



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 06-5

February 6-10, 2006

(Click on Issue above for previous Wrap-Ups)

BILL INTRODUCTIONS

As of February 10, the Senate had introduced 880 bills and nine joint resolutions. House bill numbers had reached 1,477 with four joint resolutions. Introductions will continue at a much slower pace since late introductions are sent to the Rules Committees of the respective chambers. During the 2005 session, there were a total of 1,018 Senate bills and 11 joint resolutions. The House introduced a total of 1,614 bills and 13 joint resolutions. Of those totals, 826 measures passed - 350 from the Senate and 476 from the House. None of the resolutions passed both houses.

COURTS AND CIVIL PROCEEDINGS

At the discretion of the presiding judge, the news media may record a criminal proceeding that is open to the public under [HB 81](#), which received a committee hearing last week. Juvenile or grand jury proceedings or proceedings relating to sexual offenses may not be recorded.

With the goal of improving and standardizing the quality of care provided by residential child care programs and expanding the programs to underserved areas of the State, [SB 822/HB 813](#) require the Governor's Office for Children to develop a State resource plan for residential child care programs. The proposed legislation includes strict and enhanced requirements for residential child care program operators that must be set out in a procurement contract for such services.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

[HB 414](#) requires a law enforcement officer to electronically record the custodial interrogation of a defendant accused of a crime of violence in order for the defendant's statement made during the interrogation to be admissible as evidence against the defendant at trial.

Testimony was heard last week on [HB 29](#) that requires a custodial interrogation in cases involving a capital

offense to be electronically recorded unless there is a lack of proper equipment or time is of the essence.

ECONOMIC AND BUSINESS ISSUES

Maryland's 1999 electric restructuring law and implementing agreements capped electricity rates for certain periods of time depending on the utility. With BGE's service territory rate cap set to expire June 30, 2006, [SB 814/HB 1334](#) have been introduced to cap at 5% the amount by which base rates for "standard offer service" (SOS) to residential electric customers may rise in a given year. An electric company may recover the difference between the market rate for generated electricity and the cap for that year through a transition SOS charge over a five-year period.

EDUCATION

Now in the House, [SB 111](#) prohibits a nonpublic elementary or secondary school from knowingly hiring or retaining an individual who has been convicted of a violent or sexual offense for a job that involves working with students or access to students. Currently, only public schools are barred from hiring an individual convicted of a violent or sexual offense.

ELECTIONS AND ETHICS

Two bills seek to expand the rights of convicted criminals to register to vote. Current law requires a three-year waiting period for an individual who has completed the sentence for a subsequent conviction and prohibits voting by individuals who are convicted of a second or subsequent crime of violence.

Under [HB 157](#), an individual convicted of certain felonies, such as theft and other infamous crimes, would become eligible to register to vote if the individual has completed all of the court-ordered sentence and is no longer under the control of the Division of Correction or a local correctional authority. Under [HB 603](#), an individual who has been convicted of a felony and is

awaiting or actually serving a court-ordered sentence of imprisonment imposed for the conviction is not eligible to vote. However, voting rights are to be restored on discharge from incarceration.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

[SJ 1](#) has passed to the opposite chamber. The resolution states that the General Assembly supports the lawsuit brought by environmental organizations and 15 states challenging the United States Environmental Protection Agency's mercury emissions limits for power plants, despite the fact that the State is not a party to the lawsuit.

Testimony was heard this week on [SB 174](#) and [HB 276](#) that exempt septic system users from the bay restoration fee created in 2004. [HB 1321](#) on the same subject was dropped in the hopper on Friday.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

A number of proposals are before the General Assembly that aim to protect consumers from identity theft. Several bills authorize a consumer to elect to place a security freeze on the individual's credit report ([SB 66](#), [SB 487/HB 1100](#)). Other measures focus on consumer notification when there is a breach of an individual's personal information, the Maryland Personal Information Protection Act ([SB 486/HB 630](#)), a similarly named [SB 134](#), which had a hearing earlier this month, and [HB 873](#). Another measure, [SB 631](#), incorporates both the credit report freeze and security breach notification.

FISCAL MATTERS

Maryland's "Homeowners Property Tax Credit," popularly known as the "circuitbreaker" program, requires the State to pay all or a portion of the property taxes of low-income homeowners, especially elderly homeowners. Responding to the recent increase in housing values, some legislators are concerned that many elderly and low-income homeowners will be unable to pay their taxes and have introduced bills to address the problem.

Varying approaches include increasing the maximum assessment amount against which the credit may be granted, increasing the homeowner income levels to determine the amount of the credit, and altering the definition of income ([SB 234/HB 5](#), [HB 47](#), [SB 215/HB 313](#), [SB 308](#)). The House bills had a committee hearing on February 8. No hearing date has been scheduled for the Senate bills.

[SB 219/HB 321](#) amend the Biotechnology Investment Incentive Act that creates a tax credit against the State income tax for individuals, corporations, and venture capital firms that invest in qualified biotechnology firms. No hearing date has been scheduled for these bills.

Property tax relief sought under [SB 559](#) requires the Governor to include general funds for State bond payments in the Budget Bill each year in an amount sufficient to reduce the State property tax rate to 8.4 cents from the current 13.2 cents. The property tax funds the State bond payments to the extent there is no general fund money budgeted for this purpose. A hearing has not been scheduled.

Another proposal, [SB 560](#), reduces the maximum State income tax rate in stages from the current 4.75% to 4.275% by 2009. Funding mass transit needs is the subject of [SB 850/HB 1345](#) that dedicate a portion of sales tax revenues for that purpose. No hearing dates have been scheduled for these bills.

GAMING, RACING, AND SPORTS

Recently introduced, [SB 521](#) prohibits a person from shooting at or killing a bird or animal in the State with a gun or other device operated or accessed via an internet connection. The public will have the opportunity to comment during the Senate hearing on February 28.

HEALTH CARE AND HEALTH INSURANCE

Companion bills, [SB 135/HB 78](#), requiring reporting of health care-associated infections by hospitals, each passed in their house of origin and now are in the opposite chamber.

Reviewed in committee, [HB 425](#) requires portable restrooms available for use by individuals, other than the restroom owner, to be equipped with a waterless soap dispenser or other hand sanitation device.

REAL PROPERTY, ESTATES, AND TRUSTS

Last summer, the U.S. Supreme Court ruled in a case regarding New London, Connecticut that the city could use its powers of eminent domain under state law to take property for a multi-use development, not all of which would be used by the general public. Rather, the court ruled that because of its comprehensive economic development benefits the planned use had sufficient “public purpose” and therefore was not unconstitutional. The ruling sparked intense interest.

To date, a total of 35 bills related to eminent domain have been introduced. Most of the legislation has statewide impact; however, because urban areas have tended to use condemnation of property more frequently than other areas, a number of the measures limit condemnation authority in specific counties such as Allegany County ([HB 1224](#)), Baltimore County ([SB 35/HB 1039](#), [HB 1042](#)), and Howard County ([SB 505](#)). Most of the House bills will be aired in a public hearing on February 21, and most of the Senate measures will be heard on February 23.

Land-use policies have also prompted legislation that authorizes a formal process through which a county and municipality may negotiate a joint planning agreement relating to these policies, infrastructure financing, and planned growth initiatives ([SB 536/HB 1239](#)). The bills also set a growth boundary around a municipality to limit land development and prohibit municipalities under certain circumstances from developing outside the growth boundary for 10 years, rather than the current five-year restriction.

STATE GOVERNMENT

As directed by the Maryland Constitution, resolutions from the Governor’s Salary Commission establish the salaries for the Governor and Lieutenant Governor for the next four-year term beginning in January 2007 ([SJ 2/HJ 1](#)). The Commission’s recommended increases will be phased in over the four-year period, unless the General Assembly votes to decrease the recommended salaries within 50 days after introduction of the resolutions. The legislature may not increase the salaries above the recommended level.

Salary recommendations of the Governor’s Salary Commission for the Attorney General, Comptroller, Secretary of State, and Treasurer for the next term of office may be found in [SB 181/HB 163](#). Recommended

increases for each of these officials will be phased in over the four-year term.

The General Assembly Compensation Commission recommended no salary increase for members of the legislature for the next four years, so the introduction of resolutions was not necessary.

TRANSPORTATION

Each session the General Assembly considers legislation to tighten vehicle safety laws. Some of the bills moving through the process this year will:

- prohibit a driver of a motor vehicle from engaging in distracted driving and restrict the use of wireless communication devices by drivers of moving vehicles ([HB 30](#));
- prohibit an individual convicted of or on probation for a certain alcohol-related offense, who at the time of the violation had a BAC of .15 or above, from driving a motor vehicle for at least a year without an ignition interlock ([SB 53/HB 125](#)). Other ignition interlock-related legislation under consideration includes [HB 124](#), [HB 126](#), [HB 525](#), [HB 545](#), [SB 718](#), and [SB 719](#); and
- prohibit a person at least 16 years old from being a passenger in any seat in a motor vehicle unless wearing a seat belt. Violation of the seat belt requirement for back seat passengers may only be enforced as a secondary violation ([SB 279](#)).

Other proposals, [SB 163/HB 727](#), deal with exceptions to the requirement for operators of motorcycles to wear headgear. Another bill, addresses the use of personal flotation devices (PFD) on certain recreational vessels ([HB 140](#)).