



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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VETOES AND OVERRIDES

The General Assembly voted to override the following gubernatorial vetoes of bills passed during the 2003 session:

- [SB 78](#) (Chapter 1, Acts 2004, Effective 2/19/2004) Retirement and Pensions - Baltimore City Child Support Enforcement Employees;
- [SB 394](#) (Chapter 2, Acts 2004, Effective 2/19/2004) Maryland Energy Efficiency Standards Act;
- [SB 532](#) (Emergency Bill, Chapter 3, Acts 2004, Effective 1/20/2004) Baltimore City - Alcoholic Beverages - Licensed Premises Near Churches or Schools;
- [HB 812](#) (Chapter 4, Acts 2004, Effective 2/20/2004) Retirement and Pensions - Baltimore City Child Support Enforcement;
- [HB 747](#) (Chapter 5, Acts 2004, Effective 2/21/2004) Maryland Energy Efficiency Standards Act.

These bills are chaptered as enacted. Effective dates of chapters are determined by Article II, sec. 17(d) of Maryland Constitution:

Any Bill vetoed by the Governor shall be returned to the House in which it originated immediately after the House has organized at the next regular or special session of the General Assembly. The Bill may then be reconsidered according to the procedure specified in this section. Any Bill enacted over the veto of the Governor, or any Bill which shall become law as the result of the failure of the Governor to act within the time specified, shall take effect 30 days after the Governor's veto is overridden, or on the date specified in the Bill, whichever is later. If the Bill is an emergency measure, it shall take effect when enacted. No such vetoed Bill shall be returned to the Legislature when a new General Assembly of Maryland has been elected and sworn since the passage of the vetoed Bill.

COURTS AND CIVIL PROCEEDINGS

The Judicial Compensation Commission was created by the General Assembly in 1980 to review judicial salaries and pensions and make recommendations to the Governor and the General Assembly. [HJ 1](#) and [SJ 1](#) present the Judicial Compensation Commission's recommendations for judges' salary increases in yearly increments over the four-year period that includes fiscal years 2005 through 2008. The recommendations provide for an increase over four years of \$30,000 for the Chief Judge and associate judges of the Court of Appeals; \$25,000 for the Chief Judge and associate judges of the Court of Special Appeals; \$20,000 for circuit court judges; \$25,000 for the Chief Judge of the District Court; and \$15,000 for associate judges of the District Court. Current judges' salaries are: Chief Judge and associate judges of the Court of Appeals, \$150,600 and \$131,600 respectively; Chief Judge and associate judges of the Court of Special Appeals, \$126,800 and \$123,800 respectively; circuit court judges, \$119,600; and Chief Judge and associate judges of the District Court, \$123,800 and \$111,500 respectively. 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.

[SB 78](#) and [HB 148](#), companion bills introduced at the request of the Judicial Compensation Commission, remove the requirement that the surviving spouse of a judge who retired on a disability pension must be age 50 or older to receive the 50% benefit from the Judges' Retirement System.

CRIMES, CORRECTIONS AND PUBLIC SAFETY

[HB 151](#) authorizes an off-duty law enforcement officer to carry an agency-approved handgun without a permit as long as the officer is in compliance with the rules and policies set by the law enforcement agency employing the officer.

ECONOMIC AND BUSINESS ISSUES

Companion workers' compensation bills, [SB 113/HB 13](#) alter the definition of accidental personal injury to include an injury that arises out of unusual activity. The legislation responds to a recent court opinion overturning the "unusual activity" precedent set in 1927. Under the precedent, an accidental injury arising out of and in the course of employment would not be compensable under the workers' compensation law unless it also arose out of "unusual activity."

[SB 122](#), introduced this week, would establish a task force to study migration of the elderly and retired into and out of Maryland. The task force will assess the impact of tax policies, State expenditures on the elderly and retired, and benefits of the elderly and retired to the State. The General Assembly also considered this proposal last year, but the bill was not successful in the waning days of the session.

EDUCATION

Elementary and Secondary

Recently introduced bills address a number of topics:

- [SB 123](#) permits a county to decide not to provide full-day kindergarten programs for all kindergarten students in that county (The Bridge to Excellence Act requires every school system to provide full-day kindergarten for all students by the 2007-2008 school year);
- [HB 83](#) requires the State Department of Education along with the local boards of education to study character development programs and report on the feasibility of adding character education as a curriculum requirement;
- [HB 93](#) repeals the law that requires a school bus may not go at a speed more than 50 miles an hour while it is carrying a passenger. This bill will be before a House committee next week.

Reacting to recent discussions concerning high school graduation requirements, [HB 105](#) prohibits State or county boards of education from making a student's eligibility to receive a high school diploma conditional on the passage of the Maryland High School Assessment or any similar tests. Another proposal, [HB 106](#), prohibits the State Board of Education from establishing a class or

type of diploma or certificate for graduation from a public high school for students with disabilities that is tied to students passing the Maryland High School Assessment or similar tests.

Higher Education

Several proposals dealing with different aspects of higher education issues are in the pipeline and will be followed by more introductions as the session progresses. [HB 10](#) requires that in-state undergraduate students make up at least 75% of the total undergraduate student population of each institution of the University System of Maryland, excluding the University of Maryland University College.

Other measures respond to recent and expected future increases in tuition at Maryland public colleges and universities. [HB 66](#) limits tuition increases at public institutions of higher education to not exceed the consumer price index for the proceeding year. Thirty senators are listed as sponsors of [SB 112](#), the Access to Quality in Higher Education Act, which requires the Governor to increase the budgets of senior institutions of higher education 5% a year. The bill also limits tuition increases to 4% per year for resident undergraduates at state-funded institutions.

Several bills seek alterations in financial assistance programs for students. On the list for a hearing next week, [SB 17](#) alters the service obligation of a recipient of a Maryland Teacher Scholarship from teaching in a public school to include teaching in a nonpublic elementary or secondary school that holds a certificate of approval or is registered with the State Board of Education. Just this week, the Senate passed and sent to the House:

- [SB 30](#), which eliminates the requirement that the recipient of an Economic Development Student Assistance Grant or a Non-resident Nursing Student Grant furnish a promissory note that includes a cosigner. (Only a student will be required to sign the promissory note); and
- [SB 31](#), which expands eligibility for the Graduate and Professional Scholarship Program to include a student who attends any institution of higher education in Maryland that offers a master's degree in social work.

FISCAL MATTERS

As required by the Maryland Constitution, on the third Wednesday in January (January 21) Governor Ehrlich submitted the \$23.9 billion Budget Bill (SB125/HB200) for fiscal 2005 to the General Assembly. The Constitution requires that the budget be balanced and that General Assembly pass the budget bill by the 83rd day, which is April 5 this year. The General Assembly may reduce the Governor's proposed amounts, but may not increase them. The Senate will move the Budget Bill this year which means that, while both the Senate and House will hold hearings on the budget, the Senate bill (SB 125) will move to the floor and will be the measure that is ultimately passed.

The proposed budget increases spending over fiscal 2004 by 3.8% and is \$19.5 million over the Spending Affordability Committee's recommended guidelines. With revenues soft the Governor proposes balancing fiscal 2005 by transferring \$475 million from other funds to the general fund including \$102.4 million from the local share of highway funds, \$189 million in transfer taxes which would otherwise be used for Program Open Space, \$81 million from changing the method of distribution of withheld local income tax revenue with the State retaining half of the \$162 million, and \$91 million from the "Rainy Day" Fund. A portion of the transfers was authorized previously, but authorization by the General Assembly will be required for the remainder. The Governor also projects collection of \$180 million in additional revenues in part through corporate income tax changes, a minimum income tax rate on nonresidents, fee increases, and a continuation of reduced vendor discounts. The budget assumes no general tax increases and no revenue from new forms of gaming (slot machines).

Highlights of the proposed budget include:

- \$326 million additional aid to education bringing the amount of State aid to elementary and secondary education to \$3.7 billion, although the Governor is not funding the geographic cost of education index portion of the Bridge to Excellence Act (Thornton Plan) nor the Teacher Salary Challenge Program, which along with other reductions, makes the appropriations \$54.7 million less than anticipated;
- \$2.9 million for nonpublic school textbook aid;
- \$302 million increase in Medical Assistance for a total of \$4 billion;

- \$8 million general fund increase for substance abuse treatment; and
- \$123.3 million for State employee salary enhancements including a 1.6% general salary increase, salary review adjustments for selected groups of employees, and merit pay increases with the agencies to fund for some of these adjustments with no additional funding.

Additionally, the budget figures anticipate that the closing of the Crownsville Hospital Center will save \$12 million of which \$5 million will be transferred to community services and that the transfer of the Walter P. Carter Center to the University of Maryland Medical Systems will save \$10 million. Also, the funding for the Department of the Environment decreases \$3.4 million.

REAL PROPERTY, ESTATES AND TRUSTS

Introduced this week, HB 3, the Hurricane Isabel Disaster Relief Act, provides low interest loans for people whose primary residences were damaged by Isabel and have not received sufficient funds to repair their homes to make them habitable. The Maryland Department of Housing and Community Development will operate the program, granting the loans or serving as guarantor of loans obtained from financial institutions. The program is designed to provide gap funding for damages that are beyond the limits set by insurance and State, federal, or private market loans. A hearing has been set for February 3.

TRANSPORTATION

Legislation (HB 29) that prohibits a driver of a motor vehicle that is in motion from using a hand-held telephone has been dropped in the hopper for a 5th straight year. Under the bill, the law is enforceable only as a secondary measure when a police officer detains a driver for another suspected offense, with exceptions in emergency situations. A similar measure, HB 5, imposes the restriction on a learner's instructional permit and provisional drivers' licenses. This bill also allows exceptions in emergency situations.

Under HB 94, if an appointment to take a driver's license examination made by an applicant is not kept, the Motor Vehicle Administration (MVA) may charge the applicant a missed appointment fee established by the MVA. The bill also alters the calculation used to

determine the levels at which the MVA must set miscellaneous fees.

A measure has been introduced that will eliminate the 15-day limit on temporary vehicle registrations, and will authorize the MVA to determine the duration of the temporary registration. It will require all vehicles, whether purchased in or out-of-state, to be inspected within 60 days of registration and it eliminates the expiration date for temporary registrations issued to used vehicles purchased out of the State. [SB 32](#) also eliminates the need to purchase paper registration tags, but will issue permanent metal plates instead, with a short-term registration sticker.

UPCOMING

Next week meetings and hearings will continue as the legislature enters its second full week of the 2004 session. Governor Ehrlich will deliver the State of the State address at noon on Thursday, January 29 in the House chamber to the Senate and House assembled in joint session. Also Tuesday, January 27, is the Senate and House bill request guarantee date by which members are required to submit bill drafting requests in order to ensure that their bills are prepared in keeping with the bill introduction deadlines in early February.