

TRANSPORTATION
CONSTRUCTION INDUSTRY
(MTBMA AND MAA)

Holland + Knight
2009 MD LEGISLATIVE SUMMARY

SESSION REVIEW
 APRIL 3, 2009

3. testify, 2. written, 1. position only

Bill No.	Title	Sponsor	Status	Position	Action	Final Status
	BUDGET					
HB 100	Budget Bill. Appropriates \$14.4 billion in general funds (1.3% less than FY 2009). FY 2010 budget deficit is \$1.9 billion and \$400 million in current FY 2009 budget. Budget assumes \$350 million in federal stimulus for Medicaid funding; 700 layoffs of state employees and reduction of 100 vacant positions; transfer from a local income tax reserve fund of \$366 million and \$210 million from the Rainy Day Fund. <i>\$1.1 billion in revenue write-downs in March for FY 2009 and FY 2010 required additional reductions in spending and transfers. House amendments leave a FY 2010 fund balance of only \$51 million. Federal stimulus of \$435 million in FY 2009 and \$384 in FY 2010 was available, preventing the need for layoffs. Senate amendments leaves a fund balance of \$145 million</i>	Adm.	APP Passed House B&T Passed Senate			
HB 101	Budget Reconciliation and Financing Act. Realizes \$414 million in budget savings and \$646 million in general fund (mostly one-time) revenue. <i>House amendments: transfer funds in FY 2009 (\$650 million) and FY 2010 (\$253 million, including \$102 million in local HUR); and \$103 million in miscellaneous revenues, including \$60 million reduction in local income tax payments to the counties. Senate amendments: reduce local HUR by \$102 million; and an additional \$60 million HUR cut to the counties only, rather than reducing local income tax payments by \$60 million.</i>	Adm.	APP Passed House B&T Passed Senate			
HB 102	Capital Budget. Creates \$1.1 billion in state debt. \$218 million are utilized for projects previously programmed in the General Fund, i.e. ICC (\$73 million) and Medevac helicopter replacement. \$15 million allocated for local bond bills and \$266 million in school construction. The six-year transportation capital program has been scaled back by \$2.1 billion from last year's program (\$350 million on an annual basis). <i>House amendments fund \$88.9 million for the ICC and the remainder financed in FY2011.</i>	Adm.	APP Passed House			
	EMPLOYMENT & LABOR					
HB 16/ SB 660	Labor and Employment – Shift Breaks. Applies to employers with 50 or more employees, and requires a nonworking shift break of either 30 mins. for more than 6 consecutive hours	Manno	ECM UNF			Died

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	worked or 15 mins. for 4- 6 consecutive hours worked, if: employer and employee agree in writing; the work prevents an employee from being relieved of work during the break; or the employee is allowed to consume a meal while working and the break is counted towards work hours. No shift break is required in the case of an emergency that poses an immediate threat to public health or safety. DLLR may, by regulation, exempt defined categories of employers. An employee has a private cause of action against the employer for violation and can be awarded back pay, and attorney's fees and costs if the employee prevails in court.	Garagiola	FIN hrg 3/5 at 1pm			
HB 651	Labor and Employment-Shift Breaks. Same as above, except: does not apply to State government; allows waiver by mutual consent if working less than 6 consecutive hours; and holds employer harmless against any claims that occur during a nonworking shift break; and no authorization for Commission to exempt categories of employers from bill's provisions.	DLLR	ECM UNF			Died
SB 451/ HB 1287	Labor and Employment-Maryland Wage and Hour Law-Criminal Penalties. Increases the penalties for violating wage and hour laws from \$1,000 to \$2,500 for a first violation and \$5,000 for each subsequent violation. Every workweek is a subsequent offense.	Lenett Ramirez, et al	FIN hrg 2/26 at 1pm ECM UNF			Died
SB 452/ HB 1288	Labor and Employment-Maryland Wage and Hour Law-Damages. Increases the penalties for violating wage and hour laws from the difference between the wage paid and the wage required to an additional two times the difference as liquidated damages, and counsel fees and costs. Mandates the court to award damages in this amount in a private recovery suit.	Lenett Ramirez, et al	FIN hrg 2/26 at 1pm ECM UNF			Died
SB 466	Labor and Employment-Employment Contracts-Implied Covenant of Good Faith and Fair Dealing. Creates an implied covenant of good faith and fair dealing (requires that neither party will destroy the rights of the other party to the fruits of the contract) in employment contracts, unless waived by the employee in a separate signed document. <i>MD courts have never applied the this implied covenant to employment contracts because it has no common sense application to at will employment, since the at will relationship permits either side to destroy it for any reason or no reason.</i>	Stone	FIN UNF			Died

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HB 649/ SB 1006	Labor and Employment-Independent Contractor-Definition. Defines "independent contractor" as an individual who is not an employee for purposes of the FICA and federal UI, based on application of the 20 factors set forth in the IRS ruling 87-41.	Carr, et al Garagiola	ECM hrg 3/3 at 1pm FIN			
SB 831/ HB 1249	Maryland Wage and Hour Law-Payment of Overtime-Exemptions. Requires an employer to pay overtime if an employee works more than 8 hours per day, but fewer than 40 hours per workweek, and more than 40 hours per workweek. These provisions do not apply if a written agreement is entered into by employee and employer, so long as the agreement does not require working more than 40 hours within 5 days or 80 hours in less than 10 days.	Peters, et al Feldman, et al	FIN hrg 3/5 at 1pm ECM hrg 3/3 at 1pm			
SB 704	Public Health-Construction Sites-Toilets and Lavatories. Requires, as a condition of obtaining a building permit, construction sites on any construction project that has a total cost of \$500,000 or more to have a convenient toilet that is: kept in sanitary condition; property ventilated; and available in numbers as required by OSHA (29 CFR 1926.51); and a convenient lavatory: supplied with soap, clean water, and towels; kept in sanitary condition; and properly ventilated. If flush toilets are provided for other personnel on site, flush toilets shall be made available for construction workers.	Klausmeier, et al	FIN hrg 3/12 at 1pm			
SB 576/ HB 740	Unemployment Insurance-Maximum Benefit-Increase. Increases the maximum weekly benefit amount for UI benefits from \$380 to \$410 for claims filed establishing a new benefit year on or after Oct. 1, 2009; and increased by another \$20 for claims filed establishing a new benefit year on or after Oct. 1, 2010. <i>Every \$10 benefit increase equals \$6.5 million. MWB hasn't been raised for two years; 54% wage replacement rate for MWB is a goal; wage replacement rate is currently at 42%; two year increase would equate to approximately a 44% wage replacement rate.</i>	Middleton, et al Harrison, et al	FIN Passed Senate ECM hrg 3/31 at 1pm ECM Passed House Passed 2 nd in Senate			
HB 819/ SB 909	Workplace Fraud Act of 2009. Creates a specific violation for misclassifying employees as independent contractors; applies to construction, landscaping services, and package delivery; uses the "ABC" test to determine the ee-er relationship; allows	Adm, et al	ECM Passed House FIN hrg			

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	<p>DLLR to enter and investigate on employer's work site and produce records, subject to fine and subpoena; adjudicatory process is the Office of Administrative Hearings for issued citations (hearing before ALJ, appeal to Comm. of Labor); first time violators have 30 days to comply to avoid fine; violators are subject to \$3,000 per employee civil penalty; intentional violators are subject to a \$5,000 per employee civil penalty. Employees have a private cause of action and can recover damages; treble damages; and attorneys fees and costs. Violations on public works contracts have payment withheld to cover the costs of coming into compliance (wages, taxes) and are debarred for 2 years from public contracting. Employers must give a notice prepared by DLLR to subcontractor's that spells out their obligations as independent contractors. Third parties (attorneys, accountants) who aid and advise an employer with intent to violate are subject to a \$20,000 civil penalty.</p> <p><i>House amendments: delete package delivery services from the provisions of the bill; clarify that, by contract, an employer may engage another business entity, which has its own employees, at the same location where the employer is working, without establishing an employer-employee relationship; provide that the Commission of Labor has the burden of proof to show that an employer has knowingly failed to classify an individual as an employee; reduce the penalty for noncompliance from \$3,000 to \$1,000 per employee; imposes a \$20,000 administrative penalty per employee for three or more violations; delete the debarment provisions; prevent lawyers and CPAs from being subject to a \$20,000 civil penalty for aiding and abetting a violation, but requires the Commissioner to refer them to the agency with regulatory jurisdiction over the profession; and subject persons who make groundless or malicious complaints to a \$1,000 administrative penalty.</i></p> <p><i>Senate amendments essentially conform to the House amendments, except no private cause of action exists if the individual received restitution or any compensation resulting from the misclassification violation.</i></p>		<p>4/2 at 1pm</p> <p>FIN Passed Senate House Rules</p>			
SB 912/ HB 1070	<p>Labor and Employment-Misclassification of Employees as Independent Contractors. Applies to all employers. Prohibits intentional misclassification of employees as independent contractors to avoid obligations to the employee regarding</p>	Conway, et al	FIN hrg 3/12 at 1pm			

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	employment standards, unemployment insurance, workers' compensation, and income tax payments. The Commissioner of Labor may investigate misclassification violations on receipt of a written and signed complaint or on referral from another state agency. A civil penalty in the amount of \$3,000 per misclassified employee may be assessed for violation, if the employer was in violation of UI, WC, income tax, or other laws governing employment standards. The State has the burden of proof. There is a rebuttable presumption that misclassification did not occur if a contractual agreement exists between the parties that: discloses the lack of an employment relationship and the independent contractor's agreement to comply with all applicable labor and tax laws. The employer shall keep records concerning employees and independent contractors it has engaged to provide services, for at least 3 years, including: name, address, occupation; rate of pay, hours worked, amount paid each pay period. Records shall be open to inspection by the Commissioner of Labor. Actions brought by DLLR shall be brought in circuit court.	Davis	ECM hrg 3/3 at 1pm			
HB 1307	Health Insurance Requirements-Public Works Contracts. Requires contractors on public works projects under the Prevailing Wage law to provide health insurance benefits to its workers who are subject to the prevailing wage or make an equal payment to the Medicaid Program; similar provisions apply to subcontractors with contracts that have a value of \$100,000 or more. There are penalties for violation. <i>This requirement violates ERISA.</i>	Hucker, et al	HGO and ECM hrg 3/19 at 1pm			
SB 991	Business Occupations-Crane Operators-Certificate of Competence. Prohibits a person from operating a crane on construction work or demolition unless the person holds a certificate of competence obtained through any organization accredited by the American national Standards Institute or the National Commission for Certifying Agencies; crane is defined and applies to machines with a lifting capacity of 10 tons or more, including tower cranes, hydraulic cranes, and power operated derricks; the certificate of competence must be carried during operation of the crane; violators are subject to a fine not exceeding \$3,000 for a first violation; \$5,000 for a second violation; or \$10,000 for a third or subsequent violation; and	Stone, et al	EHEA hrg 3/25 at 1pm			

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	imprisonment not to exceed 30 days.					
HB 1410	Commissioner of Labor and Industry-Training of Power Equipment Operators. Removes the provision of law that prohibits DLLR from requiring the licensing, registration, or certification of an operator of power equipment, i.e., backhoe, bulldozer, front-end loader; skid steer equipment; gradall; scraper pan; crane or hoist.	DLLR	ECM hrg 3/24 at 1pm			
	ENVIRONMENT, PERMITTING, AND ENERGY					
SB 4/ HB 1054	Environment-Permitting Process-Environmental Justice Review. Requires an environmental justice review within a 2-mile radius of every initial permit and permit renewal application for seven specific permits, including air quality and water discharge. The review includes a demographic profile of individuals living and working within a 2-mile radius and a technical analysis of adverse health, economic and environmental aspects on the community. Permits are conditioned upon actions to offset the negative impacts on environmentally stressed communities. Requires a review for LNG facilities before permitting can occur.	Harrington Niemann	EHEA hrg 2/3 at 1:45pm ENV hrg 3/11 at 1pm	OPPOSED	-2	
SB 47/ HB 1078	Environment-Permit Applications-Notice Requirements. Authorizes MDE to require permit applicants to directly notify by mail all residential property owners of record within a 2-mile radius of the activity for which the permit is sought. If the applicant is not required to do the mailing, they are nonetheless required to pay the cost of MDE mailing the notification. Any permit for which publication of notice is required would be affected, include air quality control and water discharge. <i>Senate and House amendments require that in addition to the notice provisions in current law, MDE shall electronically post the notice of an permit application on its website and provide a method for interested persons to electronically request any additional notices related to a permit application; specific content is outlined; and MDE may require the applicant to provide the same.</i>	Harrington Niemann	EHEA Passes Senate ENV FWA ENV Passed House Senate Rules	NEUTRAL, as amended		
HB 34	Environment-Impervious Surface-Statewide Database. Requires MDE, in conjunction with the Dept of St. Planning, to	Cardin	ENV UNF			DIED

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	develop a statewide database of impervious surfaces.					
SB 120	Environment-Permit Process-Modifications. Requires an environmental impact statement for construction of substantial modification of a new source (NSPS); and subjects any environmental permit to a contested case hearing. (SB 508 of 2008)	Stone	EHEA UNF	OPPOSED	-2	DIED
SB 824/ HB 1053	Community Environmental Protection Act of 2009. Broad expansion of citizens' ability to legally challenge environmental permits, including out-of-state interest groups if they can recruit an in-state member; allows for individuals and organization to directly sue companies and governments to enforce an environmental standard or limitation and provides attorneys fees and costs, if the citizen prevails; and fails to invoke the streamlined permit challenge procedures used by the federal government that accompany its legal standing rules.	Frosh, et al McIntosh, et al	EHEA ENV With- drawn			Died
HB 1569/ SB 1065	Standing-Miscellaneous Environmental Protection Proceedings and Judicial Review. Adopts federal standing rules for individuals and associations to challenge specific permits: air quality, landfills, water discharge, sewage sludge, controlled hazardous substances, hazardous material facility, low level nuclear waste, water appropriation, wetlands, waterway construction, drilling for oil and gas, surface mining, and critical areas variances for development in the buffer. The lengthy contested case hearing process is removed for these permits and an appeal is directly to the circuit court (record review). Parties must participate in the public process to appeal a decision and the issues are restricted to those raised in the public participation process, unless grounds for objection arose after the comment period. Effective date, Jan. 1, 2010	McIntosh Frosh	ENV Passed House EHEA EHEA hrg 3/31 at 1pm			
SB 278/ HB 315	Greenhouse Gas Emissions Reduction Act of 2009. Requires the State to reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020; exempts manufacturers from these requirements and insulates them from significant cost increases; requires MDE to develop an emission reduction plan by 2012; and sunsets the program, unless reaffirmed by the General Assembly in 2016. <i>Senate amendments require the Plan to consider impact on rural communities of any proposed transportation-related measure. House amendments require the Plan to consider the impact on the State to attract, retain and</i>	Pinsky & Adm., et al Barve & Adm, et al	EHEA Passed Senate ECM & ENV ECM & ENV Passed			

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	<i>expand the commercial aviation business as well protecting the agricultural industry.</i>		House Rules			
HB 189/ SB 319	Respiratory Illness Prevention Act. Requires diesel retrofitting for on-road and off-road construction equipment on all State construction procurements in excess of \$2 million; off-road equipment must have Level 1 controls for projects beginning Jan. 1, 2011; for 25-75 horsepower engines, Level 2 control for projects beginning July 1, 2014; and for 75+ horsepower engines, Level 3 control for projects beginning on July 1, 2014; on-road diesel vehicles must be equipped with a Level 1 control for projects beginning on Jan. 1, 2011; and Level 3 for projects beginning on July 1, 2011. Level 1 diesel emission control device = 50% reduction in particulate matter; Level 2 = more than 50% reduction in particulate matter; and Level 3 = 85% reduction in particulate matter. The venting of crankcase emissions and unnecessary idling is prohibited. The State shall reimburse contractors for 50% of the retrofit costs. Similar provisions apply for school buses. <i>House amendments will allow federal stimulus monies to be made available to businesses who choose to retrofit equipment.</i>	Morhaim Gladden	HGO & W&M Passed House Senate Rules EHEA & FIN hrg 3/5 at 1pm			
HB 532	State Procurement Diesel Emissions Reduction Act. Includes all of the provisions contained in HB 189/SB 319, except that it deletes the requirements for school buses.	Morhaim	HGO With-drawn			Died
SB 555/ HB 1379	Biomass and Biofuels- In-State Production Incentives. A portion of the bill specifies biodiesel content requirements for diesel fuel sold in the State: at least 2% biodiesel one year after Dept of Agriculture certifies an in-state production level of biodiesel of 5 million gallons; at least 5% at 10 million gallon levels; at least 10% at 15 million gallons; and at least 20% at 30 million gallons. These requirements can be suspended or reduced if they would substantially increase costs to consumers or cannot be met as a result of insufficient supplies or distribution systems for biodiesel. <i>Senate Finance to send to summer study.</i>	Middleton, et al Hubbard, et al	FIN and EHEA hrg 3/3 at 1pm ECM hrg 3/11 at 1pm			
LAND USE						
SB 539/ HB 992	Driver Relief Act of 2009. Establishes a statewide average of VMT per capita reduction of 35% by Jan 1, 2036, based on the statewide per capita VMT level in 2005. This performance objective is to be attained through state, local and regional	Frosh, et al McIntosh, et al	EHEA hrg 3/3 at 1pm ENV			Died

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	transportation plans, capital improvement programs, and project alternative selection. Implementation or amendment to transportation plans, capital improvement programs and project alternative selections shall reduce the statewide MVT per capita 2.8% by the end of 2012 and an additional 1.4% for each subsequent year through 2035.		With- drawn			
PROCUREMENT						
SB 187/ HB 124	State Procurement-Structuring and Bundling of Procurements. Prohibits the consolidation of two or more procurements for goods or services into a single solicitation that is unlikely to be accessible for award to a small business or Minority Business Enterprise. <i>House amendments restrict the prohibition on bundling to those instances where procurement requirements were previously provided under separate contracts; and prohibits limitations on bidders for the purpose of excluding MBEs.</i>	Pugh, et al Morhaim, et al	EHEA Passed Senate HGO FAV HGO Passed House Passed 2 nd in Senate			
SB 211/ HB 641	Minority Business Enterprise Program-Participation by Race or Gender. Allows women-owned businesses and businesses owned by racial or ethnic groups to be certified in both categories, but requires them to select which MBE category they want to be used at the time the bid or proposal is submitted.	Pugh, et al	EHEA Passed Senate HGO FAV HGO Passed House EHEA			
SB 612	Procurement-MBE Program-Contracting Modifications. Same as SB 211.	Jones and Conway	EHEA hrg 3/5 at 1pm			
SB 355/ HB 594	Minority Business Enterprise Program-Personal Net Worth Requirement-Repeal. Repeals the \$1.5 million personal net worth requirement, thereby allowing MBEs to remain certified regardless of the amount of personal net worth.	Exum, et al Walker	EHEA hrg 3/5 at 1pm HGO UNF			Died
HB 326	Procurement-Minority Business Enterprises-Retention of	Weir, et al	HGO			Died

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	Certification and Status and Participation in the Minority Business Enterprise Program. Allows a MBE to continue to participate in the MBE Program for three years after they satisfy the criteria to graduate from the Program.		UNF			
HB 410	Minority Business Enterprise Program-Eligibility. Doubles the \$1.5 million personal net worth requirement to \$3 million.	Robinson, et al	HGO UNF			Died
HB 471 SB 489	Minority Business Enterprise Program-Cap on Personal net Worth. Increases the \$1.5 million personal net worth requirement to \$3 million. <i>House amendments increase the net worth to \$1.75 million, and adjusts annually to CPI. Senate amendments maintain the current \$1.5 million personal net worth and allow it to be adjusted annually to CPI, and exclude \$500,000 in retirement accounts from the calculation of net worth..</i>	Pena-Melnyk, et al Pugh, et al	HGO Passed House EHEA EHEA Passes Senate HGO hrg 4/1 at 1pm			
HB 389/ SB 611	Minority Business Enterprise Program-Prohibitions and Penalties for Contractors. Unless a waiver has been granted or an amendment to a bid or proposal has been authorized, a contractor may not identify a certified MBE in a bid/proposal and: fail to notify the MBE of its inclusion in the bid; fail to request a quote from the MBE; fail to utilize the MBE in the contract; or pay the MBE solely for the use of its name in the bid. BPW shall impose either a 6 month suspension from bidding and working on State contracts or a State debarment. In determining the penalty, BPW shall consider the good faith of the contractor and a history of previous violations. GOMA shall make available a fraud hotline. <i>Senate amendments delete the penalties imposed by BPW.</i>	Taylor, et al Jones, et al	HGO Passed House EHEA EHEA Passed Senate HGO FAV			
SB 568	MBE Program-Directory of MBEs. Requires the MBE Directory to list those MBEs who have graduated from the MBE Program and are no longer certified.	Pugh, et al	EHEA Passed Senate HGO hrg 4/1 at 1pm			
SB 632	Procurement-MD Business Access List. Requires BPW to publish on the internet a list of all persons that have been awarded State contracts by the BPW, including contact information a description of the award and award amount.	Pugh, et al	EHEA UNF			Died

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HB 31/ SB 633	Income Tax-Subtraction Modification-Creation of a MBE. Effective tax year 2009, exempts from State income tax the proceeds of the sale of a business that results in the creation of a MBE.	Taylor Pugh, et al	W&M hrg 2/3 at 11am B&T hrg 3/16 at 1pm			
SB 405/ HB 644	Procurement-Apprenticeship Training Programs. Requires all contractors that are awarded a public works project of \$500,000 and all subcontractors that perform work valued at \$100,000 or more on the covered public works project to: participate in an apprenticeship training program by contributing during the term of the project an amount equal to at least the hourly fringe benefit contribution rates required for apprenticeship training for each covered craft (per the applicable prevailing wage determination); or make a comparable payment to the Fund. The contractor must report all apprenticeship payments on prevailing wage payroll records. A request may be made for the contributions to be directed to a specific pre-apprenticeship or workforce development program. The Fund is to be used to promote pre-apprenticeship programs and other workforce development programs in public high schools and community colleges that assist students in preparing for and entering apprenticeship training program. Violations are a monetary penalty twice the amount of the required apprenticeship contribution. DLLR may institute a civil action to recover a civil penalty of up to \$1,000 per employee and for each falsified record for willfully false or fraudulent representations or omissions regarding a material fact in connection with prevailing wage records. DLLR may also seek interest, attorneys fees, and court costs. <i>House amendments allows payments to be made to an organization that provide apprenticeship training; and requires contractor to pay the additional fringe payments on prevailing wage jobs that exceed 25-cents as a wage payment.</i>	Conway Manno, et al	FIN & EHEA hrg 3/12 at 1pm ECM Passed 2nd	OPPOSE	-3	
SB 406/ HB 543	Prevailing Wage Rates-Public Works Contracts-Suits by Employees. Expands rights and remedies for private enforcement suits under the State prevailing wage law; authorizes employees to bring suit against employers for	Conway, et al	FIN Passed 2nd			

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	compensation and additional remedies, as specified; requires that actions be brought within a specified time period; authorizes a court to award employees wages, other compensation, and fees, as specified; subjects specified persons to specified civil penalties; and makes it a crime for an employer or specified other persons to engage in specified conduct. Senate amendments delete all provisions to a private cause of action and increase a contractor's liquidated damages for prevailing wage violations from \$20 to \$50 per day/per employee.	Braveboy, et al	ECM Passed House FIN hrg 4/2 at 1pm			
SB 696/ HB 502	State Procurement-Employment of Unauthorized Aliens and the Federal E-Verify Program. Employers which have a state procurement contract or receive some other grant of State money shall verify through the Federal E-Verify Program (basic pilot) the employment eligibility of each employee hired to work under the procurement contract or grant. Prohibits an employer from intentionally or knowingly employ an unauthorized alien. Employers are subject to a 3 year suspension of their business license(s), required to terminate the employment of unauthorized aliens, and require quarterly reports of new hires. The determination rendered by the federal government as to whether an employee is an unauthorized alien creates a rebuttable presumption of the employee's lawful status, and an employer's proof of utilizing E-Verify creates a rebuttable presumption that the employer did not intentionally employ an unauthorized alien. Applies to contracts executed or grants received after Dec. 31, 2009.	Kittleman Miller, et al	EHEA UNF HGO UNF			Died
HB 621/ SB 694	Procurement-Prevailing Wage Rate-Repeal. Repeals the prevailing wage law applicable to public works construction contracts.	Bates, et al Kittleman, et al	ECM UNF FIN UNF			Died
HB 1409	Public Works Contracts-Prevailing Wage-Application. Lowers the dollar amount of public works contracts subject to the prevailing wage law from \$500,000 to \$100,000.	DLLR	ECM hrg 3/24 at 1pm			
SB 978	Procurement-Minority Business Enterprises-Goal-Setting. Requires procurement units to consider the potential pool of certified MBEs that has the technical expertise, availability and willingness to execute a procurement contract before the units	Mooney	EHEA UNF			Died

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	sets a MBE participation goal for the contract.					
TAXES AND TAX CREDITS						
SB 472	Income Tax-Corporations-Denial of Deduction for Excessive Compensation of Officers and Directors. Requires a corporation to add back to its MD modified income, to the extent excluded from federal taxable income, the amount that the compensation of an officer or director exceeds 25 times the compensation of the lowest paid full-time employee. Approx. \$362,500 would equal 25 times a minimum wage employee. <i>A portion of increases in corporate tax revenue would go to the TTF.</i>	Pinsky, et al	B&T UNF			Died
HB 1533	Motor Fuel Tax-Refund-Mobile Cranes. Refunds 80% of the motor fuel tax paid by mobile cranes.	Conway and Mathias	W&M hrg 3/24 at 1pm			
TRANSPORTATION & FUNDING						
HB 27/ SB 753	Transportation – ICC – Elimination of Funding. Eliminates all funding for the Intercounty Connector; and continues repayment of \$211.9 million to the Transportation Trust Fund that otherwise would have gone to help pay for the ICC.	Frush Pipkin, et al	APP UNF B&T hrg 3/18 at 1pm			Died
HB 139	Transportation Trust Fund-Dedicated Highway Funds. Dedicates all gas tax, auto titling tax, and auto registration fees to the construction of highways and bridges.	Krebs, et al	W&M hrg 2/11 at 1pm			
HB 140/ SB 894	Transportation Trust Fund Protection Act. Prevents TTF revenues from being transferred to the General Fund, unless the Governor declares the transfer as necessary due to extraordinary financial circumstances; and requires repayment within five years.	Krebs, et al Mooney	APP UNF B&T hrg 3/19 at 1pm			Died
SB 476/ HB 888	Transportation-Chesapeake Bay Bridge Crossing-Environmental Impact Study for a Third Span. Directs MdTA before Jan. 1, 2010, to take all necessary steps to commence and complete an environmental impact study for a third Bay Bridge.	Pipkin Sossi and Smiegel	FIN hrg 2/24 at 1pm ENV UNF			Died
HB 423	Motor Fuel Tax-Indexing. Beginning July 1, 2010, , the 23.5-cent gas tax will be increased to the construction cost index, but	Bronrott	W&M hrg 2/11 at			

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	cannot increase by more than 1-cent annually.		1pm			
SB 722	Tax General-Motor Fuel Tax-Sales and Use Tax. Increases the gas tax by 5-cents, transfers a portion of the sales tax revenues to the General Fund for four years (\$230 m) and alters the distribution of local HUR revenues (\$80 m) which would divert to the General Fund for four years. <i>TTF is held harmless in first four years, General Fund gains \$310 million in first four years, and TTF nets \$152 thereafter.</i>	Madaleno	B&T hrg 3/16 at 2pm			
HB 746	Motor Fuel Tax-Increase. Effective July 1, 2009, increases the 23.5-cent gas tax by 10-cents.	Barkley	W&M hrg 2/19 at 1pm			
HB 747	Motor Fuel Tax-Adjustment. Effective July 1, 2009, increases the 23.5-cent gas tax by 1/2-cent; and indexes the gas tax to the construction cost index for every year thereafter, although no annual increase may exceed 1-cent.	Barkley	W&M hrg 2/19 at 1pm			
HB 1214	Motor Fuel Tax-Rate. Increases the gas tax by 5-cents.	Hixson, et al	W&M hrg 2/26 at 1pm			
SB 853	MD Transportation Infrastructure Funding Task Force. Creates a 15-member Task Force to review and evaluate the current TTF funding and make recommendations for long-term revenue sources and options for funding. The Task Force includes two representatives from the business community, etc. A final report shall be submitted by Jan. 1, 2011.	Garagiola	B&T hrg 3/19 at 1pm			
SB 1011/ HB 1425	Department of Transportation-Consolidated Transportation Bonds-Issuance Procedures. States that the preferred method of issuance of Consolidated Transportation Bonds is by a public, competitive sale, authorizes the Department of Transportation to issue bonds at a private, negotiated sale provided that: the Secretary determines that extraordinary credit market conditions exist that warrant use of private sale and the terms and conditions, including price, interest rates, and payment dates, are more advantageous to the State.	DeGrange, et al Gaines and Levy	B&T Passed Senate House Rules APP Passed House B&T hrg 4/2 at 1pm			
SB 277/ HB 313	Vehicle Laws - Speed Monitoring Systems - Statewide Authorization and Use in Highway Work Zones. Authorizes all counties and municipalities to use speed cameras to enforce	Adm.	JPR Passed Senate on	SUPPORT	+3	

Bill No.	Title	Sponsor	Status	Position	Action	Final Status
	speed limits in residential neighborhoods and school zones, and authorizes speed cameras in construction work zones on highways with speed limits of at least 45 mph. <i>Senate amendments: remove the authority for speed cameras in neighborhoods; restrict the time that cameras can be operated in school zones from 6am to 8pm; require local jurisdictions to remit revenues in excess of 10% of total revenues to the General Fund; and dedicate work zones fines to the TTF after Oct. 1, 2012</i>		a reconsidered vote (27-20) ENV hrg 2/10 at 1pm			
HB 172	Vehicle Laws-Recklessly Contributing to an Accident in a Highway Work Zone-Penalties. Establishes that a person is guilty of the misdemeanor of recklessly contributing to an accident in a highway work zone if the driving contributes to an accident; penalties include 6 pts, imprisonment for up to 90 days and/or a fine of up to \$1,000.	G. Clagett	JUD UNF			Died
HB 784	Consolidated Transportation Program-Traffic Congestion Reporting. Requires the CTP to include a report on the efforts by MDOT and MdTA to address traffic congestion, including measures that should be implemented by other State agencies to reduce traffic congestion and enhance mobility; and the anticipated effect any new capital project will have on traffic congestion and mobility.	James, et al	ENV Passed House B&T hrg 4/2 at 1pm			
MISCELLANEOUS						
SB 157/ HB 170	Campaign Finance-Affiliated Business Entities-Attribution of Contributions. Requires campaign finance contributions by multiple business entities (corps, LPs, LLCs, REITs) to be attributed, if the business entities are owned or controlled by at least 80% of the same individuals.	Frosh, et al Bobo, et al	EHEA hrg 2/26 at 1pm W&M hrg 2/11 at 1pm			
SB 663	Election Law - Public Campaign Financing Act for Candidates for the General Assembly . Allows public financing of campaign for General Assembly candidates through a voluntary \$5 income tax check-off. <i>Pres. Miller has agreed to support this bill; additional provisions will include increasing the maximum campaign contribution limits from \$4,000 to \$4,400, with aggregate limits increased from \$10,000 to \$15,000. PAC contributions will be increased from \$6,000 to</i>	Pinsky	EHEA Recom- mitted			Died

Bill No.	Title	Sponsor	Status	Position	Action	Final Status
	<i>\$6,600. Multiple sole proprietorships would be attributed to a single entity for purposes of complying with campaign contribution limits.</i>					

For copies of any legislation, go to the Maryland General Assembly website <http://mlis.state.md.us/>

- Click on <http://mlis.state.md.us/#bill>
- Type in the bill number, e.g. hb1

Dates of Interest

Wednesday, January 14,2009 12:oopm	General Assembly Convenes
January 27th	Senate and House Bill Request Guarantee Date
January 29 th 12:00pm	Governor's State of the State Address
February 2nd	Final Date for Governor to Introduce Capital Budget
February 6th	Senate Bill Introduction Date
February 13th	House Bill Introduction Date
April 6 th	Budget Bill to be Passed by both Chambers
April 13 th	General Assembly Adjourns

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