing facilities, boating facilities, and land adjacent to or under improvements used primarily for an activity or business that requires access to, or location in water due to the nature of the activity or business. The bill takes effect on June 1, 2009.

SB 651 / HB 803 - Garrett County - Code of Ordinances - Natural Gas

These bills alter various provisions of law regarding natural gas production in Garrett County. The tax rate on natural gas production decreases from 7% to 5.5% of the wholesale market value at the well head. The bills also change required distribution of related tax revenues, specifying that one-eleventh of the revenues be distributed to municipalities in the county on a per capita basis and the rest be distributed to the county. The legislation takes effect October 1, 2009.

SB 780 / HB 911 - Counties - Purchase of Development Rights - Carroll County

These bills authorize Carroll County to enter into an agreement to purchase development rights. A payment obligation in an agreement authorized by the bills is a general obligation of the county, may not be subject to annual appropriation, and is not subject to any limitations that would otherwise be required in the county's charter, public local law, or public general law. An agreement authorized by the bills, the transfer or assignment of the agreement, and any payment required are exempt from State and local taxes. Anne Arundel, Baltimore, Howard, and Prince George's Counties have had the same authority to purchase development rights as provided in the bills since 2007. The legislation takes effect October 1, 2009.

SB 946 / HB 1336 – Minority Business Enterprise Program - Report to Joint Committee on Fair Practices

These bills require State procurement units to submit copies of their annual Minority Business Enterprise (MBE) utilization reports to the General Assembly's Joint Committee on Fair Practices within 90 days after the end of the fiscal year. The legislation takes effect October 1, 2009.

SB 1060 - General Obligation Bonds - Method of Sale by Board of Public Works

This bill allows the Board of Public Works (BPW) to sell General Obligation (GO) bonds at a private, negotiated sale if the board determines that extraordinary credit market conditions exist; and that the terms and conditions of a negotiated sale are more advantageous to the State than the terms that can be obtained through a public, competitive sale. However, it declares State policy that the preferred method of sale of GO bonds is by public, competitive sale. The bill authorizes the BPW to issue bonds in a form that qualifies for tax credits, interest subsidies, or other federal tax benefits; and also ratifies the validity of any tax credit bonds sold prior to the bill's effective date. The legislation takes effect June 1, 2009.

HB 533 - Cooperative Purchasing Agreements - Requirements and Expansion of Use

This bill promotes intergovernmental cooperative purchasing by requiring State Executive Branch agencies and local governments to facilitate participation by State and local agencies and nonprofit organizations in service and supply contracts. However, contracts for capital construction and improvements, as well as contracts valued at less than \$100,000 are exempt. Moreover, State and local governments may exempt any contract for which they determine that intergovernmental purchasing is not in their best interest; undermines the contract's timing or effect; or interferes with the ability to meet MBE or other related goals. The legislation takes effect June 1, 2009.

HB 735 - State Personnel - At-Will Employment - Reforms and Reports

The bill repeals the automatic at-will status of a number of groups of employees throughout State government, including the Department of Business and Economic Development, the State Department of Education, and several health-related commissions. In addition, the measure limits the number of special appointment positions in the Office of the Attorney General that may be filled with regard to political affiliation, belief, or opinion. Special appointment and at-will positions in the executive and management services affected by the bill will remain at-will until they become vacant. The legislation requires the Department of Budget and Management to submit a report by December 31 of each Gubernatorial election year that includes the total number of state employees employed with regard to political affiliation. DBM must also compile a list of the position, pay grade, and title of each state employee who is employed with regard to political affiliation by December 1 of each Gubernatorial election year. The legislation takes effect October 1, 2009.

HB 1081 - Prior Authorizations of State Debt to Fund Capital Projects - Alterations

This legislation amends prior authorization bond bills by extending matching fund deadlines, extending deadlines for expending or encumbering funds, altering the purposes for which funds may be used, modifying certification requirements, renaming grant recipients, or altering project locations which are consolidated into an omnibus bill. Prior to the 2008 session, individual prior authorization bills were passed by the General Assembly. These bills also amended prior Qualified Zone Academy Bond (QZAB) authorizations to expand the eligible uses of these bond funds to include equipment. QZABs are an alternative bond program that the federal government has authorized with bond holders receiving federal tax credits in lieu of interest. In addition, the bill authorizes the Comptroller to advance funds for authorized QZAB expenditures, provided that the next sale of QZABs includes at least the amount of funds advanced. The legislation takes effect June 1, 2009.

HB 1135 - Maryland-National Capital Park and Planning Commission - Workers' Compensation - Lyme Disease Presumption MC/PG 103-09

There were more than 2,576 new reported cases of Lyme disease in Maryland in 2007. The State's rate of infection is the sixth highest in the nation and more than three times the national average. Workers' compensation law establishes a presumption of compensable occupational

disease to certain public employees who are exposed to unusual hazards in the course of their employment.

Chapter 98 of 2008 specifies that Maryland-National Capital Park and Planning Commission (M-NCPPC) park police officers who suffer from Lyme disease are presumed to have a compensable occupational disease if the condition was not preexisting. The presumption applies only while the officer is assigned to a position that regularly places him or her in an outdoor wooded environment, or for three years following such an assignment. This bill extends that presumption to other employees of M-NCPPC who suffer from Lyme disease if they did not have the disease before being assigned to work regularly in an outdoor wooded environment and meet other specified criteria. This provision already applies to M-NCPPC park police officers, as well as paid law enforcement employees of the Department of Natural Resources and other law enforcement personnel.

The bill takes effect October 1, 2009, but sunsets September 30, 2015.

HB 1194 - Open Meetings Act - Expansion of Definition of Public Body

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must meet in open session. This bill alters the definition of "public body" under the Open Meetings Act to include any multimember board, commission, or committee that (1) is appointed by an entity in the Executive Branch of State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body or an official subject to the policy direction of such an entity; and (2) includes in its membership at least two individuals who are not members of the appointing entity or employed by the State. The bill takes effect October 1, 2009.