



The Legislative Wrap-Up

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GREEN BAG APPOINTMENTS

On February 17, the Governor's Appointments Secretary delivered the "Green Bag" appointments in the traditional green leather bag to the President of the Senate during the morning session. The Maryland Constitution requires the Governor to submit for confirmation nominations of civil officers to the Senate "within forty days" from the beginning of each regular session. Since the 40th day falls on Sunday, February 19, the bag was delivered on Friday. The green leather bag, embossed with the Maryland Great Seal, is modeled on the green bags used by English barristers of old to convey official documents. Except for the annual presentation ceremony, the Green Bag resides at the State Archives.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

According to the Maryland Criminal Justice Information System, an average of 12,000 people per year are arrested and released without charge in the State. [SB 598/HB 64](#) provide for automatic expungement of all police records relating to the arrest, detainment, or confinement by a law enforcement unit on or after October 1, 2006, of a person who is then released without being charged with a crime. Currently, such persons must request the expungement and must waive or release all tort claims the person has that arise from the incident. [HB 64](#) had a hearing last week; [SB 598](#) and [HB 1363](#), a similar bill, will have hearings next month.

A committee heard testimony this week on [HB 434](#) that creates the misdemeanor of committing a crime of violence while knowingly in the presence of a minor who witnesses the crime. The sentence is separate from and consecutive to the sentence for the crime of violence. The violator is also guilty of child abuse for purposes of provisions of law governing adverse spousal testimony, so that a defendant's spouse is compelled to testify against the defendant concerning the child abuse crime, but not necessarily concerning the additional crime of violence.

Any person who inflicts unnecessary suffering or pain on an animal, not just the animal's owner or custodian as current law provides, is guilty of a misdemeanor under [HB 11](#), considered last week in committee.

The Maryland Assault Weapons Ban of 2006 ([HB 1367](#)) expands the 1994 ban on the sale and possession of assault pistols in Maryland to include the 45 semiautomatic weapons that can currently be purchased legally in the State, as well as any copycat weapons. A federal ban on assault weapons expired in 2004.

ECONOMIC AND BUSINESS ISSUES

The Maryland Automobile Insurance Fund (MAIF) provides automobile insurance to drivers in the State of Maryland who cannot get coverage otherwise. Current law does not allow these drivers to pay for their insurance in installments. Instead, they have to turn to financing companies who charge interest and fees. [SB 703/HB 1505](#) authorize MAIF to provide for the financing of insurance premiums on an installment basis.

EDUCATION

Before committee members recently, [SB 356](#) (the companion bill, [HB 586](#), will be heard February 23) phases in higher funding levels for community colleges from fiscal 2008 through 2012. The current formula gives community colleges funding at 25% of the level provided to Maryland public four-year colleges. The bills increase that level by 1% per year through fiscal 2012. Overall, formula funding for community colleges would increase by an estimated \$135.3 million from fiscal 2007 to 2012.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Testimony was taken this week on [SB 257](#) that prohibits the use of growth allocation for the development of property that is designated as a resource conservation area and that is located adjacent to or within 1,000 feet

of the waters of a major tidal tributary of a national wildlife refuge. No hearing has been scheduled yet for [HB 1138](#), a similar bill applicable only to the Blackwater Natural Wildlife Refuge. That bill's companion, [SB 100](#), has been withdrawn.

A hearing is scheduled March 8 on [HB 980](#) that prohibits the catching of terrapin for commercial purposes.

GAMING, RACING, AND SPORTS

Horse racing remains the only major sport in the United States that continues to be conducted on a regular basis during the day on weekdays. Many supporters believe that this timeframe has become a major obstacle to attracting new fans to the sport's declining base. [SB 58/HB 356](#) address this concern by repealing provisions of the law that prohibit thoroughbred operations after 6:15 PM. The bills also clarify that, with the approval of the Maryland Racing Commission, mile thoroughbred racing licenses and harness racing licenses may contract to hold pari-mutuel betting on racing held at out-of-state tracks where betting on racing is lawful. The Senate bill had a hearing in January.

Recently introduced, [HB 1361](#) requires an independent study of the horse racing industry with a report due on the findings and recommendations for making the industry competitive with surrounding states.

HEALTH CARE AND INSURANCE

Before a House committee during the week, an Administration proposal ([HB 319](#)) creates the Advance Directive Registry within the Department of Health and Mental Hygiene (DHMH) and requires the Maryland Department of Transportation (MDOT) to add an advance directive notation on driver's licenses and identification cards. The companion, [SB 236](#), will be before a Senate committee next week.

Also on a committee's agenda this week, the Clean Indoor Air Act ([HB 375](#)) expands the prohibition on indoor smoking to generally include areas open to the public and places of employment. On the Senate side, a committee reviewed legislation ([SB 297](#)) creating a Contraception Dispensing Program within DHMH to authorize licensed pharmacists to dispense emergency contraception without a prescription. A similar bill was introduced in 2005 but did not pass.

REAL PROPERTY, ESTATES, AND TRUSTS

Recently, many interested citizens and groups testified both for and against a measure that provides a neighborhood association with standing to represent itself or a member of the association in an administrative or judicial appeal of a decision or action of local government regarding a zoning regulation or building permit that affects property in the association or within one-half mile of the association ([HB 155](#)). Before an appeal is filed, all members of the association must be given the opportunity to vote on whether to file the appeal, and at least 75% of the ballots cast must be in favor of filing the appeal. The bill also removes restrictions under current law that in general a person who files an appeal must be aggrieved by the decision or action, or be a party to the proceeding.

NEXT WEEK

The 2006 General Assembly session will cross the half-way mark at the end of next week. To date, the Senate bill count has reached 936 and the House numbers are up to 1,544. There are nine Senate joint resolutions and six House joint resolutions. Bill introductions will continue until March 6, the 55th day, which is the last day for the introduction of legislation without suspension of the Rules.