



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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BILL INTRODUCTIONS

To date 326 Senate bills and 325 House bills have been introduced. Today, Friday, January 31, is the Senate bill introduction deadline. Senate bills introduced or “dropped in the hopper” after the deadline will be sent to the Senate Rules Committee, rather than being assigned to one of the Senate’s four principal standing committees, the next step in the lawmaking process after introduction. The Rules Committee will decide whether to reassign the late bills to the appropriate standing committee for consideration.

STATE OF THE STATE ADDRESS

Putting a “Maryland face on the issues” was the theme of Governor Bob Ehrlich’s freshman State of the State address delivered to the General Assembly on Wednesday, January 29. Governor Ehrlich used the introductions of 5 Marylanders and their success stories to illustrate the importance of protecting the Chesapeake Bay and Maryland’s environment, improving education including authorizing charter schools, supporting alcohol and drug treatment programs including using faith-based initiatives, committing resources for community-based programs to assist individuals with developmental disabilities and others in need, and bolstering public safety including establishing Project Exile in Maryland.

ELECTION OF THE TREASURER

Assembled in joint session on Friday, January 31, the General Assembly elected Nancy K. Kopp to a four-year term as State Treasurer. Treasurer Kopp was first elected to the post in February 2002, to fill the last year of the term of then Treasurer, Richard N. Dixon, who had resigned. Previously Kopp, representing legislative District 16 in Montgomery County, served in the House of Delegates, taking office in 1975. Kopp’s most recent legislative service included membership on the House Appropriations Committee and chairing its Education and Economic Development Subcommittee. She also was House Chairman of the Spending Affordability Committee. In earlier years, Kopp served as Assistant

Majority Leader and as Speaker Pro Tem. Treasurer Kopp is also a former President of the Women Legislators of Maryland.

COURTS AND CIVIL PROCEEDINGS

Heard in committee this week, several bills ([SB 4](#), [HB 18](#), and [HB 43](#)) seek to increase the maximum amount of small claims suits in District Court from \$2,500 to \$5,000. The District Court and circuit court would have concurrent jurisdiction over civil cases where the amount in controversy is over \$5,000. The measures also increase the amount in District Court civil actions below which there are no formal pleadings (from \$1,000 to \$2,500) and above which an appeal must be heard based on the District Court record rather than heard *de novo* (from \$2,500 to \$5,000). [SB 4](#) also addresses who may represent limited liability companies in small claims actions.

Legislation is before the Assembly ([SB 6](#), [SB 35/HB 120](#), and [SB 88](#)) to amend constitutional provisions concerning selection and tenure of circuit court judges to make filling a vacancy the same as the current process for filling a vacancy on the Courts of Appeal and Special Appeals. Under the bills, the current “contested” election (any challenger who meets the constitutional requirements may run) and 15-year tenure would be replaced with approval or rejection of appointment via “retention” election and a 10-year term of office following election. In a retention election, the judge’s name is placed on the appropriate ballot in the general election without opposition, subject to approval or rejection by the voters. Testimony was heard on the Senate bills this week, and [HB 120](#) will have a hearing next week. If passed by the General Assembly, a constitutional amendment must appear on the ballot in the next statewide general election for approval or rejection by Maryland voters.

CRIMINAL MATTERS AND CORRECTIONS

In addition to proposals seeking to extend the moratorium on the use of the death penalty ([SB 12/HB 16](#)), measures addressing the death penalty issue include:

- [SB 53](#), to raise the standard of proof used in determining whether or not to impose the death penalty under certain circumstances from “preponderance of the evidence” to “beyond a reasonable doubt,” and
- [SB 172](#), to require the State to seek capital murder charges in every first-degree murder case that meets the requirements, unless when the victim’s family objects (“Dawn’s Law”). The bill also provides that certain defendants found guilty of murder in the first degree may be sentenced to imprisonment for life without possibility of parole, if the victim’s family does not want the State to seek the death penalty.

EDUCATION

Companion bills ([SB 173/HB 93](#)) require the State Department of Education in consultation with the Department of the Environment to create and distribute a Maryland public schools indoor air quality standard guide to each public school in the State. Each county board of education would be required to develop a system of monitoring air quality for each school using guidelines established by the U.S. Environmental Protection Agency.

The Maryland Public Charter School Program created by [SB 75](#) would allow county boards of education to be the primary chartering authority to establish charter schools in Maryland. The State Board of Education would serve as a secondary chartering authority in its appeal review capacity. Another bill authorizing charter schools is [HB 11](#). The Senate bill will be before a committee next week for public testimony.

[SB 168](#) requires the State lottery to transfer any unanticipated revenues for a fiscal year to public school systems on a pro rata basis according to total lottery sales in the county where the schools are located, instead of transferring those revenues to the State’s General Fund.

Public schools would be authorized under [HB 218](#) to allow a student not enrolled in a school to participate in

an extracurricular activity, if the nonenrolled student is home schooled and eligible to attend that public school. Priority placement may be given to students at the public school, if placement for participants is limited in an extracurricular activity.

FISCAL MATTERS

The Governor submitted a \$987 million capital budget to the General Assembly last Friday. The capital budget is not one bill, but consists of the \$722.5 million Maryland Consolidated Capital Bond bill ([HB 140/SB 146](#)), as well as \$13 million in the Budget Bill ([HB 40/SB 55](#)) for economic development programs and revenue bonds. This amount does not include transportation projects, which are funded through the Transportation Trust Fund and the operating budget ([HB 40/SB 55](#)). The capital budget proposed bond authorization limit for all bond bills is \$749.1 million.

As in past years, the largest beneficiary in the proposed capital budget is education, garnering an appropriation of \$361.8 million, with public school construction tapped for \$91.1 million. State colleges and universities are slated for \$206.2 million, including \$49 million for a new library at Morgan State University, as authorized in the 2002 capital bond bill. Community colleges receive \$40.9 million.

Public schools also are allocated \$2.4 million in special funds from the Budget Bill ([HB 40/SB 55](#)), plus an additional \$9 million for the aging schools program that is provided by [SB 7](#), which authorizes Qualified Zone Academy Bonds in non-interest bearing bonds. [SB 7](#) has passed the Senate.

Other large beneficiaries of capital budget money are environmental programs. There is \$36.1 million for Program Open Space in bond funds, \$5 million for the Rural Legacy Program, and \$5 million for the GreenPrint Program.

Public safety programs authorizations include \$23.5 million for a new forensic science laboratory for the State Police, \$75 million in bonds for correctional facilities and the Public Safety Training Center, and \$11.5 million for local jails. Other proposed authorizations include \$10 million for the Partnership Rental Housing Program and \$8.7 million for the Community Legacy Program.

HEALTH CARE AND INSURANCE

Hearings are scheduled next week on 2 bills relating to the State's prescription drug programs. Currently the Short-Term Prescription Drug Subsidy Plan limits enrollment to a maximum of 30,000 enrollees based on available funds. [HB 211](#) deletes the enrollment cap to provide benefits to the maximum number of individuals eligible for enrollment in the program subject to funds available. [HB 143](#), sponsored by all 141 House members, extends the termination date to June 30, 2006, of the Maryland Medbank Program, which provides access to medically necessary prescription drugs through patient assistance programs sponsored by pharmaceutical drug manufacturers. Additionally, beginning in FY 2005, [HB 143](#) requires the Governor to include an appropriation of at least \$3 million for the program's operation in the annual budget. Both measures are scheduled for public hearings next week.

Related to the proposed CareFirst conversion, [HB 150](#) introduced this week requires that if the regulating authority approves the acquisition of a nonprofit health entity, the determination may not take effect until the last day of the next regular session of the General Assembly beginning after the date the determination is made. The bill specifies that the General Assembly may take action to approve, disapprove, or modify the determination.

[HB 1](#), the Maryland Trauma System Funding Act, had a committee hearing this week and an additional subcommittee hearing is scheduled for next week. The bill creates a special fund for physicians to receive reimbursement for uncompensated trauma care. Money for the special fund, administered by the Maryland Health Care Commission and the Health Services Cost Review Commission, would be derived from a \$2 per vehicle motor vehicle insurance policy surcharge.

[HB 236](#), introduced this week, will make it easier for hospitals to start offering cardiac surgery services by removing the certificate of need (CON) requirement from the licensing of open-heart surgery programs by the Department of Health and Mental Hygiene. Similar legislation failed in past sessions.

SPORTS AND GAMING

[HB 133](#) forbids a person from transporting an uncovered deer carcass in a vehicle on a highway in the State. An

uncovered deer carcass may be transported on a flatbed truck if the tailgate is shut and the sides are enclosed.

[SB 104](#) repeals the master hunting guide license within the Department of Natural Resources and establishes two new licenses in its place. A "waterfowl outfitter" license would be issued to the individual who owns or is responsible for the operation of a commercial waterfowl hunting outfitting service that outfits or guides hunters and receives payment for guided hunts or the daily use of a waterfowl hunting site. The fee for this license would be \$500. The other new license would be the "waterfowl hunting guide" license, which would be sold at \$100 to an individual who is an employee of a waterfowl outfitter and furnishes only personal guiding services in assisting a person to hunt.

The Governor's proposal ([SB 322](#)) to authorize video lottery terminals, usually referred to as slot machines, at 4 Maryland racetracks was introduced on Friday. Pimlico, Laurel, and Rosecroft would be limited to 3,000 slot machines each, with the track to be built in Allegany County set at 1,500, bringing the statewide total to 10,500 machines. The bill creates a new State Lottery and Horse Racing Agency with a separate State Lottery and Horse Racing Commission in the Agency. Other provisions establish an Education Trust Fund that would receive about 64% of the proceeds, allocate \$500,000 each year to the Department of Health and Mental Hygiene for gambling addiction programs, and provide a portion of the proceeds to local jurisdictions in which the racetracks are located.

[HJ 3](#) urges the owners of the Ravens professional football franchise to change the name of the Ravens Stadium to the Johnny Unitas Stadium. Johnny Unitas played football with the Baltimore Colts for 17 years and was named to the Pro Football Hall of Fame in 1979. He died September 11, 2002.

TRANSPORTATION

[HB 51](#) will require the Maryland Transportation Authority to stop collecting tolls for the Chesapeake Bay Bridge, if traffic is so congested that a line of vehicles waiting to cross the bridge extends more than 5 miles from the bridge and the average speed of vehicles in the line approaching the bridge is less than 30 miles per hour. Collection will resume when the congestion eases. Testimony will be heard next week.

Legislation that will prohibit a driver of a motor vehicle that is in motion from using a hand-held telephone has been “dropped in the hopper” for a fourth straight year. [HB 63](#) allows exceptions in emergency situations. Interested parties may offer testimony next week.

Measures have been introduced to allow the Commissioners of Somerset County to grant, after reviewing the proposed business and financial plan, one or more franchises for a ferry company to operate between Somerset County and destinations on the Eastern Shore, Western Shore, and Virginia ([SB 34](#)) or only between Somerset County and Reedville, Virginia ([HB 42](#)) on a nonexclusive basis notwithstanding any anticompetitive effect. The bills authorize the Commissioners to adopt regulations regarding ferry services that are consistent with the Public Service Commission’s regulations regarding ferry companies, and prohibit a franchise from conducting gambling or gaming activities on any ferry that operates under the franchise agreement. Hearings on the Senate bill were held this week; hearings on the House bill are scheduled for next week.