



The Legislative Wrap-Up

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STATE OF THE STATE

On Wednesday, January 16, Governor Parris N. Glendening delivered his last State of the State address to the legislature assembled jointly in the chamber of the House of Delegates. The Governor touched on the accomplishments of his 7 years in office including increased educational funding and more opportunities for Marylanders to obtain a college education, enhanced environmental protective measures and his signature Smart Growth policies, prohibition of discriminatory practices based on sexual orientation, and efforts to curtail smoking and tobacco cultivation. He also outlined broader avenues he felt should be addressed in future years such as ending poverty, fighting global warming, and eliminating racism and bigotry with the premise that for the world "...if we do our part for our state, we can send forth our own ripples of hope."

COURTS AND CIVIL PROCEEDINGS

HJ 5 and **SJ 5** present the Judicial Compensation Commission's recommendations for judges' salary increases. They provide for an increase in salary for the Chief Judge of the Court of Appeals from \$150,600 to \$158,200 and for associate judges of that court from \$131,600 to \$138,200; Chief Judge of the Court of Special Appeals from \$126,800 to \$133,200 and for associate judges of that court from \$123,800 to \$130,000. Salaries for circuit court judges would increase from \$119,600 to \$125,600, for the District Court Chief Judge from \$123,800 to \$130,000 and for associate judges of that court from \$111,500 to \$117,100. The legislature may amend the joint resolutions to reduce the recommendations, but may not increase them. If neither joint resolution gains final passage within 50 days of its introduction, the recommended salary increases go into effect for FY2003.

The House leadership legislative package includes a constitutional amendment, sponsored by the Judicial Conference Commission, that authorizes District Court commissioners to issue interim civil orders for

protection against domestic violence when the District Courts are closed, affording 24 hours/7 days a week coverage for these cases (**HB 6**).

Maryland judges may reconsider sentences they hand out to criminals at any time and for any reason under the authority of a 50-year-old procedural rule. Companion bills **SB 73/HB 160** limit reconsideration to one year after a defendant's motion for sentence revision, which must be made within 90 days after sentencing, except in cases involving an illegal sentence, fraud, mistake, or irregularity. The bills also require judges to state in writing the reasons for reconsideration and to notify the victims in advance of revising, modifying, or reducing a sentence.

CRIMINAL MATTERS AND CORRECTIONS

To avoid risking the loss of federal money because of noncompliance with federal laws, **SB 56** amends Maryland's "Megan's Law" by broadening the definitions of "sexually violent offense" and "sexually violent predator" and requiring lifetime registration for an expanded group of sexual offenders.

Current State law disqualifies a person from purchasing or possessing a firearm when the person has been sentenced to a term of imprisonment of more than 2 years for a common law offense or has been convicted of a misdemeanor that carries a statutory penalty of more than 2 years. **HB 55** substitutes a disqualifying minimum term of imprisonment of 1 year in place of the current 2-year threshold. The bill also prohibits the disapproval of gun applications or confiscation of firearms by State police based on the more stringent federal firearms laws, which disqualify a person convicted of a crime punishable by more than 2 years in prison, no matter how long the actual sentence given is.

A court that hears a marijuana possession case must consider evidence of medical necessity as a mitigating factor in the sentencing phase of the trial under the provisions of **HB 24**.

HB 136 expands the list of criminals who must submit a DNA sample to the Department of State Police for entry into a statewide DNA database to include all convicted felons. Under current law, this requirement applies only to persons convicted of child abuse, rape, sexual offenses, murder, robbery, or assault.

EDUCATION

Recently introduced bills include **HB 131**, the Public Charter School Act of 2002, that authorizes county boards of education to charter public charter schools in the State; **SB 153** that requires the county boards of education to establish full day kindergartens in the State by the 2007-2008 school year; and **SJ 2** urges the boards of education to encourage patriotism by including curriculum before Veterans or Memorial Day to recognize the sacrifices made by veterans.

ENVIRONMENTAL MATTERS

An emergency measure, **HB 5**, expanding standing for judicial review of air quality permit decisions by the Department of the Environment, received preliminary approval by the Senate this week. The bill brings Maryland law into compliance with the requirements of Title V of the federal Clean Air Act. Similar legislation failed last session. **SB 87**, which adds catfish to the list of required fishery management plans, also passed a preliminary Senate floor vote this week.

FISCAL MATTERS

Governor Glendening submitted his \$22 billion Budget Bill (**SB 175/HB 150**) for Fiscal Year 2003, that begins on July 1, 2002. The proposed budget represents an increase of 2% over the current FY2002 budget. The Maryland Constitution requires that the General Assembly pass the budget bill by the 83rd day, which is April 1 this year. The General Assembly may reduce the Governor's proposed amounts, but may not increase them. Next week the General Assembly will begin consideration of the budget through hearings in the Senate Budget and Taxation and House Appropriations Committees. This year the Senate is scheduled to move its bill first and, therefore, the Senate bill, rather than the House bill, will pass and become law.

At a time when revenues are soft, the proposed budget is balanced based on the assumption that the new income tax rate of 4.75 % for taxable year 2002 will be changed back to the 4.8%. Additionally, for FY 2003 \$114.7 million will be transferred from special funds to the general fund and \$249 million will be transferred from the Revenue Stabilization Account to the general fund.

The Fiscal Year 2003 budget includes a Medical Assistance Program increase of \$227 million for a total of \$3.3 billion, a 15.7 % increase. Aid to education for K-12 totals \$3.8 billion, a \$161 million increase including an increase in mandated direct aid of \$118.6 million. There is \$10.5 million for classroom size reduction and teacher certification programs, \$19.3 million for the Extended Elementary Education Program, and \$5 million for nonpublic school textbook aid. The State's universities and colleges are slated to receive \$3.1 billion including an additional \$135 million for enhancements for the University of Maryland College Park and \$7.5 million in enhancements at historically black colleges and universities.

Other budget items include \$24 million for security concerns; \$12.7 million for the Rural Legacy Program; and \$14.3 million for the Community Legacy Program. Transportation initiatives tap \$71 million for the Governor's six-year transit initiative and \$1.6 billion for the State Highway Administration including more than \$930 million for construction and more than \$430 million in State aid to counties and municipalities. The bill also includes a State employee 2 % pay increase to begin on January 1, 2003.

HEALTH CARE AND INSURANCE

In light of the recent application of CareFirst Blue Cross Blue Shield's to convert to a for-profit company from a non-profit entity, several bills have been introduced regarding the state's current conversion statute. **HB 2** clarifies already existing law with respect to duties and responsibilities of CareFirst, historically Maryland's "insurer of last resort" for individuals who are unable to obtain health insurance. In that capacity, CareFirst has received extensive financial benefits over the years. Another measure, **HB 141** restricts officers, directors, or trustees of a converting nonprofit health entity from profiting otherwise from the acquisition.

STATE GOVERNMENT

Several resolutions related to special dates have passed a preliminary vote in their respective chambers for consideration. [HJ 1](#) would designate every September as Ovarian Cancer Awareness Month and urge public health agencies to increase public awareness and knowledge of the disease and [SJ 1](#) would make September 11 the “Maryland Day of Remembrance of the September 11, 2001 Terrorist Attacks. ([HJ 6](#) with the same intent has also been introduced).

Other measures related to the September 11 tragedies would alter the eligibility requirements of an existing higher education scholarship program to include the surviving spouse or child of a victim of the attack and of subsequent terrorist attacks ([HB 57](#)), direct the Motor Vehicle Administration to develop and issue a special registration plate commemorating the tragedies and subsequent terrorist attacks ([HB 58](#)), and provide relief from inheritance tax and/or estate administrations fees for estates of September 11 victims ([SB 67](#), [HB 129](#)). Another bill relates to making terrorist threats to intimidate or coerce a civilian population, influence the activities of a unit of government through intimidation or coercion, or influence the activities of a unit of government through murder of any degree or kidnapping ([SB 76](#)).

TRANSPORTATION

A measure prohibiting a driver of a motor vehicle that is in motion from using a hand-held telephone has been dropped in the hopper for a third straight year. Exceptions will be allowed in emergency situations ([HB 31](#)).

Several measures on drunk and drugged driving have been introduced this week. Seeking to reverse unsuccessful action from last session, [HB 4](#) and [SB 24](#) tighten penalties for repeat offenders, including increased use of the Ignition Interlock Program. Other proposals ([HB 60](#) and [HB 47](#)) allow a police officer to arrange for the removal and impoundment of a vehicle for a period of 12 hours, if the officer has reasonable grounds to believe that a person is impaired due to drugs and/or alcohol.

UTILITIES

A number of proposals have been introduced dealing with regulation of the telecommunications industry by the Public Service Commission (PSC). Among the bills being considered are:

- [HB 13](#) allowing a new customer of wireless telecommunications services to terminate a contract without penalty within 30 days after executing the contract, if the customer believes the service plan does not meet the standards that were advertised;
- [HB 61](#) requiring an intrastate long-distance telecommunications carrier to provide prior written notice before issuing a rate increase or changing the terms or conditions of its service in a manner that results in an increased cost for a customer. Additionally, the bill allows a customer to bring suit against the carrier;
- [HB 62](#) requiring the PSC to adopt regulations to enhance enrollment in the Telephone Lifeline Service through marketing the program with other State programs;
- [HB 63](#) requiring the PSC to adopt regulations that ensure that every telecommunications carrier meets minimum service quality standards in providing basic local exchange service;
- [HB 109](#) amending current law authorizing the PSC to adopt alternative forms of regulations for telephone companies only if the PSC concludes that a local telephone market is fully and irreversibly open to competition; and
- [HB 110](#) prohibiting a carrier from impeding the development of competition in any telecommunications service market and including stiff monetary penalties for violators.

Other proposals concern the operation of the PSC. [HB 135](#) establishes a Public Service Commission and the People’s Counsel Fund to be administered by the PSC. [HB 12](#) expands the complaint process and sets deadlines for resolutions by the PSC of complaints.