



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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Issue 05-8

February 28-March 4, 2005

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## **BILL INTRODUCTION DEADLINE**

As of Friday, March 4, a total of 2,548 bills and 23 resolutions are before the 2005 General Assembly. Senate bills number 989 with 10 Senate Joint Resolutions. House bills under consideration number 1,559 with 13 House Joint Resolutions. Senate bills are expected to reach 1,000 in number for the first time since 1987.

In order to accommodate the number of bills introduced each session, the legislative process is governed by a series of deadlines set by the Maryland Constitution, by Senate rules and House rules, as well as by custom. Under the Constitution, Monday, March 7, is the final day for the introduction of bills without suspension of the Senate rules or the House rules.

The Constitution prohibits the introduction of legislation “during the last thirty-five calendar days” of a regular session, unless permitted by a two-thirds affirmative vote of the elected membership of the chamber in which the bill is to be introduced. This allows 55 days for the normal introduction of legislation.

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## **FIRST CITIZEN AWARD**

Charles Carroll of Carrollton (1737-1832) was a member of the Maryland Senate from 1777 to 1800 and served as its President from 1782 to 1783. A commemorative medal was commissioned in 1826 to celebrate Carroll’s 90<sup>th</sup> birthday. A seal of that medal is used by the President of the Senate on the First Citizen Award, given annually to Marylanders who have been dedicated and effective participants in the process of making government work for the benefit of all.

This year, the President bestowed the First Citizen Award on Senator Joseph D. Tydings and Senator Charles “Mac” Mathias, Jr., both of whom accepted in person. Each honoree possesses a long and distinguished career in public service for both the State and the country, each having served in the General Assembly and in the United States Senate. The President hosted a

reception for Senator Tydings and Senator Mathias, their families, and friends following the floor session.

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## **SPEAKER’S MEDALLION AND FOUNDER’S AWARD**

The Speaker’s Medallion is given in memory of Thomas Kennedy, a former member of the House, for his courageous stand on principle. It was through Kennedy’s efforts that the Maryland General Assembly passed the law in 1826 that extended the same rights and privileges enjoyed by Christians to people of the Jewish religion.

Awarded for exemplary service to the House and the State of Maryland, this year the medallion recipient was Lieutenant General (retired) James F. Fretterd, former Adjutant General of the Maryland Army National Guard from 1987 to January 2003. General Fretterd received the medallion at the House podium and expressed his gratitude to the assembled Delegates.

Also at Thursday’s floor session, the Speaker presented the annual Casper R. Taylor, Jr. Founder’s Award, initiated in 2003. The award plaque honors a sitting member of the House of Delegates for steadfast commitment to public service and the integrity of the House of Delegates. This year’s recipient is Delegate Hattie N. Harrison, District 45, Baltimore City. Delegate Harrison began service in the House of Delegates in 1973. Currently, she is the Chairman of the House Rules and Executive Nominations Committee (the first African-American woman to chair a legislative committee) and holds membership in the Economic Matters Committee, Legislative Policy Committee, and the Joint Committee on Protocol. A reception for the honorees, their families, and friends followed floor deliberations.

At an evening dinner, the Speaker presented a second medallion, the Thomas Kennedy Award, also in memory of Thomas Kennedy, to the Honorable Paul S. Sarbanes, United States Senator. The Kennedy Award honors a former member of the House of Delegates for personal courage and dedication to the principles of liberty and freedom.

## COURTS AND CIVIL PROCEEDINGS

The Senate approved and the House gave preliminary approval to amended joint resolutions (SJ 3, HJ 1) that offer differing judicial salary increases in yearly increments over four years. Each chamber reduces the salary increase recommendations of the Judicial Compensation Commission but now provides for an increase during fiscal years 2006 through 2009. If the chambers cannot agree on salary increases by this Wednesday, the Judicial Compensation Commission recommendations will automatically take effect.

Legislators heard testimony last week on a constitutional amendment that provides that only a marriage between a man and a woman is valid in Maryland (HB 1220) and on a bill to make same sex marriages that are validly entered into in other states or countries invalid in Maryland (HB 693). If HB 1220 is approved by the General Assembly, it must pass a referendum vote in the 2006 general election to become law.

Current Maryland law allows only consumers who are “direct purchasers” to sue a manufacturer, wholesaler, or distributor for illegally fixing prices, denying a consumer who buys through a retailer the right to sue. SB 413/HB 829 allow consumers of medicine or a medical device, cosmetics, food or food additive, or commercial feed to bring an antitrust action against the manufacturer or distributor of the product even when the purchase was not direct. Testimony was heard on the bill last week in the House; next week is the Senate hearing.

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

A person convicted of a felony or a breaking and entering misdemeanor must give a DNA sample for the statewide DNA database system. The House passed HB 240, an Administration bill, to expand when and where samples can be taken to include a suitable location in a circuit court following sentencing.

The Senate gave preliminary approval to its version (SB 47) of a measure that creates the felony crime of second degree assault on an on-duty law enforcement officer, with a maximum penalty of 15 years in jail and a \$5,000 fine, a longer jail time than the penalty provided in a similar bill (HB 2) that passed the House last week.

Two witness intimidation bills were on the Senate floor this week. SB 122 passed third reading and SB 188

passed a preliminary vote. The bills were amended to separate provisions establishing a felony crime of witness intimidation and enhanced penalties (SB 122) from provisions establishing a hearsay exception for statements provided by witnesses that are unavailable to testify at trial due to the wrongdoing of the defendant (SB 188). SB 188, an Administration bill, also gives original jurisdiction over a minor accused of witness intimidation to a criminal court, which then has the option of transferring the minor to juvenile court if the court determines it is in the best interest of the child or society. HB 748, similar in focus to SB 122, remains in a House committee after a February hearing.

Current law prohibits the use of a handgun or concealable antique firearm in the commission of a crime of violence or a felony. Violators are guilty of a misdemeanor and subject to a minimum nonparolable sentence of five years and a maximum sentence of 20 years, in addition to any penalty imposed for the crime of violence or felony. Measures to add rifles and shotguns to the firearms included in this law include SB 553, the subject of a hearing earlier this week, its companion bill HB 1551, and HB 38, scheduled for a hearing next week.

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## ECONOMIC AND BUSINESS ISSUES

### *Economic and Community Development*

Two bills (SB 565 and SB 566) intended to increase Maryland wineries’ abilities to market their wine in the State received a public hearing this week. Currently there are 15 wineries in Maryland. SB 566 creates a fund to which a portion of the revenue collected from the tax on wine sold in the State will be distributed for grants to promote the production and consumption of Maryland wine and the production of grapes in the State. The hearing for companion bill, HB 1450, is slated for the middle of March.

Another bill, HB 1451, includes among its provisions authorization for eight counties to allow wine tasting events to be held on an unlimited number of days, if the wine is provided by a winery that is a small domestic producer (producing no more than 250,000 gallons of wine in a calendar year).

The sale or use of Alcohol Without Liquid (AWOL) machines will be prohibited in the State if HB 1213 is enacted. These AWOL machines are used to create an

alcohol vapor that is inhaled. A committee will hear public testimony on this bill next week.

Two bills expanding community development programs in the Department of Housing and Community Development (DHCD) received committee consideration this week:

- [HB 966](#) authorizes DHCD to provide financial assistance to community development financial institutions (CDFI's) under the Neighborhood Business Development Program; and
- [HB 968](#) authorizes a CDFI to enter into equity sharing agreements with homebuyers as a neighborhood intervention project under the Community Legacy Program.

### *Labor*

The Senate passed [SB 89](#) that increases the minimum wage in the State to \$6.15 per hour for employees subject to the federal or State minimum wage requirements and sets the tip wage at 50% of the minimum wage. Adopted floor amendments allow employers who provide employee health insurance to reduce the hourly wage by all or part of the employer's share of the premium for an employee; however, the wage may not go below the federal minimum wage. This provision will be in effect for two years.

Before a committee next week, similar House bills set the rate at \$6.15 per hour ([HB 391](#)) or increase the rate to \$7.00 per hour and alter the tip wage ([HB 13](#)). Fourteen other states and the District of Columbia have set higher minimum wage rates than the federal level of \$5.15 per hour.

Hearings held this week considered recommendations of the Unemployment Insurance Funding Task Force that met over the past two years. The task force was charged with examining the current charging and taxation system, eligibility and benefit provisions, and the need to alter the current system to maintain the trust fund level to meet benefit needs. Under federal law each state must maintain an unemployment insurance trust fund from which unemployment benefits are to be paid. Provisions of [SB 703/HB 798](#) include replacing the current tax rate system with an overall experienced rate system, and increasing the maximum weekly benefit amount from \$310 to \$340, effective October 1, 2005, and from \$90 to \$100 the amount an individual may earn while still receiving the full weekly benefit amount.

A late introduction, [SB 983](#), exempts military disability severance payments from current provisions that require a reduction in unemployment insurance benefits if the individual receives or is eligible to receive dismissal payment or wages in lieu of notice.

### *Utilities*

This week, the Senate sent the House [SB 361](#) that establishes a program in the Maryland Energy Administration to provide grants not to exceed \$1,000 for the purchase of geothermal heat pumps. Geothermal heat pumps take heat or cool air from the ground or ground water and are more energy efficient at lower winter temperatures than conventional heat pumps.

Testimony was taken on biomass electric generating facilities this week. Under [HB 1331](#), biomass electric generating facilities join solar and wind electric generating facilities eligible for net energy metering. The bill also increases the maximum capacity from 80 to 1,000 kilowatts that these electrical generating facilities may have.

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## EDUCATION

### *Public Schools*

The Senate passed legislation, [SB 165](#), which establishes a Task Force to Study Recruitment and Retention Strategies for Public School Teachers in Hard to Staff Public Schools in Maryland. The Task Force must study programs in other states and make recommendations regarding the feasibility of a funding model to implement successful research-based recruitment and retention strategies. As introduced, but deleted by amendment, the bill would have created a task force to study pay for performance for public school teachers. Other public school-related issues receiving hearings this week:

- [HB 503](#) requires each local school system to purchase calcium-enriched food and beverages when purchasing food and beverages to be served to students at a public school or school activity;
- [HB 549](#) requires each local board of education to designate a school health services program coordinator to implement State and local health policies, ensure adherence to local health guidelines, and communicate health policies to the parents and guardians; and

- [HB 899](#) changes the Geographic Cost of Education Index formula from a discretionary State aid program to a mandated State aid program. One of the recommendations of the Thornton Commission was to adjust State aid to reflect regional differences in the cost of education that are outside the control of local jurisdictions. This recommendation was enacted, but not mandated, in the Bridge to Excellence in Public Schools Act of 2002 (Chapter 288).

Receiving an unfavorable committee vote this week, [SB 246](#) would have required the State Board of Education to adopt regulations that allow a special education student to substitute other mathematics instruction for the required high school credits in algebra and geometry. The companion bill, [HB 761](#), has not been heard.

#### *Adult Literacy*

A proposal offering a tax credit for businesses or nonprofit organizations that provide adult literacy services to its employees received a hearing this week. [HB 529](#) limits the credit to 50% of the costs of providing adult literacy services, not to exceed \$500 for every employee that receives the services. The bill applies to tax years 2006 through 2008. The companion bill, [SB 597](#), was heard in February.

#### *Higher Education*

Passing third reading in the Senate was emergency bill [SB 511](#), which expands eligibility for nursing scholarships to students enrolling in out-of-state institutions of higher education. To qualify, the student must provide proof that the student was accepted at an in-state institution, but deferred by the institution due to lack of capacity. In making the nursing awards, the Higher Education Commission must give priority to students enrolling at institutions in Maryland.

The House approved [HB 192](#) to extend the tuition reimbursement program that is available to career and volunteer firefighters and ambulance and rescue squad members to nonresidents of Maryland working in the State. In addition, the bill requires a firefighter or ambulance or rescue squad member who receives tuition reimbursement to work for a minimum of 20 hours per week on average to be reimbursed.

Another proposal receiving Senate approval establishes a Task Force to Implement Holocaust, Genocide, Human Rights, and Tolerance Education ([SB 440](#)). The Task

Force is to advise the University System of Maryland regarding the establishment of a pilot program to study these issues.

Among higher education-related bills before House committees this week:

- [HB 586](#) provides that American Sign Language be deemed a course in foreign language for purposes of awarding academic credit and satisfying graduation requirements in public schools and public institutions of higher education;
- [HB 1064](#), a constitutional amendment, requires the State to maintain a system of higher education that is broadly accessible to the people, dedicated to excellence, and funded in an amount necessary to provide instruction that, in a condition of full efficiency, is as nearly free as possible to Maryland residents. Currently the goal of the State, as provided in statute, is that the State support for higher education operating and capital expenditures comprise 15.5% of general fund revenues. The Maryland Constitution now contains no provisions related to higher education; and
- [HB 1286](#) requires the Governor to include in the fiscal 2007 State budget specific appropriations for the University System of Maryland and Morgan State University. Beginning in fiscal 2008, the bill mandates annual increases for Morgan State and the University System of Maryland of at least 5% per full-time equivalent resident student at the institutions. The bill also reduces tuition rates at the University System and Morgan State for the 2005-2006 academic year and limits future tuition increases at the institutions to 4% annually.

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## **ELECTIONS AND ETHICS**

This week supporters explained how a comprehensive system of fully funded election campaign financing for qualifying candidates for the General Assembly would be created under [SB 725/HB 1031](#). The bills provide for a five-member Election Financing Commission and for a Public Election Fund. Qualifying candidates are eligible to receive full funding beginning with the 2010 statewide primary and general election.

The Senate passed and sent to the House legislation that authorizes a voter to cast a write-in vote in any primary

election or special election ([SB 288](#)). Current law allows write-in votes only in a general election.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Some of the bills concerned with ground water contamination of methyl tertiary butyl ether (MTBE) have moved with amendments to the opposite chamber:

- [HB 355](#) requires a nontransient noncommunity water system to test for the presence of MTBE and report if it exceeds the State advisory level determined by the Department of the Environment (MDE). Nontransient noncommunity water systems include those in schools, daycare centers, shopping complexes, and businesses that regularly serve 25 or more of the same people, such as students, employees, etc., that maintain their own water system and do not buy water from a larger water system.
- [HB 373](#) requires MDE to report by December 1, 2006, on the viability of alternatives to the use of MTBE in gasoline sold in the State; and
- [HB 374](#) requires MDE to notify the local health department of a finding that a groundwater monitoring well sample is contaminated. The local health department must notify property owners located within one-half mile of the site. The bill also requires a person responsible for the contamination to reimburse the local health department for the costs associated with providing the notice.

Several other MTBE-related bills, including those that would have banned its use, have received unfavorable committee votes or have been withdrawn by their sponsors ([HB 205](#), [HB 388](#), [HB 496](#), [HB 659](#), [HB 660](#), and [HB 960](#)).

Testimony was heard this week on [SB 744](#) and [HB 1169](#), which set limits as of January 1, 2011, on emissions of nitrogen oxides, sulphur dioxide, mercury, and carbon dioxide from coal-fired power plants. The bills also require the Department of Natural Resources (DNR) to report to the General Assembly by July 1, 2006, on the creation of a trading program that incorporates vegetative sequestration as an effective means of offsetting carbon dioxide emissions from coal-fired power plants.

Next week, testimony is to be offered on [HB 430](#) and [HB 1250](#), two of the emergency bills that prohibit DNR from introducing nonnative oysters into State waters unless the recommendations in the most current report by the National Research Council on the nonnative oyster in the Chesapeake Bay have been satisfied to the extent feasible for the State and the specific research priorities of the Scientific and Technical Advisory Committee of the Chesapeake Bay Program have been fully satisfied. Specifically,

- [HB 1250](#) requires DNR to report to the General Assembly and hold public hearings. The bill makes it a misdemeanor for anyone, except for the department, to introduce a nonnative oyster into State waters unless the person has a permit issued by the department. (A hearing on the companion bill, [SB 405](#), took place last month); and
- [HB 430](#) requires that introduction of nonnative oysters be approved by the General Assembly through passage of legislation.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

A Senate committee looked at legislation ([SB 369](#)) that authorizes a consumer to request that a consumer reporting agency permanently block information identified by the consumer as erroneous because of a violation of the State's criminal identity fraud statute. Later this month, a hearing is scheduled for [SB 879](#), which also restricts access to a consumer's credit information at the written request of the consumer.

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## FISCAL MATTERS

Corporate tax bills, [SB 403/HB 676](#) and [HB 62](#), require corporations that are part of a group to compute their Maryland taxable income by using a combined reporting method under which the income of all of the corporations of the group, which is reasonably attributable to Maryland, is to be considered Maryland income. The income is, then, to be attributed to the individual corporations proportionately. Two other bills, [SB 748/HB 1135](#), impose on corporations an alternative minimum assessment level of taxation. All of these bills are scheduled to be heard next week in their respective chambers.

On March 8, House committee members will examine [HB 368](#) that re-establishes the credit against the motor vehicle excise tax for purchasing an electric or hybrid vehicle. The bill changes the prior credit by reducing the percentage of the credit from 100% to 50% of the tax up to a maximum of \$1,000 for an electric and \$500 for a hybrid vehicle.

The House operating budget committee hearings will conclude next week. Subcommittees are to make their decisions concerning changes to the Budget Bill, [HB 150](#), on March 11 and the full committee is to make its decisions on March 15.

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## GAMING, RACING, AND SPORTS

Heard this week, [HB 212](#) requires the Comptroller's Office to report annually information on charitable organizations conducting gaming in the in the State and whether the net gaming proceeds generated by these organizations are distributed to charity as required by law.

Horse racing-related legislation receiving a public hearing this week included a proposal that makes several changes to Maryland law. [HB 516](#) repeals the restriction that thoroughbred racing cannot be held after 6:15 p.m. with limited exceptions. Removing the restriction on nighttime thoroughbred racing is viewed a way to boost on-track attendance. The bill also deletes a provision that prohibits lights at Pimlico and alters the distribution of funds from open purse races. The bill also provides that the State Racing Commission may authorize an entity to conduct telephone betting in the State, except for racing held by the Maryland-National Capital Park and Planning Commission.

Also heard this week, [HB 1149](#) provides for the transfer of the name of the Preakness Stakes; copyrights, trademarks, service marks, and trade names associated with the Preakness Stakes; and the Trophy known as the Woodlawn Vase to the State of Maryland if any form of gambling, other than pari-mutuel betting, is authorized for the Pimlico Race Course. Similar legislation failed in 2003 and 2004.

## HEALTH CARE AND HEALTH INSURANCE

### *Research*

The House has approved a revised [HB 54](#) requiring the registration of clinical drug trials in the State with the federal Clinical Trials Data Bank within 21 days of open enrollment for the trial. A Senate committee looked at the companion bill, [SB 681](#), and a related measure, [SB 289](#), this week.

Stem cell research and a ban on human cloning were reviewed by committees in both chambers. [SB 272](#) and [HB 885](#) prohibit human cloning and establish criminal and civil penalties for violators. A person may not be restricted from conducting scientific research not specifically prohibited by this bill. A person may conduct scientific research that uses nuclear transplantation or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.

Also prohibiting human cloning, [SB 751/HB 1183](#) create a Maryland Stem Cell Research Fund to promote scientific and medical stem cell research and cures through grants and loans to public and private entities in Maryland. Annually, beginning in fiscal 2007, the Governor must include in the Budget Bill a \$25 million appropriation from the Cigarette Restitution Fund (CRF) to the stem cell fund. Additionally, the bill creates a Stem Cell Research Commission and a Maryland Scientific Peer Review Committee.

As introduced, the bills allow Maryland researchers to use human embryonic stem and germ cells and human adult stem cells from any source. Nothing in this bill can be construed to prohibit the creation of stem cell lines to be used for therapeutic research. Research must be conducted ethically and the medical implications of the research must be considered.

Under the provisions of [HB 1356](#), the Adult Stem Cell Research Program within the Department of Health and Mental Hygiene (DHMH) is established to make grants to qualified applicants conducting biomedical research using adult stem cells and appropriates \$25 million from the CRF for the program in FY 2007.

### *Prescription Drugs*

Passed in the House, a component of [HB 324](#) renames the Senior Prescription Drug Program as the Senior Prescription Drug Assistance Program. As restructured,

the program is to provide Medicare Part D beneficiaries who meet program eligibility with a State subsidy for a portion of their Medicare Part D premium and deductible or Medicare advantage plan premium and deductible related to a prescription drug benefit.

Committee members listened to testimony on a bill, [SB 742](#), that proposes a Canadian mail order plan for prescription drugs subject to federal approval. This bill requires DHMH, subject to federal waiver approval, to implement a Canadian Mail Order Plan for: (1) State Employee and Retiree Health and Welfare Benefits Plan enrollees; (2) Medicaid and Maryland Pharmacy Assistance Program enrollees; (3) any other State prescription drug program that DHMH considers appropriate; (4) any local jurisdiction that requests participation for local government employees and retirees; and (5) any individual in the State without health insurance or prescription drug coverage. Companion [HB 231](#) has already been heard in the House.

#### *Health Care Coverage*

The Senate has approved [SB 333](#), which repeals the May 31, 2005, termination date on the mandated health benefit for the coverage of the surgical treatment of morbid obesity and extends the scope and termination date of the Task Force to Study Utilization Review of the Surgical Treatment of Morbid Obesity until December 1, 2007. Companion [HB 462](#) was reviewed in committee this week.

The Fair Share Health Care Act ([SB 790](#)), heard this week, requires an employer with 10,000 or more employees that does not spend at least 6% of total wages (for a nonprofit employer) or 8% of total wages (for a for-profit employer) on health insurance costs to pay an amount equal to the difference between what the employer spends on health insurance and the required percentage of total wages paid.

Funds derived from the assessment will support the Medicaid program. According to State records, there were three entities at the end of fiscal 2004 that employed more than 10,000 employees: Giant Food, Wal-Mart, and Johns Hopkins University. Companion [HB 1284](#) has a hearing next week.

Providing universal health care coverage for Marylanders, [SB 727](#) establishes the Maryland Universal Health Care Plan (MUHCP). The provisions establishing MUHCP and the trust fund take effect July 1, 2007. A

Senate Committee garnered comments on this measure early in the week.

[SB 716](#) and [SB 775](#), sharing the title Community Health Care Access and Safety Net Act of 2005, establish the Maryland Community Health Resources Commission to increase access to health care for lower-income individuals and provide resources to community health resource centers around the State. Additionally, [SB 775](#) implements a variety of programs, grants, federal waivers for Medicaid expansion, and studies, and establishes a task force to help facilitate access to health care. [SB 716](#) has a sunset provision of June 30, 2008. Both bills were before a committee on Tuesday. The House has already passed its version of this legislation ([HB 627](#)).

#### *Health and Hospital Decisions*

Approved by the House with amendments, [HB 565](#) allows physicians to authorize bone marrow donations in the best interests of the donor and donee, which may enable donations by individuals under age 18.

A Senate committee reported unfavorably on the Hospital Infections Disclosure Act ([SB 355](#)). Similar legislation is still pending in the House ([HB 199](#)).

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## **HUMAN RESOURCES**

The State Purchase of Care (POC) program in the Department of Human Resources (DHR) provides subsidies to low income families for child care expenses. Even though the number of children on a waiting list to receive POC vouchers is approaching 19,000, at the close of the current fiscal year DHR plans to transfer \$23 million from POC to help fund the budget shortfall in foster care.

[SB 569/HB 563](#) prohibit the use of the fiscal 2005 POC appropriation for any purpose other than child care subsidies and require those funds that remain unexpended at the close of the current fiscal year to remain available for the POC program in the next fiscal year and not revert to the General Fund or the Federal Fund. The House heard testimony on [HB 563](#) last week, and [SB 569](#) will have a hearing next week.

## REAL PROPERTY, ESTATES, AND TRUSTS

Several bills governing condominium, cooperative housing, and homeowners associations were heard this week:

- [SB 687](#) grants the board of directors of a cooperative housing corporation or homeowners association the power to impose reasonable fines on violators of bylaws, lease agreements, or association rules and regulations;
- [SB 697](#) requires that a cooperative or homeowners association board mail or deliver to owners a copy of proposed rules and their effective dates and notice that written comments on the rules are permitted. An open meeting must be held on the proposed rules with each owner notified at least 15 days before the meeting;
- [SB 698/](#)[HB 1084](#) affect the conduct of meetings of a condominium or homeowners association. Timelines are specified for the availability of the notice of a non-emergency meeting, its agenda, and documents to be discussed. If the development contains at least 13,000 acres and at least 80,000 people, a newspaper publication of the meeting notice and agenda is required; and
- [SB 721](#) addresses the repair of construction defects of a residential dwelling, as does [HB 1295](#), which was before a committee last month. Both bills establish procedures to follow before a contractor may be sued over design or construction defects.

[HB 718](#), and a similar measure, [HB 198](#), both heard earlier this session, lower from twenty to five days the time a condominium association has to furnish a purchaser a certificate of information on the unit. [HB 718](#), however, grants the association the right to charge fees incurred in providing the information.

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## STATE GOVERNMENT

### *State Procurement Preferences*

This session, bills concerning Maryland's minority business enterprise (MBE) program are in various stages of the legislative process:

- [HB 919](#) establishes a Commercial Nondiscrimination Policy with the intent that the State not contract with business entities that

discriminate in the solicitation, selection, hiring, or treatment of vendors, suppliers, subcontractors, or commercial customers;

- [HB 1269](#) requires State procurement units and bidding contractors to take specific steps to ensure that MBE participation in the procurement process is being fully utilized in a good faith effort;
- [HB 1432](#) continues until 2012 the State Procurement Law related to procurement from minority businesses under the MBE program and from small businesses under the Small Business Reserve Program;
- [HB 1433](#) mandates that the State Department of Education require each county board of education to ensure that certain private sector providers contracted to supply under the federal No Child Left Behind Act comply with MBE participation program standards; and
- [SB 755](#) requires a report to the General Assembly by this December of the impact of the goals of the MBE program on nonprofit entities.

In addition to procurement preferences for small businesses and MBEs, the State also offers preferences for resident businesses from states with reciprocal preferences, and for products made from recycled materials. 2005 legislation, waiting for committee decisions, establishes a preference for businesses designated as Certified Disabled Veteran Business Enterprises with a participation goal of 3%. Procurement preferences for disabled veterans exist in other states, as well as on the federal level ([SB 319/](#)[HB 232](#)).

Other legislation related to State procurement practices received Senate committee scrutiny this week:

- [SB 401](#) prohibits the Governor and any other State official, without explicit consent from the General Assembly, from binding the State to the government procurement rules of an international trade agreement, or giving consent to the federal government to bind the State. (Delegates examined the companion bill, [HB 514](#), last month); and
- [SB 402](#) prohibits a State agency from awarding a procurement contract for services if more than 5% of the service will be rendered from a site outside the United States. (The companion bill, [HB 510](#), had a House hearing in February).

*Veterans*

The Senate and the House have now each passed their companion bill to extend by one year the June 30, 2005, termination date for military administrative leave for regular employees in all branches of State government who were on active duty on July 1, 2003, or called to active duty on or after July 1, 2003. The bills terminate on June 30, 2006 ([SB 31/HB 22](#)).

The House passed legislation ([HB 30](#)) requiring that a service-disabled veteran receive two points in additional credit on any selection test for placement on a list of eligible candidates for a position in the skilled and professional services of State government, provided the candidate has a minimum passing score on the selection test.

A committee did not agree on the bill that would have set up a Task Force to Study Establishing a Veterans' Home at the Former Crownsville Hospital ([HB 28](#)).

*State Agencies*

[HB 701](#) makes the Maryland Insurance Commissioner an elected position, with elections beginning at the 2006 general election. The bill establishes a four-year term for the elected Commissioner and gives the Board of Public Works, rather than the Governor, the authority to remove the Commissioner for malfeasance, incompetence, or failure to carry out the duties of the office. Currently, the Commissioner is appointed by the Governor, with the advice and consent of the Senate, to serve a four-year term.

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## TRANSPORTATION

*Alcohol and Drugs*

Drunk driving is always a major issue in Annapolis. This session's proposals encompass an array of concerns. Recently, the House approved and sent the Senate [HB 103](#) that established, upon conviction for an alcohol-and/or drug-related driving offense, an additional criminal penalty for an individual who knowingly refuses to take a test at the time of the suspected violation after being detained and requested to do so by a police officer. The companion bill, [SB 650](#), is on a Senate hearing schedule next week.

During the week, a House committee heard commentary on several other bills that target the use of and refusal to

submit to a blood or breath test ([HB 939](#), [HB 940](#), and [HB 959](#)). The same committee heard testimony on additional proposals that tighten laws related to:

- mandatory ignition interlock use under [HB 732](#) and [HB 815](#). (The companion bills, [SB 851](#) and [SB 852](#) are to be heard in late March);
- penalties for subsequent offenders under [HB 808](#) that requires mandatory minimum criminal penalties, for any subsequent offense and that also expands the types of offenses for which participation in an abuse program may be required;
- serious physical injury caused by drunk drivers under [HB 1032](#) that alters the elements of the offense from requiring a "life threatening injury" to a "serious physical injury" and authorizes a police officer to compel a person to submit to a test for drugs or alcohol, if the person is involved in an accident that results in serious physical injury, as opposed to a life-threatening injury; and
- homicide or life-threatening injury under [HB 1137](#) that prohibits staying the entry of judgment and granting probation before judgment if a person is charged with certain offenses, if that person has been convicted of or given probation for any of those offenses within the preceding five years.

Another measure, [HB 1138](#), makes a number of substantive changes to various provisions of law dealing with alcohol- and drug-related driving offenses including enhanced criminal and administrative penalties. The bill addresses probation before judgment, mandatory testing, driver's license or driving privilege suspension, limitations on the MVA modification of administrative per se suspensions, offenses considered subsequent offenses for criminal penalty determinations, increased criminal penalties for driving while under the influence of alcohol or under the influence of alcohol per se above 0.15. The companion measure is [SB 641](#).

A committee also received testimony on bills addressing underage consumption and driving privileges that seek to:

- impose mandatory suspension or revocation of the driving license or privilege of a driver under the age of 21 who violates alcohol- and/or drug related provisions for the longer of three years or the period from the date of conviction until the person reaches age 21 ([SB 207/HB 252](#)); and

- require the juvenile court, in making a disposition, to order the MVA to suspend a child's driver's privilege, upon finding that the child has committed the violation of misrepresentation of age to obtain alcoholic beverages or underage possession of alcoholic beverages involving the use of a driver's license or a document purporting to be a driver's license ([SB 479/](#)[HB 994](#)).

Another bill addresses provisional licensees who drive or attempt to drive a vehicle, cause another's death as a result of negligently driving a vehicle or vessel, or cause a life-threatening injury as a result of negligently driving a vehicle or vessel, while the licensee is under the influence of or impaired by alcohol, is so far impaired by any drug or combination of drugs and alcohol that a person cannot drive safely, or is impaired by a controlled dangerous substance. [HB 633](#) prohibits a court from staying the entry of a judgment and placing a defendant on probation for these violations.

Companion bills, awaiting hearings, authorize MVA to revoke the driver's license of a person who, within a three-year period, is found guilty three or more times of a code violation for the offense of furnishing an alcoholic beverage to a minor or knowingly and willfully allowing the possession and consumption of an alcoholic beverage by a minor at the person's residence ([SB 905/](#)[HB 1401](#)).

#### *Wireless Communication Devices*

A committee voted to kill the bill that would have prohibited the driver of a motor vehicle from engaging in distracted driving. The bill also would have restricted the use of interactive wireless devices by drivers of moving vehicles ([HB 45](#)).

#### *Individuals with Disabilities*

Under present law, the MVA may issue parking placards or special disability registration plates to individuals who meet specified criteria. The MVA may not issue more than two placards or a combination of more than three parking placards and registration plates to one applicant. Also currently, a motor vehicle for which registration plates have been issued is exempt from the mandatory emissions and inspections program required of all motor vehicles from model year 1977 or newer if all owners of the vehicle meet specified disability requirements and the vehicle is driven 5,000 miles or less annually.

On a hearing docket this week, [HB 872](#) expands the exemption for individuals with special disability registration plates from the Vehicle Emissions Inspection Program (VEIP) to include individuals with special disability parking placards. A late introduction, [HB 1482](#), also exempts from VEIP a motor vehicle for which a parking placard for individuals with disabilities has been issued. Other measures, [SB 630/](#)[HB 1311](#), address a number of issues related to registration and parking for individuals with disabilities. Provisions include altering the criteria for permanent disability classification for purposes of eligibility for special disability registration plates. The Senate bill has been heard; the House bill is up next week.

The House has forged ahead with the passage of [HB 189](#) that renames Baltimore-Washington International Airport to be Thurgood Marshall Baltimore-Washington International Airport. To address concerns about the expenditures necessary to effect the name change, the House added amendments to cap spending at \$250,000 in fiscal 2006 and to specify the timetable for making necessary name changes such as in signs, letterhead, business cards, and other documents.

#### *Commercial Advertising*

The Senate passed [SB 158](#) that allows the State Highway Administration (SHA) to enter into contracts with commercial vendors to construct, operate, and maintain bus passenger shelters with commercial advertising signs on State rights-of-way. If SHA decides that the shelter is in violation of State or federal law or does not serve the public interest, it can terminate the privilege of maintaining that shelter and any commercial advertising without compensation to the vendor. If a shelter is an imminent safety threat, SHA can remove the shelter without prior consultation with the operator of the bus line.

#### *Campaigning*

A hearing was held this week on [HB 1092](#) that specifies that a local authority may not prohibit a candidate who has filed a certificate of candidacy with the State Board of Elections or for elective municipal office from participating in a procession or assembly on a highway that has been authorized by the local authority. Currently the Maryland Vehicle Law does not prevent a local authority from regulating or prohibiting processions or assemblies on a highway or regulate various other aspects of vehicular traffic, as specified. Companion [SB 455](#) has a hearing next week.