



# The Legislative Wrap-Up

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## BILLS AND DEADLINES

To date 187 Senate bills and 196 House bills have been introduced for a total of 383 measures. Next Tuesday, January 25, is the Senate and House bill request guarantee date. Bills requested by that date are guaranteed to be drafted and ready for introduction by the Senate bill introduction deadline (February 4) and the House bill introduction deadline (February 11). Over 2,000 bills are expected to be introduced before the session concludes.

## 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. [SJ 3](#) and [HJ 1](#) present the Commission's recommendations for salary increases in yearly increments over the four-year period that includes fiscal 2006 through 2009. The recommendations provide 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, \$151,352 and \$132,352 respectively; Chief Judge and associate judges of the Court of Special Appeals, \$127,552 and \$124,552 respectively; circuit court judges, \$120,352; and Chief Judge and associate judges of the District Court, \$124,552 and \$112,252, 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. A hearing on the recommendations will be held in two weeks.

A House committee heard testimony on the Common Sense Food Consumption Act ([HB 15](#)) that prohibits a person from filing a civil action against a food seller for death or injury because of weight gain, obesity, or a health condition that results from obesity or weight gain.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Bills addressing the issue of witness intimidation include [SB 52](#), [SB 122](#), and the Governor's proposals, [HB 133](#) and [HB 134](#). The Senate bills will be before a committee next week. [SB 122](#) and [HB 134](#) permit out-of-court statements by witnesses who are threatened, harmed, or murdered by the defendant, or by order of the defendant, to be used as evidence against the defendant. They also increase penalties for witness and juror intimidation, as does [SB 52](#). [HB 133](#) makes the murder of a victim, witness, or juror in the course of intimidation an aggravating factor for the purpose of imposing the death penalty.

Another measure, [HB 2](#), establishes the felony crime of assault of an on-duty law enforcement officer, with a penalty of 15 years in prison and a fine of \$5,000. Penalties for criminals convicted of using an assault rifle or copycat weapon in a violent crime or a felony are increased by up to 20 additional years under [SB 116](#).

## ECONOMIC AND BUSINESS ISSUES

A proposal requiring companies that sell homeowner's insurance in the State to provide coverage for losses that result from mold or mold remediation was introduced this week. Under [HB 117](#), the mold must be caused by a peril that is otherwise covered under the homeowner's policy and the aggregate coverage limit for mold and mold remediation may not be less than \$15,000.

Legislation introduced in both chambers increases the minimum wage in the State above the current \$5.15 per hour federal minimum wage. [SB 89](#) increases the rate to \$6.15 per hour and [HB 13](#) increases the rate to \$7.00 per

hour. Other provisions of the House bill set the minimum rate for workers under the age of 20 for the first 90 days of employment at \$5.75 per hour and increase the tip credit from \$2.77 to \$3.25. Twelve other states and the District of Columbia have set higher minimum wage rates than the federal level.

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## EDUCATION

[HB 1](#), previously introduced in 2004, provides for an increase in expenditures for school construction and renovation of \$19.5 million for fiscal 2006 and \$38.9 million for fiscal 2007 through 2009. The bill requires that a portion of State and local recordation taxes be dedicated to school construction. The measure applies recordation and transfer taxes to 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 in a specified corporation, partnership, association, 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.

[HB 3](#) establishes the Veterans of Afghanistan and Iraq Conflicts Scholarship for veterans of those conflicts or a son or daughter of the veterans. The bill also creates a Task Force to Study State Assistance to Veterans.

Two bills alter child support laws by defining the age of majority to include a person who has attained the age of 18 years old and who is enrolled full time in an institution of higher education. A person who is so enrolled has the right to receive support and maintenance until the age of 21 ([HB 132](#)) or 23 ([HB 68](#)).

[SB 32](#) requires the Office of Student Financial Assistance to grant a deferment from the service obligation component of a State scholarship for an individual who has been assigned military duty outside of the State or the individual's spouse.

[HB 144](#) states that a public school or public school system may not prohibit a student from applying sunscreen in a safe and proper manner before engaging in outdoor school activities.

[HB 143](#) requires public school systems to adopt a policy authorizing a student to possess and self-administer medication for asthma or other airway-constricting

disease while at school, school-sponsored activities, or on a school bus or other school property.

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## ELECTIONS

Responding to issues surrounding Maryland's election laws, bills have been read across the desks that require the Diebold election machines, which debuted across the State in 2004, to be equipped with ballot verification capability both for individual voters and for recounts ([HB 80](#), [HB 107](#), [SB 9](#), [SB 63](#)).

Other legislation, [HB 5](#), addresses counting of provisional ballots, establishes a procedure to establish identity when the right to vote is challenged, and adds specific language that further restricts abridgment of voters' rights. The bill also prohibits in connection with an election the creation of the appearance, e.g. by wearing a uniform, armband, or badge, that an individual is performing an official function.

Another bill, [HB 105](#), stiffens the procedure that election judges must use when they establish the identity of voters. Two other measures address criteria for voter registration eligibility for convicted criminals ([HB 12](#) and [HB 126](#)).

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Legislation is being considered again this year addressing gift certificates and restrictions on their use. [SB 8](#) prohibits gift certificates with an expiration date less than 5 years from the date of issuance or service fees including a fee for dormancy. A hearing is scheduled for February 2.

Scheduled for public testimony next week, [HB 56](#) prohibits specified disclosures of an individual's Social Security number and makes a violation an unfair or deceptive trade practice under the State's Consumer Protection Act. Similar legislation passed during the 2004 session, but was vetoed by the Governor for policy reasons.

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## FISCAL MATTERS

This week Governor Ehrlich submitted the \$25.9 billion State operating Budget Bill ([SB 125/HB 150](#)) for fiscal

2006. The fiscal 2006 budget increases spending by 6.9% over the fiscal 2005 budget, but assumes no general tax increases and no revenue from new forms of gambling (slot machines).

The Maryland Constitution requires that the budget be balanced and that General Assembly pass the Budget Bill by the 83<sup>rd</sup> day, which is April 4 this session. The General Assembly may reduce the Governor's proposed amounts, but may not increase or transfer them. Legislative fiscal briefings began this week; budget hearings are scheduled to begin next week in the budget committees. This session the House of Delegates will move the Budget Bill first, so [HB 150](#) will move to eventual enactment.

Highlights of the proposed executive branch budget include:

- \$ 385.8 million in additional direct aid to education bringing the amount of state aid to elementary and secondary education to \$3.6 billion, a 12 % increase;
- \$2.9 million for nonpublic school textbook aid;
- \$46.8 million in additional general funds for the State's colleges and universities for a total general fund request of \$897.8 million, a 5.5 % increase;
- \$4.3 billion to medical assistance, an increase of \$370.7 million;
- \$2.4 million for seven federally qualified health centers;
- 2% cost of living increase for State employees and salary review adjustments for selected groups of employees; and
- \$249.7 million to the "Revenue Stabilization Account" (the "Rainy Day Fund").

The budget also includes the reduction or elimination of some programs. These include:

- Reduction of \$139.2 million in Program Open Space funds, contingent upon passage of [SB 127/HB 148](#);
- Elimination of funding for offices for employment standards services and prevailing wage;
- Elimination of the Senior Prescription Drug Program on January 1, 2006, and using \$11.8 million of the

\$27.3 million of that program's funds to subsidize the Maryland Pharmacy Assistance Program, contingent upon passage of [SB 127/HB 148](#); and

- Elimination of the \$30.6 million Electricity Generating Equipment Property Tax Grant to counties, contingent upon passage of [SB 127/HB 148](#).

The Governor also submitted the following legislation to balance his proposed budget:

- [SB 124/HB 147](#) (Budget Financing Act of 2005) increase State revenue by imposing fees for individuals in the Drinking Driver Monitor Program and for parolees, by increasing court costs in traffic cases and pharmacy assistance program co-pays, and by continuing the permissible higher level of industry fees to support the Maryland Health Care Commission and the State Health Services Cost Review Commission;
- [SB 127/HB 148](#) (Budget Reconciliation Act of 2005) reduce State expenditures by eliminating the Electricity Generating Equipment Property Tax Grant aid to local governments and the Senior Prescription Drug Program, by continuing the increased local share of expenses for nonpublic placement of children with disabilities, by reducing funds available for Program Open Space and mandated appropriations for tobacco reduction programs, and by making other statutory changes to reduce State costs; and
- [SB 126/HB 149](#) (Tax Compliance) require that all undisputed taxes be paid before a driver's license, vehicle registration, or insurance agent's license can be renewed, increase the income tax withholding amount for gambling winnings and for nonresident real property sales, impose withholding for retirement fund rollovers when there is federal withholding, and permit local governments owed taxes by a taxpayer to have the taxpayer's tax refund intercepted.

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## GAMING, RACING, AND SPORTS

Recently introduced, [HB 108](#) requires the State Lottery Commission to regulate the operation of video lottery terminals (slot machines) at horse racetracks in the State. The Commission may issue no more than five video

lottery operations to racetracks at Laurel Park, Pimlico, Rosecroft, Allegany County, and Ocean Downs.

Under the measure, proceeds from the video lottery terminals are distributed as follows: 5% to the State Lottery Agency for costs, 30% to the video operation licensee, and 10% to the county in which the video lottery facility is located, 5% to Senator H. Amoss Fire, Rescue, and Ambulance Fund, 10% to a Purse Dedication Account, and 40% to the Public School Construction Fund.

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## **HEALTH CARE AND HEALTH INSURANCE**

Under [HB 54](#), clinical studies in Maryland are required to register with the federal government's Clinical Trials Data Bank. Violation results in a fine up to \$1,000 for each day the trial is not listed. A hearing is set for February 1.

Another proposal, ([HB 65](#)) requires the establishment of a Canadian mail order plan for prescription drug purchases by enrollees in the State Employee and Retiree Health and Welfare Benefits Program. A federal waiver to implement the program is required.

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## **REAL PROPERTY, ESTATES, AND TRUSTS**

Several bills of interest deal with real property. [SB 130](#) allows the Maryland Transit Administration (MTA), its agents, employees and consultants to enter private property to conduct environmental and engineering studies and makes them liable for damages. The bill will be heard by a committee on January 27.

[SB 17](#) requires real estate contracts to contain a statement notifying the buyer that the property may be impacted by noise resulting from military flights, gunfire or explosive testing. Sales of property in Calvert, Charles, Prince George's or St. Mary's Counties are subject to this law. Calvert, Charles, and St. Mary's Counties include similar information in the addendum to standard real estate contracts. The hearing on the Senate side was this week.

Legislation in the estates category includes [SB 3](#), [SB 4](#), and [SB 51](#). Members of the public testified on these measures this week. [SB 3](#) authorizes a custodian for a minor under the Maryland Uniform Transfers to Minor's Act to transfer custodial property to a qualified trust without a court order and ends the custodianship of that

property. [SB 4](#) allows a photographic copy of a will to be accepted by the register of wills if the original cannot be located and the heirs attest to that. [SB 51](#) empowers the personal representative of an estate to pay funeral expenses of a decedent up to \$10,000 provided the estate is solvent. The previous limit was \$5,000.

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## **STATE GOVERNMENT**

The State's current fiscal imbalance prompted the Governor to conduct an inventory of State-owned real property that could be sold. The costs and benefits, both short- and long-term, of the disposition of State assets and the legislative role in the process are under scrutiny this session.

Two proposed constitutional amendments, [SB 102](#) and [HB 67](#), provide that the Board of Public Works may not approve the sale, lease, transfer, exchange, grant, or other disposition of State-designated outdoor recreation, open space, conservation, preservation, forest, or park land without the express approval of the General Assembly.

Other legislation, [HB 4](#) and [SB 104](#), contains legislative notification provisions regarding the disposition of State real property and requires State agencies to consider certain factors when determining how to classify the property, keep public records about the determinations, and submit a list to the General Assembly each year. In addition, each bill has provisions concerning the disposition of land under Program Open Space and Rural Legacy, as well as for public park land and recreational areas, wildland and open areas, heritage conservation areas, and forest conservation areas.

Under [SB 104](#), the Legislative Policy Committee is authorized to review and comment on proposals on these properties and the Board of Public Works is prohibited from approving the sale, lease, transfer, exchange, grant, or other disposition of property unless the Board determines that the monetary value or other benefit that the State will receive for the property equals or exceeds the economic, social, community, and environmental value of the property.

Under [HB 4](#), the Board may not approve the sale, lease, transfer, exchange, grant, or other disposition of property under Program Open Space or public park land and recreational areas, until the General Assembly by legislation approves the transaction at its next session.

## TRANSPORTATION

Drivers under the age of 18 years are the subject of several pieces of legislation. [SB 57](#), sponsored by 22 senators, restricts these drivers in the first six months of their 18-month provisional license from carrying passengers under 18 years of age who are not related to them. Similar legislation has been introduced for a number of sessions. Another measure, [SB 50](#), also restricts provisional drivers under age 18 from using a cell phone while driving. [HB 45](#) does that as well and defines distracted driving as inattentive driving caused by a person's reading, writing, performing personal grooming, interacting with pets, adjusting cargo, or other distracting activities. Further, this bill prohibits a driver from using the driver's hands to operate a cell phone, laptop computer, or personal digital assistant that sends or receives messages.

[HB 103](#) changes Maryland's drunk or drugged driving laws by increasing penalties for refusal to take a test to determine drunken or drugged driving. A police officer who stops a person for suspected drunk or drugged driving is also required to inform the person that additional criminal penalties may be imposed if the test is refused.

Vehicle registration laws are the topic of a number of measures this session. Under [HB 58](#), disabled individuals and those over age 70 may have their registration renewal fee reduced by 50% if the vehicle is driven 5,000 miles or less annually. Owners must certify the odometer reading at the time of renewal.

[SB 13](#) distinguishes between "historic" and "antique" motor vehicles and creates a new registration class for the latter. The historic category are vehicles manufactured in model year 1946 or later and are at least 20 years old. Antique vehicles are defined as those manufactured prior to 1946. Other restrictions apply to both categories. A onetime registration fee of \$25.50 is due.

There are also two proposals to date for special registration plates. [SB 88](#) requires the Motor Vehicle Administration (MVA) to develop plates honoring the diamondback terrapin, the State reptile and mascot of the University of Maryland, College Park. Resulting fees support student scholarships at the university. [HB 43](#) proposes a specially designed plate to benefit the Reginald F. Lewis Museum of Maryland African American History and Culture.

On another topic, [HB 34](#) allows certain hybrid and inherently low emission vehicles (ILEV) to use high occupancy vehicle (HOV) lanes and requires the State Highway Administration (SHA) to indicate that an HOV lane may be used by those vehicles. SHA will issue permits for the ILEVs and report to the General Assembly annually on the effect of their use. A similar measure, [HB 142](#), is also in the pipeline.

Other bills relate to scooters and boats:

- [HB 36](#) prohibits an individual from operating or riding on a motor scooter or moped unless the individual is wearing protective headgear or eye-protection which meets standards established by the Motor Vehicle Administration; and
- [SB 58](#) sets the limit for boat trailer width at 102 inches for private boat trailers that are transporting boats from the point of origin to a launching, repair, or fuel facility.