

~ *Bill summaries* ~

Improving Public Safety

Domestic Violence – Temporary Protective Orders

Background: Temporary Protective Orders typically are in effect for no more than 7 days and serve to provide protection for victims until both parties can go before a judge for a Final Protective Order. Currently, a judge can order a number of protections, such as stay-away orders, but cannot order an abuser to surrender firearms.

Legislation: This provision would allow (but not require) a judge to order an abuser to surrender firearms. It would also provide for the safe-keeping of the firearms, by the police, during the period of the order. This bill would apply to ALL firearms – handguns and long guns (rifles and shotguns). This legislation is based on prior bills sponsored by Senator Frosh and Delegates Barnes, Waldstreicher, Doory, Dumais, Hecht, and Levi.

Domestic Violence – Final Protective Orders

Background: Final Protective Orders are orders entered after both parties have had the opportunity to appear before a judge and a judge has made a determination, by clear and convincing evidence, that abuse has occurred. Currently, the law gives the judge the discretion to order an abuser to surrender his firearms.

Legislation: This proposal would make it mandatory that a judge order an abuser to surrender his firearms for the period of the Final Protective Order (typically one-year). This bill would apply to ALL firearms – handguns and long guns (rifles and shotguns).

Child Safety Net – (Departmental – Department of Juvenile Services)

Background: In 2008, Maryland and Washington, D.C. exchanged information on more than 1,500 adult offenders as part of an initiative to exchange live data with Maryland's Department of Public Safety and counterparts in D.C. During this time, the Prince George's Police Department reported a six percent decrease in homicides from 2007 to 2008. Over this same time period, violent crime decreased by nearly nine percent and overall crime declined by nearly four percent in Prince George's County. For the last year and a half, Maryland has shared live arrest data with D.C. to enable Parole and Probation to get serial offenders off the street. So far, information is shared on an average of 200 offenders per month.

Legislation: This Departmental proposal allows the sharing of Maryland juvenile court records with other states and the District of Columbia, as well as with other state and federal agencies that perform the same function as DJS. Currently, the Department of Juvenile Services supervises approximately 71 youth who are from Washington, DC, but current law prohibits that information from being shared with DC public safety agencies.

Task Force to Combat Driving Under the Influence of Drugs and Alcohol

Background: The Task Force to Combat Driving Under the Influence of Drugs and Alcohol was created by legislation signed by the Governor in 2007. Department of Transportation employees staffed the Task Force, which issued an interim report in December 2007 and a final report in October 2008. The Commission made 42 recommendations, 5 of which require legislation. The Task Force had representatives from the judiciary, law enforcement, hospitality and beverage business industry, the insurance industry, the trial attorneys, legislators, and advocates.

Legislation: The following proposals have been recommended by the Task Force to Combat Driving Under the Influence of Drugs and Alcohol:

- Driving While Impaired – Suspension for Repeat Offender
 - This proposal requires the Motor Vehicle Administration (MVA) to impose a mandatory one-year suspension of the driver's license of a person who has been convicted more than once within a 5-year period of a violation of driving while under the influence, driving while impaired by alcohol, or driving while impaired by drugs.
- Repeat Offenders – Increased Probation Before Judgment Look-Back Period
 - This proposal prohibits a court from granting Probation Before Judgment (PBJ) to someone who violated the impaired driving statutes if the person had been convicted of, or granted PBJ for, such an offense anytime within the past 10 years (instead of 5 years as is current law).
- Alcohol Restriction on Driver's Licenses – Penalties for Violations
 - This proposal would subject a person who violates a driver's license alcohol restriction to a fine not to exceed \$500 (current law) and imprisonment not to exceed 2 months, or both, regardless of whether the alcohol restriction was imposed by the courts or the MVA. Currently, imprisonment is only allowed for violations of a license restriction imposed by the courts.
- Vehicle Laws – Testing of Drivers Involved in Fatal or Life-Threatening Crashes
 - This proposal would require law enforcement to request that a driver involved in a fatal or life-threatening crash voluntarily submit to a preliminary breath test for alcohol when there are no reasonable grounds to believe unlawful impairment, a preliminary breath testing device is available, and the driver has not been transported to a medical facility.
- Alcohol Involving Underage Persons – Prohibitions and Sanctions
 - This proposal contains the following elements aimed at strengthening Maryland's zero tolerance of underage drinking:
 - Makes it a violation for a person less than 21 years of age not only to possess, but to consume and exhibit the effects (e.g., speech, appearance, or behavior) of consuming alcohol; Requires the MVA to suspend for 6 months the license of anyone under 21 years who was convicted of possessing or consuming an alcoholic beverage. The onset of suspension for persons younger than licensing age would occur when they reached licensing age. MVA would be authorized to issue a restricted license to allow driving for employment, education, alcohol treatment, medical services, volunteer programs, or religious ceremonies;
 - Makes it a criminal offense for any adult to purchase, attempt to purchase, or otherwise obtain alcohol for someone the adult knows is under 21 years of age for consumption by the underage person. The maximum penalty for a violation would be \$2,500 for a first offense and

\$5,000 for a subsequent offense. Possessing or consuming alcohol in, and furnishing alcohol to a family member at, a private residence or in a religious ceremony would not be a violation.

Vehicle Laws – Young Drivers – Driving Privileges

Legislation: This bill will increase restrictions and sanctions on provisional drivers as well as learner's permit holders by taking the following steps that promote safety amongst Maryland's teen driving population:

- Increases the minimum age at which teens can obtain a learner's permit or a driver's license to:
 - 16 years – Learner's Permit (currently 15 years, 9 months)
 - 16 years, 6 months – Provisional Driver's License (currently 16yrs, 3months)
 - 18 years – full “graduated” driver's license (currently 17 years, 9 months).
- Requires learner's permit holders and provisional licensees to be violation-free (including PBJs) before being eligible to “graduate” to the next level. Currently, a license holder must only be conviction-free.
- Alters two provisional license restrictions for drivers under age 18:
 - Increases the nighttime driving restriction from midnight to 11:00 p.m.
 - Increases the passenger restriction from 5 months to 1 year or until the driver reaches 18, whichever is sooner. Restriction prohibits passengers who are non-relatives under age 18.
- Requires the MVA to cancel the license, instead of suspend the license, when a cosigner to a minor's driver's license rescinds their consent. This change prohibits insurance companies from increasing premiums because of these types of license suspensions.
- Requires MVA to develop a driver improvement program designed specifically for young drivers.
- Increases the penalties assessed against provisional licensees under 18 who are cited for moving violations:
 - **1st offense** – require driver to attend driver improvement program (same as current law);
 - **2nd offense** – **mandatory suspension** of provisional license for 30 days, restrict the provisional license to work/educational only activities until the license holder obtains a full license;
 - **3rd offense** – **mandatory suspension** of provisional license for 180 days, require the driver to attend a young driver improvement class, and add an additional passenger restriction until the driver obtains a full license; and
 - **4th/subsequent offense** – **revoke the provisional license** and require the individual to re-take the knowledge and skills tests before being reinstated.

Speed Cameras - Statewide Authorization and Use in Highway Work Zones

Background: Speeding motorists pose an alarming threat to public safety in Maryland, especially in school zones, residential communities, and highway work zones. In 2006, 13 people were killed and more than 1,000 people injured in work zones alone in the State. Much of the problem can be attributed to vehicles traveling at speeds far in excess of posted speed limits, endangering the lives of pedestrians and fellow motorists. Of particular concern in work zones is the differential in vehicle speed between the aberrant motorists and those driving at a safer speed.

Legislation: Working with the Maryland Association of Counties and the Maryland Municipal League, the O'Malley-Brown Administration is sponsoring legislation to authorize local jurisdictions to use speed monitoring systems to identify and issue civil citations to drivers who are recorded driving at least 12

miles per hour (MPH) over the posted speed limit. The placement of speed cameras will be limited to school zones and residential streets with speed limits of 45 mph or less. In addition, the legislation will authorize the Maryland Department of Transportation to use speed camera systems in work zones on expressways and controlled access highways where the speed limit is 45 mph or higher.

Death Penalty

Background: The Maryland Commission on Capital Punishment was created by an act of the Maryland General Assembly in the 2008 legislative session. The 22-member Commission's membership represented a broad diversity of views on capital punishment, as well as the racial, ethnic, gender, and geographic diversity of the State. The law required the Commission to make recommendations to address: racial, jurisdictional, and socio-economic disparities; the risk of innocent people being executed; a comparison of the costs and effects of "prolonged court cases involving capital punishment" versus cases involving life imprisonment without the possibility of parole; and "the impact of DNA evidence in assuring fairness and accuracy in capital cases." Chaired by former U.S. Attorney General Benjamin Civiletti, the Commission reviewed testimony from experts and members of the public, relevant Maryland laws and court cases, as well as statistics and studies relevant to the topic of capital punishment in Maryland, and submitted a final report on its findings and recommendations to the General Assembly in December 2008. After a thorough review of this information, the Commission recommended that capital punishment be abolished in Maryland.

Some of the Commission's key findings from the final report are as follows:

1. Racial disparities exist in Maryland's capital sentencing system.
2. Jurisdictional disparities exist in Maryland's capital sentencing system.
3. The costs associated with cases in which a death sentence is sought are substantially higher than the costs associated with cases in which a sentence of life without the possibility of parole is sought.
4. While both life without the possibility of parole and death penalty cases are extremely hard on families of victims, the effects of capital cases are more detrimental to families than are life without the possibility of parole cases. The Commission recommends an increase of the services and resources already provided to families of victims as recommended by the Victims' Subcommittee.
5. Despite the advance of forensic sciences, particularly DNA testing, the risk of execution of an innocent person is a real possibility.
6. The Commission finds that there is no persuasive evidence that the death penalty deters homicides in Maryland.
7. Ultimate Recommendation: The Commission recommends abolition of capital punishment in the state of Maryland.

Legislation: The death penalty is a costly and ineffective deterrent to violent crime. Based on the recommendations of the Commission, this bill would seek the repeal of the death penalty in the State of Maryland.

State Police Surveillance

Background: On July 31, 2008, Governor O'Malley appointed former Attorney General Stephen H. Sachs to head an independent review of intelligence-gathering activities of the Maryland State Police from March 2005 to May 2006. On October 1, 2008, Governor O'Malley and former Attorney General

Sachs released the results of the independent review, which included a number of recommendations to ensure that safeguards are in place to protect the individual liberties of our citizens. All of these recommendations have been accepted by the Maryland State Police, including:

- The Maryland State Police will formulate binding regulations that govern covert surveillance of “advocacy” or “protest” groups;
- The Maryland State Police will establish standards for the collection and dissemination of criminal intelligence information; provide for periodic auditing of the contents of its intelligence database; and require that information inappropriately entered as criminal intelligence information be purged promptly and that other information be purged on an appropriate cycle;
- The Maryland State Police will revise, and possibly discontinue, its use of the Case Explorer database in connection with its intelligence-gathering activities. If funds are available, the Maryland State Police will separate its criminal intelligence database from the information that it maintains in Case Explorer for other purposes; and
- The Maryland State Police will contact all individuals who are presently described in the Case Explorer database as being suspected of involvement in “terrorism,” but as to whom the Maryland State Police has no evidence whatsoever of any involvement in violent crime.

Legislation: The proposed legislation would prohibit the State Police from conducting surveillance on activists they do not suspect of criminal activity, and enforce the recommendations of the Sachs report.

Silver Alert

Background: According to the Alzheimer’s Association, every year hundreds of seniors and others with cognitive impairment wander away, on foot or driving, from their place of residence. If not found within 24 hours, at least half suffer serious injury or death. As baby boomers age, the number of people with cognitive impairments is expected to multiply significantly. Additionally, the Alzheimer’s Association indicates that at least 5.2 million Americans suffer from dementia, and research shows that six out of 10 of those will wander. Only 4 percent of those who leave home alone are able to find their way back without help. Currently, eight States have passed laws establishing missing person’s alerts for persons suffering from cognitive impairments.

Legislation: Co-sponsored by Del. Ben Kramer, this legislation would provide a Statewide system for the rapid dissemination of information regarding a missing adult who is believed to be suffering from a cognitive impairment such as Alzheimer’s disease or some other form of dementia. The bill would help protect the missing person from potential abuse, harm, neglect or exploitation, and recruit public and commercial television and radio broadcasters, private commercial entities, State and local government entities, and the public to assist in developing and implementing the alert. The legislation would establish a plan for providing relevant information to the public through an existing system of dynamic message signs on State highways.

Strengthening the Safety Net for Maryland’s Families

Unemployment Insurance for Part Time Workers

Background: In light of the distressed economic climate, the thousands of Marylanders who work part time need access to this critical social safety net to ensure they can continue to pay their bills if they are laid off. Under current law, employers pay UI taxes on behalf of their part-time employees, but those employees are not entitled to collect benefits.

Legislation: This bill will allow part-time employees to collect unemployment benefits when they lose their jobs. Similar legislation was introduced last year by Senator Delores G. Kelley and passed the Senate, but never made it out of the House committee. President-elect Obama recently said his economic stimulus package would offer incentives for states to change their UI laws to include part time workers.

Maryland False Health Claims Act of 2009

Background: This bill will significantly advance the State's efforts to contain costs and eliminate waste and abuse in State health programs. First, the State currently can recover only actual losses proven dollar for dollar; no extrapolation of audit findings or penalties for repeat offenders are possible except in the criminal context, which requires specific intent to defraud. While DHMH's Inspector General recovered about \$20 million through administrative actions last year, the ability to bring civil suits for treble damages will augment the State's recoveries substantially. The federal government recovered more than \$3.1 billion under the federal FCA in 2006, and the twenty-two States which have enacted false claims acts have realized increased recoveries of up to 100%. For example, Virginia's Medicaid state recoveries have risen from the \$20 million range to the \$100 million range in the two years since enactment of its FCA.

Second, the bill will increase the State's share of any recoveries to the Medicaid program obtained in a civil fraud action by 10%. Under current law, the State's percentage share of recoveries is limited to its percentage contribution to the Medicaid program. Where the State contributes 40% with a 60% federal match, for example, the State recovers only 40% of any damages. The federal Deficit Reduction Act ("DRA"), however, creates an incentive for states to enact FCAs with qui tam provisions by increasing the States' share of any recoveries under such acts by 10%.

Legislation: This bill will enable the State to recover damages and penalties from individuals who defraud the State by filing false claims against State health plans and programs (*e.g.*, Medicaid). It also mirrors the federal False Claims Act ("FCA") by including a "qui tam" provision through which private persons, known as "relators" or "whistleblowers," can file suit and recover a share of any damages or penalties awarded the State.

Workplace Fraud

Legislation: This bill will crack down on the misclassification of employees as independent contractors in targeted industries where the practice is most prevalent. By misclassifying workers, employers reduce their employment expenses significantly, giving them an unfair competitive advantage over those employers who follow the law. This form of cheating has widespread detrimental effects on everyone, from taxpayers who suffer from the revenues lost to the State's general fund, to the wrongfully classified employees who are deprived of a multitude of rights and benefits.

Background: The proposed legislation will clarify the law regarding classification, improve enforcement, and impose strict penalties on employers found to be violating the law. Misclassification, whether fraudulent or simply in error, deprives the Unemployment Trust Fund of millions of dollars each year and reduces the general fund's revenues from income taxes which employers do not withhold on behalf of workers classified as independent contractors. It also leaves employees without a range of benefits, from worker's compensation and unemployment insurance to protection from discrimination in the workplace.

Prevailing Wage Threshold (Departmental – Department of Labor, Licensing and Regulation)

Background: Maryland’s threshold has not been changed since 1969 and is the highest in the country. The change will put Maryland more in line with other states and closer to the \$50,000 federal threshold. This lower threshold will result in a substantial increase in prevailing wage contracts, which will help workers and stimulate the economy.

Legislation: This Departmental Bill will reduce the threshold for application of Maryland’s prevailing wage law from state construction contracts worth \$500,000 to those at \$100,000 or above.

Collective Bargaining Negotiations – Fair Share Act

Background: In 1999, the General Assembly codified the State’s collective bargaining process which granted bargaining rights to employees in the principal departments of the executive branch of State government. The 1999 legislation was amended to prohibit collective bargaining to include negotiations relating to the right of an employee organization to receive service fees from nonmembers. A service fee is a non-member’s financial contribution to an employee organization to pay for negotiating contracts, representing employees in grievances, and other organization activities that benefit the non-member.

Legislation: The legislation would make it permissible for State collective bargaining negotiations, with the exception of higher education, to include the right of an employee organization to receive service fees.

Interstate Compact on Educational Opportunity for Military Children

Background: This bill stems from the recommendations of the Task Force on Educational Issues Affecting Military Children. The Task Force was established through legislation sponsored by Senator John Astle and Delegate Anne Kaiser in the 2008 Session.

Legislation: The proposed legislation would make Maryland a member of the interstate compact which enables states to collaborate to ensure that the various educational needs of military children are met. The compact focuses on military children transferring between school districts and states. Eleven states, including Delaware and North Carolina, have enacted the compact to date. Some of the issues addressed by the compact include:

- Transfer of Records
- Course Sequencing
- Graduation Requirements
- Exclusion from Extra-Curricular Activities
- Redundant or Missed Entrance/Exit Testing
- Kindergarten and First Grade Entrance Age Variations
- Power of Custodial Parents While Parents are Deployed

Mortgage Lending- SAFE Act

Background: This bill will build on Maryland’s groundbreaking foreclosure laws by ensuring that consumers are protected by optimal state and federal regulation of mortgage lenders. It will strengthen the State’s Mortgage Lender and Originator Laws to incorporate the requirements of the new federal law, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (the “SAFE Act”). Enacted in July,

the Safe Act requires the licensing of mortgage originators through the Nationwide Mortgage Licensing System and Registry and establishes minimum licensing qualifications and other requirements.

Legislation: The bill will ensure that Maryland meets all federal mandates while at the same time retaining enhancements in our new laws that strengthen mortgage lending regulation and consumer protections. Without this bill putting Maryland in compliance with the SAFE Act, the federal government could also step in and assume licensing and regulatory authority over the State's mortgage lending industry.

Making College More Affordable

Higher Education Investment Fund

Background: In the Governor's Fiscal Year 2010 budget, funds are included to continue for the 4th year a freeze in in-State tuition rates at the University System of Maryland and Morgan State University. Maryland's investment in higher education has worked – when Governor O'Malley took office, Maryland had the 6th highest public tuition rates in the nation; with our investment in college affordability, we have improved to an estimated 18th, and expect to improve further. In addition, Maryland had the distinction of having 4 public institutions recently ranked among the best value public universities in the country.

Part of our affordability strategy is the creation of the Higher Education Investment Fund. Created during the Special Session of 2007, the HEIF is the first dedicated source of funds for higher education in the State's history. The HEIF receives a portion of the State's corporate income tax revenues, and must be used to supplement general fund support for higher education, support capital projects, and fund workforce development initiatives.

Legislation: The 2007 legislation creating the HEIF is scheduled to sunset after Fiscal Year 2009. This proposed legislation would reauthorize the HEIF.

Maryland: Smart, Green and Growing

Smart and Sustainable Growth Act of 2008 – Comprehensive Planning

Background: The strong link between local comprehensive plans and zoning was substantially weakened by the Maryland Court of Appeals in the *Terrapin Run* case when the Court ruled that these plans are mere guides. As a result, this case potentially allows jurisdictions to disregard their comprehensive plan despite clear State law, dating back to the 1992 Planning Act, that requires a local jurisdiction to implement the provisions of the comprehensive plan it develops through zoning and ordinances. Consistency with local comprehensive plans is also a requirement of other programs such as critical areas and water and sewer planning.

Local comprehensive plans encompass a consensus view of the future development of the jurisdiction. Countless hours are spent by citizens and public officials considering the future of their jurisdiction and developing a local comprehensive plan to carry out that vision. A good comprehensive plan does not predetermine every land use decision that will be made, but it charts a course for the jurisdiction, and land use ordinances and regulations should be consistent with the local comprehensive plan.

Legislation: The people of Maryland are best served if all land use decisions conform to the overall comprehensive plan in the location. This legislation makes it clear that a local jurisdiction must implement and follow the comprehensive plan it adopts.

Smart Growth Measures and Markers

Background: Advancement and achievement of public policy objectives like Smart and Sustainable Growth are helped by the application and analysis of broadly accepted and reliable information about land use goals, markers, trends, forecasts and metrics. Despite its critical importance, little comprehensive quantitative information exists to measure how Maryland is growing at the State, regional, and, at times, local levels. While some measures or markers exist statewide, additional ones are needed.

Better quantitative information about land use goals, markers, trends, forecasts and metrics will assist local governments and regional planning organizations in their planning efforts. It will also assist the State in its efforts to provide accurate and timely data to policymakers at Baystat about the efficacy and cost-effectiveness of governmental programs to restore the vitality of the Chesapeake Bay since the health of the Bay is intimately connected to land use.

Legislation: This legislation directs the Maryland Department of Planning to develop measures or markers for Smart and Sustainable Growth in conjunction with local governments and the Task Force on the Future for Growth and Development.

Maryland Heritage Structure Rehabilitation Tax Credit Program – Reauthorization and Enhancement

Background: One of the most powerful tools for revitalization of existing communities throughout the State has been the Maryland Heritage Structure Rehabilitation Tax Credit Program. By focusing only on historic structures, the Program directs resources to existing communities where viable structures await rehabilitation and expensive infrastructure is already in place.

From 1996 to 2003, this Tax Credit was widely regarded as the most effective program of its type in the nation and was described as Maryland’s most powerful and effective Smart Growth, economic development and community revitalization tool. However, this very success and demand for the credits led to changes in the program including adding competitive rankings. Because of these changes, some of Maryland’s most capable and successful historic rehabilitation developers have turned their attention to States where the State credits can be predictably obtained and easily combined with federal historic preservation credits.

Legislation: This legislation reauthorizes the Maryland Heritage Structure Rehabilitation Tax Credit Program which is due to expire in July 2010, and restores it to its previous status as a true tax credit program that provides predictability for developers and at the same time is fiscally responsible through the use of a multi-year authorization. The legislation enhances the current Program by providing a 5% bonus, in addition to the 20% credit, for commercial projects that meet a LEED certification of Gold or higher.

Planning Visions

Background: The “Eight Visions” that form the basis of planning in Maryland were first adopted by Maryland in the 1992 Economic Growth, Resource Protection, and Planning Act. Local jurisdictions are required to implement the Visions through the comprehensive plan and through the adoption of ordinances, zoning, and regulations. The Visions are a now-familiar touchstone of Maryland land use law and policy and have been in place without significant amendment for 16 years. The Visions have never been modernized to reflect and keep pace with current growth and development patterns and trends or Maryland’s commitment to Smart Growth.

Legislation: This legislation carries out a key recommendation of the Task Force on the Future for Growth and Development by modernizing the Visions to include public participation, economic development, housing, sustainability, and multi-modal transportation as well as broader resource conservation and environmental protection goals.

Transit Oriented Development – Expansion of Public Financing Options

Background: Last session the General Assembly passed the Administration’s Transit Oriented Development (TOD) bill, which clearly defined TOD, established the process for designation of TODs and confirmed it as a transportation purpose.

TOD represents a sustainable form of development that benefits the environment, public health, citizens’ access to transportation, and economic development, and enables the State to maximize its return on the large investment it has made in transportation infrastructure. TOD increases transit ridership, decreases automobile use, mitigates congestion on roads, minimizes greenhouse gases and pollution, and enhances quality of life for our citizens. Maximizing use of Maryland’s existing and planned transit investments is key to addressing growth challenges.

Legislation: This legislation expands on last year’s TOD legislation by making TOD implementation more feasible by providing local governments more flexibility with project financing. The legislation gives localities new tools to implement public infrastructure projects, including TOD, through tax increment financing and special taxing districts, by greatly facilitating cooperative project and funding arrangements among State and local government entities.

Greenhouse Gas Reduction Act

Background: Maryland, with more than 3,100 miles of coastline, is the fourth most vulnerable State in the nation to the effects of climate change. Scientists worldwide agree that early carbon reductions of at least 25 percent are necessary to avoid the worst impacts of climate change. Early actions now to reduce greenhouse gas pollution will be much cheaper than in the years to come, and by putting the legislation in place, Maryland will be setting the stage for green jobs and business investments in everything from renewable energy to green buildings and home energy efficiency.

Recent State initiatives, including the Regional Greenhouse Gas Initiative cap-and-trade program, Clean Cars Act, and Empower Maryland, have put the State on track to reduce greenhouse gases by 12.5 percent -- half of the 25 percent reduction goal. These actions, along with the Climate Change Commission’s Climate Action Plan that details 42 options to reduce greenhouse gas emissions, demonstrate that this reduction goal is achievable and beneficial. Preliminary estimates indicate that, by 2020, implementation of these forty-two strategies could result in a net economic benefit to the state of approximately \$2 billion dollars. A study by the Baltimore-based International Center for Sustainable Development shows that Maryland could create between 144,000 and 326,000 “green collar” and research and development jobs by developing clean energy industries, contributing \$5.7 billion in wages and salaries thereby boosting local tax revenues by \$973 million and increasing gross state production by \$16 billion.

Legislation: The 2009 Greenhouse Gas Reduction legislation would require the following:

- By 2020, Maryland must reduce Statewide greenhouse gas emissions 25 percent from 2006 levels;

- By 2011, MDE must develop a Statewide greenhouse gas emissions inventory, a “business as usual” emissions projection for 2020; and a proposed greenhouse gas emission reduction plan for public comment;
- By 2012, the State must adopt a final greenhouse gas emission reduction plan that includes regulations and a timeline to implement necessary programs;
- The plan must ensure: no loss of existing manufacturing jobs; a net increase in jobs and a net economic benefit; opportunities for new “green” jobs in energy and low carbon technology fields; and no adverse impact on the reliability and affordability of electricity and fuel supplies;
- Preservation of the State’s authority to regulate the manufacturing sector through expansion of the Regional Greenhouse Gas Initiative and, in the absence of a federal program, other State regulation of the manufacturing sector is deferred until after the 2016 legislative review;
- By 2015, an independent study of the economic impact of requiring greenhouse gas emission reductions from manufacturing due to the Governor and General Assembly;
- In 2015, a report to the Governor and General Assembly assessing: progress toward the 25 percent emissions reduction; benefits to the state’s economy, public health, and the environment; any need for further reductions; and the status of any federal greenhouse gas reduction program; and
- In 2016, the Legislature will review the progress report, the report on economic impacts on the manufacturing sector, the requirements of any federal program, and other information to determine whether to continue, adjust, or eliminate the requirement to achieve a 25 percent reduction by 2020.

Maryland Aquaculture Enterprise Zones

Background: Leasing laws that provide for private aquaculture were passed in the 1800s and early 1900s but encountered opposition from public harvesters trying to prevent competition. Laws became restrictive and shellfish aquaculture remained a small part of the oyster industry in Maryland. The proposed legislation is designed to reverse this system and promote a shellfish industry in Maryland through privatization. The Oyster Advisory Commission, formed in 2007 as a result of Administration legislation, is charged with advising the State on matters relating to oysters and strategies for rebuilding and managing the oyster population in Maryland’s portion of the Chesapeake Bay. In addition, the Maryland Aquaculture Coordinating Council was formed in 2005 to promote aquaculture in the State. The Commission and Council agree that privatization and aquaculture hold the greatest opportunity for economic production of oysters in Maryland, and that current laws and regulations that have been developed to sustain a public fishery are the greatest hurdle to realizing this opportunity.

Legislation: The proposed bill creates the opportunity for prospective shellfish growers to establish their businesses in Maryland waters by giving the Department of Natural Resources regulatory authority to establish Aquaculture Enterprise Zones, opening areas to leasing in both the Chesapeake Bay and the Atlantic Coastal Bays, revising the terms of the shellfish leases, and addressing areas that are currently closed. This proposed bill is consistent with recommendations from the *Maryland Shellfish Aquaculture Plan: Enhancing the Environment through Private Sector Investment* (the Maryland Shellfish Aquaculture Plan) (September 2008).