



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

---

Issue 05-3

January 24-28, 2005

---

*(Click on Issue above for previous Wrap-Ups)*

## **BILL INTRODUCTIONS AND DEADLINES**

The bill count for the 2005 session has risen to 302 from the Senate and 374 from the House. Fifty of these proposals, representing the Administration's bill package, carry the phrase on the sponsor line, "By Request – Administration," thus indicating that the bills are from the Governor.

Bill introduction deadlines are approaching. The Senate deadline is February 4 and the deadline for the House is February 11. After those dates, bills are sent to the Rules Committees of each chamber and then must be referred to a standing committee for consideration.

---

## **STATE-OF-THE-STATE ADDRESS**

Senators and Delegates gathered in joint session in the House chamber on Thursday, January 27, to hear Governor Ehrlich's State-of-the-State address. His remarks emphasized the accomplishments of the last two years such as resolving \$4 billion in budgetary shortfalls. He also noted that "progress in public education, transportation, public safety, and the Chesapeake Bay have been especially noteworthy." 2005 gubernatorial initiatives include revisiting medical malpractice and witness intimidation, as well as efforts aimed at teen driving safety and lead paint poisoning. His new Children's Wraparound Initiative is aimed at delivering service for at-risk children and their families. Governor Ehrlich also called on the General Assembly to legalize slots.

---

## **COURTS AND CIVIL PROCEEDINGS**

Constitutional provisions for contested elections of circuit court judges are the target of [SB 167](#) and [HB 271](#), which provide for uncontested retention elections a year after the Governor fills a vacancy on the circuit court by appointment, with Senate confirmation, and decrease the term of office from 15 years following election to 10 years. Another bill, [HB 276](#), alters contested election provisions for circuit court judges by establishing that a candidate for election as judge of a circuit court may not

be nominated at a primary election and must be elected at a general election on a nonpartisan basis. The bills will be heard in committee next month.

The Judiciary has asked for an increase in the number of circuit court judgeships in Baltimore City and Anne Arundel, Baltimore, Montgomery, Washington, and Worcester Counties and in the number of District Court judgeships in Baltimore City and Anne Arundel, Calvert, Prince George's, and Worcester Counties ([SB 204/HB 236](#)).

Current law requires a criminal case to be dropped if a pretrial ruling suppressing evidence is unsuccessfully appealed. Testimony was given this week on [HB 25](#) that allows courts to decide whether to allow cases to proceed when prosecutors lose such appeals.

---

## **CRIMES, CORRECTIONS, AND PUBLIC SAFETY**

State law requires a person convicted of a felony or a breaking and entering misdemeanor to give a DNA sample for the statewide DNA data base system. Administration bills ([SB 213/HB 240](#)) expand the provisions concerning when and where samples can be taken to include a suitable location in a courthouse following sentencing.

Other Administration bills ([SB 208/HB 243](#)) address cooperation among the communication and information management systems maintained by State, county, and municipal public safety units. The measures require the Criminal Justice Information Advisory Board to recommend to the Department of Public Safety and Correctional Services regulations to ensure the compatibility and interoperability of these systems and to recommend implementing legislation. An annual report is also required.

[SB 216/HB 241](#), other Administration proposals, enact and ratify the National Crime Prevention and Privacy Compact that organizes an electronic information sharing system among the federal government and the states to exchange criminal history records for

noncriminal justice purposes, such as background checks for governmental licensing and employment.

A Senate committee heard testimony this week on bills that increase maximum jail time for intimidating witnesses and jurors from five years to 20 years ([SB 188](#), [SB 52](#), and [SB 122](#)). [SB 188](#), introduced at the request of the Governor, and [SB 122](#) also create a hearsay exception to allow the use of some statements from a witness who does not appear in court, if prosecutors can prove that the defendant was responsible for the witness not appearing. Concerns were raised at the hearing that the hearsay exception violates the Sixth Amendment of the Constitution, which guarantees the right of the accused to be confronted by the witnesses against him. A hearing date has not been set for [HB 248](#), the companion bill of [SB 188](#).

---

## ECONOMIC AND BUSINESS ISSUES

Among bills scheduled for a hearing next week, [HB 95](#) requires that all-terrain vehicles (ATVs), but not snowmobiles or vehicles used for farm purposes, be covered by insurance. The insurance should cover an injury to a person and property damage caused by an accident.

Legislation heard in committee this week requires continuing education directly related to flood insurance for an insurance producer licensed to sell property and casualty insurance and who sells homeowner's insurance. [HB 160](#) extends 2004 legislation that applied to licensed insurance producers who sold flood insurance. These provisions are designed to help consumers determine if flood insurance is needed.

Also in committee this week, [HB 64](#) requires a property and casualty insurer to provide a policyholder with an annual statement that clearly summarizes coverages and exclusions under the homeowner's policy. The bill includes provisions relating to flood insurance that require the insurance seller to provide, at the time of purchase, a written notice that a standard homeowner's policy does not cover losses from flood and offer to sell flood insurance or supply contact information if the insurer does not sell flood insurance.

---

## EDUCATION

Several bills granting tax breaks for college tuition, college textbooks, and school teachers are under

consideration. [HB 42](#) allows a subtraction from the federal adjusted gross income for a taxpayer equal to 5% of qualified tuition expenses at Morgan State University, St. Mary's College of Maryland, or an institution that is part of the University System of Maryland.

Under [HB 256](#), a tax credit for graduate education expenses currently available to public school teachers is extended to those teaching in nonpublic schools. The bill allows teachers in nonpublic schools approved by or registered with the State to claim a credit against the State income tax for up to \$1,500 tuition paid by the teacher for graduate level education required to maintain certification. Another bill, [HB 26](#), allows elementary or secondary teachers to receive a State income tax credit of up to \$300 for purchasing eligible classroom supplies.

A committee recently heard testimony on [HB 70](#) that exempts university and college textbooks bought by full-time and part-time students enrolled at an institution of higher education from the 5% State sales tax.

---

## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Legislation was introduced this week that prohibits as of January 1, 2008, the sale of gasoline that contains more than 0.5% of methyl tertiary butyl ether (MTBE), an additive used to reduce emissions and pollutants but suspected of polluting ground water. [HB 205](#) also requires the Department of the Environment to conduct a study and report on or before December 1, 2006, on the practicability and economic, environmental, and public health effects of replacing MTBE with ethanol in gasoline sold in the State.

---

## FISCAL MATTERS

The Governor submitted his \$942.2 million capital budget program to the General Assembly this week. The fiscal 2006 capital budget consists of the \$665.3 million in general obligation bond funds in the Maryland Consolidated Capital Bond Loan of 2005 ([SB 274/HB 340](#)), \$5 million in general obligation bond funds for tobacco transition authorized by Chapter 103 of 2001, and \$277.2 million in special funds, federal funds, and revenue bonds in the Budget Bill ([SB 125/HB 150](#)).

The Governor proposes \$155.2 million in general obligation bond funds for public school construction, \$155.8 million for the State's universities and colleges,

\$45.8 million for community colleges including the Baltimore City Community College, and \$8 million for private colleges and universities. The State university sum includes \$47.6 million for a new Health and Human Services Building at Coppin State University and \$23.1 million for Banneker Hall renovations at Morgan State University.

Recommendations for environmental programs total \$144.9 million in the proposed capital budget of which \$37.8 million is general obligation bond funds in [SB 274/HB 340](#); the remainder is appropriated through the Budget Bill. Of the \$144.9 million, \$35.3 million from the Bay Restoration Fund and \$23 million in general obligation bond money are slated for wastewater treatment and septic system grants.

Land conservation programs are designated to receive \$76 million in State and federal funds of which \$10 million is in general obligation bonds. Under the recommendations Program Open Space receives \$26.4 million, the Agricultural Land Preservation Program, \$29.7 million; Rural Legacy, \$14.9 million; and the Community Parks and Playgrounds Program, \$5 million.

The Governor proposes spending \$70.3 million on State and local correctional and juvenile facilities of which \$49.7 million is for State prisons, \$17.5 million is for local jails, and \$3.1 million is for juvenile facilities. An additional \$10 million is proposed for the Public Safety Communications System.

Other proposed general obligation bond funding includes \$8 million for the Community Legacy Program, \$14 million for the Maryland Economic Development Assistance Fund, and \$1 million for homeless shelters and from special funds in the Budget Bill, \$6 million for the Neighborhood Business Development Program.

Under the Maryland Constitution, a bond bill may not pass until the Budget Bill has passed. The General Assembly may increase the authorization for a project or add a project in a bond bill, as well as delete or reduce projects.

---

## GAMING, RACING, AND SPORTS

The Administration's proposal authorizing video lottery terminals (VLTs or slots) at six locations around the State was introduced this week. [SB 205/HB 255](#) authorize 15,500 VLTs under the regulation of the State Lottery Commission. Licenses may be issued for

racetracks at Pimlico, Laurel, Rosecroft, and a future track in Allegany County. In addition, licenses may be issued for two non-racetrack locations in Baltimore City, Prince George's, Howard, Baltimore, Harford, or Cecil Counties. Proceeds of racetrack slot machines are to be distributed as follows: 4.3% (5% the first year) to the State Lottery agency, 46% to an Education Trust Fund, 39% to racetrack licensee holders, 5.25% for racetrack purses, and 4.75% for local development. Proceeds to the Education Trust Fund are used to offset the total funding of the "Bridge to Excellence in Public Schools Act" (Thornton Plan), with \$100 million per year of the Trust Fund used to fund public school construction.

Proceeds from non-racetrack slot machines are distributed as follows: 4.3% (5% the first year) to the State Lottery Agency, a percentage to the licensee equal to the amount stated in the competitive bid for the license, 4.75% to local governments, and the remainder to the Education Trust Fund.

Other recent gaming bill introductions include [SB 111](#) (scheduled for a hearing later this month) that establishes a fund for the distribution of \$100,000 in State Lottery proceeds each fiscal year to the Problem Gambling Council of Maryland and [HB 212](#) that requires the comptroller to collect information and prepare an annual report on charitable gaming activities around the State.

---

## HEALTH CARE AND HEALTH INSURANCE

Included in the Administration package, the Maryland Medical Injury Compensation Reform Act ([SB 221/HB 301](#)) addresses a variety of issues related to medical malpractice. Selected provisions of the legislation lower the cap on non-economic damages from \$650,000 to \$500,000 including the elimination of the \$15,000 escalator due to resume in 2009, and provide for a single cap in death cases, instead of the 125% enacted during the recent special session. Periodic payments are required for future medical bills and lost wages exceeding \$100,000. The bill also repeals a newly enacted requirement that Medical Mutual sell directly to physicians and limits commissions paid by that insurer.

Several drug importation bills are in the pipeline. [HB 176](#) requires the Dept. of Health and Mental Hygiene (DHMH) to evaluate and authorize implementation of a process for assisting senior citizens in purchasing reduced-cost prescription drugs from outside the State if certain criteria are met. [HB 231](#) requires DHMH to request a federal waiver to implement a Canadian Mail

Order Plan to be available for a variety of programs including the State Employee and Retiree Health and Benefits Welfare Program, as well as the State's medical and pharmacy assistance programs. These bills along with [HB 65](#) are scheduled for a committee hearing in early February.

As passed on a preliminary floor vote, [SJ 1](#) declares November to be Obesity Awareness Month and encourages expanding physical education in schools and creating obesity prevention programs. In Maryland, 19.8% of adults were obese in 2001, compared to 11.2% in 1991.

Bill hearings scheduled next week include [HB 20](#) requiring assisted living facilities serving six or more residents to maintain an emergency electrical generator on-site, as well as [HB 21](#), requiring nursing homes and assisted living facilities to have automated external defibrillators on site.

---

## HUMAN RESOURCES

An Administration proposal ([SB 220/HB 254](#)) allows disclosure of reports or records concerning child abuse or neglect to medical or human services personnel of a hospital or birthing center when a decision concerning the discharge of a child must be made, and the personnel have reasonable articulable concerns about the safety of the child after discharge. Testimony will be heard on the bills next month.

---

## REAL PROPERTY, ESTATES, AND TRUSTS

Property issues are the subject of several bills. [HB 139](#) requires a seller of newly constructed houses to complete and present the buyer with a house location plat at the time of settlement. This plat must delineate, describe, and identify all easements on the subdivision plat and any others known to the seller or surveyor. Further, the seller must record the plat with the local circuit court clerk.

[HB 282](#) authorizes a homeowners' association in a development with a population of at least 10,000 people to charge a fee to individuals who pay their association fee with a credit card.

[SB 229](#) creates a Task Force on Common Ownership Communities and specifies its membership. It requires the task force to study: the education and training needs

of the community boards; creation of a permanent commission on these communities; and establishment of alternative dispute resolutions services for these communities. The task force is also to study the adoption of the provisions of the Uniform Common Interest Ownership Act (1994). Common ownership communities may include planned communities, cooperatives, and condominiums.

---

## STATE GOVERNMENT

### *Active Duty Military and Veterans*

Quite a number of bills related to military personnel are under consideration this session. Measures that relate to State government include:

- [HB 28](#) that creates a task force to study issues related to establishing a veterans' home on the grounds of the former Crownsville Hospital. (The bill prohibits the transfer or disposition of facilities or property until the recommendations of the task force have been considered);
- [HB 50](#) that requires the POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia to be flown from the State House each year on Memorial Day and each day of Memorial Day weekend, POW/MIA Recognition Day in September, and Veterans' Day and each day of Veterans' Day weekend;
- [HB 232](#) that requires a State procurement contract to have a statewide participation goal of not less than 3% for disabled veteran business enterprises. (The participation goal of not less than 3% is to apply to the overall dollar amount expended annually by each awarding unit);
- [SB 31/HB 22](#) that extend the termination date from June 30, 2005, to June 30, 2006, for the use of military administrative leave or certain paid leave for certain State employees who are on active military duty or are activated for military duty on or after July 1, 2003; and
- [HB 30](#) that requires an appointing authority to apply a credit of two additional points for an eligible veteran who has a service connected disability on any selection test administered to establish the placement, on a list of eligible candidates, of skilled

service and professional service employees in the State Personnel Management System.

Other legislation, [HB 3](#), is entitled the Veterans Advocacy and Education Act of 2005. In addition to the establishment of a scholarship for veterans of the Afghanistan and Iraqi conflicts, the bill renames the current service offices of the Maryland Veterans Commission as Veterans Advocate Offices with commensurate duties including the development of a Veterans Outreach Program to actively advocate and promote the interest of a veteran, a veteran's dependent, or a veteran's survivor in obtaining any entitlements granted by law. The Department of Veterans Affairs will staff a Task Force to Study State Assistance to Veterans that is to report its findings by this December.

#### *Office of Children, Youth, and Families*

Two Administration bills ([SB 222/](#)[HB 293](#)) restructure the role of the Office for Children, Youth, and Families and the former SubCabinet (now Governor's Children's Cabinet) by emphasizing a comprehensive interagency approach to prevention, intervention, and treatment services for children and families with special attention on children with intensive needs. The initiative includes development of a new three-year State Interagency Plan along with a State Interagency Fund through which counties may request grants, and a consolidated Advisory Council on Children, Youth, and Families to support the plan and fund.

---

## TRANSPORTATION

### *Licensing and Registration*

A House committee collected testimony this week on [HB 39](#) that creates an exemption from driver's license renewal fees for veterans of the U.S. Armed Forces or the U.S. Armed Forces Reserves who:

- either resided in the State at the time they entered the Armed Forces or the reserves, or have been a resident of the State for at least five years immediately preceding the date of application for a license;
- served on active duty during wartime or a conflict where troops were committed by the President of the United States; and

- were honorably discharged or separated from the service.

Under the proposal, the MVA cannot charge driver's license fees if the applicant has at least 20 years of creditable service as a member or former member of either the National Guard or the reserve component of the Armed Forces of the United States. At least 28 states have some kind of exemption from motor vehicle registration fees or driver's license fees for veterans, but most limit exemptions to those who either have a service-related disability or were prisoners of war ([HB 39](#)).

Legislation from the Governor's bill package changes the sequence for getting driver's licenses in Maryland. [SB 209/](#)[HB 242](#) extend from four months to six months the time period an individual must hold a learner's instructional permit before taking the tests to obtain a provisional driver's license. [SB 206/](#)[HB 244](#) specify increased timelines under certain circumstances for a provisional licensee to obtain a license. Hearings are set for next week on the House side and the following week for the Senate bills.

### *Young Drivers*

On tap for a hearing in two weeks are proposals to prohibit minors from riding with provisional drivers who are minors. The restriction under [SB 240](#), just introduced this week, is for 90 days from the date of issuance of the license. [SB 57](#), an earlier introduction, imposes a restriction for 181 days. In neither case does the prohibition apply to a passenger who is a spouse, daughter, son, stepdaughter, stepson, sister, brother, stepsister, or stepbrother of the licensee.

An additional measure introduced on Friday addresses provisional driver's license restrictions for a minor by prohibiting minors as passengers ([HB 393](#)). Also, [HB 394](#) addresses learners' permits and provisional licenses by restricting use of a wireless communication device while driving, and [HB 395](#) addresses driver examinations.

Bills just dropped in the hopper this week from the Administration mandate that a person under 21 years of age who is convicted of drunk or drugged driving lose the person's license or driving privilege or that the person's license or driving privilege be suspended for the longer of the period from the date of conviction until the person reaches the age of 21 years or three years ([SB 207/](#)[HB 252](#)).

