



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL INTRODUCTIONS

Under the Rules of the Senate and the House of Delegates, legislation introduced after February 1 in the Senate and February 8 in the House is assigned to the Rules Committees of the respective chambers. The Rules Committees have the option to re-assign bills to a principal standing committee for consideration, a first step toward successful passage of legislation introduced after chamber deadlines. To date, 809 Senate bills and resolutions have been introduced and House proposals number 1262. (During the 2001 session, 901 Senate bills and 1464 House bills were dropped in the Hoppers).

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## ELECTION OF THE STATE TREASURER

On Tuesday, February 5, the General Assembly selected the Honorable Nancy K. Kopp to become the next State Treasurer. Ms. Kopp will be sworn in on February 14 to replace Richard N. Dixon, who resigned February 1 because of poor health. When Delegate Kopp leaves the General Assembly, she will end a distinguished 28 year career as a legislator representing Legislative District 16 in Montgomery County.

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## NEW LEGISLATOR

Gail H. Bates was sworn in on Monday, February 4, to replace former Delegate Robert H. Kittleman who was appointed earlier in the Session to fill a vacancy in the Senate. Delegate Bates, representing District 14B in Howard and Montgomery Counties, is assigned to the Commerce and Government Matters Committee.

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## AGRICULTURE/SEAFOOD INDUSTRY

This week a House committee held hearings on two bills related to oystering. [HB 469](#) establishes penalties of fines and suspension or revocation of tidal fish licenses for unlawfully taking oysters from a private leased bottom, an unmarked oyster sanctuary, or an unmarked

oyster reserve. Stiffer penalties apply if the oyster sanctuary or oyster reserve is marked. [HB 353](#) requires the Department of Natural Resources to study the feasibility of cultivating nonnative oyster species in Maryland waters. The companion bill is [SB 493](#).

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## COURTS AND CIVIL PROCEEDINGS

The House approved [HB 70](#), a bill that increases the maximum amount in dispute for District Court small claims actions from \$2,500 to \$5,000. The bill also alters the current jurisdictional balance between the District Court and the circuit courts to increase the range of cases that could be considered small claims. Sponsors contend that small businesses would benefit from being able to file and litigate their claims in District Court without hiring an attorney.

Testimony was heard this week on [SB 73](#) and [SB 334](#) to limit judicial reconsideration of criminal sentences to 1 year after a defendant's motion for sentence revision. (The motion must be made within 90 days after sentencing, except in cases involving an illegal sentence, fraud, mistake, or irregularity). Judges must state in writing the reasons for reconsideration and notify the victims in advance of revising, modifying or reducing a sentence. [SB 334](#) also requires the revision to be done in open court on the record after hearing from the defendant, the State, and any victim who requests to be heard, and prohibits a sentence increase based on a defendant's revisory motion. No hearing is set yet for [HB 160](#), the companion to [SB 73](#).

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## CRIMINAL MATTERS AND CORRECTIONS

Police must videotape the questioning of, or statement by, a person arrested or held for questioning in the investigation of a crime of violence, if the person waives the right to have an attorney present, under the provisions of [HB 407](#). Failure to make the required videotape renders any confession or statement inadmissible in court. The bill also requires, if practical, a law enforcement officer investigating an allegation of

child abuse to make a videotape of any questioning of, or statement by, the alleged victim. If the videotape is not made, the child victim's statement is inadmissible in court. The Governor's Office of Crime Control and Prevention is authorized to make grants to State and local law enforcement agencies for videotaping equipment and training. The bill will be heard next week.

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## **ECONOMIC, BUSINESS, AND CONSUMER ISSUES**

A bill currently under consideration establishes a State Advisory Council on Bioscience Issues and Concerns to advise the Governor and the General Assembly on new developments in the bioscience field ([HB 72](#)). Additionally, the Council will examine proposed bioscience legislation such as measures related to stem cell research, cloning, guidelines for human medical research, bioengineered food, and bioengineered livestock

The bill to repeal the condemnation authority of the Maryland Economic Development Corporation has passed the House ([HB 71](#)).

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## **EDUCATION**

Recently introduced, the College Readiness for Disadvantaged and Capable Students Act of 2002 ([SB 453/HB 661](#)) contains recommendations of the interim Task Force by the same name. The legislation includes certain funding requirements and grants and also establishes several new initiatives including the:

- Maryland Professional Development Program to provide training opportunities for school personnel on methods and practices that impact student learning, especially for disadvantaged and capable students;
- College Readiness Outreach Program to provide guidance and assistance to qualified 9<sup>th</sup> and 10<sup>th</sup> grade students; and
- Maryland Graduate and Professional Scholarship Program to provide financial assistance to students in the fields of medicine, dentistry, law, pharmacy, nursing, and veterinary medicine.

Another recent introduction, [SJ 13](#), urges county boards of education to develop character education programs that include discussion of trustworthiness, respect, responsibility, fairness, caring, and citizenship. Similar legislation was considered last session.

A Senate committee heard testimony on 2 bills relating to charter schools this week. [SB 213](#) allows charter schools to be established by local school boards or the State school board, while [SB 401](#) authorizes institutions of higher education, as well as local school boards to establish public charter schools. Another proposal, which limits charter school eligibility to schools identified as low performing, was heard last month ([HB 131](#)).

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## **ELECTIONS**

An individual with a single conviction for theft or another infamous crime may register to vote in Maryland after serving the imposed sentence. Infamous crimes include treason, felonies, and crimes that involve deceitfulness, untruthfulness, or falsification. The Maryland Attorney General estimates that there are at least 500 of these infamous crimes. Current law does not allow persons convicted of two or more infamous crimes to vote. [SB 184/HB 535](#) remove that restriction, once the person has completed the court-ordered sentence imposed for the conviction, including probation, parole, community service, restitutions, and fines.

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## **ENVIRONMENTAL MATTERS**

A Senate committee held hearings this week on 2 emergency bills related to the environment. [SB 248](#) brings the State into compliance with the federal Clean Air Act by expanding who has standing to seek judicial review in the Department of the Environment air quality operating permit process. (The companion bill, [HB 5](#), has passed the House). [SB 249](#) requires that local critical area programs include provisions for granting a variance to their programs in accordance with regulations adopted by the State Critical Areas Commission. The bill and companion measure, [HB 298](#), scheduled for a hearing later this month, respond to recent Court of Appeals decisions that the sponsors believe are contrary to the intent of the Chesapeake Bay Critical Area Protection Program, first established in 1984.

## FAMILY LAW

Immunity from criminal prosecution and complete anonymity would be granted to a person who abandons a newborn in a so-called “safe haven,” such as a hospital, within 72 hours of the child’s birth under the provisions of [SB 688/HB 602](#) and [SB 3](#), each scheduled for hearings later this month. [SB 688/HB 602](#) designate police stations, fire stations and social service agencies as additional safe haven sites.

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## FISCAL MATTERS

Committee work continued this week on the State Budget and other matters related to balancing the State’s operating budget. Another sales tax-free week bill, [SB 520](#), exempts school supplies and clothing, if the taxable price is less than \$101. (Other bills on this subject are [SB 29](#), [HB 20](#), [HB 75](#), [HB 76](#), and [HB 103](#).)

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## HEALTH CARE AND INSURANCE

Legislation related to the mental health care crisis in Maryland continues to mount. Bills introduced this week include:

- [SB 556](#), establishing the Maryland Mental Health Crisis Response System to coordinate emergency mental health services statewide in order to expand community access to treatment as an alternative to hospitalization. (Its companion, [HB 483](#), was heard by a committee this week);
- [SB 738](#), creating a Task Force on the Reform of the Public Mental Health System in Maryland to study and make recommendations on reforming service delivery as well as financing of mental health care services; and
- [HB 833](#), increasing rates to community mental health services providers annually based on the Consumer Price Index. (The companion bill is [SB 10](#)).

Moving toward passage in the House is [HB 2](#), amended emergency legislation, introduced in response to the recent application by CareFirst BlueCross BlueShield to convert to a for-profit entity and be acquired by Wellpoint Health Network, Inc. The bill shifts the burden of proving whether an acquisition is in the public

interest from the regulating entity to the proponents of acquisition. The companion bill, [SB 487](#), is scheduled for a hearing in March.

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## SPORTS AND GAMING

The Senate passed [SB 18](#) this week, a bill which allows persons owning riparian property in Virginia that is adjacent to the tidal waters of the Potomac to license their shoreline to establish offshore stationary blinds or blind sites for hunting wild waterfowl. Maryland owns the entire Potomac River, and persons owning riparian property in Virginia or West Virginia that is adjacent to the Potomac River may not license their shorelines. Amending 1999 legislation, this bill restores to Virginia landowners the same rights Maryland residents have with respect to licensing their riparian shorelines. Companion legislation, [HB 69](#), will have a hearing in two weeks.

A proposed constitutional amendment, [HB 732](#), regulating the operation of video lottery terminals by the State Lottery Commission has been introduced. The measure provides that video lottery terminals may be offered for public use in the State only by a business licensed by the Commission. Further, the number of licenses is limited to locations in four different regions of the State. Half of the State’s proceeds is earmarked for public schools, libraries, and education programs for disadvantaged students. If the General Assembly approves the legislation, it will appear on the ballot in the November general election.

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## STATE GOVERNMENT

Maryland’s government agencies regulate certain actions of businesses and citizens; some are also involved in determining the rights of citizens. Current law provides that citizens and businesses who contest State agency actions may have their cases resolved in impartial hearings conducted by the Administrative Law Judges of the Office of Administrative Hearings (OAH), an independent unit of State government. Companion bills ([SB 393/HB 206](#)) make the judges 10-year gubernatorial appointees, rather than appointees of the chief administrative law judge, and base their salaries on a percentage of the salary of a district court judge. The bills also establish 4 regional OAH offices throughout the State.

The words to the State song, “Maryland, My Maryland” would be changed if [SB 19](#) is enacted. Currently, the words come from text created in the Civil War era and reflect Confederate sentiments in that conflict. The proposed lyrics, derived from a poem written later in that century, celebrate Maryland’s natural beauty and emphasize cohesiveness.

Other measures proposing changes in Maryland’s State symbols would add the Patuxent River Agate as the State gem ([HB 105](#)) and make walking the State exercise ([HB 439](#)).

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## TRANSPORTATION

Companion measures have been introduced that will require law enforcement officers to impound the vehicle of a suspected drunk and/or drugged driver for 12 hours after an arrest. [SB 389/HB 47](#) will further require anyone who takes custody of a suspected drunken and/or drugged driver to acknowledge in writing that they can be held liable for allowing the person to operate a motor vehicle while they remain under the influence of alcohol and/or drugs. Another bill, [HB 60](#), introduced early in January, requires impoundment only.

[HB 140](#) authorizes local governments and the State to issue citations or warnings to vehicle owners for speeding based on evidence collected by speed monitoring systems, and provides for a maximum civil penalty of \$100. Such violations would not qualify as moving violations, may not be placed onto the driving record of the owner or driver of the vehicle, and may not be considered in the provision of vehicle insurance.

## NEXT WEEK

Budget deliberations by the subcommittees of the Senate Budget and Taxation and the House Appropriations Committees will continue as State agency personnel testify and answer questions about their proposed budgets for fiscal 2003. The public is also encouraged to attend any committee hearings of interest and to convey their opinions on legislation by presenting oral and written testimony.

All hearings are listed in the *Committee Meetings and Hearing Schedule*, available on the General Assembly’s Home Page and in hard copy in the Annapolis Complex. Anyone who wants to testify must sign the witness list before the beginning of the hearing and provide committee staff with a certain number of copies of written testimony, as indicated in the *Hearing Schedule*.

