



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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*(Click on Issue above for previous Wrap-Ups)*

## BILL INTRODUCTIONS

At the close of the ninth week of the 2007 session, there were 1,025 Senate bills and 1,434 House bills introduced. Additionally, nine Senate joint resolutions, one Senate resolution, and six House joint resolutions were in the pipelines.

## COURTS AND CIVIL PROCEEDINGS

Bills receiving testimony at recent hearings include:

- [HB 792](#), to authorize the Child Support Enforcement Administration to request the suspension or denial of a license to practice law for failure to pay child support if the person is in arrears by more than 120 days;
- [SB 575](#), to establish a one-year window of opportunity that expires December 31, 2008, for childhood victims of sexual abuse, no matter the victims' current age, to sue their abusers after first obtaining a "certificate of merit." After December 31, 2008, the current statute of limitations, which is when the victim reaches the age of 25, resumes; and
- [SB 516/HB 945](#), to prohibit discrimination in public accommodations, housing, and employment based on gender identity and expression, as well as discrimination in commercial leasing and State personnel actions based on sexual orientation or gender identity and expression.

Unfavorable committee votes went to:

- [HB 469](#) that would have established a Task Force to Study Judicial Involvement with the Legislative Process;
- [HB 765](#) that would have repealed the right of a victim of spousal assault to use spousal privilege at a trial for a first offense; and
- [HB 207](#) that would have repealed the prohibition against the recording or broadcasting by the media of a criminal sentencing hearing.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Legislation that passed to the opposite chamber this week includes [HB 10](#), to provide for automatic expungement of police records relating to an arrest or confinement of a person who is then released without being charged with a crime, and [SB 160](#), to expand existing hate crime laws to include crimes based on the homeless status of a person. If the bill passes, it is believed that Maryland will be the first State in the nation to include the homeless in this category.

With a growing awareness of the proliferation of criminal gang activity in Maryland, legislators heard testimony this week on legislation to address the problem:

- [SB 632/HB 713](#), introduced at the request of the O'Malley administration, the Attorney General, and the Maryland State's Attorneys' Association, create new offenses regarding criminal gangs that allow the prosecution of gangs "as a whole" and across local jurisdictions and authorize the Attorney General to aid in investigations and prosecute violations;
- [HB 587](#) excludes from juvenile court jurisdiction juveniles who commit acts as a gang member that would be crimes if committed by an adult;
- [HB 896](#) establishes a Criminal Gang Task Force and database to facilitate collaboration and sharing of information among federal, State, and local law enforcement agencies; and
- [SB 631](#) defines as a nuisance a property used by a criminal gang as a meeting place or to facilitate criminal offenses, thus making the property subject to a civil nuisance abatement action.

Other bills having recent hearings include:

- [HB 673](#) that restricts the circumstances under which a dog may be left outside and unattended by use of a restraint and sets criminal penalties for violators. A similar bill, [SB 696](#), has a hearing next week; and
- [HB 910](#) that raises the minimum age requirement for correctional officers from 18 to 21.

Failing a committee vote, [HB 645](#) would have added as an aggravating factor for the purpose of imposing the death penalty the murder of a victim, witness, juror, or an officer of the court in the course of committing the crime of intimidation against them.

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## ECONOMIC AND BUSINESS ISSUES

On Tuesday, the House heard testimony on [HB 659](#), which establishes the Maryland Biomedical Product Development Fund. The fund, administered by the Maryland Technology Development Corporation in consultation with the Department of Health and Mental Hygiene, supports the research and development of innovative treatments, therapies, or diagnostics that address one or more smoking-related diseases. The fund is financed through an increase in the tobacco tax rate. The companion bill, [SB 594](#), will be heard on March 13.

Also under consideration, [HB 743](#) authorizes an employer to use an “evidential breath measurement device” in testing employees for alcohol use without providing for independent testing of the sample. This bill was also introduced in the 2006 session, and a similar bill was heard in 2005.

In an effort to increase Maryland’s appeal to film, television, commercial, and video production companies, [HB 1185](#) increases the wage rebate subsidy of each qualifying company, and does not place a cap on the total amount of the grant. Instead, the actual amount disbursed is at the discretion of the Department of Business and Economic Development.

Several workers’ compensation bills moved to the opposite chamber this week:

- [HB 271](#) provides that a student placed in an unpaid work-based learning experience by a private school is a covered employee for the purpose of workers’ compensation;
- [HB 277](#) exempts employers from providing workers’ compensation coverage for domestic workers who earn less than \$1,000 per quarter; and
- [SB 625/HB 345](#) require the Workers’ Compensation Commission to adopt regulations that establish investment guidelines governing the investment of surplus funds by governmental self-insurance groups.

Legislation that had hearings this week on the Senate side address the administration of the Public Service Commission (PSC). The proposals:

- require the PSC to initiate new proceedings to review and evaluate certain requirements of law from the 2006 Special Session ([SB 400](#));
- establish a PSC Office of Retail Market Development to promote retail electric competition in Maryland ([SB 539/HB 1286](#)); and
- replace the PSC with a Public Energy Commission to regulate electric, gas, and liquefied natural gas industries and a General Utility Commission to be responsible for all other PSC duties ([SB 618](#)).

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## EDUCATION

After a lengthy floor debate, [SB 29](#) passed second reading with amendments. The bill authorizes judicial review in the circuit court of a decision by the Maryland Higher Education Commission regarding the duplication of academic programs. The original companion, [HB 81](#), remains in a House committee.

Failing in committee, [HB 88](#) would have required a law enforcement agency to notify the principal of a nonpublic school when a student enrolled in that school is arrested for gang activity or a reportable offense.

Heard recently:

- [SB 268/HB 1056](#) require the Maryland Library for the Blind and Physically Handicapped to convene an Instructional Materials Access Standards Committee to coordinate the distribution of instructional materials to blind and print disabled students; and
- [HB 475](#), the Public School Construction Assistance Act of 2007, imposes recordation and transfer taxes on the transfer of real property with a value of \$1 million or more when the transfer is achieved through the sale of a controlling interest on a specified corporation, partnership, limited liability company, limited liability partnership, or other form of unincorporated business. Controlling interest is defined as more than 80% of the total value of the stock or the interest in capital and profits. The bill requires that local governments dedicate \$28.2 million in fiscal 2008 and \$56.4 million in fiscal 2009 through fiscal 2011 in recordation tax revenue to a special fund for public school construction.

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## ELECTIONS AND ETHICS

As passed by the House this week, [HB 16](#) requires absentee ballots to be received by a local board ten days

before an election, changing the current deadline of the Tuesday before an election.

On Friday, legislation was introduced in both chambers to change Maryland's date for U.S. presidential primaries from the first Tuesday in March to the second Tuesday in February. If the change is enacted, the 2008 primary would be held on February 12, rather than the current March 4 ([SB 1025 / HB 1434](#)).

Committee members in both the Senate and House have now heard public testimony on numerous bills to change various aspects of Maryland's election law. The bills:

- allow an individual convicted of any crime, regardless of the number of convictions, to register to vote if not awaiting or actually serving a court-ordered sentence for a felony ([HB 273](#)), or if not actually serving a court-ordered sentence for a felony ([SB 488/HB 554](#));
- make Maryland a member of the "Agreement Among the States to Elect the President by National Popular Vote," which commits the State's presidential electors to the national popular vote winner in a presidential election ([SB 634/HB 148](#)); and
- specify that a person may not fail to ensure that an artificial or pre-recorded telephone message relating to a candidate, prospective candidate, or the approval or rejection of a question clearly states the identity and telephone number or address of the candidate, campaign, political committee, or other person initiating the call. The telephone number may not be the number of the auto-dialer that placed the call ([HB 589](#)).

Other bills ([SB 598](#) and [SB 523](#)) that were recently rejected by a Senate committee included provisions that would have prohibited for political purposes the use of automated telephone calls or of automated dialing systems directed to residential telephone numbers registered with the National Do-Not-Call Registry. The latter's companion bill, [HB 652](#), remains in a House committee.

Both Senate and House committees have taken comments on broader election legislation including [SB 386/HB 309](#) that make changes relating to provisional voting, election judge training and conduct, campaign material, information provided to voters, local election board requirements, and prohibited actions. Under these proposals, campaign material may not fraudulently misrepresent a candidate's party affiliation or imply that a candidate has been nominated by a party that has not

nominated the candidate. The bill also requires, under certain circumstances, an individual to be offered a provisional ballot if the individual has a problem with the electronic voting system.

Another proposal ([SB 726](#)) makes changes on a number of fronts related to student voting, voter registration, provisional voters, voting efficiency, establishment of polling places on campuses of higher education institutions, and establishment of polling places open to all registered voters statewide. The companion measure, [HB 1204](#), has not moved as yet.

Additional legislation that has been through committee hearings relates to runoff elections ([HB 732](#)), unaffiliated voters in presidential primaries ([HB 826](#)), and a new Task Force on Instant Voter Registration and Voting by Mail ([SB 758/HB 948](#)). A House committee voted down [HB 706](#) regarding identification of voters at the polls, but [SB 597](#) on the same subject is waiting for a Senate committee vote.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

[SB 532](#), banning catching or possessing diamondback terrapins for commercial purposes, is on the Senate floor with further movement slated for March 13. Also on the floor with preliminary approval, [SB 352](#) now requires the Department of the Environment (MDE) to report by July 2007, on the need for mandating a detailed environmental evaluation before land that had been used as a golf course could be developed. The crossfiled bills, [HB 760](#) and [HB 417](#), remain in committee.

A number of bills address the use of alternative energy. [SB 333](#), receiving a preliminary green light on the floor, creates the Commission on Maryland's Energy Future to assess the State's continuing and projected energy needs and to recommend long-term energy efficiency and alternative energy strategies by September 1, 2008. Other bills that have passed the public hearing step in the first chamber include:

- [HB 74](#) that increases the grant amount that may be given under the Solar Energy Grant Fund, as does [HB 253](#);
- [HB 703](#) that establishes the Maryland Commission on Climate Change and Clean Energy Alternative to develop strategies for assessing and addressing the impact of climate change in the State and to report annually;

- [HB 727](#) that establishes the Task Force on Renewable Energy to evaluate and make recommendations regarding methods of facilitating use of renewable energy in the State and to report by December 31, 2008;
- [HB 737](#) that requires the future carbon dioxide emission allowances awarded to the State under the Regional Greenhouse Gas Initiative to be sold at public auction;
- [SB 409/HB 890](#) that create the Office of Climate Change within MDE and calls for the reduction of greenhouse gas emissions levels in the State to reach to those of 1990 by 2020; and
- [HB 1220](#), the Chesapeake Bay Green Fund, that creates the Impervious Surface Fee to be collected from developers of new buildings, roads, driveways, and parking lots to be used to fund efforts to restore and protect the Chesapeake Bay. The crossfiled measure, [SB 901](#), remains in a committee.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Reviewed by a House committee this week, [HB 739](#) requires a merchant with 50 or more employees that collects and maintains “personal information” about a Maryland consumer to implement and maintain reasonable security procedures and practices to protect the information from unauthorized access, use, modification, or disclosure. The companion bill, [SB 467](#), had a Senate hearing last month. Also, this week a House committee looked at its version of legislation to allow for-profit entities to offer debt management services ([HB 374](#)). No longer under consideration is a bill ([SB 548](#)) establishing a registry of consumers who did not wish to receive unsolicited mail.

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## FISCAL MATTERS

The budget committees have completed their Budget Bill hearings and are holding decision meetings. [HB 50](#) is scheduled to come to the House floor on Monday with discussion of committee and any floor amendments on Wednesday.

The Governor has submitted two supplemental budgets to the General Assembly. The first includes \$15.7 million for FY 2007 in federal funds for community and family health programs, \$1.2 million for FY 2007 in federal funds for community mental health services,

\$14.5 million for FY 2007 in special funds in assistance to low-income electric customers in paying their electric bills, and \$67.4 million for State universities and colleges for FY 2007. The second supplemental budget includes \$15 million for the Maryland Health Insurance Plan for FY 2008 and for the Department of Juvenile Services \$10.8 million for each FY 2007 and FY 2008. The two supplemental budgets combined bring the Governor’s budget over the spending affordability recommendations.

Committees are holding hearings on bond bills, including a hearing this Saturday. Other legislation of interest involves county government. [HB 399](#) authorizes the county council of a charter county to set a property tax rate higher than the rate authorized under the county’s charter or to collect more property tax revenues than the revenues authorized under the charter if approved by a two-thirds vote of the full membership of the council. The bill takes effect June 1, 2007, and is applicable to all taxable years beginning after June 30, 2007.

Related to another tax issue, [HB 621](#) authorizes a county to exempt agricultural tourism from its admissions and amusements tax. Another measure, [SB 230](#), exempts agricultural tourism from the admissions and amusements tax. Both of these bills, as amended, have moved to their opposite chambers.

Two bills each increase the amount of the exclusion for the Maryland estate tax:

- [HB 73](#) increases the amount excluded from the Maryland estate tax from \$1 million to \$2 million, repeals the law relating to the deduction for State death taxes allowed under the federal estate tax, takes effect July 1, 2007, and is applicable to decedents dying after December 31, 2006; and
- [SB 182](#) repeals provisions relating to the Maryland estate tax that were enacted by Chapter 430 of 2004 by recoupling Maryland estate tax law to the gradual increases in the unified credit allowed against the federal estate tax, repeals the provision relating to the deduction for State death taxes allowed under the federal estate tax, takes effect July 1, 2007, and applies to decedents dying after December 31, 2003.

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## GAMING, RACING, AND SPORTS

A number of gaming bills were heard this week:

- [HB 17](#) authorizes up to 12,500 video lottery terminals (slot machines) at up to 5 horse racetracks;

- [HB 125](#) establishes a Task Force to Study Charitable and Commercial Gaming Activities in Maryland;
- [HB 166](#), a constitutional amendment, proposes that the General Assembly can only authorize expanded forms of gambling with certain restrictions. They include authorizing a maximum of 13,000 video lottery terminals, issuing a maximum of 6 video lottery terminal licenses, and issuing such licenses if a majority of the votes cast in the proposed county were in favor of this amendment;
- [HB 260](#) establishes a Maryland Gaming Commission as an independent unit of State government to regulate for-profit and charitable gaming in the State. The State Lottery Commission is transferred into a division with the Gaming Commission;
- [SB 98](#) authorizes all counties to license slot machines that are owned and operated by nonprofit organizations;
- [SB 216](#) requires the State Board of Elections to include a straw ballot question on the November 2008 general election ballot to ask State voters if they support locating slot machines at up to three licensed horse racetracks and three nonracetrack location destinations;
- [SB 536](#) requires \$100,000 of State lottery net revenues to be distributed annually to provide grants for compulsive gambling treatment;
- [SB 541](#) authorizes up to 15,500 slot machines at 16 licensed gaming vessels subject to approval by the county in which the vessels plan to dock; and
- [SB 950](#) authorizes up to 15,500 slot machines at 7 locations – four horse racing tracks and 3 nontrack locations.

Heard this week was [HB 1083](#) that requires the State Board of Physicians to license and regulate athletic trainers and establishes an Athletic Trainer Advisory Committee within the Board of Physicians. Companion [SB 584](#) will be heard next week.

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## HEALTH CARE AND HEALTH INSURANCE

Passed by the Senate, amended legislation ([SB 181](#)) establishes the Oral Health Safety Net Program in the Department of Health and Mental Hygiene (DHMH) to provide start-up funding to expand dental services for underserved low-income and disabled individuals as

well as enrollees in the State's Medicaid program and Children's Health Network. Also passed, a modified Administration bill ([SB 107](#)) creating a Task Force on Health Care Access and Reimbursement.

The House passed a revised [HB 457](#) renaming the State Board of Morticians to be the State Board of Morticians and Funeral Directors. The Board may not require an applicant to practice funeral direction to demonstrate competency in embalming.

At a House committee hearing, members looked at further restrictions on smoking in public places. The Clean Indoor Air Act of 2007 ([HB 359](#)) extends smoking restrictions to restaurants and bars. While extending current State smoking restrictions, [HB 78](#) authorizes DHMH to sell a specified number of smoking ban waivers to bars and restaurants, excluding those located in jurisdictions that prohibit smoking. Several counties and recently Baltimore City have enacted local bans.

Other bills with hearings this week addressed:

- restrictions on use of artificial trans fat in food prepared by food service facilities generally ([SB 504](#)) or prepared or served in the State's public schools, public institutions of higher education, and state-owned or operated food establishments ([SB 633](#));
- establishment of a registry within DHMH to allow patients suffering from a debilitating medical condition to use marijuana for medical purposes in provisions of the Maryland Compassionate Use Act ([HB 1040](#));
- requirement for nursing homes and assisted living facilities to install and use electronic monitoring devices ([HB 972](#));
- development of a transition plan to close Rosewood Center by FY 2010 and transfer all residents to services and settings appropriate to their needs by June 30, 2010 ([HB 970](#));
- regulation of forensic laboratories by DHMH ([HB 879](#)); and
- provision of choice of insurance plans to participating individuals and employer groups under the Consumer Health Open Insurance Coverage Act of 2007 ([HB 1068](#)).

## REAL PROPERTY, ESTATES, AND TRUSTS

Having passed both chambers, [SB 106](#) is on its way to be signed by the Governor, as is the companion bill, [HB 172](#), already on the Governor's desk. This legislation addresses ground rents.

Legislation has been introduced to establish the Maryland Affordable Housing Investment Fund (MAHIF) and the Maryland Affordable Housing Investment Board in the Department of Housing and Community Development. Through [SB 644/HB 486](#), the Board must use MAHIF to support existing State affordable housing programs, provide money to the Maryland Affordable Housing Trust, and provide money to local governments that are actively promoting affordable housing. The bills also establish an additional State property tax and repeal the Housing Finance Review Committee.

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## STATE GOVERNMENT

The Senate StateStat bill ([SB 102](#)) passed that body this week. The crossfiled bill ([HB 137](#)) has passed a preliminary House floor vote. Also moving through the process, [SJ 6](#) expresses regret for Maryland's role in slavery and its legacy. The resolution received a unanimous Senate committee vote on Thursday.

Several measures, which have had hearings in their original chambers, seek to enhance recognition of special dates, personages, or events of importance to the State. These bills commemorate:

- Maryland Charter Day, June 20 ([SB 5/HB 24](#));
- Rosa Park's Birthday, February 4 ([HB 82](#)); and
- Black History Months, January and February ([SB 240/HB 101](#)).

Additionally, Maryland's State symbols count will increase by two if legislation is approved to designate the Raven as the second State bird, following the first bird, the Baltimore Oriole ([HB 752](#)), and to make Sassafras sandy loam the State soil ([HB 471](#)). The federal Department of Agriculture has named soils for each of the 50 states, including Sassafras soil as Maryland's, and 19 states each have legislatively designated a state soil.

Another bill ([HB 1274](#)) names the Maryland Student Legislature, which holds its annual session each spring in the chambers of the State House, as the State Collegiate Student Legislature. Two bills designate

English as the official language of the State ([SB 943](#) and [HB 885](#)). Also, beginning in 2008, May 27 will be Rachel Carson Day under [SB 331](#). Carson, a long-time resident of Maryland, was a writer, scientist, and ecologist and a pioneer in the environmental movement. In 1962, she published *Silent Spring*.

Companion bills were withdrawn that would have designated March 9 as Maryland Flag Day ([SB 406/HB 828](#)).

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## TRANSPORTATION

Solutions to relieve congestion on the Chesapeake Bay Bridge continue to be addressed. Heard by a committee this week, [HB 914](#) requires the Maryland Department of Transportation (MDOT) examine and make recommendations on the feasibility of preserving or acquiring the right-of-way for a future monorail transit system to run from Annapolis to Kent Island and other points on the Eastern shore. MDOT must report its findings to the General Assembly by January 2008.

A measure to protect consumers with respect to motor vehicle manufacturer's warranties has been heard by a committee. [HB 747](#) establishes requirements for a motor vehicle manufacturer's warranty "adjustment program," which is a program or policy that expands or extends a warranty beyond its stated limit or the manufacturer offers to pay or reimburse a consumer for all or a part of the cost of repairs. Current law does not require manufacturers to notify vehicle owners in Maryland about a warranty adjustment program. The crossfiled measure, [SB 640](#), is scheduled for a hearing next week.

Efforts to lower the number of incidents involving driving under the influence of drugs and alcohol are being considered by the legislature:

- [SB 198](#), as passed this week, establishes the Task Force to Combat Driving Under the Influence of Drugs and Alcohol with an interim report due by December 2007 and a final report due by October 2008. The crossfiled measure, [HB 758](#), was before a House committee this week.
- [SB 800](#) prohibits a person who is detained for a suspected alcohol or drug-related driving offense from knowingly refusing to take a blood or breath test, if the person has been detained previously for a suspected alcohol or drug-related driving offense and refused to take a blood or breath test.