



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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COURTS AND CIVIL PROCEEDINGS

A proposed constitutional amendment ([HB 48](#)) that, as introduced, would have provided that only a marriage between a man and a woman is valid in Maryland and that a civil union or relationship between parties of the same sex that confers the benefit of marriage is not valid and is against the public policy of Maryland was defeated on a unanimous committee vote after it was amended to allow civil unions. On Friday, a motion to reject the committee's report, which would have led to floor consideration on the bill in its original form, failed. The amended provision that was defeated in committee would have provided that:

- only a union between a man and a woman is valid or recognized as a marriage in Maryland; and
- if two persons of the same sex otherwise meet the State's legal requirements for marriage, they have the right to form a civil union which would provide the same benefits, protections, rights, privileges and obligations that are afforded married persons.

The Senate measure, [SB 262](#), remains in its committee.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Under current State law, a defendant's prior conviction of sexual misconduct involving a minor may not be introduced as evidence in a trial of a defendant accused of sexual misconduct involving a minor. [SB 159/HB 541](#) allow the admission of such evidence if certain conditions are met. The Senate bill was heard by a committee this week.

Committee testimony was also taken on measures that make it a misdemeanor to surreptitiously take a picture of a person in a public place that reveals the person's private area ([HB 60](#)) or broadcast visual surveillance of a person in a private place ([HB 77](#)), if either act was done with prurient intent and without consent.

EDUCATION

[HB 353](#) prohibits a person employed by a public or private preschool, elementary school, or secondary school and who is at least 21 years old from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor who is a student enrolled at a school where the person of authority is employed.

Heard this week, [SB 196](#) changes the Geographic Cost of Education Index formula (financial adjustments for regional differences) from a discretionary State aid program to a mandated State aid program.

ELECTIONS AND ETHICS

Ongoing questions about the security of electronic voting systems have sparked several proposals. This week a House committee listened to testimony about verification and accessibility ([HB 8](#)), optical scan voting systems ([HB 49](#)), and voter-verified paper records ([HB 244](#)).

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Recently introduced, [SB 320/HB 580](#) prohibit businesses, during a state of emergency, from selling or offering to sell essential goods or services for a price more than 10% above what the person charged for those goods and services 14 days prior to the state of emergency.

A House committee gathered testimony on [HB 127](#), which repeals 2001 legislation prohibiting retail service station dealers from selling motor fuel below cost except under limited circumstances. Instead, sales of motor fuel would be subject to the State's Sales Below Cost Act, which prohibits a retailer from advertising, offering to sell, or selling merchandise at below cost with the intent to diminish or eliminate competition.

FISCAL MATTERS

The Governor submitted his \$1.4 billion capital budget to the General Assembly, which includes a net borrowing of \$690 million in general obligation bonds. The capital budget does not consist of one bill, rather it is composed of the \$669.4 million in general obligation bond funds in the “Maryland Consolidated Capital Bond Loan of 2006” (SB 370/HB 510) and approximately \$30 million in additional bond authorizations, with the remainder made up of funds in the Budget Bill (SB 110) and academic revenue bonds. These figures exclude transportation projects. Under the capital budget umbrella:

- public school construction receives \$258.9 million in general obligation bond money;
- State colleges and universities receive an additional \$159.7 million, and community colleges an additional \$51.3 million;
- Program Open Space receives \$253.2 million in State funds and \$4 million in federal funds in the Budget Bill;
- Rural Legacy Program receives \$26.1 million in the Budget Bill and \$5 million in general obligation bond money;
- Community Parks and Playgrounds receive \$5 million in bond funds;
- Chesapeake Bay Water Quality Project Funds receive \$24.5 million in bond money; and
- Agricultural Land Preservation Program receives \$80 million in State and \$5 million in federal funds in the Budget Bill.

Under the Maryland Constitution, a bond bill may not pass until the Budget Bill (SB 110) 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.

who were on active duty on July 1, 2003, or called to active duty on or after July 1, 2003. The bills take effect June 1, 2006 (HB 32 and HB 34). Previously, the Senate sent its bill, also with the same language, to the House for consideration (SB 34).

NEXT WEEK

The number of bills to be filed during the 2006 session should increase significantly by the close of next week. Both chambers will cross deadlines for bill introductions.

STATE GOVERNMENT

This week Delegates heard committee testimony on identical House bills that repeal the June 30, 2006, termination date for military administrative leave for regular employees in all branches of State government